1879 & 22-9-98

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2603

DATED 18th June

[Despatch Abstract.]

Stating, with remarks, that the Govt. regret to be unable to sanction the Board's proposal that Supdt. of Sea Customs drawing Rs 75 and upwards less may be allowed to continue to draw full overtime fees.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
~~1295/99~~ C.No							
Pris	24	Rev	16.1.00				
Mis	480	"	14.2.00				

Through the Accountant General Madras

Revenue (1898) Department.

CURRENT No. 2944

Order

From
The Secretary to the Commissioner of Salt, Abkari and Separate Revenue, Madras
Mis No. 753

Dated 27th February 1898
Received 18 Apl
Registered 18 "
Enclosures 2
Spare copies

SUBJECT.

Submitting to Government with remarks, the memorial of the Sea Customs Superintendent of Tellicherry requesting that a personal allowance may be granted to him in lieu of one half the overtime fees caused him which is now being credited to Government.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
~~C.N.D. 1295 99~~			
Pm	24	Rec	16.1.00
Rec	480	..	16.2.00

A

To

His Excellency
The Right Honorable
The Governor-in-Council,
Fort St George
Madras.

The respectful Memorial of J.L. Franks, Superintendent of Sea Customs Tellicherry, Malabar.

May it please your Excellency,

I respectfully beg leave to submit the following case for your Excellency's kind consideration and orders.

2. By G.O. N° 237, Marine, dated 30 June 1890 quoted in the Accountant General's letter $\frac{J.a.c.s}{183}$ of the 11th August 1890, Government sanctioned personal allowance to certain of the Port Conservators in this Presidency to compensate for the loss of overtime and holiday fees sustained by them in consequence of their having to yield up to Government a moiety of the fees earned by them, such personal allowance being calculated on the average emolument earned during a specific period.

3. As the orders of Government in regard to fees to Customs Officers are based on the principle of the rules laid down by the Government of India for Port Officers and Conservators in their Resolutions

Deputy for Collector
11th December 1897.

CUSTOMS
13407

From

J. L. Frank.
Superintendent of
Sea Customs
Tellicherry.

No. 696
S.C.

To

His Excellency
The Right Honorable
The Governor-in-Council
Fort St George
Madras.

Thro' The Collector of Malabar.

Dated. 3rd November 1897
Despatched
Received

Enclosure. Nil.

Subject

Personal Allowance—
claiming payment of—
to compensate for loss of overtime
and holiday fees.

Submitted to the Chief Secretary to Government Marine Department, thro' the Secretary to the Commissioners of Salt, Abkari & Separate Revenue.

Malabar Collector's office
Calicut 19th Nov 1897

Collector

Statement showing the appointments held and the Salaries and fees drawn by Mr. J. L. Frank from April 1893 to December 1897.

Date	Appointment	Month	1893-94 Salary	1893-94 Fees	1894-95 Salary	1894-95 Fees	1895-96 Salary	1895-96 Fees	1896-97 Salary	1896-97 Fees	1897-98 Salary	1897-98 Fees	Date.	Remarks.
1893 March 31	Assistant Superintendent Sea Customs Superintendent Dues office since 1883													
	Assistant Sea Customs Superintendent, Cochin	April	50 - -	23 10 4	50 - -	4 5 7	50 - -	6 7 4	60 - -	14 10 -	*70 - -	5 5 3		*Vide Board's Proceedings (Separate Revenue) No. 437 dated 8th October 1897.
		May	50 - -	7 11 7	50 - -	14 14 -	60 - -	13 4 6	60 - -	9 11 3	70 - -	10 14 8		
		June	50 - -	1 15 11	50 - -	5 6 -	60 - -	12 6 -	60 - -	6 5 9	70 - -	5 5 3		
		July	50 - -	3 3 3	50 - -	7 12 3	60 - -	6 12 6	60 - -	2 14 6	70 - -	1 4 -		
		August	50 - -	2 13 2	50 - -	3 6 4	60 - -	11 7 -	60 - -	1 15 -	70 - -	15 6		
		September	50 - -	2 - 9	50 - -	7 11 5	60 - -	4 5 9	60 - -	8 2 9	70 - -	6 4 -		
		October	50 - -	2 - 4	50 - -	7 3 6	60 - -	11 8 6	60 - -	7 1 5	70 - -	4 13 6		
		November	50 - -	13 8 -	50 - -	6 12 3	60 - -	9 13 5	60 - -	7 7 3	70 - -	7 - 4		
		December	50 - -	3 7 6	50 - -	3 8 5	60 - -	5 9 9	60 - -	6 11 3	70 - -	4 *15 -		
		January	50 - -	12 4 12	50 - -	12 8 9	60 - -	15 8 -	60 - -	10 14 5				
		February	50 - -	5 9 4	50 - -	5 7 2	60 - -	9 12 3	60 - -	10 13 11				
		March	50 - -	11 2 11	50 - -	14 4 -	60 - -	13 6 11	60 - -	8 4 11				
		Total	600 - -	74 5 1	600 - -	77 9 11	680 5 2	83 - 6	720 - -	95 - 5	630 - -	61 5 1		

Statement of Sea Customs Establishments & Pay from 31st July 1895 to date.

Date	Appointment	Month	Salary	Fees	Remarks.
1895 July 31	Assistant Superintendent of Sea Customs & Pay in charge of the Port office.	August	50 - -	2 - -	*Granted on account of being in charge of the Port office.
		September	50 - -	2 - -	
		October	50 - -	2 - -	
		November	50 - -	13 8 -	
		December	50 - -	3 7 6	
1896		January	50 - -	12 4 12	
		February	50 - -	5 9 4	
		March	50 - -	11 2 11	
		April	50 - -	23 10 4	
		May	50 - -	7 11 7	
		June	50 - -	1 15 11	
		July	50 - -	3 3 3	
		August	50 - -	2 13 2	
		September	50 - -	2 - 9	
		October	50 - -	2 - 4	
		November	50 - -	13 8 -	
		December	50 - -	3 7 6	
1897		January	50 - -	12 4 12	
		February	50 - -	5 9 4	
		March	50 - -	11 2 11	
		April	50 - -	23 10 4	
		May	50 - -	7 11 7	
		June	50 - -	1 15 11	
		July	50 - -	3 3 3	
		August	50 - -	2 13 2	
		September	50 - -	2 - 9	
		October	50 - -	2 - 4	
		November	50 - -	13 8 -	
		December	50 - -	3 7 6	
1898		January	50 - -	12 4 12	
		February	50 - -	5 9 4	
		March	50 - -	11 2 11	
		Total	1200 - -	147 - 6	

Malabar Collector's office,
Calicut 25th January 1898.

Submitted to the Board of Revenue (Separate Revenue) with regard to its Reference No. 13407 of 1897 dated 11th December 1897.

Deputy for Collector.

1,000
19-4-95

REVENUE BOARD OFFICE MADRAS

GOVERNMENT OF MADRAS MARINE

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 27th February 1898.

Mis No. 753

Read endorsement of the Collector of Malabar No. 696 S.C. dated 19th November 1897 submitting to the Chief Secretary to Government, Marine Department, through the Board, Memorial from Mr. J.C. Frank Superintendent of Sea Customs Tellicherry dated 3rd November 1897 claiming payment of Personal Allowance to Compensate for loss of overtime and holiday fees and also Board's reference thereon dated 11th December 1897 Calling for certain information connected therewith.

Read also letter from the Collector of Malabar No. 72 S.C. dated 20th January 1898 submitting a statement showing

showing the appointments held etc by Mr. J. L. Frank, Sea Customs Superintendent Tellicherry from April 1893 to December 1897 in Connection with his petition for personal allowance on account of the loss of overtime fees

Resolution

A Memorial from the Sea Customs Superintendent Tellicherry praying for the grant of a personal allowance in lieu of the moiety of overtime fees which he has had to relinquish to Government under Government order No. 228 Revenue dated 9th March 1893 is submitted for the orders of Government.

2- The orders regarding the payment of fees for overtime and holiday work in the Customs Department are Government orders No. 512 Revenue dated 2nd July 1890, No. 132 Revenue dated 8th February 1892 and No. 228 Revenue dated 9th March 1893. Under the first two of the above one-fourth of a days

days pay of each person actually employed is ordered to be levied for every hour of overtime and holiday work and paid to him except when his pay exceeds Rs 75 a month in which case only half the fee levied is paid. Sea Customs Superintendents, however, are treated differently from other Customs officials and under the last of the Government order quoted above only half the fees levied are paid to them even though their pay does not exceed Rs 75 a month on the ground that they should be treated in the same way as Port Conservators who are paid only half the fees Collected. These latter, however, were granted personal allowances to Compensate them for the loss of the moiety of fees credited to Government (Vide Government order No. 237 marine dated 30th June 1890). The Sea Customs Superintendent of Tellicherry requests that a personal allowance may be granted to him also as in the Case of Port Conservators

The moiety of fees received by him for

for two years from 1st April 1893 to 31st March 1895 amounted to Rs 134-12-- which gives an average of Rs 5-9-10 per mensem. The Memorialist at the time when the Government order quoted in para 1 above was issued was Assistant Sea Customs Superintendent of Cochin on Rs 50 and was promoted to the post of Customs Superintendent of Tellicherry on Rs 60 in July 1895. The increased Salary of Rs 70 sanctioned for the Superintendent of that port in the recent Revision of Customs establishments was allowed to him from 1st April 1897.

3 The memorial is, in the Board's opinion, deserving of Consideration. The ground on which the petitioner and others in like Case were excluded from the operation of the rule was a purely technical one and the fact that the Port Conservators, with whom they were classed, had been granted personal allowances, seems to have been overlooked. The Board would therefore recommend that they be all granted allowances similar to that asked for by the Memorialist from date of the Government order depriving them of the moiety of their fees till the close of their service or date of promotion to a post, Carrying Rs 75 or more. It would be a simpler Course, if there is no account objection to it, to let them draw the full fee as they were doing previous to the issue of the order under discussion.

(True Extract)

A Ruthnaum Jr
Ag. Assistant Secretary

To

The Secretary to Government
Revenue Department
through the Accountant-General
with Statement in original

8.3.98.

No. 1480

Fort Saint George
Accountant Genl: office
16th April 1898

Submitted to Government.

2. As Sea Customs Superintendents and Asstt: Superintendents were brought under the category of out-Port officers in Government Order No 228 Revenue dated 9 March 1893, and were allowed to draw only half the overtime fees collected on their account, Government can if it thinks fit, sanction the personal allowance to Mr Frank, in consideration of the reduction in his emoluments, on the same principle on which the allowance was granted to certain Port Conservators in Government Order No 237 — marine dated 30 June 1890. The allowance may be sanctioned with effect from the date on which the Government order of 9 March 1893 mentioned above was brought to force. Under Article 77 Civil service Regulations, the amount will be reduced by the amount of the successive increases in the officer's pay since that date and will be finally absorbed in the increase unless Government rule otherwise.

3. With regard to the general recommendation made by the Board of Revenue, it is observed that other Superintendents Similarly circumstanced may also be granted personal allowances subject to the conditions and limitations mentioned above. It seems, however, desirable, should Government be pleased in the present instance to accept the recommendation of the Board, that the orders sanctioning the allowances should be Communicated to the Government of India for information, as was done in the case of the Port Conservators.

4. If the proposal of the Board to allow these officers to draw the full amount of the overtime fees commends itself to Government, the previous sanction of the Supreme Government would be necessary to carry out the proposal in as much as such a Concession would Contravene the rulings of that Government on the subject of grant of overtime fees.

Accountant General.

To The Secretary to Government,
Revenue Department.

In the file of papers re: overtime fees. E

Para 3(c) of the G.O. E

F

C

C&P 1698
12/10/98.

B.P. No 753 dy 27.2.98 (C. No 2944)

To Secy

In G.O. No 512 dy 2.7.90 the Govt revised the rules for the grant of fees to Customs officers for overtime work. One of the revised rules was that for every hour of overtime or holiday work a fourth of a days pay of the official concerned should be charged and that a moiety of the amount collected should be paid to him. By G.O. No 132 Revenue dy 8.2.92 an exception was made in favour of customs subordinates drawing a monthly salary of Rs 75 and under, who were allowed to retain the full fees. Again in G.O. No 228 dy 9.3.93 it was decided that Superintendents of Customs could not be treated as clerks or subordinates and that whatever their pay might be, they should give up a moiety of the fees. Mr Frank, Superintendent of Customs, Tellicherry, who at the

the time that the last order was issued was drawing a salary of Rs 50 as Asst Supt of Customs Cochin, requests that a personal allowance equivalent to the fee foregone may be granted to him, and he cites as a precedent G.O. No 237 marine dy 30.6.90, in which personal allowances were granted to certain Portoffices in similar circumstances.

2. In submitting the Franks' memorial with its recommendations, the Board states that the fact that certain Port officers were granted personal allowances was overlooked at the time.

3. The Accountant General sees no objection to the grant of the personal allowance. He points out, however, that under Art 77 of the C.S.R. the amount of the allowance is liable to reduction by the amount of the successive increases in the officer's pay since the date on which the allowance is sanctioned.

4. The moiety of the fee

Accountant General's Office

A

Page 4 of the current

Draft

vide his endorsement on p6 of the current

B

C

from 1-4-93 to 31-3-95 averaged Rs 5.9.10 a month. An allowance of this amount may be sanctioned which, as pointed out by the Accountant General, would cease on Mr Franks' promotion to Rs 600 in July 1895.

5. In this connection the Board recommends

(i) that other Superintendents of Customs similarly affected should be granted personal allowances. This is only equitable; but the Board should be asked to report their names and the amount of allowances to be sanctioned in each case.

(ii) that the allowance should be retained "till the close of their service or date of promotion to a post carrying Rs 75 or more". This recommendation practically amounts to a cancellation of G.O. No 228 dy 9.3.93 and no reason is assigned why the reduction enjoined by Art 77 C.S.R should not be given effect to. The Officials

NT.

man

may only claim to the continuance of the emoluments drawn by them at the time the order was given effect to ; or

(iii) that they should draw the full fees as before. The Accountant-General points out that this would contravene the ruling of the Govt of India and that the previous sanction would be necessary.

KD
3/6/98

H. Lee.

4/6/98.

To Secy

Please redraft G.O. put up below for approval

2. With reference to the A.G.'s remarks that the order sanctioning personal allowances should be communicated to the G. of I. for information it is submitted that the Board's report called for in para 2 of the draft order may be awaited before addressing India.

Dasul 5/6/98

Para 4 of his endorsement on p 6 of the current

RS
7/6/98

Read B.P. No 753 dtd 27.2.98
(C. No 2944)

G.O. Secs No. 2603 dt 18th June 98.

The Govt regrets to be unable to sanction the Board's proposal that Supts of Sea Customs drawing Rs 75 and less may be allowed to continue to draw the full one time fees ~~adopted~~ ~~by them~~ ~~as~~ It moved contravene the ruling of the Govt of India on the subject and would require its previous sanction.

2. Mr Franck, the Supt of Customs Tellicherry, will be permitted to draw a personal allowance of Rs 5-9-10 a month from the date on the ~~date~~ unit G.O. No 228 dt 9.3.93 was given effect to in his case. But as pointed out by the A.G. the allowance should cease on ~~his transfer~~ his promotion to Rs 100 in July 95. There is no reason why the reduction enjoined by Art 77 of the C.S.R. should not be given effect to.

2. The Govt agree with the Board of Revn in considering that other Supts of Customs similarly

(Para iii of para 5 of office note)

(Para 5 Ibid)

(Para 5(ii) Ibid)

(Para 5(i) Ibid)

similarly affected should be granted personal allowances. The Nawab of Bowed of Ramnad will be requested to report their names, and the amount of allowances to be sanctioned in each case.

KD
17/6/98

8/6

8/6

To

The Sec. of Rem. (F. R.). Despr 23.6.98

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CURRENT No.

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ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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