M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 907 Press Mis.

12-13

Dated 1 — 6 — 1860.

Not to be folded or roughly handled

No. 12. Read the following Proceedings of the Board of Revenue, dated 17th May 1860 No. 2,386:—

Read the following letter from W. E. COCHRANE, Esq., Collector of Sea Customs, to J. D. SIM, Esq., Secretary to the Board of Revenue, dated Madras, 11th May 1860, No. 287:—

I have the honor to forward a letter from Mr. Atkinson, Deputy Collector of Sea Customs, and request you will be kind enough to forward it through the usual channel for the favorable consideration of Government.

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From E. S. ATKINSON, Esq., Deputy Collector of Sea Customs, Madras, to W. E. COCHRANE, Esq., Collector of Sea Customs, dated Madras, 11th May 1860.

I have the honor to request you will be pleased to submit for the consideration and Orders of Government, my humble protest against the decision of the Civil Auditor in regard to the allowances he has been pleased to assign to me, whilst Acting Deputy Collector of Sea Customs and performing the duties of Appraiser, in addition.

2. I very reluctantly have recourse to this appeal, with the knowledge that the Civil Auditor's decision is generally endorsed by Government, but it strikes me so forcibly that there cannot be two modes of deciding the allowances of Officers similarly situated, that I venture to hope you will find no difficulty to submit my case for the orders of higher authority.

3. Mr. Lushington fixed my salary under the Rules noted in the margin.*

* Clauses 3 and 4, Section 25, Chapter 6, Rules for Deputation Allowances.

4. I brought to his notice that the Honorable the Governor had not relieved me from my duties as Appraiser, and I submitted, *as I was then informed*, that I thought I was entitled to higher allowances, and solicited under Clause 9, Chapter VI, Section XXV† Deputation Allowance on the aggregate of the salaries of the two appointments I was doing duty in. He dismissed my claim observing "I am "unable to perceive upon what principle you claim Deputation Allowance for the appointment "of Appraiser. You now receive Rupees 500 per mensem as remuneration for the performance "of the duties of Appraiser, this amount being the full salary of the confirmed appointment. "You are not acting in the appointment, but confirmed therein, and draw the full salary of the "appointment. If I understand you rightly, you wish to draw in addition to the full salary of "the Appraiser's appointment, a percentage or Deputation Allowance upon the said salary, "because you are deputed to perform in addition to the duties of your confirmed appointment, "the duties of another office for which you are granted Rupees 300 as Deputation Allowance.

† An Officer officiating in more than one appointment will be entitled to Deputation Allowance regulated by the aggregate amount of the salary of the two Officers.

	R.
"Thus you draw as Appraiser the confirmed allowance.....	500
"And as Acting Deputy Collector of Sea Customs a Deputation Allowance of.....	300

"I need hardly say that your claim to any further allowance is totally inadmissible."

5. Observing, however, a recent decision on the suggestion of the Civil Auditor at Agra in a case analogous to mine, as transcribed in the margin, I requested the Civil Auditor to adjust my allowance on the principle therein ruled. Mr. Harrison remarks., "The cases are not similar; as you were acting in an appointment the Deputation Allowance connected with which is fixed and well understood; you have already received the full amount of "the Deputation Allowance of the appointment in which you were acting, and the full salary or "your own appointment, and it is perfectly clear that nothing further is admissible undef "the Rules."

Extract from the Proceedings of the Government of India in the Financial Department, dated 16th March 1860. Gazette page 843.

Para. 4. The Agra Civil Auditor suggests that as a general rule to hold good in similar cases, when an Officer holding a Government appointment is required by the exigencies of the State, to discharge the duties of another or a second office (not subordinate to his own), he shall receive a moiety of the salary of the appointment in which he is officiating, in addition to the full salary of his own appointment, provided that no extra expense be entailed on the Government.

6 "Captain Fanshawe was not permitted to draw more than has been passed to you, viz. "the full salary of his own appointment, and the Deputation Allowance attaching to the second "appointment, the duties of which he was conducting in addition to those of his own substantive "appointment."

7. I wished to learn under what circumstances Captain Fanshawe's allowances were fixed at one half of the second appointment and mine at 20 per cent. and intimated that his predecessor had fixed my allowance at 80 Rupees before he was aware of my doing duty in two Offices, and that *that sum* was my due as Acting Deputy Collector *only*.

8. In reply he had no information in regard to the circumstances under which the Absentee, and Deputation Allowance Rules were framed, and remarked that, "The circumstance that the "Government in appointing you to officiate as Deputy Collector did not see fit to relieve you of "the duties of your own appointment, gives you no claim to any extraordinary allowances."

It is in special reference to this concluding statement, I would solicit that His Excellency the Governor would be pleased to instruct the Civil Auditor to settle my remuneration as was ruled in Captain Fanshawe's case, *it being laid down as a general rule to hold good in similar cases*, and I cherish the hope Government will be pleased to view my case as one in point, and grant the boon solicited.

The Board resolve to submit the above appeal for the favorable consideration of Government.

2. Mr. E. S. Atkinson for some time acted as Deputy Collector of Sea Customs at Madras, and also simultaneously performed the duties of his substantive appointment of Appraiser.

3. The Audit Office have passed the full salary of the latter office (Rupees 500) and 20 per cent. of the former appointment, the pay of which was Rupees 1,500.

4. Mr. Atkinson claims 50 per cent. of the Deputy Collector's salary in accordance with the rule laid down by the Supreme Government in the case of Captain Fanshawe. The Board consider the two cases strictly analogous, and, therefore, recommend a favorable answer to Mr. Atkinson's appeal.

Fort Saint George Gazette, No. 3,431, page 843.

(A true Copy and Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 13. ORDER THEREON, 1st June 1860, No. 907.

Referred to the Civil Auditor for Report.

(Signed) J. D. BOURDILLON,

Secretary to Government.

Revenue 1860 Despatch

Pro: of Gov for June

£ 1124.

Proceedings of the

Board of Revenue.

Dated 17th
Desp. 30th May 1860.
Received 31st

No. 907. 1st June

From

Civil Auditor 19 June /60

Nº 1259

Submitting a letter from the Collector of Sea Customs forwarding an appeal from Mr. Atkinson, Dy. Coll. of Sea Customs in regard to the allowance assigned to him by the Civil Auditor, whilst acting Dy. Coll. of Sea Customs & performing the duties of appraiser in addition and recommending a favorable answer to Mr. Atkinsons appeal.

With an order

No 12 & 13.

No. 907

Referred to the

Civil Auditor per reports

Gov. St. Geo.

1st June 1860.

1 Copy to the Civil Auditor Dispatch

with Pro. of the Bd. of Rev:

No 7386.