M.R.O. 14—1,450—22-10-35.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1893 Press Mis.

287, 290

Dated 14 — 8 — 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
14th August 1867.

No. 289. Read the following letter from the Collector of Bellary, to the Secretary to Government, Revenue Department, Fort Saint George, dated Bellary, 31st July 1867, No. 37 :—

1. I have the honor to submit, for the favorable consideration of Government, the correspondence marginally noted, regarding the deputation allowance of Mr. Buick, when acting as Cantonment Magistrate of Bellary.

1 Letter from D. Buick, Esq., Assistant Collector of Bellary, to the Collector of Bellary, No. 80, dated 26th July 1867, with its enclosures.

2. Mr. Buick performed the Cantonment Magistrate's duties during Captain McLeod's absence on private affairs, pending which the latter lost a portion of his salary.

3. The duties of the Cantonment Magistrate of Bellary are onerous, involving the disposal of a number of criminal cases, and the charge of the jail, besides which the duties of the Cantonment Small Cause Court were performed.

4. These duties are not less than those of a Head Assistant, and detained Mr. Buick while he was eligible for promotion in the Revenue line.

From the Assistant Collector of Bellary, to the Collector of Bellary, dated Bellary, 26th July 1867, No. 80.

1. I have the honor to request that you will submit, for the consideration of Government, my claim to deputation allowance when acting as Cantonment Magistrate of Bellary from the 27th April to the 29th June last, during the absence of Captain W. S. McLeod on leave on private affairs.

2. Not being aware myself of the existence of any rule which denied me the privilege of drawing the usual deputation allowance for Officers acting in appointments of higher emolument than those permanently held by them, and the Deputy Collector in charge of the Account Department having, on consultation, expressed himself to the same effect, I drew the ordinary deputation allowance for three days in April and for the whole month of May, but the amounts thus drawn have been retrenched by the Accountant General, who has referred me for explanation to Government Order, dated 26th November 1866, No. 3,219, an order which was passed on Mr. Lee Warner's application for deputation allowance when, as Assistant Cantonment Magistrate, he had charge of the Cantonment at the Mount during the absence of Captain Clementson on privilege leave.

3. On receipt of this Order, and of the Proceedings which accompanied it, I drew the attention of the Accountant General to the fact that the case on which it had been passed appeared to differ materially from mine ; in the first place, because the Officer for whom Mr. Warner was acting was absent on privilege leave, and not like Captain McLeod on leave on private affairs ; and, in the second place, because Mr. Warner was appointed Assistant Cantonment Magistrate, and not Acting Cantonment Magistrate, as I was.

4. In reply to this letter, the Accountant General states that "when an Officer is appointed to act for another, his claim to deputation allowance, if entitled thereto, is in no way dependent on the nature of the leave upon which the permanent incumbent may be absent," and that no reason having been assigned by Government for their decision in Mr. Warner's case, the precedent was against me, and had determined the conduct of his department in regard to my claim, and further "that when a Covenanted Civil Servant officiates for a Military Officer in Civil employ, his deputation allowance is governed by the deputation allowance rules for Covenanted Civil Servants."

5. I hope I am not wrong in still continuing of opinion that I am entitled to the allowance. Deputation allowances are undoubtedly granted, in part at least, as remuneration for the extra responsibility and labor connected with, and inseparable from, the thorough discharge of the duties

of the superior charge, and in being appointed Acting Cantonment Magistrate, I became ex-officio Judge of the Cantonment Court of Small Causes and Superintendent of the District Jail. As Judge of the Court of Small Causes, it was incumbent on me to enter on an extended course of study; and the charge of the Jail, with its 650 prisoners, imposed very serious responsibility on me, and necessitated daily visits of considerable length to it. The charge of Bellary Jail is not at any time a light one, but it becomes peculiarly onerous during the two hottest months of the year. I am sure it would be doing injustice to Government to suppose that in throwing so much extra responsibility on, and in exacting so much extra labor from, me it was their intention that such responsibility and labor should go altogether unrecognized and unrequitted, and I am convinced that as soon as the circumstances of my case have been brought to their notice, I shall be put on the same footing as those members of my own standing in the service, who about the same time, and subsequently, were appointed Acting Head Assistant Collectors and Acting Inspectors of Schools, and who could not have had either weightier responsibility thrown on them, or harder work to undergo.

6. I enclose, for your consideration, a copy of the correspondence with the Accountant General on the subject.

No. 290.

Miscellaneous.

ORDER THEREON, 14th August 1867, No. 1,893.

1. The Accountant General is authorized to pass deputation allowance to Mr. Buick under the rules.

2. The appointment to which he was gazetted was essentially different from the post held by Mr. Lee Warner, involving the exercise of superior powers and far heavier responsibility.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Accountant General.
" the Collector of Bellary.
" the Judicial Department.
" the Board of Revenue.

Ext. S. T. Augustine.

Proceedings of the Madras Government,
Revenue Department, 26th December, 1866.-

No 609. Read the following Proceedings of the Board of Revenue, dated 13th December 1866, No 3[illegible].

Read the following letter from the Acting Collector of Madura, to the Secretary to the Board of Revenue, dated Sydapett, 25th October 1866, No 339.

1. Mr. Lee Warner, an Assistant in this District, was, as the Board are probably aware, appointed in the issue of the "Fort St. George Gazette" of the 21st Ultimo Acting Joint Magistrate at the Mounk during the absence on Captain Clementson the permanent Joint Magistrate, on privilege leave.

2. Mr. Warner assumed charge of his office on the morning of the 23rd following.

3. On the 11th Instant he addressed the Acting Deputy Accountant General, requesting he might be favored with deputation allowance. The Acting Deputy Accountant General replied to him stating that Government has under late "Rules the Substitutes of any Military Officers "in Civil Employ, who may be absent on privilege "Leave" are referred them to the order on the Subject

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by Government, dated 28th November, Financial Department, No. 5,914, published in the "Fort Saint George Gazette" at page 999, Volume II.

4. Mr. Warner now addresses me and asks me to lay before the Board the circumstances of the case with the request that he may be dealt on the same footing as a Military Substitute would be and permitted the privilege of drawing deputation allowance while he is acting for Captain Clementson.

5. I have the honor to submit the question for the favorable consideration of the Board.

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1. Submitted for the consideration of Government.

2. The question does not appear the one on which the Board of Revenue are bound to offer an opinion.

No. 76. Assistant Collector's Office, Bellary, 4th July 1867.

From, The Assistant Collector, Bellary.

To, The Accountant General, Madras.

Sir,

With reference to the order of Government No. 3219, dated 26th November 1866, under the authority of which you have retrenched the deputation allowance drawn by me as Acting Cantonment Magistrate of Bellary from 27th to 30th April 1867, I have the honor to state that the case on which the above order was passed differs materially from mine. In the first place, Mr. Lee Warner was appointed Assistant and not Acting Cantonment Magistrate, and in the second place, the officer for whom he was acting was absent on privilege leave and not like Captain McLeod, on leave on private affairs.

2. I am not aware that there is any specific rule regulating the payment of

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£610- Order thereon, 26th November 1866, No. 3219.

Forwarded. The Government cannot see Mr. Warner's claim in admissible.

(True Extract)
(Signed) J. Sim
Secretary to Government.

Forwarded to D. Burch Esquire, Acting Cantonment Magistrate, Bellary, with reference to his letter of the 28th ult.

(Signed) W. J. Farquhar
Ag. Dy. Accountant General.

of deputation allowance to a Covenanted Civil officer when acting for a Military officer in Civil Employ, and the natural course therefore appears to be to fall back on the rules regulating deputation allowance to Civil officers when acting for others in Civil Employ. Moreover this view of the case appears to be strengthened by Clause I para 34 of Government order No 5914 dated 28th November 1863 published in the Fort St. George Gazette at page 999 Vol II, and by the fact that Covenanted Civilians acting for absentees in the Educational department draw the usual deputation allowance.

I have the honor &c.

Sir

Your most obedient servant,

(signed) D. Burch

Assistant Collector

Fort & Cantt Department

No 2132.

Fort St. George,

Accountant General's Office

20th July 1867.

From The Acting Accountant General

Madras.

To

D. Burch Esqre

Assistant Collector, Bellary.

With reference to your letter No 76 dated

4th Instant I have the honor to observe that when an officer is appointed to act for another his claim to deputation allowance, if entitled thereto, is in no way dependent on the nature of the leave upon which the permanent incumbent may be absent.

The Government declining Mr. Lee Warner's claim to deputation allowance for acting as Cantonment Joint Magistrate & St. Thomas Mount assigned as reason, I am unable to say whether the circumstance of his having been appointed only Assistant Cantonment Joint Magistrate had any influence upon their decision, but as the present case is governed by the decision of this department in regard to

I would add that when a covenanted Civil Servant officiates for a Military officer on Civil employ his deputation allowance is governed by the deputation allowance rules for Covenanted Civil Servants.

I have the honor &c.

Sir

Your obedient Servant

(Free Copies)

David Pearce

Assistant Collector

(signed) W. J. Reynolds

Accountant General

Rec'd 21/10/67.

Enclosure etc.

In a letter from the
Secretary of State for
War, dated 20th Oct 1867 to the Colonial
Office.

Copy of the Correspondence
with the Accountant
General on the Subject
of Depreciation allowance

Read 21/10/67

Ins. Nº 609. 610 d 26.11.46