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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
B.P. No.

1691

Press
Mis.

Dated

25. 11. 1875 196 .

Not to be folded or roughly handled

No. 287. Read the following Proceedings of the Board of Revenue, dated 10th September 1875, No. 2,538:—

Read the following letter from W. G. UNDERWOOD, Esq., Acting Head Assistant Collector, to G. VANSAGNEW, Esq., Collector of Nellore, dated Nellore, 17th August 1875, No. 334:—

I HAVE the honor to request that you will, if you see no objection, refer the two following cases to the Board for orders:—

2. 1st.—The Accountant-General has retrenched me Rupees 84, fixed tentage, for the period I was at Palghaut acting as Head Assistant Collector whilst the incumbent was on *privilege leave*.

3. 2nd.—The Deputy Accountant-General is of opinion that I am not entitled to deputation allowance whilst journeying from Coimbatore to this district on two grounds—(1) “that the second notification of 2nd July 1875 in the Gazette superseded (cancelled, I think, is the word used in the Gazette) the first one of 18th June 1875, appointing me as Acting Head Assistant Collector, Coimbatore.” As a matter of fact, all notices of changes must cancel the appointments made previously. Anyhow it seems to me according to Rule 7 (b) page 189 of the Leave Code that I am entitled to the acting allowance of my old appointment, whether the former posting is cancelled or not, as the rule gives me allowance of my old office during transit.

4. The second objection of the Deputy Accountant-General is that Mr. Rice resumed the office, and that he has a superior lien on it, and so under paragraph 3, rule 8, page 191, I am excluded.

5. I take it that only applies to cases where the acting officer is relieved by the permanent incumbent, or an officer who, having a superior lien, returns as from *privilege leave*. In this case Mr. Rice, who is Acting Head Assistant Collector, Tinnevely, was put in as a temporary measure till Mr. Mackenzie's leave expired, and can hardly be said to have a lien on the appointment.

6. To push Mr. Rule's construction to an extreme length, when an acting officer goes on *privilege leave*, he would not be entitled to deputation allowance, as the officer acting for him would have a superior claim during his absence on leave.

7. If I had applied for the transfer, and it had been granted me as a favor, it would be a different question, and I should not feel justified in asking for the increased pay till I had joined here. As it is, I have come greatly against my will, and I presume only for the benefit of the public service.

—
No. 2,334.

SUBMITTED to the Board of Revenue for their favorable consideration.

2. Under the rules Mr. Underwood could not draw deputation allowance for the joining time if an officer having a superior lien on it resumed the office, that is, Mr. Underwood would be entitled to the allowance if no officer having a prior lien thereon resumed charge of the Head Assistant's Office at Coimbatore.

*Proceedings of the Madras Government, Revenue Department,
25th November 1875.*

3. The facts are that Mr. Underwood relieved Mr. Rice, who had been posted to Tinnevely; that then Mr. Mackenzie was appointed to act as the Head Assistant of Coimbatore during the absence of Mr. Martin; that Mr. Rice was re-appointed to continue to act during the absence of Mr. Mackenzie on leave; and that then Mr. Rice relieved Mr. Underwood. The question to be decided is which officer had the superior lien on the appointment. Either Mr. Mackenzie or Mr. Martin in my opinion. Mr. Rice's interest in the office was only temporary. In that view Mr. Underwood would be entitled, under Rule 7 (b) and proviso clause 3 of the Chapter VIII. of the Civil Leave Code, to draw deputation allowance during the joining time.

4. Anyhow the circumstances were special, and I do not think the Government would wish Mr. Underwood to be a loser by the arrangement that led to his transfer.

NELLORE,
24th August 1875.

(Signed) G. VANSAGNEW,
Collector.

SUBMITTED for the orders of Government.

2. The grounds on which fixed tentage during Mr. Underwood's tenure of the Head Assistantship in Malabar has been retrenched are not stated, but the Board presume that objection is taken under clause 4, section 24 of the Civil Leave Code, in regard to the application of which the Board have already requested that an authoritative ruling may be passed.

3. It is for Government to decide whether the circumstance of Mr. Underwood's joining at Coimbatore entitles him to deputation allowance, which he could not have claimed under the proviso to Rule 7, Chapter VIII. of the Leave Code, had he proceeded direct from Palghat to Nellore on being relieved by Mr. Knox.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 288. ORDER THEREON, 25th November 1875, No. 1,691.

Miscellaneous.

In the absence of full particulars, the Government find it difficult to understand the case as to Mr. Underwood's tentage.

2. If, while acting at Palghat, he had his own tents with him, he, and not Mr. Knox, is entitled to the fixed tentage on the principle already adopted by Government in Mr. LeFanu's case.

3. In the matter of the deputation allowance it would appear that the Accountant-General's Department is of opinion that the claim is barred by the fact of Mr. Rice having resumed the Coimbatore Office and having had a superior lien on it.

*Proceedings of the Madras Government, Revenue Department,
25th November 1875.*

4. The Government do not consider that this rule applies, as Mr. Rice did not resume the appointment by virtue of a superior lien, but because Mr. Underwood had been transferred and Mr. MacKenzie had not joined.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

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

Exd. A. Grubert.

No. 2,538.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th September 1875.

Read the following letter from W. G. UNDERWOOD, Esq., Acting Head Assistant Collector, to G. VANSAGNEW, Esq., Collector of Nellore, dated Nellore, 17th August 1875, No. 334:—

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4. The second objection of the Deputy Accountant-General is that Mr. Rice resumed the office, and that he has a superior lien on it, and so under paragraph 3, rule 8, page 191, I am excluded.

5. I take it that only applies to cases where the acting officer is relieved by the permanent incumbent, or an officer who, having a superior lien, returns as from privilege leave. In this case Mr. Rice, who is Acting Head Assistant Collector, Tinnevely, was put in as a temporary measure till Mr. Mackenzie's leave expired, and can hardly be said to have a lien on the appointment.

6. To push Mr. Rule's construction to an extreme length, when an acting officer goes on privilege leave, he would not be entitled to deputation allowance, as the officer acting for him would have a superior claim during his absence on leave.

7. If I had applied for the transfer, and it had been granted me as a favor, it would be a different question, and I should not feel justified in asking for the increased pay till I had joined here. As it is, I have come greatly against my will, and I presume only for the benefit of the public service.

No. 2,334.

SUBMITTED to the Board of Revenue for their favorable consideration.

2. Under the rules Mr. Underwood could not draw deputation allowance for the joining time if an officer having a superior lien on it resumed the office, that is, Mr. Underwood would be entitled to the allowance if no officer having a prior lien thereon resumed charge of the Head Assistant's Office at Coimbatore.

3. The facts are that Mr. Underwood relieved Mr. Rice, who had been posted to Tinnevely; that then Mr. Mackenzie was appointed to act as the Head Assistant of Coimbatore during the absence of Mr. Martin; that Mr. Rice was re-appointed to continue to act during the absence of Mr. Mackenzie on leave; and that then Mr. Rice relieved Mr. Underwood. The question to be decided is

Cont. of 1875i 301 adras.

REVENUE.

THE BOARD OF REVENUE.

20.

Recd. Dated November, 1875.

G. O. 251A November 1875, No. 1,691.

NOVEMBER.

No. 251298.

Filed Underwood and Deputation Allowance due to Mr. Underwood—Acting Head Assistant Collector of Nellore.—Passing orders on Proceedings of the Board of Revenue on the Accountant-General's objection to pass the—

which officer had the superior lien on the appointment. Either Mr. Mackenzie or Mr. Martin in my opinion. Mr. Rice's interest in the office was only temporary. In that view Mr. Underwood would be entitled, under Rule 7 (b) and proviso clause 3 of the Chapter VIII. of the Civil Leave Code, to draw deputation allowance during the joining time.

4. Anyhow the circumstances were special, and I do not think the Government would wish Mr. Underwood to be a loser by the arrangement that led to his transfer.

NELLORE,
24th August 1875.

(Signed) G. VANSAGNEW,
Collector.

SUBMITTED for the orders of Government.

2. The grounds on which fixed tentage during Mr. Underwood's tenure of the Head Assistantship in Malabar has been retrenched are not stated, but the Board presume that objection is taken under clause 4, section 24 of the Civil Leave Code, in regard to the application of which the Board have already requested that an authoritative ruling may be passed.

3. It is for Government to decide whether the circumstance of Mr. Underwood's joining at Coimbatore entitles him to deputation allowance, which he could not have claimed under the proviso to Rule 7, Chapter VIII. of the Leave Code, had he proceeded direct from Palghat to Nellore on being relieved by Mr. Knox.

(A true Copy and Extract.)

[Signature]
Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department.
Copy to the Collector of Nellore.

Encl. A. Grubert.

8-287

SEPTEMBER.
No. 2,538.

*Fixed tentage and deputation allowance—
due to Mr. Underwood, Acting Head Assistant
Collector of Nellore, in connection with his
appointment to act as Head Assistant Collector
of Coimbatore, which the Accountant-General
declines to pass—Letter from Collector of
former district on subject of—submitted to
Government with remarks.*

Received 27: Sept 5

Recd. 1691-85 Dec 1875

[Signature]
Encl.

PROCEEDINGS, 10TH SEPTEMBER 1875, No. 2,538.

BOARD of REVENUE,
MADRAS.

1875.

13724.

Ans: 1875-74

Chapter VI

Section 24.

Clause 4. In the Bombay Presidency, an officer on privilege leave may draw the house-rent or tentage attached to his appointment; if he places his house or tent at the disposal of the officer, if any, who officiates for him. The officiating officer cannot, in such case, draw the house-rent or tentage attached to the appointment. But if the officiating officer, for a reason which the local Government considers sufficient, refuses the accommodation placed at his disposal, the allowance is to be drawn by him and not by the absentee.

Chapter VIII

Rule 7. Except in the case mentioned in rule 8, an officer draws, during joining-time, the following allowances:—
(a) as regards pay;—
the pay which he drew in his old

old appointment, or that which
he draws in his new, whichever is less.

(b) as regards acting allowance; -

(1) if transferred from an
officiating appointment to an
appointment, officiating or
substantive, with not less salary; -
the acting allowance of his
old appointment;

(2) if after being promoted from
a lower to a higher officiating
appointment without losing
his lien on the lower one, he
is relieved of the higher and
returns to the lower, officiating
appointment, or to another appoint-
ment, officiating or substantive,
with not less salary; - the acting
allowance of the lower officiating
appointment;

(3) provided that no officer can
draw acting allowance for any
appointment after another officer having
a superior lien on it has resumed it.

10/11/10

Wick & Co. 25 November 1875
No 1698

Objection Statement on

Bill of

for

187

N.B.—This Statement must be returned within a week of its receipt, or the cause of any delay in doing so explained by Docket.

Nature of Payment.	Items under Objection.	Nature of Objection.	Explanation.	Orders.
Fried Tentage of Mr. Underwood from 25th March to 23 May 1875 @ 10⁰⁰ per annum	82 10⁰⁰	Enaduppille. Mr. Knox having certified that he left his tent during his absence on privilege leave at the disposal of Mr. Underwood, the latter is not entitled to the same for the above period. Rs 82-10-0 should be recovered upon his next pay bill.	(Signed) S. S. S. S. S. S. S. S. S. S. (True Copy)	
15th July 1875				
To W. G. Underwood Esquire By Mr. S. S. S. S. S. Comptroller				

Revenue Dept

Note

Mr. Knox, Asst. Secy. of Malabar, was on private leave from 24th March to 23^d May 1875

Mr. Underwood acted for him from 25th March, and was relieved by the note above on the 24th May 1875.

On the 18th June, Mr. Underwood was appointed to act as Asst. Secy. of Crim. Justice. Gaz. page 1062 and assumed charge of that Office on the 30th June A. M.

On the 2^d July 1875 he

was

Asst. Secy. of Malabar

was appointed to act as Head Asst.
Colt. of Milline in suppression of the
home appointment. Gaz. ps. 1200
and he detained no charge on the
9th July 1875 A.M. and took
charge in Milline on the 22nd July A.M.

L. W. R. S.

Asst to the Asst Genl

No. 4908

Audit DEPARTMENT.

Fort Saint George,
Accountant General's Office,
3 August 1875.

FROM THE ACCOUNTANT GENERAL, MADRAS,

TO THE *Collector of Bellore*

VIDE { your ^{Deputy's} ~~Proceedings~~ ^{Office Letter} ~~Memorandum~~ } No. dated *27 July* 1875.

The undersigned has the honor to state that Mr. Underwood is not entitled to acting allowance during his transit to Bellore as the notification appointing him to act as Head Assistant Collector Coimbatore dated 13 June 75 was superseded by the subsequent notification of 2 July, appointing him to act at Bellore, and as Mr. Rice who had a prior lien on the former appointment returned to duty on 12 July.

(Signed) *Edw. R. Rule*
Dy. Asst. Secy.

(True Copy)
T. Krishna Rao
Asst. to the Asst. Secy.

*Vide G. O. 25 November 1875
No 1691.*

REVENUE DEPARTMENT.

No. 3744.

From Pres Board of Revenue
Dated 10 September 1875.

FOR ORDERS.

The case is last put
before Govt. it is not
even understood
the facts (over)
had wood took charge
of the app't. of the
commissioner & that it is
located in one of the
fact of the matter
If the fact is that
and I think it is
that is the fact
If this is the fact

Order of 25 November 1875
No 1697

the I think
is entitled to
and allow from
simulation & delusion.
If he had not joined
simulation then I think
he was only entitled to
pay from his labor &
honor & the same allowances
as he could have claimed
from his labor & simulation.
If he was acting ill in
his labor when gathered
into simulation &
subsequently in delusion -
he can I think claim the
last choice & the latter
District. The principle
is plain. But I gather

from the office he held that
W. Woodward acted for
at Salghat for W. Knox
& was again allowed by
him & entered in the position
of agent for W. Knox.

If he was acting for
him at Salghat. he
must W. Knox. was
entitled to the fixed salary
under the last act of the
Dec. 24. - on the principle
adopted by Gov. W. A. B. in
this case.

Then he was appointed
act W. A. B. simulation. &
such as actually acting
was appointed. I act W. A. B.
delusion. The situation of the
former appointed. being for only

2 days. The rule provides
that an acting officer of 2nd
and the acting asst. Secy.
Rich joining, acting as Secy.
at the lowest of the 2 dates.

The Act of 1871 is that
the claim is based on the fact
of Mr. Rich having assumed
the joint Secy. office. Having had
a superior claim on it.

I don't think this will
apply as Mr. Rich assumed
his office as a superior
claim. But because Mr.
Underwood had been 2nd
Mr. Rich had not
joined.

And Mr. H. W. L. had been 2nd
Mr. Rich was 2nd but Mr.
H. W. L. was 1st on 1st drawn
acting as Secy. The fact
of his having no public grounds
from 1871 to 1875 is

FOR ORDERS.

Not a man for not knowing these
 Supra with Mr. W. L.
 who published of the order
 1871

Revenue Dept.

N^o 1691

Proceedings of the Madras Government

Under date the 25th Nov^r 1875

Read the following
Proceedings of the Board of
Revenue.

Sub^d with remarks, letter
from Col^l of Nellore on subject of
fixed tentage & deputation allowance
due to Mr. Underwood, Asst. Secy.
Col^l of Nellore in connection with his
appointment to act as Asst. Secy.
of Coimbatore which the Asst. Secy.
declines to pass.

A. E. 10 Sept. 1875 - No. 2538.

LB

In the absence of
full particulars, the Gov^t
find it difficult to understand
the case as to Mr. Underwood's
tente

2 If while acting at
Palghat, he had his own
tente

tents with him, he, and
not Mr. Knox, is entitled
to the Fixed Tentage
on the principle already
adopted by Gov^t in Mr.
Le Franks case

3 In the matter of
the disputation allowance
it would appear, that the
Act^g Gen^l's Dep^t is
of opinion that the claim
is barred by the fact
of Mr. Rice having
resumed the Combative
Office and having
had a superior Com^d on
it

it.

137
4 The Gov^t do not
consider that this rule applies
as Mr. ^{Rice} ~~Underwood~~ did not
^{re-assume} ~~re-assume~~ the appoint^{ment} by virtue
of a superior Com^d, but
because Mr. Underwood
had been transferred &
Mr. Mac Kenzie had not
joined.

14 To the O'Boarding Overseer 26 Nov
to the Accountant General

1404
No. 1404

