

Public (1897) Department.

ORDINARY MS.

G.O., No. 1176

DATED 6.9.97

INDEXED.

W. K. 8.9.97.

[Despatch Abstract.]

Comg: to the Board of Rev: (d. R) and to
Mr. Incherley decision of the Secy: of State
Sanctioning the payment of Rs 2172-3-4
to Mr. Incherley to compensate him for
the losses sustained in consequence of
his withdrawal from the regular line
of service while employed as Special
Settlement officer in Malabar and
South Canara.

11/97 Recd 2.30 P.M.
C. V.
8.9.97

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
4783/97.							

0 18 4,000-19-7-97.

Revenue (189) Department.

CURRENT No.

Read again G.O. No. 19/5.1.97 (10)

— " S.O. R. 705/24.6.92 (10)

— C. No. 3293 (Ct + incl 2 + 3 = A)

From

The Govt. of India,
12. 4. 1897.

CS

Order

W. 117626th Sep 1897

Comm. to the Bd. of Rev (LR)

to Mr. Moberly

And
stern

Bd of Rev (L. 2)

H. Moberly Esq. JCS } (as above)

C/o the India Office

Acctd (Encl 3 = 9 + 1 = 12)

5.9.97

Manifesto

Dated 26th August 1897

Received

Registered 2. 9. 97

Enclosures

Spare copies..

SUBJECT.

Forwarding copy of despatch from the Secy. of State, sanctioning the payment to Mr H. Moberly of a certain sum on account of loss of emoluments while employed as Spl. Sett. officer, Malabar and South Canara.

AK 705 297 P. 1

276
FURTHER PAPERS.

G.O.	No.	Department.	Date.

This claim is discussed in paragraphs 3 to 7 of the letter which accompanies this despatch, and its validity depends upon the effect of the orders of the Madras Government cited in the margin (of which copies are enclosed), regulating the grade-promotion of Collectors and Judges. The rule there laid down is that the two second grade appointments in the sanctioned scale of Collector—Judges were to be held by the two junior officers on the list, whether acting as Collectors or Judges, and “junior officer” in this connection is defined to be “in the case of acting incumbents, the officer with the least continuous service as acting Collector or Judge, periods spent on joining time or transfer from one post of Judge or Collector to another being held not to be interruptions to continuous service.” Mr. Moberly’s contention is that on his reverting to the ordinary line on the 17th August 1894 as acting Collector of Malabar, he was treated as an acting second grade Collector, whereas if he had never left the ordinary line he would have been treated as an acting first grade Collector. It appears that when the matter was previously considered, the Local Government was of opinion that Mr. Moberly’s claim to compensation for any loss of salary between the 16th August and 30th November 1894 was untenable, on the ground that he had been absent on privilege leave between the 26th May and 16th August 1894, and that under the above mentioned rule, absence on privilege leave *ipso facto* interrupts continuous service as a Collector so far as it gives preference for selection for acting grade-promotion, and has the effect of causing the officer on his return to duty to revert to a second grade Collectiorship. It is now reported that the rules on this point have been applied in an opposite sense by the local Accountant General, and that privilege leave has not in practice been held to interrupt continuous service as a Collector. The Accountant

General of Madras reports that Mr. Moberly's contention is correct. We consider that the actual practice under the orders referred to is in such a point a more suitable criterion of their purport than is the intention with which they may have been framed at the time by the Government of Madras. We, therefore, accept the proposal of the Local Government to grant the compensation claimed by Mr. Moberly for the period in question.

2. The two remaining items relate to Mr. Moberly's absence allowances whilst he was on special leave for five months and twenty-four days from the 19th September 1895; and he asks that the two sums of Rs. 6,173-12-2 already sanctioned as compensation and that of Rs. 1,587-10-0 now recommended for sanction may be taken into consideration in calculating his absence allowances for the above period. As explained in paragraphs 10 and 11 of the letter of the Madras Government, dated 8th January 1897, the amounts which would be payable to Mr. Moberly on account of these two claims would be Rs. 476-7-7 and Rs. 108-2-4 respectively. We consider that in view of the promise made by the Local Government that Mr. Moberly would be saved "from any loss" by having been appointed as Special Settlement Officer, the above claims which are valid should be admitted.

3. Mr. Moberly's case has already been twice before Your Lordship. It will be seen, however, that the necessity for a further reference arises from a misunderstanding on the part of the Madras Government for which Mr. Moberly was not responsible. He appears to us to be entitled to consideration on account of the distinct pledge made to him by the Local Government that he should not be a loser by his employment on settlement duty a form of undertaking which is necessarily somewhat indefinite in its application. We recommend that the payment to him of the further sum of Rs. 2,172-3-11, specified above, be sanctioned.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) ELGIN.

„ G. S. WHITE.

„ J. WESTLAND.

„ J. WOODBURN.

„ M. D. CHALMERS.

„ E. H. H. COLLEN.

„ A. C. TREVOR.

No. 2380-P.

• Original papers returned.
(Keep copy of notes.)

COPY forwarded to the Department* of
Revenue and Agriculture for information.

By order,

R. A. GAMBLE,

Under-Secy. to the Govt. of India.

Schedule of Papers.

1. Letter from Government of Madras, No. 19, dated 8th January 1897.
2. Madras G. O. No. 560, dated 15th March 1883.
3. „ G. O. No. 226, dated 17th March 1893.

Copy.

GOVERNMENT OF INDIA. ²
FINANCE AND COMMERCE
DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Land Revenue.

FROM
THE GOVERNMENT OF INDIA,

TO
THE SECY. OF STATE FOR INDIA.

No. 144.

Dated Simla, the 1st June 1897.

Received

Recommends the payment to Mr. H. Moberly
of Rs. 2,172-3-11 on account of loss of em-
oluments while employed as Special Settlement
Officer, Malabar and South Canara.

Revenue.
No. 117

India Office,
London, 22nd July 1897.

TO
His Excellency the Right Honourable
The Governor-General of India in Council.

My Lord,

I have to acknowledge the receipt of the letter of Your
Excellency's Government in the Finance and Commerce Department
No. 144, dated 1st June 1897, recommending that a further sum of
Rupees 2172-3-11 be paid to Mr. Moberley, in full satisfaction
of all demands, to compensate him for the losses sustained in
consequence of his withdrawal from the regular line while em-
ployed as Special Settlement Officer in Malabar and South
Canara.

2. This proposal is approved.

I have &c,

Sd. George Hamilton,

No. 3697 F.

Government of India.

Finance and Commerce Department.

Simla, the 19th August 1897.

Read-

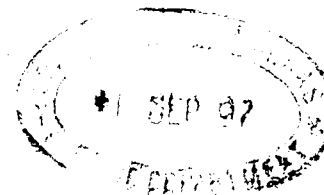
Despatch from Her Majesty's Secretary of State for India,
No. 117 Revenue, dated the 22nd July 1897, received on the 10th
August 1897.

Ordered, that a copy be forwarded to the Revenue and
Agricultural Department, in continuation of endorsement No. 2780P.
dated the 1st June 1897.

Ordered also that a copy, with a copy of the Despatch to which
the above is a reply, be forwarded to the Accountant General,
Madras, for information, in continuation of endorsement No. 4669 EX.
dated 30th September 1895.

Sd. J.B. Brunyate,

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



No. 1980

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

(L.R.)

Simla, dated the 26th August 1897.

Copy, with a copy of the despatch to which it is a reply forwarded to the Government of Madras for information in continuation of Mr. Sly's letter No. 1227-68-3 dated 9th June 1897.

By order,

Offg: Under-Secretary to the Government of India.

List of Papers forwarded.

To the Secretary of State for India No. 144 dated 1st June 1897.
From Her Majesty's Secretary of State for India, No. 117 dated 22nd July 1897 with Financial Department endorsement No. 3607 P. dated the 19th August 1897.

When given for copying 8
When copied 9
When examined 10
When signed 10 } 1897

READ AGAIN G.O., No. DATED
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.