M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 670 Press ~~Misc.~~

312

Dated 19-4-~~19~~1864

Not to be folded or roughly handled

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
19th April 1864.

No. 670.

No. 312.
From

J. D. SIM, Esq.,
Secretary to the Government of Fort Saint George,

To

The Secretary to the Government of India, Financial Department.

SIR,

1. I am directed by the Governor in Council to request that you will bring under the consideration of His Excellency the Governor General in Council the course adopted by the Civil Paymaster of this Presidency in the following instance.

2. It has always been the rule in this Presidency for Collectors, Sub-Collectors and Assistant Collectors to draw *fixed* tentage (under certain restrictions) when absent on privilege leave.

3. This principle was expressly laid down in the Tentage Rules passed by this Government so far back as 1849, and was re-affirmed in 1861 on a reference from the then Civil Auditor.

4. The present Civil Paymaster, Mr. Lodwick, appears to have come to the conclusion that this practice was erroneous, and without the slightest communication with this Government referred the question (wrongly stating the facts in one important particular) direct to the Supreme Government, thus entirely ignoring this Government.

5. The reply of the Supreme Government was adverse to the ruling of this Government; and again, without the slightest communication with this Government, the Civil Paymaster forwarded the enclosed Notification to the Superintendent of the Gazette Press for publication in the "Fort Saint George Gazette."

6. Thus the Government was left to discover by a Notification in its own Gazette that its orders and the long established usage of the Presidency had been called in question and annulled.

7. I am to request that the Governor General in Council may be moved to pass such orders as will prevent a recurrence of such want of courtesy and respect in future. The proper course, I am to submit is, that when the Officers of Account and Audit consider the established usages of the Presidency or the Orders passed by Government opposed to the rulings of the Supreme Government, they should represent the circumstance to the Government, if the Government agrees with them, the question will be solved, if it does not and they adhere to their views their reference to the Supreme Government for orders should pass through the Government. The matter will thus come before the Supreme Government in a state fit for final decision. It is not becoming that the Government should be kept in ignorance of references regarding its orders and be reduced, as in this instance, to the necessity of requesting the Governor General in Council to re-consider the decision at which he has arrived on a partial and incorrect statement of the question at issue.

8. The Civil Paymaster's conduct is the more inexcusable, because in this Presidency the standing rule is to refer all questions of leave, pay, &c., to him in the first instance, and his representations and reports are duly considered before the Government come to a decision.

9. As to the merits of the case itself, I am to state that in this Presidency, Collectors and their Assistants receive a monthly allowance as *Fixed Tentage* for the provision and maintenance of tents for themselves and their offices, and a further allowance termed *Extra Tentage* for the conveyance of the tents and the other expenses incidental to their tours. The former allowance is drawn throughout the year with the proviso that the necessary equipment is duly maintained; the latter allowance is drawn only while the Officer is actually travelling; in both cases the bills are passed by the Board of Revenue, who take care that the proper equipment is maintained and that the travelling is *bonâ fide* on the Public Service.

10. As already stated, when an Officer obtains privilege leave he is allowed in this Presidency to draw fixed tentage, provided he keeps up his tents during his absence and places

them, if required, at the service of the Officer deputed to act for him. The Extra Tentage of course is not drawn during absence.

11. Mr. Lodwick states that this allowance and House Rent (to which Junior and Head Assistants only are entitled) are in the case of privilege leave regarded "as constituting a part of the *salaries* of the Absentees," but he finds that in cases of sick leave this principle is not followed, but on the contrary these allowances are both deducted, which he thinks "clearly proves that the abovementioned allowances are not salary, in any sense of the word."

12. Mr. Lodwick apparently had not the Government Orders before him, and he evidently had not carefully studied the Civil Absentee Rules, or he would not have made so serious an error.

13. Section XII of the Absentee Rules says that the Government may grant privilege leave to Civil Servants "without deduction from the salaries *and emoluments* drawn by such servants," and if the servant does not return at the end of his leave "he shall forfeit all pay *and allowances*," during his absence without leave.

14. In the case of sick leave, on the other hand, "the Absentee will be entitled to draw a moiety of his *salary*" only.

15. The distinction between privilege leave and other leave is still more strongly marked, in the latter part of Section XII which declares that if Officers absent on privilege leave be granted extended leave on Medical Certificate their whole leave shall be treated as if it had been granted on Medical Certificate, *i. e.*, half *salary* only shall be drawn, and that if they be granted extended leave on furlough "a moiety only of their *salary* shall be drawn up to the date of their quitting India."

16. Thus in the case of privilege leave the Absentee retains his *emoluments or allowances* as well as his *salary*, in the case of sick leave and furlough he retains a portion of his *salary alone*, and the reason of the distinction is obvious; privilege leave is given *only* at the convenience of the Government, as a mere temporary relaxation from duty, and it is therefore unattended by forfeiture of salary and emoluments. The allowance for buying and keeping up tents is an average allowance payable throughout the year as on the whole a more convenient and economical practice than that followed in some parts of India, viz., keeping up and conveying tents for public Officers at the expense of the State and further paying the Officer a travelling allowance while actually moving about. It cannot reasonably be expected that when an Officer does succeed in getting a month's leave for relaxation he should part with his tents, and as he keeps them up solely for the performance of the public duties which he resumes on the expiration of his brief vacation, it would be unreasonable and illiberal to deprive him of the allowance specially granted for their maintenance.

17. The term "local allowance" is unknown here, and is probably applied elsewhere to such allowances as the Extra Tentage of Madras, which is only drawn by an Officer while actually travelling on duty.

18. The fact that in 1863 only fourteen Officers obtained privilege leave shows that the concession is not abused in this Presidency, and certainly the allowance for Tentage, fixed and extra, is extremely moderate, considering how greatly prices have risen in this Presidency.

19. Under the above circumstances I am to request that the rule hitherto followed in this Presidency may be allowed to stand, as being strictly in accordance with the Civil Service Absentee Rules.

20. A copy of this letter has been communicated to Mr. Lodwick.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. D. SIM,
Secretary to Government.

Exd. S. T. Augustin.

Revenue Department
No. 1
690

To
The Secretary to the Government
of India.
Fin. Dept.

Sir,

I am directed by the Governor in Council to request that you will bring under the consideration of His Excellency the Governor General in Council the course adopted by the Civil Paymaster of this Presidency in the following instance.

2. It has been the rule in this Presidency for Collectors, Sub Collectors and Assistant Collectors to draw Fixed Tentage (under certain restrictions) when absent on privilege leave.

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3 This principle was expressly laid down in the Tentage Rules passed by this Government so far back as 1849 and was re-affirmed in 1861 on a reference from the then Civil Auditor.

4 The present Civil Paymaster Mr. Lodwick, appears to have come to the conclusion that this practice was erroneous and without the slightest communication with this Government referred the question (~~wrongly~~ rightly stating the facts in one important particular) direct to the Supreme Government thus

thus entirely ignoring this Government.

5. The reply of the Supreme Government was adverse to the ruling of this Government, and again without the slightest communication with this Government the Civil Paymaster forwarded the enclosed notification to the Superintendent of the Gazette Press for publication in the Fort Saint George Gazette."

6. Thus the Government ~~was~~ left to discover by a notification in its own Gazette that its orders and the long established usage of the Presidency have been called

called in question and annulled.

7. I am to request that the Governor General in Council may be moved to ~~pass such orders as will prevent a recurrence of such want of courtesy and respect in future~~ as ~~His Excellency may deem fitting, and that Mr. Lodwick~~ may be better informed of what is due to the Government.

8 Mr. Lodwick's conduct is the more inexcusable, because in this Presidency all questions of leave pay &c. are, invariably referred to him in the first instance, and his Representations and reports are duly considered before the Govt.

~~the standing rule is to refer~~ ~~for orders the papers upon the point~~ ~~the matter will thus come before the Supreme Court in a state fit for final decision~~ ~~It is not becoming that the Government be kept in ignorance of references regarding its orders & the reasons, as in this instance, to the necessity of requesting the Govt. in Council to reconsider the decision & make such order as a Court of~~

and incorrect statement of the question at issue.

Government come to their decision.

9. As to the merits of the case itself, I am to state that in this Presidency, Collectors and their Assistants receive a monthly allowance as Fixed Tentage for the provision and maintenance of tents for themselves and their offices and a further allowance termed Extra Tentage for the conveyance of the tents and the other expences incidental to

to their tours. The for-
mer allowance is
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year with the proviso
that the necessary equip-
ment is duly main-
tained, the latter
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only while the officers
is actually travelling;
in both cases the
bills are passed by
the Board of Revenue
who take care that the
proper equipment is
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the

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service.-

10 As already stated
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of the salaries of the absentee" but he finds that in cases of sick leave this principle is not followed - but on the contrary these allowances are both deducted which he thinks "clearly proves that the above-mentioned allowances are not salary, in any sense of the word."

12 Mr. Lodwick apparently had not the Govt orders before him and he evidently had not carefully studied the Civil Absentee Rules - or he would not have made so serious an error.

13. Section XII of the absentee rules says that the Govt may grant privilege leave to civil servants "without deduction from the salaries and emoluments drawn by such servants" and if the servant does not return at the end of his leave "he shall forfeit all pay and allowances" during his absence without leave.

14 In the case of sick leave, on the other hand, "the absentee will be entitled to draw a moiety of his salary" only.

15 Thus in the case of privilege leave the absentee retains his full emoluments & allowances and for sick leave his salary in the case of sick leave only at the commencement of furlough he retains a portion of his salary alone & the reason of this is as a more temporary measure is obvious; privilege leave & relaxation from duty are given only at the end of furlough & therefore are intended for a more temporary absence & therefore a more relaxation from duty & not to be compensated by forfeiture of salary and emoluments. The allowance for

15. The distinction between privilege leave & other leave is still more strongly marked in the latter part of Sec. XII which declares that if officers absent on privilege leave be granted extended leave on Med. Certificate their whole leave shall be treated as if it had been granted on Med. Certificate i.e. half salary only shall be drawn, & that if they be granted extended leave on furlough "a moiety of their salary shall be drawn up to the date of their resigning Service."

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18 The fact that
1563 of 14 Accts Maint. Printing Cases
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19 Under the above
circumstances I suggest
-gest that the rule
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this Presidency may be
allowed to stand.- or being strictly in
20- A Copy of this letter has been com-
municated to Mr. Lodwick. —— accordance with
the Civil Service Ab-
sentee Rules. —

3 Copies to the
Civil Pays.
Dis-22.

Revenue 1864. Dep.t
Pro: of Govt for April
1. 6 / 0.

To the Secretary
to the Gov.t of India
Fin.l Depart.t

Dated 19.th April 1864.

From Govt of India Dt
16 Feby /64 Rec.d 19th ditto

Regarding a Notification sent by the Civil Paymaster for publication in the Fort St. George Gazette objecting to Officers to draw fixed Tentage when absent on Privilege leave.

No. 312.