Archives I—10,000—6-10-76.

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue . DEPARTMENT

G.O. No.
B.P. No. 3077.

Press.
Mis.

Revenue Dept

Dated 4-10-1877 ~~197~~ .

Not to be folded or roughly handled

3077

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

4th October 1877, No. 3,077.

Read the following papers :—

No. 55. Proceedings of the Board of Revenue, dated 21st August 1877, Miscellaneous No. 11,707.

Read the following letter from F. R. H. SHARP, Esq., Acting Collector of South Arcot, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Kullakurchi, 27th July 1877, No. 332 :—

I HAVE the honor to submit, for the favorable consideration and orders of the Board, the application of S. Venkatasubbiah, Temporary Deputy Collector of this district, for deputation allowance for the periods he was in charge of the Head Assistant Collector's office on two different occasions noted below :—

(1.) From 1st April to 27th June 1876.
(2.) From 9th September 1876 to 3rd October 1876.

2. On the first occasion he had to do the work of the Head Assistant's office as well as that of the Railway Department, and on the second he was in charge of the above duties and that connected with the Cuddalore Taluq.

3. The Board have, in their Proceedings, No. 8,730, dated 18th June 1877, allowed deputation allowance to Sri Baliah when in charge of the Head Assistant's office this year.

SUBMITTED for the orders of Government.

2. Venkatasubbiah was in charge of the Head Assistant's office during the absence on privilege leave of Messrs. Thompson and Garstin.

(A true Copy and Extract.)

(Signed) C. A GALTON,
Acting Secretary.

ENCLOSURE No. 1.

Proceedings of the Board of Revenue, 18th June 1877, Miscellaneous No. 8,730.

Read the following letter from J. C. HUGHESDON, Esq., Acting Collector of South Arcot, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Porto Novo, 6th June 1877, No. 256 :—

I HAVE the honor to report that consequent on the removal from this district of Mr. Wallace, late Acting Sub-Collector, I placed Mr. Thompson, the Acting Head Assistant Collector, in charge of the Sub-Collector's taluqs, while the Deputy Collector on General Duties, Sri Baliah, was put in charge of the Head Assistant Collector's taluqs in addition to his own.

2. These arrangements continued till the arrival of Mr. Wallace's successor, Mr. C. A. Bird, who assumed charge of the sub-division on the 30th ultimo.

3. Under Board's Standing Order No. 386 I request the sanction of the Board to the temporary arrangement.

Govt. of 1877, Madras.

REVENUE.

To

The BOARD of REVENUE,

&c., &c., &c.

Dated October 4th.

Recd.

Encl.

G.O., 4th October 1877, No. 3,077.

Application of S. Venkatasubbiah, Temporary Deputy Collector, for Deputation Allowance for the periods he was in charge of the Head Assistant Collector's Division in South Arcot— Observing with reference to the —, that no unprovided officer can be appointed to act in a reserved appointment to which he can-

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Revenue Depmt.

Mis No. 8730

3077/77

Proceedings of the Board of Revenue
D/ 18th June 1877

Read the following

No. 256.

From. J. C. Humfresdon Esquire
Ag. Collector of
South Arcot

To H. E. Stokes Esquire
Secretary to the
Board of Revenue
Madras.

Sir,

I have the honor to repor
that consequent on the removal
from this District of Mr. Wallac
late Acting SubCollector I plac
Mr. Thompson the Ag Head Asst
Collector in charge of the
SubCollector's Taluqs whilst the

Deputy Collector in General Duties Sri Balich was put in Charge of the Head Asst Collector, Talugs in addition to his own.

2 These arrangements were continued till the arrival of Mr Wallace's successor Mr C. A. Bird who assumed charge of the Sub Division on the 30th Ultimo.

Under Board's standing order No 386 I request the sanction of the Board to the temporary arrangement.

I have &c

Collector's Office
Camp Pertohooro
6 June 1877

Sd J. C. Hughesdon
Ag Collector

Mr Thomson and Sri Balich will be considered to have acted in the posts of Sub-Collector and Head Assistant Collector respectively from the date of Mr Wallace's departure till the arrival of his successor to enable them to draw Deputation allowan

(True Copy & Extracts)

Sd C. A. Galt
Sub Secretary

P. to Sixth Asst

Copy to Accountant General

(True Copy)

Ag Secretary

nclosure in Boards
Proceedings dated
1st August 1877
is. No. to the
ecretary to Govt No

Rev 378/77

South Arcot

Revenue Depart

Mis No. 11707.

3077/5

Proceedings of the Board of Revenue
Dt. 21st August 1877.

Read the following

No. 332

From. J. R. H. Sharp
Ag. Collector of
South Arcot

To. C. A. Galton Esquire
Ag. Secretary to the
Board of Revenue
Madras

Sir,

I have the honor to submit for the favorable consideration and orders of the Board the application of S. Venkatasubbiah Temporary Deputy Collector of this District for deputation allowance for the periods he was in charge of the Head Assistant Collector's Office on two different occasions noted below.

(1) From 1st April to 27th June 1876

(2) 9th September 1876 to 3rd October 1876

2. On the first occasion he had to do the work of the Head Assistant's Office as well as that of the Railway Department and on the 2nd he was in charge of the above duties and that connected with the Cuddalore Taluq.

3. The Board have in their Proceedings No. 8730 dated 18th June 1877 allowed deputation

allowance

3077/6

allowance to Shri Kaliah when in charge of the Head Assistant's Office this year.

I have &c

Collector's Office
Camp Kullakurichi
27th July 1877

(Sd.) H. Sharp
Ag. Collector.

Submitted for the orders of Government.

Venkatasubbiah was in charge of the Head Assistant's Office as during the absence on privilege leave of Messrs. Thompson and Garstin.

(True Copy Extract)

Ag. Secretary

To The Secretary Government R.D.
with Copy of Board's Proceedings
dt. 18th June/77 No. 8730.

Memo for Orders 3077

Pro: Board of Revenue
(thro' Acct. Genl.)

Sub. for orders letter from Collr. of South Arcot on application of S. Vencatasubbah Temp. Depy. Collr. for deputation allowance for the periods he was in charge of the Head Assistant Collector's Office on two different occasions

H. E. 21 Augt. 18)) [illegible] 11 [illegible]

1. In the [illegible] of giving deputation or the extra allowance to an uncov[illegible] Officer when doing the duties of an Office exclusively belo[illegible] to the Covenanted Civil [illegible] considerable differen[illegible] treatment has occurre[illegible]

2. When [illegible] Depy. Collr. of [illegible] [illegible] of the Sub [illegible] office [illegible]

[illegible]

Tellicherry for some weeks under Govt. order the Accountant Genl. reported that there were no rules under which he could draw acting allowance "as the appointment of Sub Collector is one that cannot be held by an uncovenanted officer but is strictly reserved for Covenanted "Civilians". The Govt. "under the "special circumstances of the "case" gave him a lump [illegible] which represented the [illegible] of $\frac{2}{3}$ of the dif: [illegible] between his and the [illegible]llector's pay. The [illegible] allowance of Rs. 150.

A few months later [illegible] Mr. F. M. MacGregor, [illegible] Collr. of Coimbatore [illegible] allowance [illegible] Collr. the

It seems to me the governing principle. An uncovenanted officer may [illegible] Act of Parlt. pass [illegible] into the covenanted [illegible] admission of [illegible] the C.S. but [illegible] I do not think that he can take order as regards pay under covenanted rules & rates

G.O. 6 May 1873 No. 50 R.D.

G.O. 26 July 73 No. 787.

the Accts. Genl. reported that [illegible] appointed Mr. MacGregor to act he would be entitled under Section 19 (a) 5 (a) & (c) & 2 (b) of the acting allowance Codes to Rs. 200 per mensem "calculated "on Rs. 558-5-4 which is the pay "of unpassed Head Assistant "Collector" The order in this was "The Governor in Council is not "of opinion that any acting allowance "is claimable by a Dy. Collr. "temporarily placed in charge "of a division of a Distri[illegible] [illegible]ionally held by a Covenanted "Officer. The present app[illegible] "must therefore be rej[illegible] the remarks on original dr[illegible] it would seem that it was anticipated that if the appoint-ment had [illegible] report to the [illegible]

contd

would have to go under the Act of 1862. The question of giving the allowance without gazetting was also considered.

Early this year the Collector of Malabar having reported that he had placed his Sub Deputy Mr Cannan in charge of the Special Assistant's division during Mr Winterbotham's absence on privilege leave the proposal [illegible] deputation allowance was referred to the Accountant Genl who will state [illegible] the proposal is [illegible] under the Code or any ruling of the Govt of India".

Mr [illegible] Donald replied "that an uncovenanted officer [illegible] a substantive appointment

× Reference apparently is to 24 & 25 Vic: C. 54.

G.O. 31 Jan. 1877 – No 467

"appointment" and acting "in another which is "generally held by a "Member of the Covenanted "Civil Service is entitled "under Sec: 20 (a) of the "acting allowance Code "to draw the acting allowance "defined in Sec: 6 of the "same Code" (i.e. not less than 2/3 of the difference between the pay of the two appointments & not [illegible] than Rs 200) Mr Cannan can "therefore draw an acting "allowance of Rs 2[illegible]

Does not [illegible] [illegible] to an app^t that is [illegible] a Covenanted app^t month if he is appointed "to act as Special Assistant "Collector of Malabar", or if merely placed in charge of the current duties of the office he could draw a charge allowance of not less than Rs. 100 under Section 25. It appears from the papers that the difficulty about gazetting came up again but as the Accountant General semi-officially stated that G.O. would suffice

If we cannot legally gaz
the officer to the appt it
an admission that the
cannot be sustained

G.O. 23 Feb/77 No. 1042.

it was decided that Dy. Collr. "Cannan will draw the "allowance of 200 Rs. declared "available by the Acct. Genl. "for the time he has acted & "continues to act as Special "Assistant to the Collector of "Malabar."

6. Referring to this order the Board of Revenue forwarded an application for charge allowance of Rs. 100 submitted through the Collector of Salem by Mr. Temporary Deputy Collector Dawes in charge of the Head Assistant's Divis

sion. The Accountant General said it was allowable of Govt. thought it and accordingly was passed. The in Mr. Caman's case brought to notice at time but it was apparently thought [illegible] to act upon it and give the the rate of allowance.

Mr. [illegible] [illegible] having [illegible] in charge of [illegible]

+ G.O. 27 April 17 No. 2362

applied for a deputation allowance under the Rules of Rs 322-3-6. The Accountant General on being called on for remarks said he might have a charge allowance of Rs 100 under Section 25 "but if he be formally appointed by Govt. to act as Head Assistant he will be entitled to the usual acting allowance under section 20 (a) and 6 (b) and 2 (b). viz - 205-8-10 on the unrevised Head Assistant pay viz Rs 558-5-4 "acting allowance of "Rs 733-5-4 is a [illegible] only to an officer who has passed by the two Departmental standards prescribed for Covenanted Civil Servants." Accordingly Mr Cannan was permitted to draw the allowance declared available. Nothing was said about gazetting. In fact this Order merely followed the previous one of February last relative to the same officer when in charge of the Special Assistant's Office.

8. The case which has now been submitted for orders of Govt is much

G.O. 10 Aug/77
No 4459.

the same as the preceding one, but the Accountant General's report permits a much higher rate of deputation allowance. S. Vencatasubbaya Temporary Deputy Collector in South Arcot was, on two occasions in 1876 aggregating four months, in charge of the Head Assistant Collector's Office in addition to performing his own duties.

9. Mr Donald says that the Deputy Collector can either have charge allowance of Rs 102 under section 25 of the Acting

ARowand

allowance Code or "if he is appointed to act as Head Aſsistant Collector without prejudice to his own duties as Deputy Collector he will be entitled under section 23 of the above Code to salary at Rs 558-5-4 as shown below" viz-

(1) The highest salary to which he would be entitled if he officiated in one of the appointments alone i.e. Rs 250+205-8-10=455-8-10 as Aſ: Head Aſsistant Collect

-or-

(2) Such allowance as the Local Govt may fix not exceeding half the

salary

salary of the other appointment viz the Deputy Collectorship i.e. $\frac{250}{2}$ = 125

(3) The total of the above would be Rs 580-8-10 but as proviso 23 (c) forbids the aggregate salary to exceed the pay which he would draw in the most highly paid of the appointments if he held it substantively and alone his total receipts must be restricted to the pay of an unpassed Head Aſsistant viz Rs 558-5-4 unless the proviso is dispensed with on special grounds under

Rule 1 subjoined to the proviso.

10. The same argument would have been applicable in Mr Cameron's case or indeed in any of the cases noted above for in each the higher charge was in addition to the Officer's own particular duty, though not particularly specified in the applications.

11. I cannot but think that the Accountant General has strained the Rules in the view which he has taken of these claims. He certainly ought to know the Code better than any one.

The Acting Acct Genl is an Uncovd. Officer knowing of

I submit that the Rules never contemplated Uncovenanted Officers in acting in appointments exclusively retained for the Covenanted Civil Service and that if the system is to be continued, it should be with the distinct sanction of the highest authority.

12. To take Section 20 which meets the case of Officers in civil employ who are neither the Covenanted Civilians nor military men nor P.W.D. Officers nor Forest Officers officiating

in appointments "*open to or in practice held by a* Covenanted Civil servant or Officer of the army". That these appointments are *not* appointments which under 24 & 25 Victoria C. 54 should be held exclusively by Covenanted officers seems clear from the illustration to section 20(a) "*Examples of the appointments referred to* Post masters General. Judges of Small Cause Courts Bengal &ca." Why should these be mentioned if the section could apply to Collectorships Sub Collectorships Head Assistant Collectorships &ca. Even the

Financial

Financial Department is expressly excepted from the working of this section 20(a). I submit therefore that a Deputy Collector cannot properly receive under section 20(a) an allowance for acting as Head Asst. Collector.

13 The same objection exists to the reading adopted by Mr. Donald in regard to section 23. The chapter cannot it is submitted apply to appointments not contemplated by law. It is somewhat startling to find an officer who in 1873 declared that there were no rules under which such allowances could be drawn now discovering so many sections in favour of the Uncovenanted Service.

14 In regard to section 23 it is further to be noticed that if chapter VIII did apply there is no reason why section 24 (b) should be overlooked. If a joint Magistrate appointed, in addition to his own duties, to officiate as Magistrate of the District gets allowances only as officiating Magistrate of the District there seems [illegible] reason why a Dy. Collector as Magistrate appointed to act as Head Assistant should get more than allowance for officiating as Head Assistant. Mr. Donald would give him an additional [illegible]wance equivalent to half [illegible] own pay.

[illegible] The Proceedings now [illegible] reference is made to

an

+ dated 18th June 1877

an order+ of the Board of Revenue recognizing Dy. Collector Sri Baliah as having acted as Head Assistant in South Arcot in order to enable him to draw Deputation allowance. The Board here acted under the marginally noted orders delegating to them authority to recognize and authorize temporary appointments made by Collectors of their Assistants to the charge of superior offices.

G. O. 29th Jany. 1863 No. 198 R. D.
" 11th March 1873 " 331 R. D.

16 It is submitted [illegible] question of the legality of these appointments should be [illegible] considered. If an Uncovenanted Officer [illegible] be appointed to act as Head Assistant or Sub Collector there is no reason [illegible] similar appointments

should not be made in the higher grades of the Civil Service. Is this compatible with the "Rules for "the admission of Natives of India "into the Civil Service of Her Majesty in India" passed by the Governor General in Council under section 6 of 33 Vic. cap. 3 and sanctioned by the Secretary of State.? The ~~provisional~~ appointments there contemplated can only be made after previous sanction by the Governor General in Council and subject to report to the Secretary of State.

When the Madras Civil Courts Act was passed it was considered necessary to provide ([illegible] 25) for the temporary

Discharge

discharge of the duties of District Judge in the event of absence from illness or otherwise. Why legislate for such a thing if a simple G. O. could put the Senior Uncovenanted officer in charge.

18 If it is considered that such temporary arrangements as are referred to in this Memo. are not infringements of the law then has the Accountant General authority to apply the rules which he quotes in assigning deputation allowances?

19 Is [illegible] Venkata Subbaya to get what Mr. Dowdle recommends or to draw the same as Mr. Cannan in similar circumstances?

I think that the Secretary's suggestion is right – these appts practically evade the law – and our hesitation abt gazetting confirms this view – If this be so there is no claim ~~to the~~ covenanted rates of salary.

I wd place this view before the Acct Genl & if he holds to his construction refer to the Govt of India.

20/9

The solution lies in a nutshell I think. No Uncovd. officer can be appd. to act in a Covd. appt. i.e. cannot be appd. permanently by law. Any officer can be put temporarily in charge of any duties he is legally competent to perform. & the Madras C.C. act. exemplifies how the distinction is to work. A charge allowce alone can be passed in such cases.

I agree with [illegible]

Ed JE

No. 3721/77

Memo for Orders

Deputation
Allowance to Temporary
Deputy Collector S.
Vencatasubbiah

Con

[illegible]
[illegible]
[illegible]

C 18 Sep/77 R 24/9/77

Rev

3077/19

Revenue Department

No. 3077.

Proceedings of the Madras Government
Under date the 4 ~~September~~ October 1877

Read Proceedings of the Board of Revenue (thro' Accountant General) dated 21st Augt/77 Pro. No. 11707, submitting for orders letter from Collector of South Arcot on application of S. Vencatasubbiah Temporary Deputy Collector for deputation allowance for the periods he was in charge of the Head Assistant Collector's Office in different occasions.

1 The Governor in Council observes that there has been no regular system pursued in disposing of applications similar to that now under reference.

2 An allowance was

given in one^x instance tho' no rule could be found to support the grant. In a similar case it was decided* that no acting allowance was claimable by a Deputy Collector temporarily placed in charge of a division of a District usually held by a Covenanted Officer. In more recent# orders an acting allowance under section 20(a) of the Code was granted on the report of the Accountant General that such was permissible. Again a charge allowance under section 25 of the Acting Allowance Code was passed for extra duty performed under precisely similar circumstances in another District.

x G. O. 6th May 1873 No. 50 R. D.

* G. O. 26th July 1873 No. 787

G. O. 23rd February 1877 No. 1042
" 10th August 1877 No. 4459

G. O. 27th April 1877 No. 2362

From

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3 From the papers now submitted it appears that S. Venkatasoobiah, Temporary Deputy Collector in South Arcot, was in charge of the Head Division Assistant Collector's office in that District on two occasions in 1876 aggregating nearly four months. The Board having on a previous occasion of a similar nature (Proceedings 18th June 1877 No. 8730 Miscellaneous) allowed Deputy Collector Sri Balu[illegible] draw Deputation allowance, were asked by the Collector to take Vencatasoobiah's case into favorable consideration.

4. Instead of passing orders themselves as in the previous

instance they have submitted the matters to Government who on consulting the Accountant General are informed that a charge allowance is permissible under Section 25 or if the Deputy Collector "be appointed to act as Head Assistant Collector without prejudice to his own duties" he will be entitled to Salary under Section 23 of the Allowance Code.

5. His Grace the Governor in Council observes that no uncovenanted officer can be appointed to act in a reserved appointment to which he cannot be appointed permanently by [illegible] He can however be put temporarily in charge of any duties which he is competent to perform. In such a case therefore as the present a charge allowance alone can be passed.

6. It is not the intention of the Government that previous orders to the contrary should be disturbed, but the present direction will rule the present and any future case of the same kind.

14 To Bd. of Revenue 12-10-71
6 " Acct. General
6 " Financial Dept.

50/4

G.O.

Deputation

Allowance to Temporary
Deputy Collector of Devenhu
[illegible]

Hon'ble C. W. D. & C. C.

Des 17

C. 27 Sep/77 R 3/10/77 56