Revenue Department

Minutes of Consultations

8th Dec 1857

Book nos 53 & 54

Order no 12665/7 8th Dec 1857

10 Banks

செப்பனிடுபவர் பெயர்
செப்பனிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள்
செப்பனிட்டு முடித்த நாள்
சரிபார்க்கும்
மு. நி. பத. எ.
கையொப்பம்
அரசாங்கச் சார்பு
நிலைய
கையொப்பம்

Fort Saint George, Revenue Consultation of 8*th* December 1857.

No. 53. Read the following letter from G. A. BALLARD, Esq., out of employ Madras Civil Establishment; to T. PYCROFT, Esq., Chief Secretary to Government Fort St. George; dated Madras, 23d November 1857.

SIR,

1. A few days ago I received a letter from the Civil Auditor referring to an Extract from a dispatch from the Honorable the Court of Directors, Financial Department, No. 97, dated 10th November 1856; and communicated to him in an Extract from the Minutes of Consultation dated 13th February 1857, No. 164; annexing a list of retrenchment against me as given in the margin;* and requesting me to refund the amount of the same, viz. Rupees 1,933-13-5 into the Collector's Treasury at Vizagapatam.

	Rs.	A.	P.
*Amount of deputation allowance drawn by Mr. G. A. Ballard as Acting Principal Assistant to the Collector of Vizagapatam from 13th December 1854, to 10th July 1855, at Rs. 233-5-4 per mensem	1,618	4	5
Amount of difference between the higher and lower rates of fixed Tent allowance drawn by Mr. G. A. Ballard from 13th Dec. 1854 to 10th July 1855 at Rs. 45-8 per mensem	315	9	0
Company's Rs.	1,933	13	5

I have the honor to request you will bring the following statement of the facts of the case under the consideration of his Lordship in Council, with a view to this order for retrenchment being suspended for the present, and, in due course, cancelled.

2. In November 1854 I was Special Assistant Collector in Masulapatam without any previous communication between Government and myself, I found myself Gazetted† as Acting Principal Assistant to the Collector of Vizagapatam. I commenced preparation for immediate departure; but the Collector of Masulipatam, immediately he saw my appointment in the Gazette informed me that he considered my retention at that time in his district so desirable that he had written (or was about immediately to write) to Government on the subject, and urgently requested me to take no steps towards departure till further orders arrived. Inclination would undoubtedly have led me to join my new appointment; but as I agreed in the justice of the Collector's views on public grounds I felt debarred from objecting to them and passively awaited the orders of Government.

†*Vide. Fort St. George Gazette November* 17*th* 1854.

‡*Collector of Masulipatam to Government* 23*rd November* 1854.

3. Under the strong representations of the Collector, and in accordence with the views of the then late Commissioner for the Northern Circars, the Right Honorable the Governor in Council directed§ my contenuance in Masulapatam and it was ordered‖ that "Mr. Ballard having from the exigency of the public service been detained in his present district, and prevented "from taking up his appointment as Acting Principal Assistant to the Agent at Vizagapatam, will "for such portion of the leave of absence granted to Mr. Fane as he may be so detained, draw "the deputation allowances of a Principal Assistant in addition to his own as Special Assistant."

§*E. M. C.* 11*th December* 1854, *No.* 1608.

‖ *Para.* 2.

These allowances I accordingly drew till the 10th July 1855. These are the allowances that are now ordered to be retrenched.

4. But farther¶ Mr. J. H. Blair had in the meantime taken up the work of the Principal Assistant's office at Vizagapatam. He also claimed and was considered entitled to the Acting allowances. The case was referred to the Government of India. The general principle of double disbursement was objected to; but, under the special circumstances it was resolved that both Mr. Blair and myself were entitled to the allowances, and that no retrenchment should be made.

¶ *Vide E. M. C.* 15*th Sept.* 1855, *No.* 1040.

5. I presume, therefore, that when the Honorable Court of Directors ordered my retrenchment, they had merely observed that two officers had drawn Acting allowances for one appointment, and that they directed the retrenchment of the one who, as it appeared on the face of the case, had not joined that appointment. They could hardly have been aware that the Government of India, as well as that of Madras, had on a full consideration of the rights of the case sanctioned my receipt of the allowances; that, to quote the words of the latter Government I had "a valid** claim" to them, and that when detained in Masulipatam "it was but fair that I should suffer no pecuniary loss."

** *Vide as above.*

6. I have the honor therefore respectfully to request that the proposed retrenchment may at least be suspended till the matter can be again referred; and I would further most respectfully suggest that if, after this representation, it should still be the opinion of the Court "that Mr. "Ballard ought never to have been allowed to draw deputation allowance as Principal As- "sistant to the Collector of Vizagapatam," that then, considering that it was the exigency of the public service that, at considerable sacrifice of personal convenience, prevented my taking up the Vizagapatam appointment after it had been granted me, the amount in question may be entered as a special item under the head of "compensation," or any other that may appear to the Honorable Court as caught with less objection than the present.

P. S.—I have sent a copy of this letter to the Civil Auditor with my acknowledgment of the receipt of his communication.

G. A. B.

No. 54. ORDER THEREON, No. 1266; dated 7th December 1857.

Under the circumstances represented in the foregoing letter, the Right Honorable the Governor in Council authorizes the Civil Auditor to hold in abeyance the order of the 13th February last, No. 164, directing the recovery from Mr. Ballard of the deputation allowance drawn by him as Acting Principal Assistant to the Collector of Vizagapatam, and to disburse to him his salary, pending a reference to the Honorable Court on the subject.

(Signed) H. FORBES,
Acting Secretary to Government.

3/1266

Civil. Madras.
23d November 1857.

From G. A. Ballard Esqr
out of employ
Madras Civil Establishment.

To J. Pycroft Esqr
Chief Secretary to Government
Fort St. George.

Sir,

1. A few days ago I received a letter from the Civil Auditor referring extract from a dispatch from the Hon'ble the Court of Directors dated 10th Nov. 1856; and communicated to him in an Extract from the Minutes of Consultation dated 13th February 1857 No 164; enclosing a list of retrenchment opposite me as given in the margin; and requesting me to refund the amount of the same, viz. Rs. 1933-13-5, into the Collector's Treasury at Vizagapatam.

Copy forwarded herewith.

I have the honor to request you to bring the following statement of the facts of the case

× Amount of Deputation Allowance drawn by Mr. G. A. Ballard as Acting Principal Assistant to the Collector of Vizagapatam from 13th December 1854 to 10th July 1855 at 333-5-4 per mensem .. 618-4-5

Amount of difference between the higher and lower salary of Joint Assistant allowance drawn by Mr. G. A. Ballard from 13th Dec.r 1854 to 10th July 1855 at 45-8-- per mensem 315-9-0

Company's Rs. .. 1933-13-5

under the consideration of His Lordship in Council, with a view to this order for retrenchment being suspended for the present, and in due course, cancelled.

2 In November 1854 I was special Apeelant Collector in Masulapatam without any previous communication between Government and myself, I found myself gazetted as acting Principal Apeelant to the Collector of Vizagapatam. I commenced preparation for immediate departure; but the Collector of Masulapatam, immediately he saw my appointment in the Gazette, informed me that he considered my retention at that time in his district so desirable that he had written (or was about immediately to write) to Government on the subject and urgently requested me to take no steps towards departure till further orders arrived. Inclination would undoubtedly have led me to join my new appointment but as I agreed in the justice of the Collector's views on public grounds I felt debarred from objecting to them and patiently awaited the orders of Government.

3. Under the strong representations of the Collector, and in accordance with the views of the then Late Commissioner for the Northern Circars, the Right Honorable the Governor in Council directed my continuance in Masulapatam and it was ordered that Mr. Ballard having from the exigency of the public service been detained in his present district, and prevented from "taking up his appointment as Acting Principal Apeelant to the Agent at Vizagapatam, will" "for such portion of the leave of absence granted" "to Mr. Fane as he may be so detained, draw" "the deputation allowances of a Principal" "Apeelant in addition to his own as Special" "Apeelant"

vide E. M. C. 13th Sept. 1855 No 1040

These allowances I accordingly drew till the 10th July 1855. These are the allowances that are now ordered to be retrenched.

4. But further. Mr. J. H. Blair had in the meantime taken up the work of the Principal Apeelant's Office at Vizagapatam. He also claimed and was considered entitled to the Acting allowances. The case was referred to the Government of India. The general principle of double disbursement was objected to, but, under the special circumstances of the case, it was resolved that both Mr. Blair and myself were entitled to the allowances and that no retrenchments should be made.

5. I presume, therefore, that when the North Court of Directors ordered my retrenchment, they had merely observed that two officers had drawn Acting allowances for one appointment, and that they directed the retrenchment of the one who, as it appeared on the face of the case, had not joined that appointment. They could hardly have been aware that the Government of India, as well as that of Madras, had on a full consideration of the rights of the case sanctioned my receipt of the allowances; that, to quote the words of the latter Government I had "a valid claim" to them, and that when detained in Masulapatam "it was but fair that I should suffer no pecuniary loss".

6. I have the honor therefore respectfully

to request that the proposed retrenchments may at least be suspended till the matter can be again referred; and I would farther most respectfully suggest that if, after this representation, it should still be the opinion of the Court "that Mr. Ballard ~~should~~ ought never "to have been allowed to draw deputation "allowance as Principal Assistant to the "Collector of Vizagapatam", - that then, considering that it was the exigency of the public service that, at considerable sacrifice of personal convenience, prevented me taking up the Vizagapatam appointment after it had been granted me, the amount in question may be entered as a special item under the head of "compensation" or any other that may appear to the Honorable Court as fraught with less objection than the present.

I have the honor to be
Sir
Your most obedient Servant.
G. A. Ballard

P. S. I have sent a copy of this letter to the Civil Auditor with my acknowledgement of the receipt of his communication.
G. A. B.

Revenue Department

6/1266

No 184.

Extract from the Minutes of Consultation under date the 15th February 1857.

Read the following Extract from the proceedings of the Right Honorable the Governor General of India in Council, in the Financial Department; under date the 8th January 1857.

No 230.

Extract from a dispatch from the Honorable the Court of Directors addressed to the Government of India in the Financial Department No 97. of 1856, dated the 19th November

Letter from dated the 10th March 1856 No 80.

Report proceedings in the Financial Department for the 3d Quarter of 1855.

203. ab 207 Report proceeding with reference to the grant of deputation allowance to Mr Ballard and Mr Blair who were appointed to officiate during the absence of Mr Flane, Principal Assistant to the and Agent at Vizagapatam.

We must therefore be called upon to refund the amount.

Home Endorsement No 902. dated 2d August 1855. Financial

No. 184 to 207 Financial

Revenue Department 1855 Sept 8th Financial

No 1430

From G. F. Saddleton Esqr Officiating Secretary to the Madras Government

Dated 23d November 1855. Rec'd 25th Dec.

Requesting to be informed whether he is to refund the amount of Rs 933-13-3 drawn by him as deputation allowance at Rs 233-5-4 per mensem for the period from the 1st June to the 31st August 1855 inclusive, during which he officiated as Principal Assistant to the Collector of Vizagapatam in the absence of Mr Flane, Principal Assistant and Agent at Vizagapatam.

Ordered with reference to the Letter from Madras dated the 10th March 1856 No 80.

C. S. Bg 1266. 6/1266

C2 Dec 1857

Recd. No. 3258 dated 18th August 1855. / x papers noted

in the margin that a copy of the above para be forwarded to the Home Department for communication to the Government of the Fort Saint George

I have &c.

(Signed) C. Hugh. Lushington

Secy to the Govt of India.

No. 93.

Forwarded to the Government of Fort Saint George in Continuation of Endorsement No. 1067, dated 27th August 1855.

(By order)

(Signed) R. B. Chapman

Officiating under Secretary

Ordered that the foregoing Proceedings be communicated to the Civil Auditor with reference to the order of Government dated the 13th September 1855, No. 1180, and that he be requested to call on Mr Ballard to refund the amount of the deputation allowance drawn by him on his return to Madras.

(A true Extract)

(Signed) H. Forbes

Acting Secretary to Government

To

The Civil Auditor

(True Copy)

(Signed) J. Lushington

Civil Auditor

(True Copy) G. A. Ballard

Copied 8/57

8/266

V/26

C. A. Office

24th Dec. 1857.

My dear Sir Fitzcroft

I send a line with this letter to say that I hope Government will make a fight for what I think is a plain enough case and meantime to beg you will kindly have an order passed authorizing the Civil Auditor to issue my pay pending reference

Extract from the Minutes of Council
Under date the 7th December 1857

Read the following
Letter from G. Ballard Esqr

Ordered that

Copy to Com. Ballard
Civil Auditor

Ans.

Will

Ballard

Sir -

Otherwise
Sunbury like we
he will not be able
to pay us any
till the appeal is
made. or defendy
can called -

Please us
by my Self
G. A. Ballard

8/1266

No 1266

Extract from the Minutes of Consultation

Under date the 7th December 1857

Read the following

letter from G. Ballard Esqr

/Recd under 23d November 1857/

Under the circumstances represented in the foregoing letter, the Right Honorable the Governor in Council authorizes the Civil Auditor to hold in abeyance the order of the 13th February last No 161, directing the recovery from Mr Ballard of the deputation allowance drawn by him as acting Principal Assistant to the Collector of Vizagapatam, and to disburse to him his salary, pending a reference to the Honorable Court on the subject.

Copy to Chas Ballard Esqr
Civil Auditor

Dear Sir

I am unable to write with my own hand, but I am able to give an answer to all the questions made on the subject mentioned.

Believe me
Yrs very truly
G. A. Ballard

Revenue 1857 Dept.
Dº to Cons. 8th Dec.
Nº 1266.

Replied in the Fin. Dept.
21st July No. 1307/58

Extract Mins. of Cons.
Dº 7th Dec. 57
Extract from Fin. Dept.
28th August 58 Nº 1421 inform.
14 Sept.
Form Civil Auditor
Dº 16 Sept. 59 Cº Nº 1716

Authorizing the Civil Auditor to hold in abeyance the order of the 13th February last, directing the recovery from Mr. Ballard, of the deficiation allowance drawn by him as Acting Principal Assistant to the Collector of Vizagapatam and to disburse to him his Salary, pending a reference to the Honorable Court on the subject.

Dº 1266

Nº 53 & 54