

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 924	<u>Press</u> <u>Mis.</u>
78-79	
Dated	4 - 8 - 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
4th May 1865.*

No. 78. Read the following Proceedings of the Madras Government in the
Judicial Department:—

Referring, for consideration, certain ques-
tions raised by Mr. Hodgson, Civil and
Session Judge of Guntoor, on the subject
of tentage payable to him. (Here enter 22nd April 1865, No. 611.)

No. 79. ORDER THEREON, 4th May 1865, No. 924.

Miscellaneous.

1. Supposing that Mr. Hodgson had a proper
complement of tents—on which point the Board of
Revenue will report—he is entitled to fixed and extra
tentege up to the 18th January, when he made over charge of the Sub-Collector's
Office, but up to no later date.

2. His claim to fixed tentage while officiating as Civil and Session Judge of
Tinnevelly is barred by paragraph 5, G. O. dated 13th September 1861, No. 1,818.
(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.
,, the Judicial Department.

Exd. S. T. Augustin.

22nd April 1865.

No. 166. Read the following letter from W. HODGSON, Esq., Civil and Session Judge of Guntoor, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Guntoor, 8th March 1865, No. 57.

I have the honor respectfully to submit that the operation of certain of the Pay Rules, as construed by the Civil Paymaster, amounts in fact to a fine, in the case of every officer who receives promotion, from the time at which, in obedience to the orders of Government, he makes over charge of an inferior appointment, in order to join a higher one.

2. On the 11th January last, I was gazetted as Civil and Session Judge of Guntoor from the 25th idem, and permitted by telegram to give over charge of the Sub-Collector's Office to the Collector of Tinnevely on the 18th January. I did so, and proceeded to join my station by Steamer from Tuticorin, via Madras and Masulipatam, at very considerable expense, and without any travelling allowance from Government, as this, it would appear, is not allowed, except in the case of a first appointment, or on special duty.

3. I forwarded my abstract, however, for audit as Civil and Session Judge, Guntoor, from the 25th January, the date on which the Gazette stated that my appointment was to have effect; but it was returned unaudited, with instructions from the Civil Paymaster that I should submit my Pay Abstract as Sub-Collector of Nellore for the entire month of January, as I did not take charge of the Civil and Session Court at Guntoor until the 1st ultimo. The abstract so prepared was, of course, duly passed, but in submitting a separate abstract for fixed tentage (Rupees 87-8-0) for the month of January, my bill was returned unaudited, with the Memorandum marginally quoted*, which in effect stops part of my allowances as Sub-Collector from the 18th to the 31st January, both days inclusive. When again, I submitted my abstract to the Officiating Collector of Tinnevely for the "extra tentage," for the month

*A, 25th February 1865.
Memorandum.

Returned unaudited.
The bill should be re-submitted, with a report whether it was on the morning or evening of the 18th January last that Mr. Hodgson delivered over charge of his duties as Acting Sub-Collector of Tinnevely. He is not entitled to fixed tentage, after his relief from the Revenue Department.

of January, which is drawn throughout the year by the Sub-Collector of Tinnevely, in consideration of his providing his own office, I was informed that, in his opinion, I should only be entitled to this allowance up to the 18th January, the date of my making over charge of my office, and that he would not, under the circumstances, include my bill in the general extra tentage statement forwarded monthly to the Civil Paymaster.

4. The Government will thus perceive that in obeying its orders, with substantial promotion it is true, I am made to lose Rupees 36-11-1, in the case of "fixed tentage", and Rupees 68-4-0, in that of "extra tent allowance," without any compensation for the time being in the shape of travelling allowance, or of the higher pay proper of my new appointment.

5. I have brought this matter to the notice of Government, as I conceive that it never could have been its intention that an officer proceeding to join his station on promotion should be subjected to deductions of any but the usual kind, from the allowances which he enjoyed prior to his promotion, on the ground, apparently, that he was presently to be sufficiently

† Chapter II, paragraph 67, Civil Auditor's Manual.

re-imbursed by an increase of monthly salary.

Proceedings of the Madras Government, Judicial Department,
22nd April 1865.

6. I have the honor to request that, under the circumstances of my having joined my station with the utmost expedition, and of the full salary of the appointment being available, I may be permitted to draw it from the date of Mr. Elliot's retirement from the service (25th January), instead of, as ruled by the Civil Paymaster, from the date of actually entering upon my duties (1st February), and, if this should be refused, that the full pay and allowances of the office I lately vacated may be paid to me for the month of January.

7. I have further to bring to the notice of Government that the Civil Paymaster, as will be seen from the accompanying Official Memorandum,* refused to allow me "fixed tentage" as "Assistant Collector of Coimbatore," while "temporarily" employed as *Officiating* Civil and Session Judge of Tinnevely, in direct violation of paragraph 34, Chapter VIII, of the Civil Auditor's Manual, which, under the head of "Assistant to the Collector," runs thus:—

"34. The fixed tentage of Rupees 42 per mensem is not liable to stoppage, "or any deduction, during the temporary employment of the permanent incumbent on other duty."

8. As I was "the permanent incumbent," that is, Assistant to the Collector of Coimbatore, while I was also "on other duty," that is, *Officiating* Civil and Session Judge of Tinnevely, I have the honor to request that the Government will do me the favor to direct that my "fixed tentage" of Rupees 42 per mensem, as Assistant Collector of Coimbatore, may be passed by the Civil Paymaster, from the 22nd September 1863, to the date of my substantive promotion to the higher grade of Sub-Collector of Nellore, if the Government should be of opinion that that Officer was in error in the construction which he has placed on a rule, which, as it stands, seems capable of only one reading.

B.

OFFICIAL MEMORANDUM.

Your letter No. 311, dated 20th instant, with Abstract now returned unaudited. States that an Officer, while employed in the Judicial Department, is not entitled to fixed tent allowance.

FORT SAINT GEORGE,
CIVIL PAYMASTER'S OFFICE,
25th April 1864.

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

To W. Hodgson, Esq., Acting Civil and Session Judge, Tinnevely.

(True Copy).

(Signed) W. HODGSON,
Civil and Session Judge.

No. 167.

ORDER THEREON, 22nd April 1865, No. 611.

Mr. Hodgson can draw pay as Civil and Session Judge of Guntoor only from the day on which he assumed charge of the Court, i. e., the 1st February.

2. The other questions raised in Mr. Hodgson's letter, on the subject of tentage, will be considered in the Revenue Department.

(True Extract).

J. H. Burns

For Chief Secretary.

To the Civil and Session Judge of Guntoor.
" Civil Paymaster.
" Revenue Department.
Exd. J. H. Burns.

W-924-3

Supposing that Mr. Hodgson had a proper complement of tentage in which point the Bd of Rev^t will report - he is entitled to fixed & extra tentage up to the 18 Jan & when he made over charge of the Post Office when the date was later date. His claim to fixed tentage while officiating as C & S Judge of Tinnevely is barred by J. O. 13th Sep 1864 & 1865. 4th May 1865.

W-924-3
J. O. 13th Sep 1864 & 1865
4th May 1865

Rev: 1865. Oct^r.
D. H. G. H. 1057.
Proceedings of the
Madras Court in
the Ind^l. Oct^r.

Noted 22^d. 3^d Apr^l.
Received 22^d. 1865.
No. 611.

Referring for
consideration cer-
tain questions raised
by Mr. Hodgson, Civil
and Session Judge
of Canto^r on the sub-
ject of Surtage pay-
able to him.

78-79.

20th 26-11 May
With an order

c 29 Apr 68 R. C. May