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INDEXED.

[Despatch Abstract.]

Mr. Moberly's allowances. Recommending that a further compensation of Rs 2,172-3-11 be granted to Mr. H. Moberly I.C.S in full satisfaction of all his claims.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80-27 Cuo 3293497	4-1897						

Government {1897} of Madras. PUBLIC.

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Enclosures

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Letter, No. 19, 8th January 1897.

JANUARY.

Mr. Moberly's Allowances.

Recommending that a further compensation of Rs. 2,172-3-11 be granted to Mr. H. Moberly, I.C.S., in full satisfaction of all his claims.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

SIR,

I am directed to refer to the correspondence ending with Mr. Sly's endorsement, No. 2865—205-3, dated 7th October 1895, which forwarded a copy of a despatch from the Right Honourable the Secretary of State for India sanctioning the payment of a sum of Rs. 6,173-12-2 to Mr. H. Moberly, I.C.S., as an addition to the allowances drawn by him while Special Settlement Officer, Malabar and South Canara.

2. Mr. Moberly has recently addressed this Government, and has urged on the ground of its distinct pledge that he would lose nothing by having been appointed Settlement Officer—a pledge recognized and acted on by the Government of India and the Secretary of State—that he is entitled to compensation for further losses sustained by him. Some of these claims His Excellency the Governor in Council finds himself unable to entertain; but the following are recommended for the favourable consideration of the Government of India. Mr. Moberly claims—

	RS.	A.	P.
(i) Compensation for loss of pay from 16th August 1894 to 30th November 1894	1,587	10	0
and requests—			
(ii) that the additional allowances (Rs. 6,173-12-2) sanctioned by the Secretary of State may be taken into consideration in calculating his absentee allowances	476	7	7
and (iii) that the loss of pay referred to in (i) may similarly be taken into consideration	108	2	4
Total	2,172	3	11

3. As regards (i), Mr. Moberly points out that in its despatch, No. 196, dated 16th July 1895, the Government of India referred to the period between the 16th July 1892 and the 16th August 1894 as that during which he drew less pay than Mr. Rawson, his immediate junior in the regular line, whereas he had explained in his memorial that he lost pay from the 16th August 1894 to the 30th November 1894.

4. On this point Mr. Moberly writes :—

"In my memorial to the Secretary of State for India the following passage occurs :— 'That on your memorialist 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; that from the 17th August to 15th September 1894 your memorialist was regarded as acting in a privilege leave arrangement, his junior, Mr. Rawson, having taken leave, and was allowed only Rs. 1,618-5-4 a month instead of Rs. 1,944-7-1 which he would have drawn as acting first-grade Collector; "

that from 16th September 1894 to 30th November 1894 your memorialist was allowed only Rs. 1,623-14-3 a month as acting second-grade Collector, whereas if he had never entered the Settlement department he would have drawn Rs. 1,944-7-1 *per mensem*."

"Taking the loss of pay from 16th August 1894 to 30th November 1894 into consideration, I estimated my loss in pay at Rs. 7,000. The Government of Madras supported my prayer, but apparently the Government of India and the Secretary of State overlooked this part of my memorial, for they only recognised the loss in pay I had suffered up to the 16th August 1894. When I prepared my memorial I did not know what salary Mr. Rawson had drawn from 16th July 1892 to 1st December 1894."

"I was not allowed to revert to the ordinary line in July 1893, and in my memorandum of August 1893 I pointed out to His Excellency that when I reverted to the Revenue line I should probably be treated as an acting second-grade Collector. If I had never been Special Settlement Officer, I should not have lost pay from 17th August to 1st December 1894. The promise in August 1892 was to save me from any loss, and this promise, I respectfully submit, entitles me to ask that the Rs. 1,587-10-0 I lost between 17th August and 1st December 1894 should be made good to me."

5. In paragraph 4 of my letter, No. 382, Financial, dated 13th May 1895, it was remarked that Mr. Moberly, in arriving at his figure of Rs. 7,000 (exclusive of exchange compensation allowance), had included the loss alleged to have been sustained by his having been treated (under rules which had then been altered) as a second-grade Collector and as a junior officer after his reversion to the regular line. It was further stated that Mr. Moberly's alleged losses on this account had been considered by His Excellency the Governor in Council, who had decided that the case could not receive special treatment as it had been correctly dealt with under existing rules by the Accountant-General; that it was, in fact, impossible to state for how long Mr. Moberly, had he remained in the regular line, would have been a second-grade or a first-grade officer under the rules in force prior to December 1894; and that the fairest method was that which had been adopted by this Government, viz., comparing his emoluments with those of his immediate junior.

6. The foregoing remarks, I am to explain, were made on the assumption that the two months and fifteen days' privilege leave taken by Mr. Moberly from 26th May 1894 immediately before his return to the regular line would have been considered as an interruption to his continuous service as a first-grade Collector, and that on his return from this leave he would have reverted to a second-grade Collectorate. This view was based on the rules which were laid down by this Government for determining the officers to be considered as holding the two second-grade Collector-Judge appointments in this Presidency, and which contemplated that periods spent on privilege leave would be treated as interruptions to continuous service in a first-grade Collectorate or Judgeship. The order was, however, not so interpreted by the Accountant-General, who now reports that under the rules as worked by his office Mr. Moberly would not, had he been in the regular line, have reverted to a second-grade Collectorate in consequence of his having availed himself of privilege leave in May 1894.

7. Mr. Moberly's claim under this head is therefore valid. The Accountant-General places the loss sustained by him at Rs. 1,587-10-0 as follows :—

				Mr. H. Moberly.			Mr. E. C. Rawson.										
				Salary.		Exchange compensation allowance.	Salary.		Exchange compensation allowance.								
				RS.	A. P.	RS.	A. P.	RS.	A. P.	RS.	A. P.						
17th to 31st August 1894	..	..	..	717	11	11	126	6	6	940	13	9	165	10	9		
September 1894	..	..	..	1,536	1	9	282	12	0	1,944	7	1	357	13	9		
October	..	..	..	1,588	14	3	292	8	2	1,944	7	1	357	13	9		
November	..	..	..	1,588	14	3	292	8	2	1,944	7	1	357	13	9		
Total				5,481	10	2	994		2	10	6,774	3	0	1,289		4	0
				8,426-12-0					8,013-7-0								
				Difference, 1,587-10-0													

8. Claim (ii) preferred by Mr. Moberly relates to his absentee allowances whilst on special leave for five months and twenty-four days from 19th September 1895. Mr. Moberly states that when at home in October 1895 he called at the India Office in connection with his previous memorial and was there informed that he should address either the local Accountant-General or this Government as to his request that the additional allowances sanctioned by the Secretary of State should be taken into consideration in calculating his absentee allowance. The Accountant-General reports that the Government of India, on a reference made by him on the subject, has intimated that the amount paid to Mr. Moberly, not being salary but compensation for loss of salary, cannot be reckoned in calculating furlough allowances, and that the question whether compensation should be granted for loss of absentee allowances was one which, if raised, should be submitted through the Local Government.

9. Mr. Moberly represents that both this Government and the Secretary of State intended that he should be placed on exactly the same footing as Mr. E. C. Rawson as regards absentee allowances as well as pay; that the promise made to him in August 1892 was that the Government would save him from, not only loss of pay, but "from any loss"; that the phrase "as an addition to the allowances" used in the Secretary of State's despatch shows that the Rs. 6,173-12-2 was intended to be treated as "salary" and not as compensation for salary; and that if this sum is not taken into consideration in calculating his absentee allowances, he will most decidedly be a loser by his having been employed on Settlement duty.

10. His Excellency the Governor in Council is of opinion that Mr. Moberly's claim under this head, which according to information furnished by the Accountant-General amounts to Rs. 476-7-7 at Rs. 82-2-5 *per mensem* for the five months and twenty-four days of his special leave, should be admitted.

11. The third claim made by Mr. Moberly—viz., that the loss in pay sustained by him between the 16th August 1894 and 1st December 1894 should be also taken into consideration in calculating his absentee allowance—depends on the orders passed on claim (i). The Accountant-General reports that, if this loss is admitted, Mr. Moberly will be entitled to an additional absentee allowance at the rate of Rs. 18-10-4 *per mensem*, which is equivalent to Rs. 108-2-4, for the five months and twenty-four days. This claim is, in the opinion of this Government, reasonable.

12. In the circumstances now explained, this Government considers that Mr. Moberly is entitled to a further compensation of Rs. 2,172-3-11, and I am directed by His Excellency in Council to submit the matter for the favourable consideration of the Government of India with the recommendation that this sum may be granted in full satisfaction of all Mr. Moberly's claims.

I have the honour to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,
8th January 1897.

Chief Secretary.

End. A. Raitt.

Public DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 3078 of 1896, dated 10. 12, from *Mr. Moberly to the Secretary of State, India Office, London*
 " " 3750 " 1896, " 7. 11, " *The Asst. Secy., Malabar*
 " " " 189, " " "

ORDER.

No. 18 7 8 - 1 - 97

H. S. the Governor
The Hon'ble Mr. Secy. C. P. R.
The Hon'ble Mr. Secy. C. P. R.

The Govt. of India will be addressed.

(from orders)

Cus
16.12.96

19.12.96

To The Accountant-General.
 H. Moberly Esq., I.C.S.

LETTER:—

No. 19.
Def. 3554
19/1/97

To The Secretary to the Govt. of India,
 Rev. and Agri. Dept.

SIR,

I am directed to ~~request~~ reference to the correspondence ending with Mr. Sly's Edorsement No. 2865-205-5, dated 7th October 1895 which forwarded a copy of a despatch from the Right Honourable the Secretary of State for India sanctioning the payment of a sum of Rs. 6,173-12-2 to Mr. H. Moberly, I.C.S., as an addition to the allowances drawn by him while Special Settlement Officer, Malabar and South Canara.

29.12.96

E

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(1) Compensation for loss of pay from 16th August 1894 to 30th November 1894... ..

Rs.-a.-p.
1,587-10-0

(ii) ~~and he requests~~ that the additional allowances (Rs.6,173-12-2) sanctioned by the Secretary of State may be taken into consideration in calculating his absentee allowances, and

478- 7-7

(iii) that the loss of pay referred to in (i) ^{may} ~~might~~ similarly be taken into consideration... ..

108- 2-4
2,172-3-11

3. As regards (i) Mr. Moberly points out that in its Despatch No. 296, dated 16th July 1895, the Govt. of India referred to the period between the 16th July 1892 and the 16th August 1894 as that during which he drew less pay than Mr. Rawson, his immediate junior in the regular line, whereas he had explained in his memorial

that he lost pay from the 16th Aug. 1894 to the 30th November 1894.

4. On this point Mr. Moberly writes:- "In my memorial to the Secretary of State for India the following passage occurs. 'That on your memorialist reverting to the ordinary line 'On the 17th August 1894 as acting Collector of Malabar he was treated 'as an acting 2nd grade Collector, 'whereas, if he had never left the 'ordinary line he could have been treated as an acting 1st grade Collector; 'that from the 17th August to 15th September 1894 your memorialist was 'regarded as acting in privilege leave arrangement, his junior, Mr. Rawson, 'having taken leave, and was allowed 'only Rs. 1,518-5-4 a month instead of 'Rs. 1,944-7-1 which he would have 'drawn as acting 1st grade Collector; 'that from 16th September 1894 to 30th November 1894 your memorialist was 'allowed only Rs. 1,623-14-3 a month 'as acting 2nd grade Collector, whereas 'if he had never entered the Settlement Dept. he would have drawn Rs.1,944-7-1 'per mensem.'"

"Taking the loss of pay from '16th August 1894 to 30th November 1894 'into consideration I estimated my loss 'in pay at Rs. 7,000. The Govt. of Madras supported my prayer, but apparently the Govt. of India and the Secretary of State overlooked this part of my memorial, for they only recognised the loss in pay I had

suffered up to 16th August 1894. When I prepared my memorial I did not know what salary Mr. Rawson had drawn from 16th July 1892 to 1st December 1894. I was not allowed to revert to the ordinary line in July 1893, and in my memorandum of August 1893 I pointed out to His Excellency that when I reverted to the Revenue line I should probably be treated as an acting 2nd grade Collector. If I had never been Special Settlement Officer, I should not have lost pay from 17th August to 1st December 1894. The promise in August 1892 was to save me from any loss, and this promise I respectfully submit entitles me to ask that the Rs. 1,587-10-0 I lost between 17th August and 1st December 1894 should be made good to me".

5. In para. 4 of Mr. Price's letter No. 382, Financial, dated 13th May 1895, it was remarked that Mr. Moberly in arriving at his figure of Rs. 7,000 (exclusive of Exchange Compensation Allowance) had included the loss alleged to have been sustained by his treatment under rules subsequently altered as a ^{Second-} 2nd grade Collector and as a junior officer after his reversion to the regular line. It was further stated that ^{Mr. Moberly's} alleged losses on this account had been considered by His Excellency the Governor in Council who decided that ^{the} case could not receive special treatment, that as it had been correctly dealt with

having been treated (under rules which had then been altered)

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under existing rules by the Accountant General; that it was in fact impossible to state for how long Mr. Moberly, had he remained in the regular line, would have been a second grade or a first grade officer under the rules in force prior to December 1894; and that the fairest method was that which had been adopted by this Government, viz., comparing his emoluments with those of his immediate junior.

6. The ^{forgoing} remarks, I am to explain, were made on the assumption that the two months and fifteen days privilege ^{leave} taken by Mr. Moberly from 26th May 1894 immediately before his ^{reversion to the regular line} reversion would have been considered as an interruption to his continuous service as a first grade Collector, and that on his return from this leave he would have reverted to a ^{Second-} 2nd grade Collector.

^{which was} This view was based on the rules for ^{the} officers ^{to} be considered as holding the two second grade Collector-Judge appointments in this Presidency, ^{and} these rules which contemplated that periods spent on privilege leave would be treated as interruptions to continuous service in a ^{first} grade Collector ^{at} or Judgeship. The order was, however, not so interpreted by the Accountant-General who now reports that under the rules ^{as} as worked by his office Mr. Moberly would not, had he been in the regular line, have reverted to a ^{Second-} 2nd grade Collector ^{at} in consequence of

his being- having availed himself of privilege leave in May 1894.

7. Mr. Moberly's claim under this head is therefore valid. The Accountant-General places the loss sustained by him at Rs. 1,587-10-0 as follows:-

For the month of	Mr. H. Moberly						Mr. E. C. Rawson					
	Salary			Em. Com. All.			Salary			Em. Comp. All.		
17 to 31 Aug. '94	717	11	11	126	6	6	940	13	9	165	10	9
September ...	1536	1	9	282	12	0	1944	7	1	357	13	9
October ...	1588	14	3	292	8	2	1944	7	1	357	13	9
November ...	1588	14	3	292	8	2	1944	7	1	357	13	9
Total ...	5431	10	2	994	2	10	6774	3	0	1239		0

6,425-13-0

8,013-7-0

Difference 1587-10-0

8. Claim (ii) referred by Mr. Moberly relates to his absentee allowances whilst on special leave for 5 months and 24 days from 19th Sept. 1895. Mr. Moberly states that when at home October 1895, he called at the India Office in connection with his memorial and was there informed that he should address either the local Accountant-General or this Govt. as to his request that the additional allowances sanctioned by the Secretary of State should be taken into consideration in calculating his absentee allowance. The Accountant-General reports that the Government of India, on a reference made by him on the subject, has intimated that the amount paid to Mr. Moberly not being salary but compensation for loss of salary,

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12. In the circumstances now ex-
 plained, this Govt. considers that Mr.
 Moberly is entitled to a further com-
 pensation of Rs. 2,172-5-11 and I am
 directed by H.E. in Council to submit
 the ^{matter} ~~same~~ for the favourable considera-
 tion of the Govt. of India ^{as a final} ~~in full satisfaction of a Mr. Moberly's claims.~~
~~disposal of all demands from him.~~

with the recommendation
 that this sum may be
 granted

Cms
 16/12/86

/ From Orders

2-1/14
 17/12/86

19.12.86

2-2-1894

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