

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	507	Press
		~~Mis.~~
	123-124	
Dated	8. 3.	1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
8th March 1865.*

No. 123. Read the following letter from C. W. READE, Esq., Collector of South Arcot, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George dated Cuddalore, 13th February 1865, No. 12 :—

Sir,

1. The Sub-Magistrate stationed at Trikalore was dismissed in last May, and pending the appointment of a successor, Mr. Dique, the Tahsildar of Yellavanasur, was ordered to take charge of the Trikalore Sub-Magistrate's Office, and he so continued in charge till October last, when a Sub-Magistrate was appointed.

2. Mr. Dique claimed a moiety of the salary of the office for the period he performed the duties, under the ruling of the Government of India, dated 16th March 1860.
Official Gazette, 17th April 1860, page 843.

3. The Civil Paymaster objected to the claim, on the ground that the office was inferior to that of the Tahsildar and therefore the claim was not admissible, and cited for authority the Order of the Government of India, dated 3rd April 1861, No. 4,228, Financial Department (A).

4. It was remarked in reply (B.) that the Order referred to the Covenanted Civil Service, and had no application to the case under notice.

5. The Civil Paymaster still declines to pass the Bill, except under the special sanction of Government; this difficulty is in the belief he entertains that a Sub-Magistrate is a subordinate

(C.)

of the Tahsildar, and therefore that for doing the duties of an inferior post, subordinate to his own, Mr. Dique has no claim to the salary of such inferior post.

6. It seems to me that a Sub-Magistrate is neither legally or *de facto* a subordinate of a Tahsildar. His office is quite distinct, as also his jurisdiction magisterially; while in the exercise of his functions a Tahsildar has no power whatever to interfere with a Divisional Sub-Magistrate; thus the position of a Sub-Magistrate with powers co-ordinate to those of a Tahsildar in a separate part of a Talook being in no way subject to the Tahsildar's authority, it follows, I think, that when a Tahsildar performs the duty of the Divisional Sub-Magistrate for any length of time, as in the present instance, he is entitled, under the ruling already quoted, to the additional pay for such period, and I fancy there must be many examples of the kind that have come under the disposal of the Financial Department, and it only remains for an expression of the opinion of Government on the point, and which I accordingly solicit.

7. At the time of the vacancy in question there was no one in the District who had passed or whom I considered competent to put into the office, and I was then daily expecting the result of the Special Test Examination, and hence my orders to the Tahsildar to conduct the Sub-Magistrate's duties until a successor was appointed.

8. The Government will be aware that it is only a moiety of the salary that is payable, and thus the State is put to no expense or loss, and Mr. Dique's claim to the moiety under the standing orders, Financial Department, seems to me clearly made out.

ORDER THEREON, 8th March 1865, No. 507.

No. 124.

Miscellaneous.

The Government consider Mr. Dique's claim wholly inadmissible.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Collector of South Arcot.
„ the Board of Revenue.
„ the Civil Paymaster.

Exd. S. T. Augustin.

*Merit Division, and the question now
submitted*

The following Resolution is published for general information:-

Extract from the Proceedings of the Government of India, in the Financial Department dated 16th March 1860.

Read a letter from the Government of the North Western Provinces N. 126 a dated 17th Ultimo, with enclosures, submitting for consideration and orders a question connected with the allowance of Captain Fauscham, of the Post Office Department, and proposing a general rule to hold good in similar cases.

Read also a report from the Civil Auditor, Fort William N. 825 of 29th Ultimo, on the above subject.

Resolution:-

Captain Fauscham, who originally held the appointment of inspecting Post Master Meerut Division was subsequently appointed Post Master and Superintendent Workshops at Allyghur, the salary of the two offices being however the same, viz, 400 Rupees each per mensem.

After his nomination to Allyghur, Captain Fauscham also continued to discharge the duties of the Meerut Division, and the question now submitted

Submitted

Submitted for consideration is what allowance he is entitled to draw for performing the duties of two appointments.

3 Captain Fanshawe claims the full salary of his substantive and a moiety of the acting appointment, the claim being supported by the Postmaster General North Western Provinces

4 The Agra Civil Auditor suggests that as a general rule to hold good in similar cases, when an officer holding a permanent appointment is required, by the exigencies of the state, to discharge the duties of another or second officer (not subordinate to his own), he shall receive a moiety of the salary of the appointment in whence he is acting, in addition to the full salary of his own appointment, provided that no extra expense be entailed on the Government.

5 In submitting the case, the Government of the North Western Provinces remarks-- "As the Post Office Department is entirely under the control of the Government of India, the Local Governor can give no decision on this question, but refers it to His Honor in Council for disposal both as regards the particular case and the general suggestion."

On

6 On this reference the President in Council is pleased to approve the rule proposed by the Agra Civil Auditor in similar cases not otherwise provided for under the established rules, and also to direct that Captain Fanshawe's case be settled in accordance therewith.

Ordered that a copy of the foregoing Resolution be sent to the Government of the North Western Provinces, in reply to the letter above adverted to.

- * Foreign Home Military and Public Works Department.
- + Bengal Madras Bombay Punjab and the Straits Settlements
- + Civil Auditors, Fort William Madras Bombay North Western Provinces and the Punjab - - - -

Ordered also, that a transcript of the Resolution be sent to the Departments, Governments, and officers noted in the margin, for information and guidance.

Ordered also, that the foregoing Resolution be published in the official Gazette for general information.
(True Extract)

(Signed) C. Hugh Lushington
Secy to the Govt of India

A

(N: 14)

Civil Pay Master's Office
Fort St George
19th November 1864.

Memo.

Returned un audited
Mr Digne is not entitled
to the allowance as he is
acting in an inferior appointment
to his own. Vide orders of
Government of India dated
3rd April 1861 No 4228
Financial Department.

Signed W Donald
Chief of the
Office of the Civil Paymaster
in charge of the
South Arch.

(True copy)

Charles Beade
Collector

92459/55

7
 Civil Paymaster Office
 Fort St George
 7 February 1865.

Account

Returned the audited -
 No special orders of the Government
 should be obtained. If the
 Government consider that the
 appointment of a Sub Magistrate
 is not subordinate to that of a
 Collector so as to bring the
 under the operation of the orders
 of the Government of India dated
 16th March 1860, published at page
 813 of the Official Gazette, his
 claim will be admitted.

Signed M. Donald
 Chief of
 in charge.

to the Collector
 in charge of
 Treasury

Free copy

Chief Clerk
 Collector

and 10 per cent on the salary of the officers in which

Book no. 2.

To the Hon. Secy. to the Govt.
 of Madras
 dated 13th February 1865

From the Hon. Secy. to the Govt.
 of Madras

To the Hon. Secy. to the Govt.
 of Madras

To the Hon. Secy. to the Govt.
 of Madras

To the Hon. Secy. to the Govt.
 of Madras

To the Hon. Secy. to the Govt.
 of Madras

Recd 15/2/65

(P. 2)

Civil Paymaster Office
Fort St George
7 February 1865.

Receipt

Received the undiled.
the special orders of the Government
should be obtained. If the
Government consider that the
appointment of a Sub Magistrate
is not subordinate to that of a
Subedar so as to bring a Native
under the operation of the orders
of the Government of India dated
16 March 1860, published at page
813 of the Official Gazette, his
claim will be admitted.

Signed M. Donald
Chief Agent
in charge.

In Charge of
Treasury
True copy

Charles Chade
Collector

or 10 per cent on the salary of the officers in which
they

Under no 2.

Mr. W. H. Smith
Chief of Police
dated 13 February 1865

1865

Mr. W. H. Smith
Chief of Police
dated 13 February 1865

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Chief of Police
dated 13 February 1865

1865

Mr. W. H. Smith
Chief of Police
dated 13 February 1865

1865

Extract from the Proceedings of the Government of India in the Financial Department dated 3rd April 1861.

Read again Financial letter N^o 5807 dated 23rd June 1860 to the address of the Secretary to the Government North Western Provinces.

Read the undermentioned papers relative to the Deputation allowance claimed by Mr. G. B. Thornhill, Commissioner of the Allahabad Division.

Letter from Secretary to Government North Western Provinces N^o 2059 dated 7th August 1860 with enclosures.

Report from officiating Joint Auditor Fort William N^o 2856 dated 25th Idem.

Letter from Secretary to Government North Western Provinces N^o 1173 dated 16th October 1860.

Extract from a letter from Mr. Thornhill Commissioner of Allahabad to the address of the Private Secretary to His Excellency the Governor General dated 25th February 1861.

With reference to the Resolution N^o 2492 dated 16th March 1860 passed in this Department in the case of Captain Fanshawe an unconvenanted servant in the Post Office Department Mr. G. B. Thornhill Commissioner of the Allahabad Division presented a claim to increased deputation allowance from 5th February 1856 to 31st October 1859 during which time he performed the duties of more than one office and drew the deputation allowance prescribed in Section 25 of the Covenanted Civil Absentee Rules.

Mr. Thornhill was informed that the Resolution of 16th March 1860 was not applicable to cases of covenanted civilians who under Clause 8 of Section 25 of the Covenanted Rules were entitled to 20 and 10 per cent on the salary of the office in which they

they

Enclosure 3.

To Mr. G. B. Thornhill
Commissioner of Allahabad Division
Allahabad 13th June 1861

From Mr. G. B. Thornhill
(in charge)
Commissioner of Allahabad Division

To Mr. G. B. Thornhill
Commissioner of Allahabad Division
Allahabad 13th June 1861

From Mr. G. B. Thornhill
Commissioner of Allahabad Division
Allahabad 13th June 1861

Reference to the letter from Mr. G. B. Thornhill dated 25th February 1861.

Reference to the letter from Mr. G. B. Thornhill dated 25th February 1861.

Dec = 459/65

16th March 1861

they might be acting, provided the aggregate amount did not exceed the pay of the highest paid appointment held at the time and that he (Mr. Thornhill) had therefore no right to higher deputation allowance under the rule of 16th March.

Referring to this decision, the Government of the North Western Provinces, observes that the question which requires the consideration of Government is whether Mr. Thornhill is entitled to draw deputation allowance at the usual rates for officiating in one office, while performing the duties of his own permanent appointment; that clause 8 of section 25 of the Covenanted Rules is applicable to the case of an officer acting in two appointments at the same time; and that this clause is not applicable to Mr. Thornhill who while performing the duties of his own substantive appointment was officiating in another appointment.

The above Government further remarks that two more claims founded on the Resolution of 16th March 1860 have been preferred since the date of Mr. Thornhill's application viz: One from Mr. Muir for officiating as Secretary to Government in 1858 while he performed the duties of his permanent appointment as Member of the Board of Revenue and another from Captain Maclean Deputy Commissioner of Baitool for officiating at the same time as Deputy Commissioner of Chundawar and also of Shamsir.

It appears to the Governor General in Council from the paper noted in the margin that (1st) Mr. Thornhill acted from 5th February 1856 to 16th May 1856 in an inferior appointment; that (2nd) from February 1857 to the end of the year he acted in an equal appointment and that 3rd from February 1858 to

Reply from the Government of the North Western Provinces dated 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st October 1860 to Financial Officer dated 1st September 1860

1st August 1859 he officiated in a superior appointment. With the exception therefore of the last mentioned period for which Mr. Thornhill is entitled to the usual deputation allowance under the Covenanted Rules His Excellency in Council considers that Mr. Thornhill has no claim to any allowance for the other periods mentioned above.

In respect to the 2 other claims mentioned by the above Government the Governor General in Council remarks that, as the appointment in which Mr. Muir officiated viz: Secretary to Government was inferior to his permanent office of Member of the Board of Revenue he also has no claim to deputation allowance nor is Captain Maclean entitled to any acting allowance with reference to the rule which forbids one Deputy Commissioner officiating for another on a similar salary from drawing a deputation allowance.

To the Government of the North Western Provinces in reply to the letters mentioned above

To the Civil Auditor North Western Provinces for information and guidance

To Mr. Thornhill Commissioner of Allahabad with reference to his letter above adverted to.

To the other Civil Auditors for information in continuation of the communication from this Department dated 28th June 1860.

o A True Extract

Signed J. H. Lushington
Secy to the Govt of India

True copy

[Signature]

Chief Assistant
Joint Paymaster in charge

24th February
1860

[Signature]

a success was appointed
 8. The government
 will be aware that it is
 only a moiety of the salary
 that is payable, and thus
 the state is put to no expense
 or loss, and Mr. Digney's
 claim of the moiety under the
 standing orders ^{financial} Depart.
 must seem to me clearly made out.

I am the hon^r the
 Sir
 Yours most obed^t serv^t

Council House
 Mr. [unclear]
 Mr. [unclear]
 Mr. [unclear]
 13 [unclear]

R 457/65

1865 March 16/65
 C 507
 B 123-124

C. H. Bond & Co. June 1865

March 123 4124

1. To the Collector of the District of Columbia
14. To the Secretary of the Treasury
3. To the General Land Office

80. June 1865
1865
2

Received of the
Collector of the District of Columbia
the sum of \$100.00
for the purchase of land
in the District of Columbia
for the use of the
Department of the Interior
in the year 1865

I certify that the above is a true and correct copy of the original as the same appears in the records of the Department of the Interior. I also certify that the same is a true and correct copy of the original as the same appears in the records of the Department of the Interior. I also certify that the same is a true and correct copy of the original as the same appears in the records of the Department of the Interior.