

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 793	Press ~~Mis.~~
86	
Dated 7 th 19 1864	

Not to be folded or roughly handled

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
7th May 1864.

No. 793.

No. 86.

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. This Government having been furnished by Mr. Lodwick, the Civil Paymaster, with a copy of his letter to the Government of India, dated 23rd April 1864, No. 105, I am directed to forward for submission to the Governor General in Council the accompanying Order* on that communication.

* Dated 6th May 1864, No. 783

2. Referring the Government of India to this Order for the further remarks made by the Government on the question at issue, I am directed to request attention to the improper style of Mr. Lodwick's communication.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) J. D. SIM,

Secretary to Government.

Exd. T. O'Connor.

2

*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

in regard to details as the Bengal Audit Office,

I obtained the sanction of this Government.*

* Annexure D.

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

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

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 India and are still some parts 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 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.

District Travelling Allowance in Bombay.		Tentage in Bombay.	
Rs. A. P.		Rs. A. P.	
First Assistant Collectors ..	250 0 0	Collectors and Sub-Collectors	44 7 1
Second Do.	100 0 0	First Assistant Collectors	22 3 6
		Other Assistants	11 1 9

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.

4 RD

To
The Secretary to the Govt of India,
Financial Dept.,
Sir:

This Govt having
been furnished by Mr
Lodwick the Civil Paymaster
with a copy of his letter
to the Govt of India,
dated 23rd April 1864, No. 105,
I am directed to forward
for submission to that
Govt the accompanying
order passed by them on
that communication.

2. Referring the Govt
of India to this order
for the further remarks
made by the Govt on the
question at issue,
I am directed to draw
the attention of that
Govt to the improper
style of Mr. Lodwick's
communication. This
Govt desires to be told
by

* Dated 6 May 1864 No.
782.

11
From Lt. George
40 May 1864

by a subordinate
that their view is
"entirely erroneous," and
that they "have attempted
to prove" that certain
word bear a significa-
tion inconsistent
with their plain meaning.
Had the letter been
addressed to them,
it would have been
returned to Mr. Sedwick
for correction.

Revenue 1861 & 1862
28: of 1861 for 1862.

1863.

To the Secretary to the
Court of Directors.
27: May 1864.

To the Secretary to the
Court of Directors.
16 July 1864 & 1865.

Mr. Sedwick's m.

proper style of communication to the
Court of Directors.
brought to the notice of
the Court of Directors.

1864