M.R.O.-1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue—DEPARTMENT.

G.O. No.	2810	Press ~~Mis.~~
222.23		
Dated	19th October	1929.

Not to be folded or roughly handled

2810

No. 222. Read the following letter from the Officiating Accountant-General, Madras, to the Acting Secretary to Government, Revenue Department, dated Fort Saint George, 15th September 1869, No. 178 :—

In forwarding, for the orders of Government, the accompanying Board's Proceedings, No. 6,704, dated 7th instant, relative to the claim of Mr. Boswell, Acting Collector of Kistna District, to Deputation Allowance for the period occupied by him in transit from Mangalore to Kistna, under the spirit of the orders of the Government of India, Nos. 3,429 and 743, dated, respectively, 8th December 1868 and 25th May 1869, I have the honour to state that the order of 8th December 1868 seems clearly to apply only to the case of an officer who, when he starts to join an acting appointment, has not been relieved in the post he leaves, either by a permanent incumbent or by an officer for whom he has been acting. Mr. Boswell having been appointed to act as Collector of South Canara *during* the absence of Mr. H. S. Thomas on privilege leave, lost the acting appointment on the return of Mr. Thomas, and therefore ceased to be an acting officer in the sense of the Rule, which would have applied if Mr. Thomas had been sent to act elsewhere, as he would have been held to be the incumbent of the acting post.

2. The order of 25th May 1869, referred to by Mr. Boswell in support of his claim, does not apply to his case; because Mr. Boswell, when appointed to act as Collector of South Canara, was not promoted from a lower to a higher acting appointment, nor did he return to any lower paid acting appointment; the appointments in which Mr. Boswell was appointed to act having been all of equal emoluments.

3. Under these circumstances I beg to state that the claim of Mr. Boswell to Deputation Allowance for the period of transit to Kistna, is inadmissible.

Enclosure No. 1.

Proceedings of the Board of Revenue, dated 7th September 1869, No. 6,704.

Read the following letter from J. A. C. BOSWELL, Esq., Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 20th August 1869, No. 254.

When Mr. Dykes relieved me at Nellore on 3rd November last, I was sent to act for two months as Collector of South Canara. From the time I left Nellore till I joined at Mangalore, I drew no Deputation Allowance. When Mr. Thomas, for whom I acted at Mangalore, rejoined on 12th February, I was ordered to proceed to Masulipatam as Acting Collector of the Kistna District, and joined there by 4th March. On the strength of letter from the Secretary to Government of India, to Secretary to Bengal Government, No. 3,429, published on page 39 of the *Fort Saint George Gazette* of 12th January 1869, I drew Deputation Allowance for the interval, namely, Rupees 547-7-10 which however the Accountant-General retrenched. The order alluded to is to the following effect :—"When an officer holding an acting appointment is transferred to another "appointment of not inferior emoluments, he shall continue to draw his acting allowances during the "time spent in joining the new appointment." The Deputy-Accountant-General however held (letter dated 3rd May 1869, No. 758) that this order did not refer to a case like mine, because I was appointed to act as Collector of South Canara during the absence of Mr. H. S. Thomas on leave, and my acting appointment *terminated* on the return of that officer; so that my transfer could not be viewed as a transfer within the meaning of the Rule.

2. It appears some such very literal ruling was also made in Bengal which necessitated another reference to the Government of India, whereupon was published another letter from the

Under-Secretary to the Government of India, Financial Department, to the Secretary to the Government of Bengal, dated Simla, 25th May 1869, No. 743. In this it was laid down that "when an officer who is temporarily promoted from a lower to a higher acting appointment, "is relieved of the higher and within the time allowed by the Rules, rejoins the lower acting "appointment from which he was promoted, or joins any other acting appointment of not inferior "emoluments, his allowances from the date of his being so relieved to the date of his so joining, "shall be passed at the rate at which he was drawing in the officiating appointment from which he "was taken to officiate in the higher appointment."

3. I hereupon again applied to the Accountant-General to be informed whether, in his opinion, this Ruling did not meet a case like mine. For the convenience of the public service, I was sent from Nellore to Mangalore to act for two months, and then sent back again to the Eastern Coast to Masulipatam.

4. The Deputy-Accountant-General replied (letter dated 3rd August 1869, No. 2,909) that I had not been promoted from an acting appointment to another of higher emoluments, nor did I return to the lower paid of two acting appointments or any other appointment of not inferior emoluments, therefore the order referred to did not hold good in my case, because I was relieved of my acting appointment in South Canara and appointed to act at Kistna; that therefore I am not entitled to draw any Deputation Allowance whilst travelling to join the latter appointment.

5. I beg to submit respectfully, for the consideration of the Board, whether the principle laid down in the two orders of Government quoted, does not apply to a case like mine, and whether it is not desirable to represent to Government that there is a case which, by the Accountant-General's opinion, is excluded, by the wordings of these two orders, from the benefit conceded to all cases of an analogous nature. The omission of such a case from the Rule is probably an oversight, which would be rectified if pointed out.

SUBMITTED for the favourable consideration of Government through the Accountant-General.

2. The Board consider that the spirit of the orders of Government of India to which Mr. Boswell refers, clearly applies to the case of such transfers as his from Nellore to South Canara and from South Canara to Kistna.

No. 223. ORDER THEREON, 19th October 1869, No. 2,810.

Miscellaneous.

THE Accountant-General is requested to report whether, under the recent order of the Government of India, dated 10th September 1869, No. 3,349, Mr. Boswell is not entitled to the allowance, as he was transferred to Kistna in the *Gazette* of the 9th February, and was at that time acting as Collector of South Canara, not having been relieved by Mr. Thomas until the 12th February.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Accountant-General.
,, the Board of Revenue.

Exd. F. R. Bantleman.

9/2810.

19th October 69

Mr Boswell's claim to
Deputation Allowance
referred to the Accountant
General for report
with reference to the
Government of India's
Circular Letter of 10th
September 1869 No 3349

Mr Boswell is aware
that the Accountant
General's report
should be submitted
to Government

Govt. of {1869} Madras.

REVENUE.

To

THE ACCOUNTANT-GENERAL,

&c., &c., &c.

Dated October, 19th.

Recd. 1869.

G. O., 19th October 1869, No. 2,810.

OCTOBER.

Nos. 222-223.

From the Accountant Genl
28 October 1869 No 3647

Mr. Boswell's claim to Deputation Allowance.—Accountant-General requested to report on this subject, with reference to order of Government of India of 10th September 1869, No. 3,349.

of J. Cumming, 2nd
having been released
by Sir Thomas Smith
until the 12th Feb.

Lt

by Order of Accountant General dated 20 Oct.
14th of the Board of Admiralty

3rd
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