

24/6/88

Public (1897) Department.

ORDINARY PRINTED.

G.O., No. 665
DATED 18-6-88

INDEXED.

[Despatch Abstract.]

Junior Civilians

that in view of the orders of the Govt. it is impossible to accede to the request of Mr. E. W. Leigh & Co. that he may be allowed the pay of a passed Asst. from 22 Jan 1888 the day of the Higher Standard Test at which he passed, & directing the substitution of certain rule for rule 24 of the regulations for the guidance of members of the I.C.S.

T
10/1/88

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1043						
	24		11-03				
	138						
	23		2-16				

Government (1899) of Madras.
PUBLIC.

Recd.

Regd.

1899.

Enclosures

Spare copies

G.O., No. 665, 16th June 1899.

JUNE.

Junior Civilians.

Stating that in view of the orders of the Government of India it is impossible to accede to the request of Mr. E. W. Legh, I.C.S., that he may be allowed the pay of a passed Assistant from 2nd January 1899 the first day of the Higher Standard Test at which he passed, and directing the substitution of certain rule for rule No. 24 of the Regulations for the Guidance of Members of the Indian Civil Service.

[6.]
500-4-68.

(189/) Department.

D. O. No. 161

From *E. W. Legh*
Asst. Collector
Coimbatore

D. O.

No.

Dated 20
Received 21 } - 3-79.
Registered 21
Enclosures
Spare copies.

SUBJECT. *receiving*
Stating that Mr. Legh, addn
the D.O. in regard to his drawing
at the higher rate after having
passed the Higher Standard
and that the D.O. wants to
receive orders from Govt.
with the names of those who
have passed the Higher
Standard & the date from
which they are entitled to
draw.

2

No. 665, PUBLIC, 16TH JUNE 1899.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

From the Collector of Coimbatore, dated 27th April 1899, D. Dis. No. 1153-Rev.

ABSTRACT.—Recommending that the Assistant Collector Mr. Legh may be granted the pay of a passed Assistant from the 2nd January 1899.

From W. H. DAWSON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 25th May 1899, G. No. 294—1928.

With reference to your Memorandum No. 1255, dated the 10th of May 1899, referring to me for remarks endorsement of the Collector of Coimbatore on letter No. 1296, dated 21st April 1899, from Mr. E. W. Legh requesting that he may be allowed the pay of a passed Assistant from 2nd January 1899, I have the honour to refer you to Government of India letter No. 1302, dated 6th September 1881, communicated in Madras G.O., No. 1270, Public, dated 20th September 1881, from which it will be seen that the grant of higher pay should depend both on passing the departmental examinations and on investiture with First-class Magisterial powers.

Mr. Legh is therefore entitled to the pay of a passed Assistant from 7th March 1899 the date on which he was invested with the powers of a First-class Magistrate.

The rules for examination of Assistants should be modified accordingly.

ORDER—No. 665, Public, dated 16th June 1899.

The Government regrets that, in view of the orders of the Government of India in its letter No. 1302, dated 6th September 1881, it is impossible to accede to Mr. Legh's request.

2. The following rule will be substituted for rule No. 24 of the Regulations for the Guidance of Members of the Indian Civil Service.

“The pay of a passed Assistant is admissible to an officer who has passed the Higher Standard and who has been invested with the powers of a First-class Magistrate. If the officer is qualified to be or has already been invested with First-class Magisterial powers at the time when he appears for the Higher Standard he will be entitled to draw enhanced pay from the first day of the examination at which he completes the test; in other cases the enhanced pay will be granted only from the date on which the officer is appointed to be a First-class Magistrate.”

[NOTE.—An officer cannot be invested with First-class Magisterial powers until he has exercised second-class powers for at least six months.]

(True Extract.)

G. STOKES,
Chief Secretary.

To the Collector of Coimbatore.
„ Accountant-General.
„ Superintendent, Government Press.
„ Revenue Department.
„ President, Board of Examiners.

Ed. P. Seetharam.

24/6/8

BACK PAPERS.

G.O.	No.	Department.	Date.
	348	~~Pub.~~ ^{Ind.}	4.8.99
	1237	Pub.	28.2.98
	386	"	8.8.96
	555	"	19.7.93 and
	334	"	27.6.93

FURTHER PAPERS.

G.O.	No.	Department.	Date.

I the amount I have taken
the liberty to address you on
the subject direct.

With apologies for troubling
you.

I am yours truly

E.W. Luff

Adm. Secy

Correspondence

24/6/98
20/6/98

Handwritten notes: "Handwritten notes", "to view: Please", "I am of course", "Copy", "H. J. 100", "21. MAR 1998", "CHIEF SECRETARY", "GOVERNMENT OF SINGAPORE".

I have just been
having some correspondence with
the Accountant General as to
my right to draw full
Assistant's allowance from
January 2nd last.
On receiving notice that I
had passed the Higher Standard
I applied for a slip to draw
at the higher rate from the

24/6/28

first day of the examination.
I received a reply to at I
was not entitled as I was not
a 1st Class Magistrate.

I replied quoting the recent
order especially rule 24 of the
new Rules from No 1237 Public
printed with B. P. No 274
27.9.98
15.10.98

which clearly states that those
having the Higher Standard
are entitled at once to draw
at the higher rate from first

day of the examination unless
the Collector satisfies Government
that they are unfit to be 1st
Class Magistrate. As I have
now received my 1st Class Pass

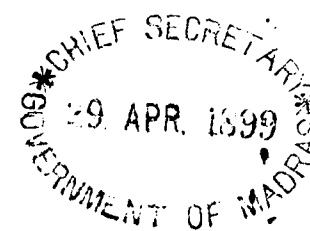
I think the condition is fulfilled.
The Act Genl. no reply that
must receive orders from
Govt with the names of those
who have passed the Higher
Standard & the date from
which they are entitled to
draw.

As I am somewhat in need

24/6

Public (1897) Department.

CURRENT No.



Order
Note for the C.A.

The point raised by
Mr Legh is now under
consideration in fact
to which this current
may, it is subd, be
sent. U.O.

From

The Collector of
Coimbatore

D. Dis No. ¹¹⁵³/_{Rev} of 99.

Dated : 27th April 1899.

Received 29.

Registered 1. May

Enclosures : one

Spare copies -

SUBJECT.

Assistant Collector

Recommending that the
Assistant Collector Mr Legh may,
be granted the pay of a passed
assistant from the 2nd January 1899.

P.L. 4
-599

BACK PAPERS.

G.O.	No.	Department.	Date.
	394	Pub.	5-4-99
	1237	"	25-9-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dated Coimbatore,
21st April 1899,

From, E. W. Leigh Esquire,
Assistant Collector on leave,
Coimbatore,
To, The Chief Secretary to Government
of Madras,

Through, The Collector of
Coimbatore,

Sir, With reference to Government Order
No. 394, dated April 5th 1899, I have
the honor to make the following representa-
- tions for your favourable consideration.

2. In that order I have been granted
the pay of passed Assistant only from
the date on which I was granted 1st
class powers, not from the 1st day
of the examination.

3. I beg to point out that this is not
in accordance with the Revised Rules.

25.5.99
28.5.99

Public
Department.

D.O. No 161. & No 1296

FOR ORDERS

As the principle of granting increase of pay to junior civilians was not uniform in all provinces, the grant of higher allowances in some depending on an officer's investiture with enhanced magisterial powers, as well as on passing lower and higher standard examinations, while in others it depended on the latter alone, the Govt. of India with a view to secure uniformity in this respect, ruled in January 1871 that officers on passing the lower or higher standard should be invested with second or first class magisterial powers, respectively, and that they should be allowed the higher rate of pay from the date of their passing the examinations, provided that, in any case in which the District Magistrate showed to the satisfaction of Local Govt. that investiture with higher powers ought to be deferred, then the mere passing of the examination would not establish a title to higher pay, nor should such higher pay be granted until the officer concerned was invested with higher powers.

2. Later on, in June 1871, the Govt. of India laid down that the powers of a second class magistrate should not be conferred on an officer until he had obtained first class

Home Dept. Resolution printed in G.O. 156, Judcl., dated 11th Feb. 1871 - 0

H.D. Resoln in S.O. No 900 Judcl. 15 July 1871 - 5

1899

Revenue Department

S.D. Disposal No 1153 of 199 of 27 April 1899.

Submitted.

2. Though Mr Legh was invested with Magistrate powers of the 1st Class only on the 7th March, I cannot prove to the satisfaction of Government that he was unfit to exercise those powers on the 2nd January 1899 as he has shown excellent judgment and care in his work.

I therefore recommend that he may be granted the pay of a passed Assistant from the 2nd January 1899.

Acting Collector.

From

E. W. Legh Esquire

Assistant Collector on leave, Combaratore

To, The Chief Secretary to Government of Madras

Through The Collector of Combaratore.

Dated 21 Decd 24 } April 1899.

Subject

Requesting that orders may be passed granting him the full pay of a passed Assistant from 2nd January 1899

powers for all persons and also, similarly, first class powers should be conferred on the second class powers, provided that as for the same period, provided that as of 10th would be entitled to a higher rate of pay by reason of exercising higher powers, unless he has passed in all the subjects of the standard examinations.

2. The effect of these two rulings is to make the grant of higher pay to junior civils contingent not only on their passing the departmental examinations, but also, on their investiture with enhanced magistracy powers.

3. In 1881, the Govt. of Bengal moved the Govt. of India to rule that increase of pay to junior civils should depend only on their passing the departmental examinations, leaving their investiture with magistracy powers to be decided on the ground of fitness only. This suggestion was referred to this Govt. which expressed itself to be in favor of it and pointed out that it was in conformity with the practice followed in this Presidency. The Govt. of India, however, did not accept the suggestion of the Bengal Govt. and said that the condition is not in effect that the grant of higher pay should be conditional not only on an officer's passing the examinations but on his investiture with first class powers, and also, and also to.

4. The Govt. of India, however, did not accept the suggestion of the Bengal Govt. and said that the condition is not in effect that the grant of higher pay should be conditional not only on an officer's passing the examinations but on his investiture with first class powers, and also, and also to.

Para 3 does not mean that he to state the position must be. The point of higher pay is contingent on passing the Dept. Exam. If the Civils but not the others this the point of higher powers is the without from any officer who has passed them. The higher pay may also be withheld. The second and greater establishment connection between powers & pay: on the contrary it seems that there is here.

4/5/81

In this letter the Govt. of Bengal say: "It is the policy of the Government to make the grant of higher pay to junior civils contingent not only on their passing the departmental examinations, but also, on their investiture with magistracy powers to be decided on the ground of fitness only. This suggestion was referred to this Govt. which expressed itself to be in favor of it and pointed out that it was in conformity with the practice followed in this Presidency. The Govt. of India, however, did not accept the suggestion of the Bengal Govt. and said that the condition is not in effect that the grant of higher pay should be conditional not only on an officer's passing the examinations but on his investiture with first class powers, and also, and also to."

Letter to India 770 Pub. - T 6-6-81

"Desirable that higher powers should not be given to officers until they have been reported to be competent to exercise them but he will not make the increase of salary depend on such investiture."

Thus the effect of the Bengal proposal was to abolish the exception A in my letter above. This India intimated to us we are now in the position.

2-8-81 Letter to S.O. 1270 Pub. B 20-9-81

which I have set out above by on passing the Higher Standard 1st class powers are given as a matter of course and higher pay follows.

Flag A.

4/5/81

5. The Govt. of India, however, did not accept the suggestion of the Bengal Govt. and said that the condition is not in effect that the grant of higher pay should be conditional not only on an officer's passing the examinations but on his investiture with first class powers, and also, and also to.

This is the all right if it were "Unless this Dept. might think" "The satisfaction of the Local Govt." "That investiture with higher powers" "must be deferred."

S.O. 1560 11-2-71

4/5/81

I do not see this.

4/5/81

This rule does not correspond at all with India's rule. in my opinion

The rule must be given

The pay of a passed Asst. is "admissible to an officer on his passing the Higher Standard Exam" "when he will be appointed a 1st class Magt. provided he has been a 2nd class Magt. for six months prior to the 1st day of the Exam" "But if this is not done for a month or two after the Exam, the Asst. cannot be gazetted with 1st class powers as he has not been."

29th Sept. 1898, however, 1898 not embody this ruling correctly, but says that a passed Asst. should be allowed enhanced pay from the first day of the examination at which he completes the test, unless the District Magistrate proves to the satisfaction of Govt. that he is unfit to exercise the powers of a first class magistrate. The portion embodied appears to have been based on the proviso contained in the Home Dept. Resolution of Jan. 1871, but as this proviso has since been practically rendered void by the ruling embodied in G.O. 1270, dated 20th Sept. 1881, it is submitted that rule 24 requires alteration so as to make it correspond with the orders of the Govt. of India. The revised rule might run:-

"The pay of a passed Asst. is admissible to an officer who has passed the Higher Standard and who has also been invested with the powers of a first class magistrate. If an officer has already been invested with first class magistracy powers before he appears for the Higher Standard, he will be entitled to draw enhanced pay from the first day of the examination at which he completes the test, in other cases enhanced pay will be allowed only from the date on which the officer was appointed to be a first class magistrate."

But this is not known for a month or two after the Exam. & the Asst. cannot be gazetted with 1st class powers as he has not been.

MS. A.
1/5/99. ~~1/5/99~~ 2/5/99 I think Mr. Lyle
is entitled to this

higher rate of pay than this. The Govt of India rulings seem
1st day of this month. I write to you to make it clear that
be passed. a passed Asst. cannot draw

4157

I fear that Mr. Leigh can draw the higher pay, only from the date of his investiture with 187 cl. powers. No reference seems to have been made by the Office to the Acc^t Genl. If he has no objection to the Chief Secy's interpretation, I do not wish to raise any. But I fear he will not consent. Act 65-99

shows the satisfaction of the
Land Court that investment with
higher powers ought to be preferred
than the mere passing of the
"Steam" will not est. block a title
to higher power than shall such
higher power be permitted until the
investment with higher powers
takes place — //

M. 41378.

a passed Asst. cannot draw the higher pay unless & until he is invested with 1st Cl. Magt. powers. I think therefore that the ^{proposed} revision of Rule 24 in the office note is correct. — If at the time of passing the Exam. an Asst. has not exercised 2nd Cl. Magt. powers for six months, he cannot be invested with 1st Cl. powers & cannot draw the higher pay. ordinarily speaking an Asst. is invested with 1st Cl. Magt. powers before he has passed the second standard & so no difficulty arises.

Public

Cur. 1296

Encl. N^o 12557 10-5-99
Referred to the A.C.
In favour of remarks

AY
9/6/90

Ther. Accountant General, Madras - Des^d 12/5/79

Public (1897) Department.

H. M. & Co.

CURRENT No.



From

The Sect Secy
Madras

Orders

Subd. in the ref. to H. M. & Co. remarks
on the note for orders at P. 27. 1899.

No. 1928

Dated 25-5-99

Received 27. "

Registered 29. "

Enclosures humo ho. 1255 & c to 1296 net?

Spare copies -

I am afraid Mr. Leach
must accept the inevitable.
But Circ.

H. M. & Co. 99.

I am no help for it H. M.

7-6-99

SUBJECT.

Referring him to G. O. No. 1302
of 6th Sep. 1888 and stating that
Mr. Leach is entitled to the post of
a passed Assistant from 1st Jan.
1899, the date on which he
was invested with the powers of
1st Class Magistrate.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

NOTE FOR THE CHIEF SECRETARY.

J. S. The End.

Please see para 9 of
the note for order at
May 15. and the note
Mr. Amadi's note below
"I fear that Mr. Legh
can owe the higher pay
only from the date of
his investment with 1st
class power"

It is respectfully
submitted that as Mr
Legh was active in the
ending of the note in the
C.S. Council as it stands
when he was in for the
exam he may be permitted
the extra pay from the
date of his exam ^{as special case} and
that the proposed alteration
of the note cannot fairly be
given retrospective effect.

Mr. The Indian Affairs

the 2nd demand

8/1/19 The Indian note dated

this subject: Mr. Legh and the wrong
handling of Indian note by this Govt. will
enable the A. C. to force the Govt.

The Govt. regrets that, in view of the orders of the Govt. of India in the letter No. 1302 dtd 6/9/01, it is impossible to accede to Mr. Ray's request.

2. The following rule will be substituted for rule no. 24 of the Regulations for the guidance of Members of the I.C.S.

"The pay of a bonded
Assistant is admissible to
an Officer who has bonded
the higher standard & who
has been invested with
the powers of a 1st class Mag.

is qualified to do so
 If the officer has already
 been invested with 1st class mag.
 powers at the time when he
 appears for the Higher Standard
 he will be entitled to draw
 enhanced pay from the
 first day of the examination
 at which he completes his test.
 in other cases his enhanced pay
 will be granted only from the
 date on which the officer is
 appointed to be a first class
 magistrate."

[Note. An officer cannot be
 invested with 1st class mag.
 powers until he has been
 exercised 2nd class powers
 for at least six months]

(from order)

14/6/99

15/6/99

To the Collector of Comptroller
 — A.C.
 — Sup^t Govt. P.W.
 — Res. Dept.
 — Pres^t, Bd. of Examiners.

desp'd
 28-6-99

C.A.'s approval

Submitted to C.A. in accordance
 with H.C.'s instructions in the
 signal of G.O. 665 Sub. (I)
 16-6-99

~~SA~~

Please print & show
 proof

6-7-99
 6/7/99

in small type

Addendum to the I.C.S.
 Manual No. 27.

In part I section III substitute
 for rule 24 the following:-
 "24. The pay of a person As-
 sistant is admissible to an officer
 who has passed the Higher Stand-
 ard and who has been invested
 with the powers of a First-class
 Magistrate. If the officer is
 qualified to be, or has already
 been, invested with First-class
 Magisterial powers at the time
 when he appears for the Higher
 Standard he will be entitled to
 draw enhanced pay from the
 first day of the examination
 at which he completes the
 test; in other cases the en-
 hanced pay will be granted
 only from the date on which
 the officer is appointed to
 be a First-class Magistrate."

Note - An officer cannot be invested
 with First-class Magisterial powers until
 he has exercised second class power
 for at least six months.

(G.O. No. 665 Sub. 16-6-99)