

Public (1899) Department.

ORDINARY MS.

G.O., No. 222

Dated 22 2 98

INDEXED.

[Despatch Abstract.]

Recording letter from the
Spt forms copy of certain correspondence
regarding the salary of Messrs R. F. Grinley,
J. F. A. Hancock & Co. while employed in
Central Provinces.

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

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
		15-9-16	595 22-6-00				

Am Fare

CURRENT No. 357

Read again p. 509A-B (A) From
2-4-98
1167-68 (A) The Government of India
16-9-98 Home Department
Order C No 357 (A of 1st & 2nd) Establishments.

Order no 222 of 22-2-88
His MA

No. 59

Recorde d'

Wm. C. S.
6-299 3/1/44

Dated 24th January 1873

Received 21 84

Registered At \$2 _____

Enclosures 2.

Spare copies 7 of volume n° 1

Copy to the Accountant General) Dec 2/80

S to enter in CS register } 100 SUBJECT.

Mr. Grainley Thoroughbred
deserved his for his
unbecoming letter.
H. S.

Forwarding Copy of Com.
rapportence regarding the
Salary of Messrs R. F. Trine
and F. S. a. Slocock who
employed in the Central
Provinces.

BACK PAPERS.

G.O.	No.	Department.	Date.
	11678	Pub.	16.9.98
	SDSAB	a	24.9.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

ESTABLISHMENTS—NOVEMBER 1898.

Deputation of Mr. R. F. GRIMLEY, I.C.S., an Assistant Collector in the Madras Presidency, for temporary service in the Central Provinces.

No. 7285, dated Nagpur, the 17th October 1898.

From—M. W. FOX-STRANGWAYS, Esq., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—The Secretary to the Government of India, Home Department.

I am directed to forward, for the orders of the Government of India, copies of the marginally-noted correspondence arising out of the deputation of Mr. R. F. Grimley, I.C.S., an Assistant Collector in the Madras Presidency for temporary service in the Central Provinces which was arranged in correspondence with the Government of India ending with Notification No. 270, dated the 7th April last.

2. I am to say that the Chief Commissioner thinks that Mr. Grimley's letter is injudicious, and the greater part of it irrelevant. In treating the matter as if it were one of contract between two private parties he apparently overlooks the fact that he is (as Mr. Ibbetson understands) bound by his covenant to serve in any part of India; so that his wishes in the matter were consulted merely as an act of grace, and it would have been competent to the Government of India to transfer him to the Central Provinces without any previous reference to him, in which case he would, as a matter of course, have taken his place and drawn his pay according to his standing in the service.

3. At the same time it is clear that the Madras Government misstated the facts which were clearly set forth, both by the Government of India and by this Administration, and thereby led Mr. Grimley to expect higher remuneration than that to which his standing among the officers of the Central Provinces Commission entitles him. There are, indeed, two officers junior to him who are drawing higher pay than he does (see paragraph 17 of his letter), namely, Messrs. Blenkinsop and Hallifax, who as settlement officers draw Rs. 1,239 and Rs. 1,205, respectively, against his Rs. 1,122. But this includes, in each case, a settlement allowance of Rs. 150, which is granted in consideration of their having been selected, as especially qualified, for specially arduous and responsible duties.

4. In view then of the fact that Mr. Grimley was thus misled, the Chief Commissioner thinks that he might properly be granted, from the date on which he joined the Central Provinces Commission, a personal allowance equal to the difference between the salary actually drawn by him from time to time, and the salary of Rs. 1,333 which he was led to expect. But he thinks that the allowance should cease from the 30th July 1898 which is the date of the letter in which he elects to serve on in the Central Provinces on his present pay rather than return to Madras.

5. It is true that in the case of Messrs. Gray and Younghusband, who were transferred from the Bombay Presidency to the Central Provinces, in 1891, the similar allowance which was sanctioned in letter No. 251, dated the 25th May 1892, from the Secretary to the Government of India in the Home Department, was continued until the higher pay was reached. The complete correspondence is not available to the Chief Commissioner; but he is under the impression that under the Indian Civil Service covenant as it then stood, these gentlemen were bound to serve in the Bombay Presidency only; and it is not improbable that they therefore claimed to be allowed to return to that Presidency unless the expectations which had been held out to them were made good.

6. Mr. Ibbetson has ascertained verbally from Mr. Slocock, the other Madras Civilian who was transferred to the Central Provinces together with and under the same circumstances as Mr. Grimley, that the Madras Government communicated the same offer to him also; but that he considers himself precluded from basing any claim upon it, since he cannot honestly say that he would

have refused the offer had the pay which he is actually drawing been mentioned. The scruple is most creditable to Mr. Slocock. But it is impossible, in the Chief Commissioner's opinion, to draw any distinction between the two cases, more especially as Mr. Grimley has nowhere stated that he would have declined the offer had the pay been stated at Rs. 1,122. The Chief Commissioner thinks therefore that the same treatment should be extended to both these gentlemen.

7. As for Mr. Grimley's desire to return to Madras a year before the expiry of the term of three years for which he was transferred, that must, the Chief Commissioner thinks, depend upon whether the state of the Central Provinces Commission will permit of his being spared at the end of the two years. If it will, the Chief Commissioner will be very glad to meet his wishes in the matter.

No. 4741, dated the 30th July 1898.

From—R. F. GRIMLEY, Esq., I. C. S., Acting Deputy Commissioner, Chanda, *185*

To—The Commissioner, Nagpur Division.

I have the honour to request that you will be good enough to move the Chief Commissioner to reconsider the question of the pay, which I am entitled to draw under the following circumstances:—

2. I accepted the offer of an appointment in the Central Provinces on the distinct understanding that I should draw an acting allowance of Rs. 1,333 (please see enclosed copy of telegram). I have been authorized to draw, however, only Rs. 1,122-3-6.

3. There appears to have been some misunderstanding on the part of the Madras Government.

4. I will first consider, so far as I can, the legal aspect of the case.

5. Under section 18 of the Contract Act 'misrepresentation' means and includes—causing, however innocently, a party to an agreement to make a mistake as to the substance of the thing which is the subject of the agreement.

6. Under section 19 of the same Act, a party to a contract, whose consent was obtained by misrepresentation, may, if he thinks fit, insist that the contract shall be performed, and that he shall be put in the position in which he would have been if the representation made had been true.

7. The exception and explanation to section 19 appear to refer to the voidability of a contract and not to the right to insist upon the performance of a contract.

8. Even if my views however were held to be incorrect, I do not admit that I had the means of discovering the truth with ordinary diligence.

9. Thus I contend that I am entitled *legally* to draw an acting allowance of Rs. 1,333.

10. If, however, my legal right should be held to be doubtful, I submit that, having regard to the relative positions of the parties to the contract, I am entitled to the benefit of the doubt.

11. Even if my legal right were indisputably non-existent, I should still contend with all respect that the Government is morally bound to fulfil any reasonable expectations, which it may have raised. That I had good reason to expect to receive that which I now claim is, I submit, unquestionable.

12. If it should be urged that I have no real ground for complaint, inasmuch as the pay which I have been authorised to draw is higher than what I received in Madras, I would reply that this argument would not hold water in a court of justice, and that the terms of a contract cannot be so lightly evaded. I should also contend that the slight increase of pay, which I now receive, was not a sufficient compensation for all that is involved in a transfer from a Presidency, like Madras to a backward Province like this. I need hardly point out that,

by accepting the offer of my present appointment, I have placed myself at a temporary disadvantage compared with others of the same standing as myself, who are familiar with the languages and regulations of the Presidency or Province in which they are serving. *185-*

13. It is of course difficult to arrive at the exact money equivalent which compensates for such disadvantages. The fact, however, that none of my seniors in Madras was willing to accept the appointment which I now hold is, I think, a sufficient indication that the amount offered, *viz.*, Rs. 1,333, was not excessive.

14. I have been directed demi-officially to state distinctly whether I would prefer to revert to Madras, in case my present pay in these Provinces cannot be increased.

15. I therefore beg to state that having only recently experienced the inconvenience and borne the expense involved by my transfer from Madras, I should prefer to remain where I am, unless I received ample compensation for the inconvenience and expense which would be occasioned by a retransfer as well as for that to which I have already been subjected. I should however prefer to remain here for two years only instead of three years, unless I received an assurance to the effect that it would be to my advantage to remain longer in these Provinces.

16. I venture however most respectfully to point out that my claim would by no means be satisfied, by permitting me to revert to Madras even on the terms which I have mentioned. I have merely chosen what appears to me to be the lesser of two evils. Half a loaf is better than no bread, but what I claim is the whole loaf.

17. With a view to meeting another possible objection, I would represent that junior officers are drawing higher pay than that which I claim. It would therefore be hardly fair to accuse me of pressing a claim which is obviously extravagant.

18. In submitting this application, I feel myself at a considerable disadvantage, for though I am in the position of an appellant, I shall not have the customary right of an appellant to reply to any arguments, with which my claim may be opposed. It is on this account that I have written at greater length than I should otherwise have deemed necessary.

19. For the matter is, in my opinion, of the utmost simplicity. To speak plainly—and I hope that I may do so without transgressing—I am merely protesting with all respect against what I regard as a breach of faith.

20. In conclusion, I request that you will be good enough to move the Chief Commissioner to refer the matter with my letter to the Government of India, in case he should find himself unable to grant me the pay to which I consider myself entitled.

No. 18

FROM

A. H. L. FRASER, Esq., C.S.I.,
Offg. Secretary to the Government of India,

TO

THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

Home Department
Establishments.

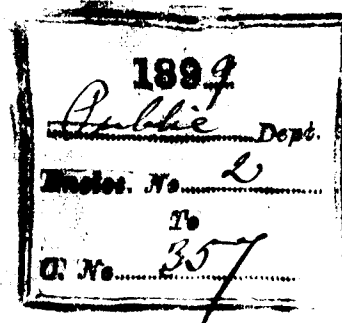
Calcutta, the 24 January 1899.

SIR,

I AM directed to acknowledge the receipt of your letter No. 7285, dated the 17th October last, submitting, for the orders of the Government of India, a copy of a letter from Mr. R. F. Grimley, I.C.S., Madras Establishment (with the connected correspondence), on the subject of his salary in the Central Provinces.

2. Mr. Grimley contends that he was led by the Government of Madras to expect that he would draw a salary of not less than R1,333 a month while employed in the Central Provinces, and you recommend, in view of the mistake made by the Government of Madras in communicating with Mr. Grimley, that he may be granted from the date on which he joined the Central Provinces' Commission a personal allowance equal to the difference between the salary actually drawn by him from time to time and the salary of R1,333. This allowance should, in your opinion, cease from the 30th July 1898, which is the date of the letter in which he elects to serve on in the Central Provinces on his present salary of R1,122 a month rather than return to the Madras Presidency. You have ascertained from Mr. Slocock, the other Madras Civilian who was transferred to the Central Provinces together with and under the same circumstances as Mr. Grimley, that the Government of Madras communicated with him in the same terms; but that he considers himself precluded from putting forward any claim as he cannot honestly say that he would have refused the offer had the salary which he is actually drawing been mentioned. While considering that the scruple on the part of Mr. Slocock is most creditable, you also recommend that the treatment to be accorded to Mr. Grimley should be extended to Mr. Slocock.

3. In reply I am to say that it appears to the Government of India that the expression "acting allowance R1,333" in the Madras telegram is ambiguous; and this is to be regretted. It misled both Mr. Grimley and Mr. Slocock. But, as observed by you, it was a mere act of grace on the part of the Government to allow them any option in the matter. Mr. Grimley appears to forget that under the terms of the covenant which he has executed, the Government have the right to require him at any time to serve in any part of India as the exigencies of the public service demand, that is to say, they have as much right to transfer him to a district in the Central Provinces as to transfer him from one district to another in the Madras Presidency. This is a contract which Mr. Grimley has overlooked or ignored. Mr. Grimley has been paid considerably more in the Central Provinces than he would have drawn in the Madras Presidency. He has therefore no ground of complaint whatever in



view of his covenant with the Secretary of State. In these circumstances the Government of India would not be justified in recommending the grant of a personal allowance either to Mr. Grimley or to Mr. Slocock for the sanction of Her Majesty's Secretary of State. It is most undesirable to make invidious distinctions in the matter of salary between the local officers of a Province and officers temporarily imported from another Province. I am to request that the two officers whose cases are under consideration may be informed accordingly. I am further to ask that Mr. Grimley may be informed that the Government of India have observed with dissatisfaction the unbecoming tone of his letter.

4. Mr. Grimley has expressed a desire to return to the Madras Presidency a year before the expiry of the term of three years for which he was transferred. I am to say that the Government of India agree with you that this must depend upon the necessities of the public service and that Mr. Grimley must remain in the Central Provinces as long as his services are wanted there.

I have the honour to be,

SIR,

Your most obedient Servant,

A. H. L. FRASER,

Offg. Secretary to the Government of India.

CURRENT NO. ³⁵⁷ 59

From



To

H. Luson, Esq.,

Deputy Secy. to the Govt. of India.



The Chief Secretary to the Government of
Madras.

Calcutta, the 24th January 1899.

Home Department

Establishments

Sir,

With reference to the correspondence

A ensuing with your letter of 509 18 dated the 22nd April last, I am directed to forward, for the information of the Governor in Council, a copy of the correspondence notes on the margin regarding the salary of Mr.

- (1) Letter from the C. Secy of the C. P. of 7385 of 17th Oct. 1898.
(2) " " " " Mr. A. J. Grimley, of 4741 of 31st July 1898
to the Commissioner, Nagpur Division.
(3) " to the C. Secy of the Central Provinces of 58 dated
24th Jan 1899

A. J. Grimley, and Mr. J. S. A.

Slocock, while employed in the Central Provinces.

I have the honour to be,

Sir,

Your most obedt. Servant,

H. Luson.

Deputy Secy. to the Govt. of India.

99
Public

357

When given for copying 24/6/1889
When copied 24/6/1889
When examined 24/6/1889
When signed

and: 24/6/1889
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 DETTO.

PAPERS NOT FILED UP, BRING HEART FOR DESPATCH
IN ORIGINAL.

N.B.—

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

22-11-28 RF