

Public (1897) Department.

ORDINARY PRINTED.

G.O., No. 1513

DATED 22-11-97

INDEXED.

[Despatch Abstract.]

Acting allowance to junior Civilian

Acting as Head Assistant Collectors.

Recording letter from the A.G. forwarding
Copy of letter from the G.O. & stating
that — Cannot be passed without the
Special sanction of the G.O. unless
Certain conditions are fulfilled.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1897} of Madras. PUBLIC.

Recd.

Regd.

} 1897.

Enclosures

Spare copies

G.O., No. 1513, 22nd November 1897.

NOVEMBER.

Acting allowance to Junior Civilians acting as Head Assistant Collectors.

Recording letter from the Accountant-General forwarding copy of a letter from the Government of India stating that — cannot be passed without the special sanction of the Government of India unless certain conditions are fulfilled.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following papers:—

G.O., No. 158, Judicial, dated 11th February 1871.

ABSTRACT.—Communicating Resolution of the Government of India on the subject of granting increase of pay to Assistant Magistrates and Assistant Commissioners.

G.O., No. 900, Judicial, dated 5th July 1871.

ABSTRACT.—Communicating Resolution of the Supreme Government, directing that the powers of a Subordinate Magistrate, first class, are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate, second class, for six months, and that the full magisterial powers are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate, first class, for the same period.

G.O., No. 1270, Public, dated 20th September 1881.

ABSTRACT.—Communicating, with remarks, letter from Government of India inviting attention to the orders laying down that the grant of higher pay to Junior Civilians should not depend only upon their passing the Departmental examinations, but also on their investiture with enhanced magisterial powers, &c.

G.O., No. 559, Public, dated 19th July 1893.

ABSTRACT.—Communicating to the Accountant-General letter from the Government of India sanctioning the proposal that unpassed, passed and Head Assistants' special allowances be regarded as pay as defined in the Civil Service Regulations.

READ—also the following papers:—

From F. C. HARRISON, Esq., Officiating Accountant-General, to P. J. Pope, Esq., Acting Head Assistant Collector, Kurnool, dated Fort St. George, 12th December 1896, No. 3846.

With reference to your letter No. 1149-C., Revenue, dated the 26th November 1896, I have the honour to state that the Government Order therein referred to is applied by this office to all increased allowance including acting allowance.

From P. J. POPE, Esq., Assistant Collector, Kurnool, to the Collector of Kurnool, dated 13th February 1897, C. No. B-Rev.

In returning copy of G.O., No. 1270, Public, dated 20th September 1881, received with Dis. No. 66-Acett., dated 5th February 1897, I have the honour to request that you will kindly obtain the opinion of Government on the Accountant-General's interpretation thereof.

2. In his audit slip No. 103, dated 30th September 1896, he directed that I should not draw acting allowance as Head Assistant, Nandyal, until invested with enhanced magisterial powers and on reference from me he quoted this Government Order.

3. I represented that higher pay alluded to therein was the allowance of a passed Assistant in which connection the rule is well known.

4. A copy of his reply is enclosed.

5. I then obtained, through you, a copy of the Government Order, a perusal of which only confirms me in my opinion that my interpretation is more correct than his.

6. I request therefore, as above, that you will refer the matter for the decision of Government.

R. C. No. 534-Eng.

Submitted through the Accountant-General for the orders of Government.

2. Mr. Pope was Acting Head Assistant Collector of this district for about two months from 17th November last and claims acting allowance for the whole period. The Accountant-General has passed this allowance only from 25th November, the date of the notification investing Mr. Pope with first-class magisterial powers, applying the expressions "enhancement of pay" and "higher pay" in the letter of the Government of India, read in G.O., No. 1270, Public, dated 25th September 1881, to all increased allowance including acting allowance.

3. The question is whether the above expressions have been correctly interpreted by the Accountant-General, or, as Mr. Pope contends, whether they refer merely to the increased allowance granted to the Assistant Collector on passing the Higher standard. The matter not being free from doubt an authoritative ruling is solicited.

KURNOOL,
26th February 1897.

(Signed) P. J. POPE,
for Acting Collector.

No. 874.

Submitted to Government.

The Government of India, Home Department, Resolution No. 376, dated 20th January 1871, refers both to "higher pay" and "higher allowances." In case of Departmental examinations the higher acting allowances are not given before the Lower Standard examination is passed, so that the "grant of higher pay" cannot be considered to be applicable to substantive pay only as contended by Mr. P. J. Pope.

FORT ST. GEORGE,
15th March 1897.

(Signed) F. C. HARRISON,
Officiating Accountant-General.

Memorandum No. 765.

It is observed that prior to the issue of G.O., No. 559, Public, dated 19th July 1893, the addition of Rs. 175 made to the pay of an Assistant on passing the Higher Standard examination was termed an *allowance* and the Government of India in its Resolution No. 376, dated 20th January 1871, apparently referred to this *allowance* and not to the acting allowance to which an Assistant may become entitled by being appointed an Acting Head Assistant.

The Accountant-General is requested to be so good as to state whether this view is correct.

FORT ST. GEORGE,
30th March 1897.

(Signed) A. R. KNAPP,
for Chief Secretary.

From W. H. MICHAEL, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 28th April 1897, No. 1310.

With reference to your memorandum No. 765, Public,* dated the 30th March 1897, I have the honour to state that I

* Enclosures are herewith returned.

have made a reference to the Government of India as to whether the Government of India letter No. 1302, Home Department (Public), dated 6th September 1881, affects the grant of acting allowance to an Assistant Collector acting as Head Assistant before he is invested with enhanced magisterial powers and that I shall communicate their orders as soon as they are received.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 5th July 1897, No. 2012.

In continuation of my letter, No. 1310, dated the 28th of April 1897, I have the honour to forward copy of this office letter to the Government of India, No. 1308, dated 28th April 1897, and their reply, No. 2658-P., Finance and Commerce Department, dated 15th June 1897, from which it will be seen that the word "pay" used in the Government of India letter, No. 1302, Home Department (Public), dated 6th September 1881, communicated in G.O., No. 1270, Public, dated 28th September 1881, was not intended to be construed as in the Civil Service Regulations as meaning substantive pay only but to include acting allowance.

ENCLOSURES.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Secretary to the Government of India, Financial Department, dated Fort St. George, 28th April 1897, No. 1308.

With reference to the Government of India letter, No. 1302, Home Department (Public), dated the 6th of September 1881, laying down that the grant of higher pay to Junior Civilians should not depend only upon their passing the departmental examinations, but also on their investiture with enhanced magisterial powers, I have the honour to inquire whether an Assistant Collector acting as Head Assistant Collector can be granted acting allowance on the pay of the latter appointment before being invested with enhanced magisterial powers.

Acting allowance is not granted to an officer before he passes the lower departmental examinations, and similarly the practice of this office has been to grant higher acting allowances only on the officer being invested with higher magisterial powers. It is now argued that the words higher pay used in the Government of India letter mean the higher substantive pay of a passed Assistant which may be granted only when both the conditions are fulfilled, namely, when the examinations are passed and higher magisterial powers are conferred and that the Government of India letter does not affect the grant of acting allowances for acting in one of the sanctioned appointments of Head Assistant Collector which may be vacant.

I am inclined to agree with this view, but as the matter is not free from doubt, I submit the point for an authoritative ruling.

From R. A. GAMBLE, Esq., Under Secretary to the Government of India, Finance and Commerce Department, to the Accountant-General, Madras, dated Simla, the 15th June 1897, No. 2658-P.

I am directed to acknowledge the receipt of your letter No. 1308, dated the 28th April 1897, in which you enquire whether the rule which requires that Junior Civilians should receive no increase of pay until they have passed the departmental examinations, and have also been invested with enhanced magisterial powers, should be applied to the case of an Assistant Collector acting in one of the sanctioned appointments of Head Assistant Collector which may be vacant.

2. In reply I am to say that it is understood that the promotion to which you refer involves no actual transfer of the officer concerned to higher responsibilities or a heavier charge nor any change in his duties. On this understanding the Government of India are of opinion that it should carry no acting allowance. The word "pay" as used in the Government of India letter, No. 1302, Home Department (Public), dated 6th September 1881, quoted by you was not intended to be construed as in the Civil Service Regulations as meaning substantive pay only but to include acting allowance.

Memorandum No. 1404.

With reference to his letter, No. 1310, dated 28th April 1897, regarding the grant to Mr. P. J. Pope, I.C.S., of acting allowance as Acting Head Assistant, the Accountant-General is requested to be so good as to state whether he has received any reply to the reference made by him to the Government of India.

7th July 1897.

(Signed) J. F. PRICE,
Chief Secretary.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 12th July 1897, No. 2131.

With reference to your memorandum, No. 1404, Public, dated the 7th July 1897, I have the honour to invite attention to my letter, No. 2012, dated 5th July 1897, with which I forwarded the reply received from the Government of India to a reference I made regarding the construction to be placed on the word "pay" as used in the Government of India letter, No. 1302, Home Department (Public), dated 6th September 1881.

Memorandum No. 1448.

The appointment of an Assistant Collector to act as Head Assistant Collector does involve higher responsibilities, a heavier charge and a change in duties, inasmuch as he is entrusted with the revenue and criminal administration of a sub-division which as Assistant Collector he does not hold. Investiture with first-class magisterial powers would only further increase these responsibilities. The letter from the Government of India appears therefore to admit of the grant of acting allowance to Mr. P. J. Pope, I.C.S.

2. The favour of the Accountant-General's opinion is requested.

12th July 1897.

(Signed) J. F. PRICE,
Chief Secretary.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 20th July 1897, No. 2222.

With reference to your memorandum No. 1448, Public, dated the 12th July 1897, I have the honour to state that I read the Government of India letter, No. 2658-P., Financial, dated 15th June 1897, to affirm the old order that declared two conditions to be necessarily precedent to the obtaining of acting allowance, (i) passing the departmental examination and (ii) the being invested with higher magisterial powers. The recent order adds a third condition, viz., that the promotion involves an actual transfer to higher responsibilities or a heavier charge or a change in duty. I am little doubtful whether the above interpretation is what the Government of India actually intended, but it is, I think, the correct construction of what they have written. If the intention was to substitute the third condition for the second it should have been so stated. But no word is said implying this to be the meaning.

80 1270 Pub
20.9.1881
(F)

Memorandum No. 1637.

The Accountant-General is requested to be so good as to make a further reference to the Government of India pointing out the facts mentioned in memorandum No. 1448, dated 12th July 1897, viz., that the appointment of an Assistant Collector to act as Head Assistant does involve higher responsibilities, a heavier charge and a change in duties, inasmuch as he is entrusted with revenue and criminal administration of a sub-division which as Assistant Collector he does not hold, and that investiture with first-class magisterial powers would only further increase these responsibilities. The result of this reference should be reported.

(Signed) J. F. PRICE,
Chief Secretary.

4th August 1897.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 23rd October 1897, No. 3318.

With reference to your memorandum, No. 1637, Public, dated the 4th of August 1897, regarding the admissibility of acting allowance to Junior Civilians acting as Head Assistant Collectors, I have the honour to forward copies of this office letter to the Government of India, No. 2543, dated 20th August 1897, and their reply, No. 4543-P., Finance and Commerce Department, dated 13th October 1897, from which it appears that acting allowance cannot be passed unless the two conditions, viz., (1) passing the departmental examination and (2) investiture with the powers of first-class magistrate, are fulfilled. When these conditions are fulfilled acting allowances are admissible but cannot apparently be claimed as of right. When they are not fulfilled, a special application can be made to the Government of India, if exceptional responsibility is imposed upon the officer in question.

ENCLOSURES.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Secretary to the Government of India, Financial Department, dated Fort St. George, 20th August 1897, No. 2543.

With reference to the Government of India letter, No. 2658-P., Financial, dated the 15th of June 1897, observing that a Junior Civilian should receive no increase of pay if his promotion as Acting Head Assistant Collector does not involve an actual transfer to higher responsibilities or a heavier charge nor any change in his duties, I have the honour to state that the Madras Government is of opinion that the Government of India letter above referred to admits of the grant of acting allowance to an Assistant Collector acting as Head Assistant Collector before he is invested with enhanced magisterial powers on the ground that the appointment of an Assistant Collector to act as Head Assistant Collector does involve higher responsibilities, a heavier charge and a change in duties, inasmuch as he is entrusted with the revenue and criminal administration of a sub-division which as Assistant Collector he does not hold, and that investiture with first-class magisterial powers would only further increase these responsibilities.

I have informed Government that under the latter part of the Government of India order under reference read with the order of 1881, the grant of acting allowance is dependent upon the fulfilment of two conditions, viz. :—

(i) Passing the departmental examination.

(ii) Investiture with higher magisterial powers and that the recent Government of India letter in effect adds a third condition, viz., that the promotion involves an actual transfer to higher responsibilities or a heavier charge or a change in duty.

I am not confident that such was the intention of the order, but I cannot interpret its wording otherwise. In these circumstances, the Madras Government desires me to make a further reference on the subject pointing out the above facts, and I accordingly submit the question for the orders of the Government of India.

From J. B. BRUNGATE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Accountant-General, Madras, dated Simla, 13th October 1897, No. 4543-P.

I am directed to acknowledge the receipt of your letter, No. 2543, dated 28th August 1897, regarding the admissibility of acting allowance to Junior Civilians acting as Head Assistant Collectors.

2. In reply, I am to say that acting allowance is not admissible to a Junior Civilian without the special sanction of the Government of India unless he (1) has passed the departmental examinations and (2) has also been invested with the powers of a first-class magistrate.

3. If, however, exceptional responsibility is imposed on an officer who has not complied with the requirements specified in the last paragraph, and who is therefore not entitled to any acting allowance under the ordinary rules, the matter may form a ground for a special relaxation of the conditions under the orders of the Government of India.

ORDER—No. 1513, Public, dated 22nd November 1897.

Recorded.

(True Extract.)

Chief Secretary.

To the Revenue Department.

„ Accountant-General.
„ Board of Revenue.
„ Collector of Karnool.

Public (1897) Department.

CURRENT No. 874

From The Accountant General
Madras

Order

No. 874

Dated 15 }
Received 16 } - 3-97
Registered 17 }
Enclosures 4
Spare copies

SUBJECT.

Submitting with remarks
paper regarding the
acting allowance of
Mr. Pope. when he was
acting as Head Asst
Collector, Kurnool DC

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public (189) Department.

CURRENT No.

Order

From E. A. Elwin Esq
Asst Collector
of Kurnool

A.C. No. 534 of 97
encl

Dated 26. 2. 97

Received

Registered

Enclosures 3.

Spare copies

SUBJECT.

Submitting for the
orders of Government
letter from the Assistant
Collector of Kurnool
regarding his Acting
allowance when he
was Acting as
Head Asst Collector
of this district

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

65 No. Dec 97 Assistant Collector's Office.
Kurnool, 13-2-1897.

FROM

P. J. Pope Esq.,
Assistant Collector,

Kurnool.

TO

THE Collector of
Kurnool.

ho 1270 Public
Dated 20th Sept 1884

SIR,
In returning copy of G.O. received with Disb. 66 of 97, dated 5-2-97, I have honour to request that you will kindly obtain the opinion of the Government on the Accountant General's interpretation thereof.

2. In his Audit Slip No. 103, dated 30.9.96 he directed that I should not draw acting allowance as Head Assistant Magdhal, until invested with enhanced Magisterial powers and on reference from me he quoted this G.O.

3. I represented that higher pay

pay alluded to therein was the allowance of a passed Assistant in which construction the rule is well known.

4. A copy of his reply is enclosed.

5. I then obtained ~~it~~ through you, a copy of the G.O. a perusal of which only confirms me in my opinion that my interpretation is more correct than his.

6. I request therefore, as above that you will refer the matter for the decision of Government.

I have the honour to be,
Sir,

Your most obedient servant.

M. P. Prasad
Assistant Collector.

15/2/97

[Faint handwritten notes at the bottom of the page, mostly illegible.]

[Faint handwritten notes on the right side of the page, mostly illegible.]

From *Asst*
THE COLLECTOR,
Harrood

To
THE COLLECTOR OF
Harrood

Dated *13th*
Despatched *February 1897*
Received

C No. *B* of 97
Rev

ENCLOSURES. 2

SUBJECT.

Requesting that the
opinion of the Govern-
ment may be obtained
on the interpretation of
the Accountant-General
in re acting allowance
to Head Assistant Commr.

For orders
The connected papers
are submitted -
fine notes on
which Mr. [unclear]
took charge of

the H.A. Commr's Office
to the [unclear] [unclear]
appointing him a
1st class Magistrate
In what Dept. should
Govt be addressed -
Financial or Public?

Ent
23.2.97

Mt Pope was posted as Jg
to Anna Coll. in the Gazette
of 10.11.96 and joined his
appointment on the after
noon of the 16th idem.
He was appointed a First
Class Magistrate in the notice
published of 25.11.96
published in the S.E. Gazette
of 1.12.96.

The G.O. under reference
having been issued from the
Public Dept. the reference
regarding its interpretation
may be addressed to that
dept.

(init)
23.2.97
24.2.97

[G]
69
1,000-3-12-96.

Public Department.



Memorandum No. *765*

~~Keep the following papers~~

It is observed that prior to the issue of G.O.No.559,
Public, dated 19th July 1893, the addition of Rs.175 made to the
pay of an Assistant on passing the Higher Standard examination
was termed an allowance and the Government of India in its
resolution No.576, dated 20th January 1871, apparently referred
to this allowance and not to the acting allowance to which an
Assistant may become entitled by being appointed an acting
Head Assistant.

The Accountant-General is requested to be so good
as to state whether this view is correct.

Admnapp
for Chief Secretary.

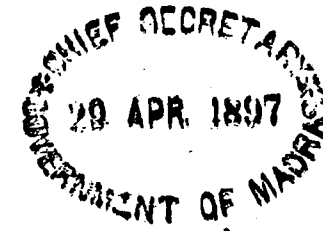
Fort St. George,
30th March 1897.

To

The Accountant-General, with papers to be returned.

Public (1897) Department.

CURRENT No. 1640



From The Asstt General
to the Govt of Madras.

Order
VR

See over
Recorded pending

receipt of a further communication.

No. 1310

Cms
45197

Note for CA.

This current is being appears
in the Public arrears list. Perhaps
the Asst. may be asked if he has
received a reply from India

Dated 28th April 1897

Received

Registered

297
305 4-97

Enclosures

- C. No. Pub. No. 1070/97

Spare copies

with enclos. and memo.

2514977 65/97 held.

SUBJECT.

Intimating
Informing that a reference
has been made to the Govt

of India as to whether the
G. I. letter No. 1302 Home

with reference to his letter

No. 1310 of 28 April 97 regarding Dept. of 6th Sept. 1891 affects

the grant to Mr P. J. Pope, esq. the grant of a allowance

allowance as Asstt. Asstt. to an Asstt. Collector acting

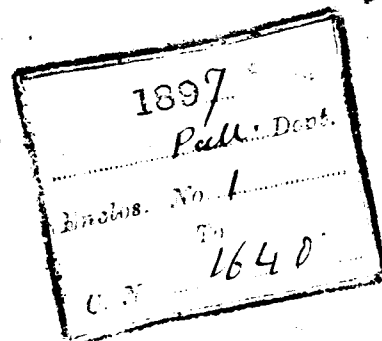
A. G. is requested to be as good as as Head Asstt. before he is

to state whether he has received invested with enhanced

any reply to the refce made by him to the Registrarial powers

G. I. S.

The Asstt. Secy. Genl. Secy.



BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public (1897) Department.

CURRENT No. 2514



From 1070, 1640 + 2514

The Accountant General Madras

Order

Mem. No. 1448 of 12 July 1897

No. 2012

be informed that the transfer of an assistant collector to act as Head Asst Collector does involve higher responsibilities and a heavier charge and a change in duties, inasmuch as he is entrusted with the revenue and criminal

admt. of a subdivision which for Col. he does not hold investiture with 1st class Mag. from the Accountant General and powers would only further increase these responsibilities. The letter from the Govt. of India appears therefore to admit of the grant of acting allowances to Mr P. J. Pope &c.

Dated 5 July 97

Received

Registered

Enclosures - 2

Spare copies -

SUBJECT.

Forwarding copy of the letter that of the Government of India regarding the exact meaning of the word "pay" used in the Government of India letter No 1302 of 6 September 1897

Cms 9.2.92

15/7/97

Recd. (91)

12/7/97

BACK PAPERS.

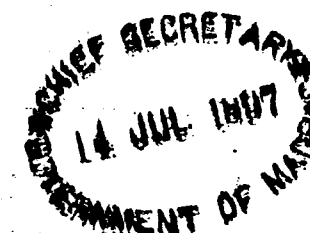
G.O.	No.	Department.	Date.
	for R 487	Pub	11-11-96
	43	..	19-1-94
	539	..	19-2-93
	334-5	..	27-4-93
	1279	..	20-9-81
	770	..	6-6-81

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public (1897) Department.

CURRENT No. 2592



Refd

This has crossed Memo No. 1448 of 12. July. Cus att. 290
 404 to Govt. Cusd. 13/2/97
 Order C no 2720 of 97

From The Secy General
 Madras

No. 2131

Dated 12th July 1897

Received

Registered

Enclosures

Spare copies

SUBJECT.

Inviting attention to this office letter No. 2012 dated 5th July 1897 with which the reply from the Govt. of India to a reference made regarding the construction to be placed on the word 'pay' as used in the Govt. of India letter No. 1302 of 6th Dec 81 was decided.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public (1897) Department.

CURRENT No. 2720

From The Asst General

CHIEF SECRETARY
22 JUL 1897
GOVERNMENT OF MADRAS
No. 2222

Order

Dated 20th July 1897

Received }
Registered } 22-7-97

Enclosures -

Spare copies -

SUBJECT.

Interpreting the Govt.
of India letter No 2658P
7 in annual dated 15th June
1897 regarding the obtaining
of acting allowances to
certain officers.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPER

G.O.	No.	Department.	Date.

C. No 1070, 1640, 2514, 2592
+ 2720

In Willk
Please have them
sent from there
26/5/97

5/3/8

6/5/97

no 8 Public Des
Memo No. 1637 of 4 Aug

The Act Comr is requested to
be so good as to make a further
reference to the Govt. of India
pointing out the facts mentioned
in Memo No. 1448 of 12th July 1897
viz that the appoi. of an Act. Comr.
to act as Head Act. does involve
higher responsibilities, a heavier
charge and a change in duties,
inasmuch as he is entrusted with
revenue and criminal administration
of a sub division which as Act.
Collector he does not hold, and
that investiture with first class
magisterial powers would only
further increase those responsibilities

The result of this reference should /From Order/
be reported

Cms.
2/8/97

2/8/97

AG (all 9/1) 2/8/97

Note The ~~usual~~ usual procedure is
for this Govt to make the reference
but as AG has conducted the correspondence
with India, perhaps he may be left to
refer the matter

Cms.
2/8/97

Public (1897) Department.

Ck for 4th 27.10 7
CURRENT No. 4025

Order

From
The Accountant General.
Madras

No. 3318

Dated 23rd October 1897

Received 0

Registered } 26 10 97

Enclosures 2

Spare copies

SUBJECT.

Forwarding Copy of this office letter
to the G. I. No 2543 d 20-8-97 and
that of its reply from the G. I. No 4542,
Finance & Commerce dated 13-10-97
regarding acting allowance admissible
to junior civilians acting as Head
Assistant Collectors.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G.]
26

1,000 14-12-96.

Public DEPARTMENT.

C. No. 1070

2 H. E. THE GOVERNOR.

1 THE HON'BLE MR. BLISS, C.I.E.

~~THE HON'BLE MR. GROSE, C.I.E.~~

SUBJECT.

Mr. J. Pope, 2 es.

So 1513 Pwt
22-11-97

FOR ORDERS.

When cashed should be
and Mr. J. Pope was acting
Head Assistant, Kynool for
about two months from the
17th November 1896, but the
Accountant General passed
him the acting allowance
only from the 25th Nov. 1896,
that being the date on which
Mr. Pope was granted first
class Magistral powers.
The Hon. Mr. George Sept.
resolution in G.O. No. 158 Jrd.
5th Dec 1897 the Govt. of India
with a view of securing
uniformity in the grant of
higher allowances, laid
down that the grant of
higher pay to junior civilians
should not depend only
upon their passing the

department

departmental examinations but also on their investiture with enhanced magisterial powers. These orders were repeated in the resolution in G.O. No. 1270 Pub. 3, 20 Sept. 1881.

Mr. Pope contends that these orders refer only to the Assistant's pay granted to Assistants on passing the higher standard, but the Secy. Genl. argues that the India resolution of 1871 refers both to "higher pay" and "higher allowances".

It seems that Mr. Pope is right as a reference to G.O. No. 559 Pub. 3, 19 July 1893 shows that the addition of Rs 175 made to an Assistant's pay was prior to the issue of that order called an allowance and the reference in the 1871 resolution was apparently to this allowance.

Please

Please also see rule 23 in G.O. No. 43 Pub. 3, 19 July 1894.

Orders are solicited whether a reference should be made to India.

I draft a reference to the Secy. in the sense of the above.

Cm. 8
20. 3. 97

CS

Public Dept

no 1070

Refce No. 757/30-3-97

It is observed that that the addition of Rs. 175 made to ^{the pay of} an Assistant on passing the Higher Standard Examination was prior to the issue of G.O. No. 559 Pub. 319 July 1893 (Amended) ~~called~~ an allowance and the Govt. of India in its resolution No 376 of 20 Jan'y 1891 apparently referred to this allowance and not to the acting allowance to which an Assistant may become entitled by being ^{appointed as acting} placed in charge of the Head Assistant's division.

The Accountant General is requested to be so good as to state whether this view is correct.

24/3/97

26.3.97

52
26/8/97

Acctt Genl. (with papers to be returned)

24/3/97

025.7.97. 030.7.97 03/11/7 04/11/7
025.7.97. 030.7.97 03/11/7 04/11/7
0

Acting Allowance to Mr. Pope

Public
Financial Dept.

The Hon'ble Sir Henry Bliss K.C.I.E.
His Excellency the Governor

G.No. 1070, 1640, 2514, 2592 &
2720

FOR ORDERS

Mr. J. Pope was Asst. Secy. to the Govt. of India, Kurnool, for about two months from the 17th November 1896 but the G.O. passed the ag: allowance from the 25th Novr. only that being the date on which Mr. Pope was granted first class magisterial powers.

2. In Home dept. resolution recorded in G.O.No. 150 Jul. d/ 18th Feb. '71 the Govt. of India, with a view of securing uniformity in the grant of higher allowances, laid down the rule that the grant of higher pay to Junior Civilians should not depend only upon their passing the departmental examinations but also on their investiture with enhanced magisterial powers. These orders were repeated in the resolution recorded in G. O.No.

1270 Pub., d/ 20th Sept. 1881.
3. Mr. Pope contends that these orders refer only to the enhanced pay granted to Assistants on passing the Higher Standard Examination, but the Asst. Genl argues that India's resolution of 1871 refers both to higher pay and to higher allowances. As from the Govt. of

India letter recorded in G.O.No. 559 Pub. d/

C.No.1070

d/ 19th July 1893, it appeared that the addition of Rs.175 which is made to an Assistant's pay on passing the Higher Standard was, prior to the issue of that order, called an allowance and the reference in the 1871 resolution was apparently to this allowance, it seemed that Mr. Pope was correct and the above view of the matter was pointed out to the Acct. Genl. in Memo No.763 Pub., d/ 30th March 1897. The Acct. Genl. referred the matter to the Govt. of India in his letter No.1308, d/ 28th April 1897 (before flag H). ^{He refer-} ~~the~~ ^{Quoting} the Govt. of India letter in G.O.No.1270, d/ 20th Sept. 1881, the A.G. enquired of the Govt. of India whether an Asst. Collector acting as an Head Asst. could be granted acting allowance on the pay of the latter appointment before being invested with enhanced magisterial powers. ~~He pointed~~ ^{He pointed} out that acting allowance is not granted to an officer before he passes the lower departmental examination ^{and} that the ^{Office Office} practice has been to grant higher acting allowances only on the officer being invested with higher magisterial powers. ^{It was, he stated,} ~~It was, he stated,~~ now argued that the words "higher pay" used in the Govt. of India letter of Sept. 1881 mean the higher substantive pay of a passed Asst. which may be granted only when both the conditions (the passing of the examinations and higher magisterial powers) are fulfilled and that the Govt. of India ^{letter} ~~letter~~ does

C.No.2720

3

does not affect the grant of acting allowances for acting in one of the sanctioned appointments of Head Asst. Collectors which may be vacant ~~and that he was~~ inclined to agree with this view but as the matter was not free from doubt he submitted it for an authoritative ruling. The Govt. of India (vide Min. & Com. dept. No. 2638 P, d/ 15th June 1897) understood that the promotion to which the A.G. referred involved no actual transfer of the officer concerned to higher responsibilities or a heavier charge nor any change in his duties.

On this understanding the Govt. of India was of opinion that it should carry no acting allowance. The word pay as used in the Govt. of India letter of Sept. 1881 was, it was stated, not intended to be construed as in the C.S.R. as meaning substantive (pay) only but to include acting allowance.

4. It was then pointed out to the Acct. Genl. (Memo No.1443 Pub., d/ 12th July 1897) that the appointment of an Asst. Collector to act as Head Asst. ~~does~~ ^{does} involve higher responsibilities, a heavier charge and a change in duties, inasmuch as he is entrusted with the revenue and criminal administration of a sub-division which as Asst. Collector he does not hold, that investiture with first class magisterial powers would only further increase these responsibilities and that the letter from the Govt. of India appeared to admit of the grant of acting allowance to Mr. Pope.

5. In reply the Acct. Genl. states that he reads the Govt. of India letter of 1897 to affirm the old order

that declared two conditions to be necessarily precedent to the obtaining of acting allowance - (1) passing the departmental examination and (2) investiture with higher magisterial powers. The recent order, he points out, adds a third condition, namely, that the promotion involves an actual transfer to higher responsibilities or a heavier charge or a change in duty. Mr. Harrison is a little doubtful whether the above interpretation is what the Govt. of India actually intended but it is, he considers, the correct construction of what they have written.

Orders are solicited.

Ans. 20/7/97

I consider that the AG should be asked to make further reference to the AG's statement that he has been recently told. I do not believe that it was the intention of the AG that an AG who had passed only the lower standard and was appointed as AG. He should not draw any increased pay simply because he was AG at the same time appointed as 1st class magistrate.

22/7/97
28/7/97
A.S. 31.7.97

149
149 + 100

With reference to the above notes attention is solicited to C. No. 4025 Public (Flagged O) in which the Govt of India upholds the AG's

interpretation. In these circumstances ~~it appears~~ the only course appears to be to record the correspondence as below:

MA NSD

- A Read again 80.158 Jul. 7/11.2.71 (P)
- B — 80. 900 Jul. 7/5.7.71 (P)
- C — 1270 Pub 7/20.9.81 (P)
- D — 559 Pub 7/19.7.93 (P)
- All current with memos (A)

Order No. 1513 8 22.11.97
Recorded

149
31/7/97
A.S. 19.11.97

Ans. 28.10.97
MA 2.11.97

Per. Dept. 6
Act. Encl 4
13. of Per. 30
Ch. K. 28
Desp'd 30. XI. 97.

[Lithuanian for addendum to C.S.R.]

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