M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1515 — Press Mis.

Uee 165

Dated 17. 8. 19-1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 17th August 1863.

No. 164. Read the following Proceedings of the Board of Revenue, dated 31st July 1863, No. 4,781:—

Read Proceedings of the Madras Government, dated 18th July 1863, No. 1,327, Revenue Department.

(In. Cons. 20th July 1863, No. 4,617.)

1. In the above Order the Government refer to the Board for report, an application from Mr. Sullivan, Sub-Collector of Malabar, to be permitted to draw fixed tentage from the 1st to the 8th of March 1863.

2. It appears that Mr. Sullivan was appointed to act as Judge of Bellary on the 10th of February, and that he ceased to perform his revenue duties on or about the 23rd of that month, but that he did not take charge of the Bellary Court until the 9th of March. The Civil Paymaster has passed his claim for fixed tentage during the month of February, but declines to do so for the first eight days of March, being of opinion that there is nothing in the rules which authorizes a Revenue Officer to draw fixed tentage during the journey, when proceeding to take up a judicial appointment.

3. It seems to the Board that the Civil Paymaster's objection to passing fixed tentage for the first eight days of March applies with precisely equal force to passing that allowance for the concluding days of February, during which Mr. Sullivan did not perform revenue duties. With this apparent inconsistency of practice unexplained, it is very natural that Mr. Sullivan should have considered himself improperly deprived of the allowance to which he lays claim.

4. The Board however are of opinion that, under the strict letter of existing rules, it is very doubtful whether the Civil Paymaster was authorized to pass any portion of Mr. Sullivan's tent allowance from the date of ceasing to perform revenue duties, though they consider that by a liberal reading of those rules, Mr. Sullivan may fairly claim to draw the allowance for the full period which he spent on the journey from the one appointment to the other.

5. In their letter to Government dated 3rd July 1861, No. 3,462, the Board recommended that an Officer proceeding from one revenue appointment to another, whether on promotion or otherwise, should be permitted, during the journey, to draw the fixed tent allowance of his late appointment, and the Government acceded to this recommendation.* In the same letter the Board suggested that when a Revenue Officer was appointed, temporarily, to a judicial situation, he should be permitted to continue to draw his fixed tentage, if there was a prospect of his returning to the revenue line. The reason of this recommendation is obvious. An Officer having provided himself with a complete set of tents is not likely to dispose of them during a few months' tenure of a judicial appointment, and therefore the Board considered that he was entitled to an allowance which is described as being granted "for the wear and tear of tents." The Government did not accede to the Board's suggestion, and stated that in their opinion* the acting allowance drawn in the Judicial Department should be looked to as compensation for the loss of the tent allowance.

* Paragraph 4, Government Order, dated 13th September 1861, No. 1,818.

*Paragraph 5 of the Government Order.

6. The Civil Paymaster considers that the permissive order for tent allowance on a journey, applies only to marches from one Revenue appointment to another, and in his reading of this paragraph of the Order the Board concur. He is, however, also of opinion that the 5th paragraph of the Government Order referred to, cannot be construed as sanctioning the allowance for one portion of the period of an Officer's absence from his revenue duties, when it distinctly disallows it for the principal portion of that period. To this interpretation of the Order the Board demur; their recommendation was that the Officer should continue to draw the allowance during the whole period of his absence from his revenue duties. The ruling of Government was that he should look to the acting allowance as compensation for the loss of the tent allowance. They think, therefore, that, by a liberal construction of this ruling, the tent allowance should be continued, until the *compensatory*, acting allowance commences.

(with 2 enclosures returned.)

Ind. J. Wright.

7. Under these circumstances, the Board would recommend that Mr. Sullivan's claim be acceded to, and that the Civil Paymaster be instructed to make no deduction from the fixed tent allowance to which a Revenue Officer, who may be appointed to officiate in a judicial capacity may be entitled, except during such period as he is in the receipt of an officiating allowance.

No. 165.

ORDER THEREON, 17th August 1863, No. 1,515.

The Government are unable to admit Mr. Sullivan's claim. They observe that this Officer has no tents and under these circumstances see no reason for putting upon the rule referred to, the liberal construction proposed by the Board. Were the allowance granted for the period intervening between Mr. Sullivan's departure from his substantive appointment and assumption of his acting allowances the same course would have to be followed on his being relieved and till he again joined the Revenue Department.

(True Extract.)

Deputy Secretary to Government.

To the Board of Revenue.
" Civil Paymaster.
To H. E. Sullivan, Esq.

Exd. S. T. Augustin.

No. 4,781.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 31st July 1863.

Read Proceedings of the Madras Government, dated 18th July 1863, No. 1,327, Revenue Department.

(In Cons. 20th July 1863, No. 4,617.)

1. In the above Order the Government refer to the Board for report, an application from Mr. Sullivan, Sub-Collector of Malabar, to be permitted to draw fixed Tentage from the 1st to the 8th of March 1863.

2. It appears that Mr. Sullivan was appointed to act as Judge of Bellary on the 10th of February, and that he ceased to perform his revenue duties on or about the 23rd of that month, but that he did not take charge of the Bellary Court until the 9th of March. The Civil Paymaster has passed his claim for fixed tentage during the month of February, but declines to do so for the first eight days of March, being of opinion that there is nothing in the rules which authorizes a Revenue Officer to draw fixed tentage during the journey, when proceeding to take up a judicial appointment.

3. It seems to the Board that the Civil Paymaster's objection to passing fixed tentage for the first eight days of March applies with precisely equal force to passing that allowance for the concluding days of February, during which Mr. Sullivan did not perform revenue duties. With this apparent inconsistency of practice unexplained, it is very natural that Mr. Sullivan should have considered himself improperly deprived of the allowance to which he lays claim.

4. The Board, however, are of opinion that, under the strict letter of existing rules, it is very doubtful whether the Civil Paymaster was authorized to pass any portion of Mr. Sullivan's tent allowance from the date of ceasing to perform revenue duties, though they consider that by a liberal reading of those rules, Mr. Sullivan may fairly claim to draw the allowance for the full period which he spent on the journey from the one appointment to the other.

5. In their letter to Government dated 3rd July 1861, No. 3,462, the Board recommended that an Officer proceeding from one revenue appointment to another, whether on promotion or otherwise, should be permitted, during the journey, to draw the fixed tent allowance of his late appointment, and the Government acceded to this recommendation.* In the same letter the Board suggested that when a Revenue Officer was appointed, temporarily, to a judicial situation, he should be permitted to continue to draw his fixed tentage, if there was a prospect of his returning to the revenue line. The reason of this recommendation is obvious. An Officer having provided himself with a complete set of tents is not likely to dispose of them during a few months tenure of a judicial appointment, and therefore the Board considered that he was entitled to an allowance which is described as being granted "for the wear and tear of tents." The Government did not accede to the Board's suggestion, and stated that in their opinion* the acting allowance drawn in the Judicial Department should be looked to as compensation for the loss of the tent allowance.

* Paragraph 4, Government Order dated 13th September 1861, No. 1,818.

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7. Under these circumstances, the Board would recommend that Mr. Sullivan's claim be acceded to, and that the Civil Paymaster be instructed to make no deduction from the fixed tent allowance to which a Revenue Officer, who may be appointed to officiate in a judicial capacity may be entitled, except during such period as he is in the receipt of an officiating allowance.

(A true Extract.)

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.,
(with 2 enclosures returned.)

Exd. J. Wright.

Pro: 18 July 1863 Nos 253-4
18 Sept 161 " 290-291
13 Sept 161 " 142-143

Rev: 1863. Department.
Pro: of Govt for Aug

No 1831.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 31st July 1863.
Despatched. 4 Augt
Received. 5th

Pro B of Rev 12 September 163
No. 4,781. C. 2184

Recommending that the claim of Mr. Sullivan, Sub Collector of Malabar, to draw fixed Tentage from the 1st to 8th March 1863, be acceded to, and that the Civil Paymaster be instructed to pass the full tentage of any Revenue Officer appointed to officiate in a Judicial capacity, while he receives no officiating allowance.

Nos 164 & 165.

14 Augt 63 R 14

No 1515 17 Augt
With an Order

1515 No. 1515.

The Govt are unable to admit Mr Sullivan's claim. They observe that this officer has no tents and under these circumstances see no reason for putting upon the rule referred to, the liberal construction proposed by the Bd. Were the allowance granted for the period intervening between Mr Sullivan's departure from his substantive appointment & assumption of his Acting allowances the same course would have to be followed on his being relieved and till he again joined the Revenue Depart.

Fort St George
17th Augt 1863

14 Copies Lr to Bd of Rev dated 18 Augt
3 — Civil Paymasters
1 — Mr E. Sullivan Cogre