

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 3834

DATED 24th July

[Despatch Abstract.]

Sanctioning with remarks the grant of a leave to Mr. C.V. Ryan on his appointment in the Madras Forest Dept. while ~~also~~ ^{and} his information in his appointment in Burma and requesting the Board to furnish certain information in regard to the recovery of a portion ^{from the Burma Govt} of the cost of his training in the Dehra Dun Forest School.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

~~emo~~ G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
8396 857	8150						

Revenue (1897) Department.

CURRENT No. 5052



From

The Board of Revenue,
Land Revenue,
Madras

Order

Order No. 547 Mo.

Dated 16 June 1897

Received 17-6-97

Registered 18-6-97.

Enclosures

Spare copies

SUBJECT.

Subj. to Govt. with reference to the
order No. 2287 of 6-5-97 letter
from the Commissioner, P. C. re the
lien to be allowed to Mr. C. V. Rajan
a Deputy Ranger in the Madras
Presidency who was transferred to
Burmah.

Submitting from
Muz. Secy. Revd
6/7/97
19/6

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 4320 of 1896/97

Forest Conservator, J. H. Se.
Coimbatore 25 May 1897

From

E. D. M. Hooper Esquire,

By Conservator of Forests &c.

To

The Secretary to the Commissioner of
Land Revenue,
Madras.

Sir,

In reply to Proceedings Forest No. 434. Mis dated 13 May 1897 asking for report upon the Circumstances of Mr. C. V. Ryan's deputation to Burma and whether he was actually informed that his lien on the Madras appointment would not ^{be} forfeited pending Confirmation in that Province, I have the honor to say that Mr. C. V. Ryan was allowed by the Board to apply for vacancies in the Forest Service of other Provinces, and the Conservator of Forests of the Tenasserim Circle offered him a Probationary III Grade Rangerhip on Rs 100 per month subject to his passing the elementary Standard in Burmese. Intimation of the offer and of its being Probationary was made to the Board in this office No 82 dated 11 July.

The only question raised was the recovery from the Burmah Government of the cost of Mr. C. V. Ryan's Dehra Dun training, and in Proceedings, Forest No. 1209 dated 29 August 1896 orders were issued to relieve him of his work in the Madras Presidency.

2. The point as to the retention of a lien on his Madras appointment was never mooted.

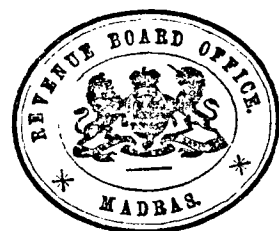
In the case of his brother Mr. J. W. Ryan, I had to no purpose, represented in my letter 1626 12.11.95.

the expediency of limiting the period of lien allowed, but the Government of Madras so decidedly refused to place any limit on the period that I considered it out of place to again suggest a different course in the case of the younger brother.

3. As a specific answer to the question in the Government Order under reply, I would say that Mr. C. V. Ryan was not actually informed that his lien on the Madras appointment was not forfeited, but he was evidently justified in considering his and his brother's terms of accepting Forest Service in Burmah were identical.

I have the honor to be
Sir
Your most obedient servant,

C. W. S. Cooper



Proceedings of the Board of Revenue

(Land Revenue),

Dated 14th June 1897.

Forest No. 547 — Miscellaneous

READ again Board's Proceedings Forest No. 434 Misc, dated 13th May 1897, communicating to the Conservator of Forests, Southern Circle for favor of early report G.O. desiring to know the exact circumstances under which Mr. C. V. Ryan's services were transferred to Burmah and whether he was actually informed that his lien on the Madras appointment will not be forfeited until he was confirmed in that Province.

Read also letter from the Conservator of Forests, Southern Circle, dated 25th May 1897, No. 4320.

Resolution

The Conservator's letter, read above, will be submitted to Government with reference to its order Min No. 2287 Rev. & 6.5.97.

2. Under the terms of the permission given in B.P. For. No. 818^{ms} recorded in G.O. No. 2363^{Rev} Mr. C. V. Ryan a Deputy Ranger in the Southern Circle appears to have applied for an appointment in the Forest Department in Burmah and was offered by the Conservator of Forests, Tenasserim Circle, a IIIrd grade Ranger's place on probation. In reporting this fact for the information of the Board, the Conservator, Southern Circle, remarked that arrangements had been made to relieve Mr. Ryan. The Board, thereupon, drew the Conservator's attention to the O.P. of the 8th June above quoted and asked him to state whether a proportionate part of the expenses attendant on Mr. Ryan's training at Dehra Dun would be repaid by Mr. Ryan himself or by the Burmah Administration. After some further correspondence on the subject, the Board ordered Mr. Ryan's relief at once on the understanding that on the principle followed in Mr. Seager's case dealt with in G.O. No. 3430^{Rev.} dated 29.7.92, the Burmah Administration would be prepared to repay the proportionate share of the expenses connected with Mr. Ryan's training.

3. The question of the period of leave to be allowed to Mr. Ryan was not raised by the Conservator, and in the absence of anything to the contrary, the Board presumed that the Conservator was aware

aware of the orders of Government in G.O. No. 382 Financial, dated 18th June 1896.

4. The Conservator states that after the appointment of Mr. J. W. Ryan to a post under the Burmese Government, he addressed Government with a view to the lien of that officer in his present appointment being limited to six months, but as Government refused to place any limit, he considered it out of place to suggest a different course in the case of Mr. C. V. Ryan. But from the wording of the G.O. No. 3591^{ms} of 8.7.96 it is clear that the lien of Mr. J. W. Ryan in his appointment under this Government was extended as a special case in view of the fact that he had not been informed of the rules prior to his accepting the Burmese appointment.

5. In para 3 of the Conservator's letter, he reports that Mr. C. V. Ryan was not actually informed that he would retain a lien on his Madras appointment until his confirmation in Burmah, but stated that he would be justified in considering that the terms upon which he & his brother accepted appointments in Burmah were identical.

identical. The Board, therefore, submits that its recommendation in para 3 of its Proceedings Forest No. 364 Min. dated 23.4.97 may be approved.

6. The appointment to Mr C.V. Ryan having been offered by the Conservator of Forests, -
Tennasserim Circle, who corresponded direct with the Conservator, Southern Circle, the correspondence on the subject did not pass through the Government Office.

(True Extract)

R. W. H. H.
Ag. Secretary.

7.

The Secretary to Government R.D. ✓
with Conservator's letter in original
to be returned.

8.

D. 1,000-8-4-97.

Mr C.V. Ryan.

REVENUE DEPARTMENT.

C. No. 5052 of 97

From the Board of Revenue Land Revenue

The Hon: Mr. G. S. C. S. Dated 14th June 1897.

The Hon. Sir Henry Bliss K.C.S.D.

FOR ORDERS.

Flagged A

The Bd certainly was not justified in letting Mr. C.V. Ryan go without order from Govt, & that he told A. The Bd says it authorized the transfer on the "understanding" that the cost of Mr. C.V. Ryan's training at the Forest School should be borne by Burma. It was asked whether this "understanding" was ever expressed to the Govt of Burma, & if so by whom? Such a requisition to a Govt ought not to have been made by a Bd. Flagged B If it has not been made, it cannot be made now. As to the intention of the Govt, if the Bd & Mr. Hooper gave Mr. C.V. Ryan reason to believe that he would have the lien, & so damaged him, they must bear the damage. The extension of the lien cannot be granted. 29/12/97

In the B.P. under G.O. No. 2287 dated 6th May 1897 it was brought to the notice of Govt that in Oct last at the instance of the Conservator of Forests, Tennasserim, Mr. Hooper, the Ag. Conservator of the Southern Circle in this Pres transferred to Burma the services of Mr. C.V. Ryan, a Dy Ranger in the Madras Forest Dept, apparently on the understanding that his lien here would not be forfeited until he was confirmed in Burma. The Board, at the same time, also requested with reference to G.O. No. 382 dated 18th June 1896 prescribing the maximum lien in such cases as three months that, as in the case of Mr. J.W. Ryan, disposed of in G.O. No. 3591 of 8th Sept 1896 I don't understand - If the lien is not extended.

FOR ORDERS.

0

It will be Mr. C. V. Ryan who will suffer, not the Bd. or Mr. Hooper. They were so short in the way, but there is no means of making them suffer (except by rigging them which will be like pouring water on a duck's back) I think be fair to let Mr. Ryan suffer - I would let him have his lie - ~~It would do~~ It would do as any material harm to do so, while it might injure him, though he seems to be quite blameless in the matter, good deal so to do so.

RS
14/7/97
H. W. Foreman
Very well

JS
15/7/97

Flagged D

Flagged F

Flagged B

this was communicated to the Tenasserim Conservator) that as in Mr. Leaper's case dealt with in G.O. n° 3430 of 29th July 1892 the Burmese administration would be prepared to repay the proportional share of the expenses connected with Mr. Ryan's training, that in regard to his lie the Board presumed that Mr. Hooper was aware of the terms of the G.O. of June 1896 but that the Govt. having in Mr. J. W. Ryan's case negatived a proposal to limit the period of the lie to six months Mr. Hooper thought that the same principle should be applied in his brother's case also and permitted the latter to leave Madras without actually informing him that he would retain a lie in his appointment here until his confirmation in Burma. The Conservator however thinks that Mr. C. V. Ryan will be justified in inferring that the terms of his transfer were the same as that those of his brother and the Board in these circumstances requests that

that

Mr. C. V. Ryan might also be allowed a lie in his appointment in this Post until he passed his Burmese test and that the Adm^r in Burma might be asked to state when both the officers in question were likely to pass the tests. The correspondence relating to Mr. C. V. Ryan's appointment in Burma not having passed this Govt, as it should have, the Board was in the G.O. first quoted above asked to report the exact circumstances under, and conditions on, which the said appointment was made or permitted.

2. The Board's reply to the above reference is now submitted for orders. It states that Mr. C. V. Ryan was allowed to apply for and accept an appointment in Burma on the terms laid down in the Bd. records in G.O. Misc n° 2363 of 17th June 1896, that the correspondence on the subject passed between the Tenasserim Conservator and Mr. Hooper, that the Board itself sanctioned his transfer on the understanding (it is not said whether

this

that its original recommendation to grant him the extra fees required may be sanctioned.

3. From the papers now before Govt it is submitted that it is clear that so far as the Board and Mr Hooper were concerned the whole correspondence on the subject was from the very beginning carelessly conducted. *without sufficient attention.*

In its Progs under G.O. n° 2363 of 17th June 1896, the Board no doubt said that it would be "prepared to" permit officers to apply for appointments in other provinces and "to move Govt to release them from their engagements if a proportionate part of the expenses attendant on their training at Dehra Dun are repaid either by the officers themselves or by the Govt under whom they may obtain employment."

In the case of Mr C.V. Ryan, however, though his transfer took place in Oct ¹⁸⁹⁶ ~~1895~~, the Board never made any application to Govt in accordance with the terms of its Progs above quoted, never made any reference to the subject of the

flagged D

the proportionate cost of training in its Progs of April last and now without submitting any definite proposal in connection therewith as if it were of no moment contents itself by the statement that it was under the impression that the Burmese admⁿ would as in the case of Mr Leaper transferred to Coorg pay the amount involved. (From the fact that the Board does not speak of having taken any action in the matter it seems evident that the Burmese authorities were never apprised of any conditions as attached to Mr C.V. Ryan's transfer and that the term "understanding" has been vaguely used in the B.P. now under consideration).

4. Messrs. Allan and O'Hara's services were in Jan^y last transferred to Burma on the application of the Chief Commr. but on the district understanding that he would have to pay the proportionate cost of their Dehra Dun

Dehra Dun training and the
Govt of India has since been
addressed on the subject. In
Mr C.V. Ryan's case the transfer
was not made at the request
of the Burmese adminⁿ nor was
Mr Ryan informed that he
would have to pay the proportionate
cost unless the Burmese adminⁿ
paid it. It is doubtful therefore
whether either of them could
now be equitably asked to repay
the amount involved. Orders
are in the circumstances solicited
as to what should be done.

5. As regards the
question of Mr C.V. Ryan's
leave the procedure to be adopted
seems to be clear. He was al-
lowed to go to Burma at his
own request and his case
is not on all fours with that
of his brother who was sent to
Burma at the request of the
adminⁿ of that Province vide
G.O. no 4826 of 28th Nov: 1898)
and long before the B.P. (Flagged D)
or the First G.O. of June 1896 (Flagged
B) were issued. There does not
therefore

This is not quite clear for it
also appears that the
Tennessee Conservator asked
for his services.
HLL
10.7.97

Flagged E

therefore appear to be any reason
why Mr Hooper should not
write to Mr C.V. Ryan thro'
the Conservator of Forests, Tenas-
sippi, setting forth the circum-
stances of his case and inti-
mating to him that he would
not be given any further leave
in his appointment in this
Post and that he should either
return or elect to remain in
Burma. His brother having
been granted a leave as a special
case until such time as he
might be confirmed in his Bur-
mese appointment no action
need it is submitted be taken
with reference to the Board's
request to apply to Burma for
information as to the probable
time within which both are
expected to pass their tests, even
though that Govt be able to furn-
ish information on the point,
which is very doubtful.

The Govt recorded the
S.P. Flagged D clearly in the
supposition that the Bd
would not go to the
explanation of his bond terms
in such cases. In this

BMM
9. VII. 97

can the Bd has acquiesced
in a transfer & has not
mentioned the matter at
all to Govt until the
question of lien arose.
And now the Bd takes
refuge in the word
"reverted". After this case
it is submitted that it
down be well to definitely
lay it down that all
such transfers must be
sanctioned by Govt upon
conditions definitely form-
ulated the chief of which
should be, this submitted,
that the transferee
should be allowed no lien
here.

W.L.
10.7.97

11/7/97

The Hon. Mr. Justice C.J.
(from order)

note
no orders have been passed
by the Hms on the point re-
ferred to in para 3 of the draft
p.O.

this part of the draft is
right

25
22/7/97

22/7/97

Read again G.O. no 2287
6.5.97
also G.O. 5052 of 97

Order misc no. 3834 of 24th July 97

Mr. the G in C. con-
siders that the Board of Revenue
was not justified in ^{authorizing} having au-
thorized the transfer of Mr C.V.
Ryan to Burma without first
obtaining the sanction of Govt
thereto and that the whole cor-
respondence on the subject was,
very from the very beginning,
conducted both by the Board and
the Conservator with ^{want of} insufficient
attention to details. The Board
has remarked that the transfer
in question was permitted by it
on the "understanding" that on
the principle followed in Mr
Seager's case, "the Burma Ad-
"ministration would be prepared
"to repay the proportionate cost
"share of the expenses connected
"with Mr Ryan's training" at
the Dehra Dun Forest School.
Mr Seager, it is observed, was
transferred to Coorg and the
Govt Mr. C desires to be informed
whether

whether ~~the~~ "understanding" above referred to, ~~which ought properly have been communicated to~~ ~~by another~~ ~~font~~, was ever expressed to the Govt of Burma and if so by whom. ~~Such a communication~~ ^{to the Govt of Burma} ~~was made~~ ^{by} ~~the~~

2. A perusal of R.P. for no 1156 misc of 18th and 1896 and the orders of Govt thereon should have ^{made it clear to} ~~convinced~~ Mr Hooper that the extension of lien to Mr J.W. Ryan was sanctioned as a special case and because at the time of his transfer no stipulation in regard to a limited lien was made with the Govt of Burma. G.O. n. 382 of 18th

June 1896 was also issued after the transfer in question was made. ~~Mr Hooper's~~ ^{The Govt} ~~therefore~~ ^{therefore} cannot regard as satisfactory Mr Hooper's plea for that he thought considered it out of place to suggest a different course in the case of Mr C.V. Ryan ~~was~~ ^{is} ~~not~~ ^{not} satisfactory. As, however, Mr C.V. Ryan appears to have been given to understand that he ^{would} ~~should~~ have the lien and as he is ⁱⁿ any case, ~~was~~ ^{is} wholly blameless in the matter, Hl. in C resolves

~~to the Govt of Burma~~ ^{to the Govt of Burma} ~~was made~~ ^{by} ~~the~~

C

B

~~Mr Hooper's~~ ^{The Govt} ~~therefore~~ ^{therefore} cannot regard as satisfactory Mr Hooper's plea

C.V. Ryan

as he

as to

to ^{allow} ~~sanction~~ ~~the~~ ~~font~~ ~~to~~ ~~him~~, ^{was permitted} as in his brother's case, ^a ~~lien~~ on his permanent appointment in this Pres^t until such time as he may be confirmed in his new appointment in Burma.

3. The Govt does not consider that any useful purpose would be served in addressing the Govt of Burma for information as to ~~the~~ ^{probable} time when the officers in question ^{are} ~~likely~~ ^{likely} to ~~would~~ pass their examinations.

To the Board of Rev: Land
Q x O Rev.
Acct General
(P x O)
16.vii.97

29.7.97

17.7.97

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH LITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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