M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2648 Press Mis.

289.290

Dated 20-12-1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th December 1862.

Read again Proceedings of the Board of Revenue, dated 21st October 1862, No. 6,998, and recorded in Proceedings of Government, 31st October 1862, No. 2,325.

No. 289. Read also the following letter from W. J. RAYNOR, Esq., Officiating Civil Paymaster, to J. D. SIM, Esq., Secretary to Government, dated Fort Saint George, 3rd November 1862, No. 1,535:—

SIR,

With reference to G. O. dated 31st ultimo, No. 2,325, I have the honor to state that, as in the case of Mr. Williams alluded to in my letter of the 1st instant, if the Government sanction the arrangement there will be no objection on the part of this Office to pass deputation allowance to Mr. Walker, for the period he performed the duties of Head Assistant Collector of Coimbatore beyond one month.

No. 290. ORDER THEREON, 20th December 1862, No. 2,648.

1. These papers relate to deputation allowance claimed by Mr. Walker, Assistant Collector of Coimbatore, for having been in charge of the Head Assistant's Office under the orders of the Collector. Mr. Walker assumed charge of that Office on the 21st June, and requests therefore that the deputation allowance may be passed from 21st July, *i.e.* after the expiration of one month as required by the Rules. The Board of Revenue recommend that that Officer be recognized as Acting Head Assistant from 10th July last, on which date he passed the examination qualifying him to hold the acting appointment. The date fixed by the Board appears to be the more correct one and the Governor in Council complies with their recommendation. The Civil Paymaster will adjust Mr. Walker's allowances accordingly.

Order in the Public Department, dated 4th August, 1857, No. 1,091.

2. The Civil Auditor will report whether there is any objection, so far as the Rules of his Department are concerned, to the Board of Revenue being vested by Government with the power of recognizing temporary appointments made by Collectors under circumstances similar to those which have given rise to this reference.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

R C № 3071/62

Memorandum.

This draft granting the Deputation allowance to Mr. Walker has been prepared on the strength of the several precedents quoted by Mr. Franck and Mr. Walker. But the rule on the subject of payment of Deputation allowance to Subordinate Officers who may perform the duties of a higher appointment under the orders of the Collector requires to be put on a certain footing.

2. Government in their order dated 13th February 1860 № 225, clearly declared that claims to the allowance in question are admissable only when the Officers concerned have been regularly appointed to officiate by Government.

That

That order has not been cancelled and yet the payment of the allowances was sanctioned in cases in which there was no such regular appointment, and on the strength of these precedents applications for similar indulgence are now very frequently submitted.

3. If the Government are disposed to recognize as a rule all temporary appointments made by Collectors the order of 13th February 1860 should be cancelled and the present plan of passing applications as they are submitted adhered to. Should the Civil Paymaster object to any general rule vesting him with power to pay the regulated allowance in all cases.—

12/11/62

Note. The Government can hardly consistently with the Rules recognize Mr Walker as having been acting as Head Assistant from 21st June for they have clearly laid down (Rule III) that no Assistant has passed according to the 2nd standard of examination and been six months at a station as an Assistant he will not be permitted to exercise the ordinary powers of a Magistrate or be vested with a distinct Police (Magisterial) charge.

Mr Walker was appointed Assistant in May 1861: he had therefore been more than 6 months at his station on 21st June 1862; but he had not qualified in other respects i.e. he did not pass for the first standard till 10 July 1862, on which day his examination took place. He was therefore not competent, strictly speaking, to exercise the powers with which every Head Assistant must of necessity be invested.

It is true that in former years the rule was not strictly adhered to. Govt in several instances appointed such as Head Assistant men who had not passed by the first standard but in G.O. 4 August 1859 No. 1091 Pub. Dept. they expressed their intention of conferring such acting appointments in future only on officers who should have passed by the lower standard.

Even in Mr Walker's case a departure

Revenue Department

No. 2648 2026

Proceedings of the Madras Government
under date the 20th ~~December~~ November 1862.

Read again Pro:
of the Board of Revenue
dated 21st October 1862
No 6998 and records in Pro:
of Govt 31st Dec 1862 No 2325.

Read also letter
from the offg civil Engr
& master.

With reference
to L.D. dated 31st ultimo
states that if Govt sanc-
tion the arrangement,
Mr. Walker will be allow-
ed deputation allow-
ance for the time he
performed Head Assist-
ant Collectors duties in
Coimbatore in excess
of one month.

(Here enter 3d Nov 1862 No 1537

These papers re-
late to deputation Allow-
ance claimed by Mr. Walker
Assistant Collector of
Coimbatore for having
been in charge of the Head
Assistant

Revenue Department

Mr. Walker's
deputation allowance.

From the rules, has already been allowed
for he was vested with the full powers
of a Magistrate under the Penal Code
on 27 June 62, a fortnight before
his examination and a month
and a half, at least, before it could
have been known to Govt that he had
passed by the Pro Standard.

Under all the circumstances of the
case the Board's recommendation
seems the most correct.

EJC

20 Nov 62

No. 289–290

Rec'd 22 Nov 62

under the orders of the Collector

Assistant's office — Mr. Walker assumed charge of that office on the 21st June and requests therefore that the Deputation Allowance may be passed from 21st July i.e. after the expiration of one month as required by the Rules— The Board of Revenue recommend that that officer be recognized as Actg. Head Assistant from 10th July last on which date he passed the Examination qualifying him to hold the Actg. appointment— The date fixed by the Board appears to be the more correct one and the Governor in Council complies with their recommendation— The Civil Paymaster will adjust Mr. Walker's allowances accordingly—

Ordered [illegible] 9th August 1859

12/8/[illegible]

2. The Civil Auditor will report whether there is any objection, so far as the rules of his Dept. are concerned, to the Bd. of Revl. being vested by Govt. with the power of recog-nising temporary appointments made by Collrs. under circumstances similar to those which [illegible]

To, The Board of Revenue
" Actg. Civil Paymaster—

Not for consideration as the C.P.'s reply being received —
This power should apply only to the recognition of temporary appts. made by Collrs. in conformity with established rules. In the present case the appt. of Mr Walker was made by the Board irregularly and at [illegible] as [illegible] with order, as Mr W not having passed the [illegible] test [illegible] standard was not competent to discharge the duties of a Head Assistant Collector.
JJP

Given vide reference to this.
JDS

11-7-99 ✓

Revenue 1862 Dispatch
Pro: of Govt for Decr.

No. 2648

Pro: of the Madras Govt.
Dy 20th December 1862.
Pro Bd of Revd 2 Feby 63
Cl. 399. in Do.

Deputation allowance
sanctioned to Mr Walker
Asst Collr of Coimbatore
for having been in charge
of the Head Assistt Office
under the orders of the
Collector.

Pro. No. 409-410
31-10-62

Pro Bd of Revd 2 Feby 63
C. No. 299 in Pro

No. 289 & 290.

Bt. Walker's deputation
allowance.

11-7-99