

Public (1895) Department.

ORDINARY PRINTED.

G.O., No. 84

DATED 4th Feb. 1895

INDEXED.

[Despatch Abstract.]

ACTING ALLOWANCES TO MEMBERS OF THE PROVINCIAL
CIVIL SERVICE.

Recording endorsement of the Government of India communicating despatch from the Secretary of State deciding that the grant of----, acting in listed posts, or holding listed posts and officiating in a higher grade, shall, in future, be regulated by Article 125 of the Civil Service Regulations.

BACK PAPERS..

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

4TH FEBRUARY 1895, No. 84, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

Despatch from the Right Honorable Mr. H. H. FOWLER, Her Majesty's Secretary of State for India, to His Excellency the Right Honorable the Governor-General of India in Council, dated India Office, London, the 22nd November 1894, No. 215, Financial.

I have considered in council your Excellency's letter, dated the 3rd of October, No. 260, respecting the grant of acting allowances to officers of the Provincial Civil Service while officiating in appointments listed as open to that Service.

2. I approve of your proposal that, both when the officer is appointed to act in one of the listed posts, and when, holding a listed post, he officiates in a higher grade, he shall be allowed to draw allowances under Article 125 of the Civil Service Regulations; and I authorise your dealing with the case of Mr. Clifford in this manner.

3. This sanction must, however, be restricted to such of the listed appointments as have not been amalgamated with the Deputy Collectorships. The new Deputy Collectorships cannot fairly be regarded as open to, and in practice to be held by, members of the Indian Civil Service within the meaning of Article 124 (5), and I do not understand that your Excellency in Council desires to make any distinction as regards officiating pay between them and the other posts with which they have been incorporated. If such a distinction is at any time proposed, I shall wish to have it clearly explained how it can be carried out in practice, and how the particular posts which are to be exempted from the proviso to Article 155 will be distinguished from the other Deputy Collectorships.

No. 75.

Copy, with copy of the despatch replied to, forwarded to the Government of Madras for information, and with the intimation that the Civil Service Regulations will be amended so as to embody the decision of the Secretary of State.

HOME DEPARTMENT (PUBLIC),
CALCUTTA, the 24th January 1895.

(By order.)

(Signed) L. M. THORNTON,
Dy. Secy. to the Govt. of India.

ENCLOSURE.

Despatch from the Government of India, Finance and Commerce Department (Pay and Allowances), to the Right Honorable Her Majesty's Secretary of State for India, dated Simla, the 3rd October 1894, No. 260.

We have the honour to forward a copy of a letter* from the Government of the Punjab, in which, with special reference to the case of Mr. Clifford, a member of the Provincial Service, acting as Divisional Judge, certain questions are raised in regard to the grant of acting allowances to officers of the Provincial Civil Service while officiating in appointments "listed" as open to that service.

* No. 130, dated 24th January 1894.

2. The rule regulating the calculation of acting allowances to members of the Indian Civil Service and certain other officers enumerated in Article 124 of the Civil Service Regulations is contained in Article 125, while Article 155 contains the rule applicable to officers in civil employ, whose cases are not provided for either in sections i to vi of Chapter VI of the Regulations or by rules peculiar to the services concerned. Under Article 125 an officer with a substantive appointment, officiating in another appointment or in a higher grade, is entitled to an acting allowance of one-fifth of the pay of the appointment or grade; but the acting allowance must not be less than (i) two-thirds of the difference between the pay of the appointment or grade and the pay of the officiating officer, or (ii) (subject to the condition that the total salary must not exceed the pay of the higher appointment), Rs. 200. Under the latter article, the officiating officer is entitled to an acting allowance of one-fifth of the pay of the appointment in which he officiates, with this restriction that, except in certain cases, no officer can be appointed to officiate in a higher grade of his own class. There are thus two substantial differences between the treatment of officers to whom Articles 125 and 155 respectively apply, the first relating to the amount of acting allowance and the second to the cases in which it is admissible.

3. The first question that has now to be considered is whether an officer of the Provincial Service occupying a "listed" post should be allowed to receive acting promotion in a higher grade. The principal portion of Article 125, which permits acting appointments and acting allowances being reckoned by different grades, was introduced in 1868 when the rule, by which members of the Covenanted Civil Service retained their appointments while on furlough, was brought into force, and it was designed to give some compensation to officers on duty, the new leave rules having in other respects benefited absentees at their expense. The concession was not extended to what was then known as the Uncovenanted Service, as in their case no alteration was made in the system of substantive promotion; and the members of this service therefore continued to be restricted to an acting allowance of 20 per cent. of the pay (taken at the average of the several grades) of the appointment acted in and were not permitted to act in superior grades. At that time the Uncovenanted Service consisted chiefly of the lower Executive and Judicial Services; the members were all ranged by grade, and their duties, generally speaking, did not alter with a change of grade and were not affected by their seniors taking leave. Since 1868 the prohibition against acting promotion being given from grade to grade of the same class has been abandoned for Police, Educational, Survey and Forest officers, and in other cases including the higher appointments in the Public Works Department. These considerations are in favour of Provincial officers being permitted, when holding "listed" posts, to officiate in vacancies in the different grades to which such posts may belong. On the other hand, it may be urged that the duties of the several grades among listed posts do not differ, and that the case therefore is similar to that of the lower posts in the Provincial Service. But after considering all the circumstances, and in view of the expediency of making no greater difference than has already been approved between officers of the Indian Civil Service and of the Provincial Service holding "listed" posts, we are of opinion that the privilege of officiating in a specific grade should be allowed to a Provincial Service officer holding a "listed" post.

4. The remaining question for decision is whether the allowance admissible to a Provincial Service officer acting in a listed post should, under Article 155 of the Civil Service Regulations, be one-fifth of the pay of the superior appointment, or should be regulated by Article 125, which prevents the acting allowance from being less than two-thirds of the difference between the pay of the appointment or grade, and the pay of the officiating officer, or (subject to the condition that the total salary must not exceed the pay of the appointment) Rs. 200. The rule in Article 125 was, as we have observed above, introduced with the definite purpose of meeting cases of inadequate acting allowances due to the change in furlough rules in 1868. The rule seems to us to convey the admission that, in the class of appointments under consideration, the acting allowance is insufficient if it is less than two-thirds of the difference between the two rates of pay, and since for a member of the Provincial Service the pay of the higher post is calculated at a reduced amount, we think that members of

that Service may regard themselves as inadequately paid if they are also debarred from getting as acting pay the amount admissible under Article 125 of the Civil Service Regulations. We consider that, if that Article is not made applicable to Provincial officers holding "listed" posts, there will be too great a difference between the salary of a member of the Indian Civil Service and of a Provincial Service officer when acting in the same appointments; and we propose, with your concurrence, to lay down that Article 125 shall regulate the case of a Provincial Service officer acting in one of the "listed" posts or holding a listed post and acting in a higher grade.

5. We solicit your approval to the views above set forth. If they are accepted, the allowance at first passed to Mr. Clifford by the Accountant-General, Punjab, will be admissible to him, and the question of applying Article 156 (as recommended by the Punjab Government) will not arise.

ORDER—dated 4th February 1895, No. 84, Public.

Recorded.

(True Extract.)

Chief Secretary.

To the Honorable the Chief Justice (with C.L.).
 „ Revenue Department.
 „ Accountant-General.

Exd. A. Grubert.

Govt. of {1895} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 4th February 1895, No. 84.

FEBRUARY.

Acting Allowances to Members of the
Provincial Civil Service.

Recording endorsement of the Government of India communicating despatch from the Secretary of State deciding that the grant of — acting in listed posts or holding listed posts and officiating in a higher grade shall in future be regulated by article 125 of the Civil Service Regulations.

No. 260 OF 1894.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

PAY AND ALLOWANCES.

To

THE RIGHT HONOURABLE H. H. FOWLER,

Her Majesty's Secretary of State for India.

Simla, the 3rd October 1894.

SIR,

WE have the honour to forward a copy of a letter* from the Government of the Punjab, in which, with special reference to the case of Mr. Clifford a member of the Provincial Service acting as Divisional Judge, certain questions are raised in regard to the grant of acting allowances to officers of the Provincial Civil Service while officiating in appointments "listed" as open to that service.

2. The rule regulating the calculation of acting allowances to members of the Indian Civil Service and certain other officers enumerated in Article 124 of the Civil Service Regulations is contained in Article 125, while Article 155 contains the rule applicable to officers in civil employ, whose cases are not provided for either in sections i to vi of Chapter VI of the Regulations or by rules peculiar to the services concerned. Under Article 125 an officer with a substantive appointment, officiating in another appointment or in a higher grade, is entitled to an acting allowance of one-fifth of the pay of the appointment or grade; but the acting allowance must not be less than (i) two-thirds of the difference between the pay of the appointment or grade and the pay of the officiating officer, or (ii) (subject to the condition that the total salary must not exceed the pay of the higher appointment), Rs. 200. Under the latter Article, the officiating officer is entitled to an acting allowance of one-fifth of the pay of the appointment in which he officiates, with this restriction that, except in certain cases, no officer can be appointed to officiate in a higher grade of his own class. There are thus two substantial differences between the treatment of officers to whom Articles 125 and 155 respectively apply, the first relating to the amount of acting allowance and the second to the cases in which it is admissible.

3. The first question that has now to be considered is whether an officer of the Provincial Service occupying a "listed" post should be allowed to receive acting promotion in a higher grade. The principal portion of Article 125, which permits acting appointments and acting allowances being reckoned by different grades, was introduced in 1868 when the rule, by which members of the Covenanted Civil Service retained their appointments while on furlough, was brought into force, and it was designed to give some compensation to officers on duty, the new leave rules having in other respects benefited absentees at their expense. The concession was not extended to what was then known as the Uncovenanted Service, as in their case no alteration was made in the system of substantive promotion; and the members of this service therefore continued to be restricted to an acting allowance of 20 per cent. of the pay (taken at the average of the several grades) of the appointment acted in and were not permitted to act in superior grades. At that time the Uncovenanted Service consisted chiefly of the lower Executive and Judicial Services; the members were all ranged by grade, and their duties, generally speaking, did not alter with a change of grade and were not affected by their seniors taking leave. Since 1868 the prohibition against acting promotion being given from grade to grade of the same class has been abandoned for Police, Educational, Survey and Forest officers, and in other cases including the higher appointments in the Public Works Department. These considerations are in favour of Provincial officers being permitted, when holding "listed" posts, to officiate in vacancies in the different grades to which such posts may

belong. On the other hand, it may be urged that the duties of the several grades among listed posts do not differ, and that the case therefore is similar to that of the lower posts in the Provincial Service. But after considering all the circumstances, and in view of the expediency of making no greater difference than has already been approved between officers of the Indian Civil Service and of the Provincial Service holding "listed" posts, we are of opinion that the privilege of officiating in a specific grade should be allowed to a Provincial Service officer holding a "listed" post.

4. The remaining question for decision is whether the allowance admissible to a Provincial Service officer acting in a listed post should, under Article 155 of the Civil Service Regulations, be one-fifth of the pay of the superior appointment, or should be regulated by Article 125, which prevents the acting allowance from being less than two-thirds of the difference between the pay of the appointment or grade, and the pay of the officiating officer, or (subject to the condition that the total salary must not exceed the pay of the appointment) Rs. 200. The rule in Article 125 was, as we have observed above, introduced with the definite purpose of meeting cases of inadequate acting allowances due to the change in furlough rules in 1868. The rule seems to us to convey the admission that, in the class of appointments under consideration, the acting allowance is insufficient if it is less than two-thirds of the difference between the two rates of pay, and since for a member of the Provincial Service the pay of the higher post is calculated at a reduced amount, we think that members of that Service may regard themselves as inadequately paid if they are also debarred from getting as acting pay the amount admissible under Article 125 of the Civil Service Regulations. We consider that, if that Article is not made applicable to Provincial officers holding "listed" posts, there will be too great a difference between the salary of a member of the Indian Civil Service and of a Provincial Service officer when acting in the same appointments; and we propose, with your concurrence, to lay down that Article 125 shall regulate the case of a Provincial Service officer acting in one of the "listed" posts or holding a listed post and acting in a higher grade.

5. We solicit your approval to the views above set forth. If they are accepted, the allowance at first passed to Mr. Clifford by the Accountant-General, Punjab, will be admissible to him, and the question of applying Article 156 (as recommended by the Punjab Government) will not arise.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) ELGIN.

„ G. S. WHITE.
 „ A. E. MILLER.
 „ H. BRACKENBURY.
 „ C. B. PRITCHARD.
 „ J. WESTLAND.
 „ A. P. MACDONNELL.

No. 4930-P.

COPY forwarded to the Home Department* for information.

By order,

H. J. MCINTOSH,

Offg. Under-Secy. to the Govt. of India.

* Original papers returned.

Schedule of Papers

Letter from the Government of the Punjab, No. 130, dated the 24th January 1894.

Copy.

GOVERNMENT OF INDIA.
FINANCE AND COMMERCE
DEPARTMENT.

PAY AND ALLOWANCES.

FROM
THE GOVERNMENT OF INDIA,

TO
THE SECY. OF STATE FOR INDIA.

No. 260.

Dated Simla, the 3rd October 1894.

Received

Recommends that the privilege of acting by grade should be allowed to officers of the Provincial Civil Service holding listed posts, and that their acting allowances when officiating in listed appointments should be regulated by Article 125 of the Civil Service Regulations.

G. C. Press, Simla.—No. 816 C. F.—29-9-94.—65.

INDIA OFFICE;
London, the 22nd November 1894.

Financial.
No. 215.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

I HAVE considered in Council your Excellency's letter, dated the 3rd of October, No. 260, respecting the grant of acting allowances to officers of the Provincial Civil Service while officiating in appointments listed as open to that Service.

2. I approve of your proposal that, both when the officer is appointed to act in one of the listed posts, and when, holding a listed post, he officiates in a higher grade, he shall be allowed to draw allowances under Article 125 of the Civil Service Regulations; and I authorise your dealing with the case of Mr. Clifford in this manner.

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I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

HENRY H. FOWLER.

No. 75.

Copy, with copy of the Despatch replied to, forwarded to the Govt. of Madras for information, and with the intimation that the Civil Service Regulations will be amended so as to embody the decision of the Secretary of State.

HOME DEPARTMENT,

PUBLIC;

Calcutta, the 24th January 1895.

By order,

L. H. Thornton

Deputy Secretary to the Govt. of India.

1 Enclosure & 7 spare copies

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From
The Govt of India
Home Dept.

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84-2-85
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29.1.95

31/1/95

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The Hon. the C.J. (with CL.)
Revenue Dept.
11/2/95

Subject.
Forward copy of a Despatch from
the Secy of State (Finl no 215)
of 22nd nov 94, sanctioning,
with remarks, the grant of
ag. allowances to officers of the Prov.
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