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Revenue Department

E. M. C. dated 27th January 1857

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[Order no 86 dated 22nd Jan 1857]

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Fort Saint George, Revenue Consultation of 27th January 1857.

No. 15. Read the following letter from F. LUSHINGTON, Esq., Civil Auditor to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department dated Fort Saint George, 14th January 1857, No. 2380.

SIR,

In obedience to the orders of Government of the 6th instant No. 20, requiring a report regarding the grounds of a retrenchment of Mr. Louis Forbes' Deputation allowance from 15th December 1854 to 3d January 1855, as Acting Head Assistant of Nellore, I have the honor to state, that Mr. Forbes while acting as Head Assistant to the Collector of Nellore, was directed to Chittore, to undergo the half yearly examination for qualifying for Head Assistant; and that in pursuance thereof, he relinquished charge of his acting duties on the 14th December 1854, after performing the duties of the day. On the 5th January following he obtained a months privilege leave "to remain at the Presidency on private affairs," and under this leave, he was absent from his station till the 6th February, thus making his absence to include the period from 5th December 1854 to the 3d February 1855. As he appeared from the accounts of the Nellore Collectorate, to have drawn Deputation allowance as Acting Head Assistant from the 15th December 1854 to the 3d January 1855, being the date preceding that, on which Mr. Henry Morris, who was appointed on the 2d January, to act as Head Assistant to the Collector of Nellore, assumed charge, I felt constrained under the rules relating to Deputation allowance, to retrench the amount thus drawn viz. 129-0-6.

2. I beg to observe, that as I am not cognizant of any case, parallel to that of Mr. Forbes, in which the rule restricting the grant of deputation allowance, to an officer, only while actually discharging the duty for which the allowance is payable, has been set aside, I am not in a position to state, whether the nature of the absence, which in the present instance is alleged to be strictly on account of duty, requires a relaxation of the rule. But if I may judge from the tenor of the decision passed by the Government of India

* Recorded in Ex. Mins. Cons. of the in their *Resolution in the Financial Department, 13th Sep. 1855, No. 1040, Rev. Dep. dated the 18th August 1855, No. 3258, on the orders of the Madras Government regarding the grant of

Deputation allowance to Mr. Ballard, as Acting Principal Assistant to the Collector of Vizagapatam, during his detention, on duty, at Masulipatam, a case which differs from that of Mr. Forbes in this respect, viz. that Mr. Ballard, never joined his Acting appointment, but was prevented by the requirements of the Public Service, whereas, Mr. Forbes was obliged to make over charge of his Acting Duties, while in actual performance thereof, a difference which does not appear to me, so great as to destroy all analogy between the two cases. I think that the plea set up by Mr. Forbes who it must be remarked, never resumed charge of the office, which he vacated will not stand. In the Medical Department, I beg to add, the allowance of Rupees 50 authorised to Medical Officers for the charge of Public Dispensaries in the Mofussil, is not payable during absence on duty, although their other allowances are passed to them during such absence, because this allowance, like the deputation allowance is payable only to the officer actually doing the duty, for which it is authorised.

No. 16. ORDER THEREON, No. 86; dated 22d January 1857.

The Governor in Council is of opinion that Mr. Forbes must be regarded as having been absent from his station on duty, and so to be entitled to his deputation allowance during the time he was so absent. Had he returned direct to Nellore after the examination the Governor in Council would have authorized his drawing that allowance until he resumed charge of his duties; but as he did not so return, the Civil Auditor is permitted to pass the allowance to him up to the last day of his examination.

(Signed) J. D. BOURDILLON,
Secretary to Government.

பாதுகாப்பு பரிசு-1

செப்பனியுபவர் பெயர் ஜே. நல்லுர்
செப்பனியுதர்த்தகாக எடுத்தக் 6/06
கொள்ளப்பட்ட நாள்

செப்பனியு மடித்த நாள் 8/06

சுமபார்க்கும்
முதல் மு.நி.பா.எ.
கையொப்பம்
18.06
14/12/56
கையொப்பம்

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From J. D. Hordville Esq
Civil Auditor

To J. D. Hordville Esq
Secretary Government
Revenue Department

Sir, dated 14th Jan 1856

In obedience to the order of
Government of the 8th instant No 20,
requiring a report regarding the
grounds of a retrenchment of
Mr Louis Forbes' Deputation
allowance from 16th December 1855
to 5 January 1856, as set off and
Assistant of a bill, I have the
honour to state, that Mr Forbes
while acting, as Head Assistant
to the Collector of Malacca, was
directed to proceed to Chittore,
to inspect the half-yearly exami-
nation for qualifying for
Head Assistant; and that in
pursuance thereof, he relinquish-
ed charge of his acting duties
on the 14th December 1855, after
performing the duties of the
day. On the 5th January following,
he obtained a month's privilege
leave to remain at the Presidency

on

on private affairs," and under
this leave, he was absent from
his Station till the 6th February,
thus making his absence to
include the period from 15th
December 1854 to 6th February
1855. As he appeared from the
Accounts of the Revenue Collec-
torate, to have drawn Depu-
tation Allowance as Acting
Head Assistant from the 15th
December 1854 to the 3rd January
1855, being the date preceding
that on which Mr Henry Morris,
who was appointed on the 2nd
January, to act as Head Asst.
to the Collector of Bellary, as-
sumed charge, I felt constrained
under the rules relating to
Deputation Allowance, to re-
frain the amount thus drawn,
viz. 129. 9. 6.

2. It is to be observed, that
as I am not cognizant of any
case, parallel to that of Mr
Tucker, in which the rule restrict-
ing the grant of deputation al-
lowance, to an Officer, only, while
actually discharging the duty
for

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Recorded in
S. Min. Cons.
of the 13th Sep.
1855, No. 1040,
P. 1. Dep.

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for which the allowance is pay-
able, has been set aside, I am
not in a position to state, whether
the nature of the absence, which
in the present instance is alleged
to be strictly on account of duty,
requires a relaxation of the
rule. But if I may judge from
the tenor of the decision passed
by the Government of India in
their Resolution in the Financial
Department, dated the 18 August
1855, No. 8258, on the order of
the Madras Government regarding
the grant of Deputation Allowance
to Mr Ballou, as Acting Prince-
psial Assistant to the Collector of Vizag-
apatnam, during his detention
on duty, at Maunipatnam - a case
which differs from that of Mr Tucker
in this respect, viz; that Mr Ballou,
never joined his Acting appoint-
ment, but was prevented by the
requirements of the Public Service,
whereas, Mr Tucker was obliged to
make over charge of his Acting
duties, while in actual performance
thereof, a difference which does
not appear to me, so great as to
destroy all analogy between
the two cases. I think that
the plea set up by Mr Tucker
is not

Gov. 6th Jan 1857

who it must be remarked, never
remained sharp of the Office,
which he vacated, will not stand.
In the Medical Department, they
to add, the allowance of Rs. 50
authorized to Medical Officers
for the charge of Public Dispens-
aries in the Mofussil, is
not payable during absence
on duty, although their other
allowances are passed to them
during such absence, because
this allowance, like the deputation
allowance, is payable only
to the Officer actually doing
the duty, for which it is
authorized.

Have the honor to be
Your most Obedt. Servant

J. H. Campbell
Civil and Public Officer
14th January 1857

A. Cunningham
Civil Assistant

Camp
A. H.

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The Governor in Council is of opinion
that Mr Forbes must be regarded as having
been absent from his station on duty, and
so to be entitled to his deputation allowance
during the time he was so absent. Had he
returned direct to Calcutta after the exami-
nation the Governor in Council would have
authorized his drawing that allowance until
he resumed charge of his duties, but as he did
not so return the first deduction is permitted to
pay the allowance to him up to the last day of
his examination.

13th January 1857
By order of the Governor in Council
14th Jan 1857

Remuneration for
Mr Forbes's services
as a subordinate of
Mr. Smith's office
during his absence
from 15th Dec. 1856 to
14th Jan 1857 as
his Assistant
Calcutta.

14th Jan 1857
15th Jan 1857
16th Jan 1857
17th Jan 1857
18th Jan 1857
19th Jan 1857
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29th Jan 1857
30th Jan 1857
31st Jan 1857