

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 782	Press ~~Mis.~~
64 ⁶⁶ 65 ⁶⁵	
Dated	6 - 5 - 1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
6th May 1864.*

No. 64. Read the following letter from R. W. LODWICK, Esq., Civil Paymaster, to the Secretary to the Government of India, Financial Department, dated Fort Saint George, 23rd April 1864, No. 105:—

SIR,

1. I have the honor with reference to copy of this Government's letter No. 670, dated 19th instant, to the address of the Government of India, to submit the following observations in my own defence.

2. His Excellency in Council has found fault with me for not submitting the reference I made to the Supreme Government through this Government, and with regard to this, I beg to state that as the case in question was connected with *Allowances depending entirely on the*

"I am to add that when a Civil Paymaster finds that the practice of his Presidency with respect to Deputation or other Allowances is at variance with the Rules prescribed by the Government of India, he should follow that practice pending orders from this Government which he should solicit as early as practicable." I. G. L. No. 5,922, dated 1st December 1863.

Absentee Rules, the interpretation of which lies solely with the Government of India, I considered it one which, under the Order marginally quoted, should be referred *direct*, more especially as there seemed to be no doubt whatever of

the correctness of my views, seeing that I had received an Order as Civil Paymaster of Bombay, couched in the plainest terms (No. 5,840, dated 13th May 1861) forbidding payment of the very same allowances as those respecting which reference was being made.

3. I respectfully submit that the course I pursued was entirely in accordance with the above quoted Order, in which nothing is said on the subject of making the references alluded to through the Local Government, for I made no change in practice but passed Tentage and House Rent to Officers on leave as heretofore, merely asking for the orders of the Government of India for my future guidance.

Letter No. 65, dated 17th February 1860.

Do. „ 2,846 „ 23rd July 1861.

Do. „ 1,291 „ 21st December 1861.

Do. „ 203 „ 23rd April 1862, and No. 277, dated

13th June 1862.

Do. „ 320 „ 17th July 1863.

4. Moreover, precedent is, I submit, entirely in favour of my proceedings, for not only have I always while Civil Paymaster, Bombay, made reference regarding the Leave Rules *direct*; but my predecessors in this office have, as my records

show, invariably done so, *vide* instances given in the margin.

5. I am well aware that in certain cases a Civil Paymaster is required to address the Supreme through the Local Government, as when he proposes to make any radical changes in the form and submission of bills and returns (Supreme Government Order of the 5th September 1860), and I have endeavoured carefully to observe these instructions. So particular have I been that before introducing the forms of bills used in Calcutta and bringing this office into the same condition

* Annexure D.

in regard to details as the Bengal Audit Office, I obtained the sanction of this Government.*

In all other cases likewise where the Leave Rules were not *directly* concerned, I addressed His Excellency in Council thus in the case of paying Military Officers in Civil employ while on leave;† in that of over-payment to certain Junior Civil servants;‡ in that of calculating the rank of Civil servants;§ and in other cases which I might mention.

† Annexure A.

‡ Do. B.

§ Do. C.

6. I submit, therefore, that it is unjust to accuse me of a want of courtesy when I have so invariably done all in my power to show my respect of and submission to the Local Government. I can only say that in the present instance I acted as I did, solely because it appeared to me to be the proper course to pursue under the orders on my records, and that I had no idea I should offend His Excellency in Council, to whom, as will be seen by the annexed copy of a letter

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No. 92, dated 19th instant, I wrote directly I heard that my proceedings had been called in question, explaining and excusing my line of conduct.

7. Turning to the arguments with which this Government has supported its own views, I beg respectfully to point out that the interpretation sought to be placed on the words "Emolument" and "Allowances" used in Section XII is entirely erroneous, for it is clear that these words do not refer, as Government have attempted to prove, to such local allowances as *Tentage* and *House Rent*, seeing that the very same word "Emolument" is used in the 3rd Clause of

"In cases in which the Emolument of the Absentee's office does not exceed Rupees 5,000 per annum."

Section VI, in a way which shows it means *salary* and nothing else. I submit that the same word would not be used in different parts of the Regulations to express different meanings, and that the true interpretation of the words referred to is therefore as follows:—Fees were in all parts of India and are still in some parts

• Practice of Audit Office, Bombay, with regard to fees of an Assistant Judge.

paid to Government Officers (as in Bombay to Judges), and *these being payable to an Officer while on sick leave** and having been ruled to be in all respects the same as *salary*, are alluded to under the terms "Emoluments" and "Allowances," because they are to all intents and purposes *salary*.

8. His Excellency in Council is also wrong in his conjecture that "Local Allowances" are elsewhere held to be such allowances as "*Extra Tentage*" only. In Bombay, as in Madras, Officers draw a certain amount for travelling which is quite distinct from Tentage, the allowance

District Travelling Allowance in Bombay.

	Rs.	A.	P.
First Assistant Collectors ..	250	0	0
Second Do.	100	0	0

	Rs.	A.	P.
Collectors and Sub-Collectors	44	7	1
First Assistant Collectors	22	3	3
Other Assistants	11	1	9

granted for the maintenance of Tents. This amount is called *District Travelling Allowance*, and is paid according to the scale given in the margin, while the rate of Tentage is also as shown therein. In Bombay Tentage is not payable to an Absentee on leave, and is therefore

clearly held to be a "Local Allowance," and I submit properly so, for there seems to be no reason why an Officer should get an allowance for keeping up tents when these are either exposed to no wear and tear, or are being used by the acting Officer who is himself drawing a Tentage Allowance.

9. From what I have said above, I trust it will be clear that I made no mis-statement in my letter to the Government of India, for inasmuch as from an erroneous reading of the Absentee Rules, Officers have been in the habit of receiving "Local Allowances" under a Section which gives nothing but salary, or what is the same thing *Fees*, those allowances have, in point of fact, been treated as a component part of an Officer's pay.

10. Since I have heard that this Government desires to be informed on all occasions when I make references to Calcutta on leave questions, I have begun sending copies of all my letters to them, and I have only in conclusion to state that a copy of my reference respecting Tentage, &c., would have been forwarded, had I known that it was required, or had it been the custom of this Office to send such documents, which it was not.

No. 106.

True Copy forwarded to the Madras Government for information.

Fort Saint George,
25th April 1864.

(Signed) R. W. LODWICK,
Civil Paymaster.

Transferred to the Revenue Department.

Fort Saint George,
26th April 1864.

(Signed) W. H. KERR,
Deputy Secretary to Government.

*Proceedings of the Madras Government, Revenue Department,
6th May 1864.*

No. 65.

ORDER THEREON, 6th May 1864, No. 782.

1. The Government observe that they blamed Mr. Lodwick, not for addressing the Supreme Government direct, but for leaving them in ignorance of his having made the reference, which concerned not only the interpretation of the Leave Rules, but two of their Orders. Even in his present explanation Mr. Lodwick makes no allusion to these Orders, and his letter referring the question to the Supreme Government was equally silent on this point. By thus omitting to make any allusion to the Orders of this Government, Mr. Lodwick naturally led the Supreme Government to believe that they were merely dealing with a question of Office routine.

2. With regard to paragraph 7 of the Civil Paymaster's letter, the Government observe that in Clause 3, Section VI of the Rules the term "emolument" is synonymous with "salary" being used *in lieu of it*. In Section XII, however, it is used *with* the word salary as "salaries and emoluments," and cannot therefore be synonymous with it. No fees are now received by public Officers in this Presidency, and "Fixed Tentage" and "House Rent" have always been here regarded as the "emoluments" of Section XII. The Civil Paymaster practically argues that in saying "salaries and emoluments" the Home Government really meant "salaries and *not* emoluments."

3. Paragraph 8 of the Civil Paymaster's letter is not only obscure but affords a striking instance of inaccuracy. He sees no reason why an Officer should receive Fixed Tentage while his tents "are being used by the Acting Officer who is himself drawing a Tentage Allowance." Mr. Lodwick is evidently still in ignorance of No. 6 of the Tentage Rules of this Presidency, which distinctly states that "in no case shall the Fixed Tentage be drawn by two persons for one and the same period."

4. The attention of the Supreme Government will be drawn to the improper style of Mr. Lodwick's communication. The Government demur to being told by a subordinate that their view is "entirely erroneous," and that they "have attempted to prove" that certain words bear a signification inconsistent with their plain meaning. Had Mr. Lodwick's letter been addressed to them, it would have been returned to him for correction.

(Signed) J. D. SIM,
Secretary to Government.

Rev Dept

N^o 782.

Proceedings of the Madras Government
Under date the 6th May 1864

Read the following
copy of letter from the
Civil Paymaster to the
Govt of India dated
23rd April 64 N^o 106, of-
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ref^{er}ence to G. O. N^o 670 of
~~19th March~~ the letter from
this Govt to the Govt of India
dated 19th N^o 670.

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J. D. S.

3 Copies to the Civil Engineer Dept.
7 May

6 Copies to the Govt of India
Calcutta.

1 — to do. S. Simla. —
Dep. Secy. —

Revenue Deptt.
Pro: of Govt for May.

No 782.

Pro: of the Madras Govt.
D^d 6th May 1864.

Mr. Ludwick's ex:
planation to Govt of India
with reference to the letter
from this Govt regarding
fixed tentage with orders
thereon.

No 64 + 65.