

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 130

DATED 9th January 99

[Despatch Abstract.]

Informing the B.S. of Revenue that the Govt ~~has~~ considers that Mr Hooper is not entitled either to the full pay of his permanent appointment or the acting allowances of a Conservator, for the period before he actually assumed charge of the office of as. Conservator of forests, N. Circle.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1898) Department.

CURRENT No. 8548

9.1.99

Read Board's Refce I No. 398 d 20.10.98
and the A.S.'s endorsement thereon No. 4933
G.M. d 29.11.98, No. 293 (P) From The Accountant General
A.S.'s endorsement d 12.11.98, No. 6256 (P) Madras.

Order no. 130 d 9th Jan 1899.

The Government Considers

No. 6256

that ~~Mr~~ Mr Hooper is not entitled
either to the full pay of his permanent
appointment or ^{the} acting allowances of
a Conservator, for the period before he
actually assumed charge of the office
of Acting Conservator of Forests,
Northern Circle.

Dated

12th Dec 1898

Received

14th Dec 98

Registered

Enclosures -

Spare copies

SUBJECT.

Informing that the grant of
full pay to Mr E. D. M. Hooper
does not come under any of the
classes ^{referred to in} of the Government of India
Finance department No 5102.

To the Board: 2K with encls (243).

Copy to the Accountant General

8m
16.11.98

24/12
12.1.99

24
15/1/99

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Gazetted audit

DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

12th December 1898.

No. 6256.

From

J. Herbert Biggs Esqre,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Secretary to Government,

Revenue Department.

SIR,

With reference to official Memorandum No 293 dated the 29 of November 1898, I have the honour to point out that the Government of India Finance and Commerce Department No 5702 Ex dated 25 October 1895 permits of the sanction to expenditure on objects ordinarily recognised as fit subjects for the expenditure of public money which have hitherto required sanction of the Government of India either (a) by the terms of any rule or order (b) because the conditions or limitations prescribed in any rule or order are not completely fulfilled or (c) because there is no rule

in G.O. 911 Financial
21-11-95
(L)

A. G. S. S.

or order authorising the expenditure. Under none of these would the grant of full pay as by: Conservation of Forests to Mr. E. D. M. Hooper for the period from 31 March to 2 April 1898 come. Moreover the grant would involve the setting aside of the Provisions of the Civil Service Regulations Article 65 and establish a new rule involving expenditure under clause 2 article 278 A civil account code; it would give Mr. Hooper full pay while on subsidiary leave the allowances for which are definitely fixed by article 362 civil service Regulations, and it would allow two officers to hold one appointment at the same time.

I have the honour to be,

Sir,

your most obedt. servt.,

W. H. M.
Accountant General.

By
29-XI-98

For 82: George.
29th November 1898

C. M. No. 293.

Ref. A.G. Endt 4933 D. Nov 98

From Mr. Hooper's Correspondence with the Board of Revenue regarding the allowances due to him for the three days prior to his assumption of his taking up the appointment of the Conservator of Forests, N. Circle, the 1st before the Govt. it appears that it was under the Board's instructions that he proceeded to Vizagapatam (where he had to wait for three days before actually assuming charge of the Circle) instead of taking up his permanent appointment as Dy Conservator of forests. The Accountant-General is requested to state with reference to his endorsement No. 4933 D 8th November 1898 whether in consideration of the circumstances set forth above, Mr. Hooper may, under art 278 A of the Civil account Code, be granted the full pay of his permanent appointment from the 31st March to the 2nd April 1898, and whether such a procedure involves the setting aside of art 254 of the
W. H. M.
W. H. M. 29.11.98

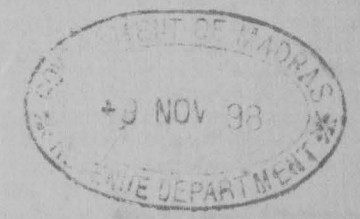
S. R. or only the granting of an
exemption from its operation justified
by Special Circumstances.

27
28.11.98

Financial (1898) Department.

Revenue
thru
The Accountant-General

CURRENT No. 4604.



From

The Board of Revenue,
Land Revenue.

Order

For No. 398 Ref

Dated 20. 10 - 98

Received of Mr.

Registered 10 -

Enclosures 3.

Spare copies

SUBJECT.

Putting for the orders of Govt.
Correspondence relating to Mr.
Hosper's allowance prior to his
taking charge of the office of the
Conservator W.C., from Mr. Ret.

20
21
22

BACK PAPERS.

G.O.	No.	Department.	Date.
	855 Min		17.2.98
	785 Min		16.2.98
	396 Min		25.1.98
	325 Min		20.1.98
	4271 Min		16.8.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[75]

Reference on Forest Register No.

of 189

In replying the above should be quoted.



(Land Revenue).



Read again Board's Proceedings F. No. 539 Min, dated 17 August 98.

Read letter from E. D. M. Hosper Inquire,
Acting Conservator of Forests, A.C, dated 25.8.98,
R.C. No. 376 and Reference thereon No. 363 of 16.7.98.

Read Endorsement by J. Hesketh Biggs Esq.,
Accountant-General to the Government of Madras,
dated 1st October 1898, No. 4500.

Forest Reference No. 398 dated 20 October 98.

In Notification No 35 published
in Part I of the Fort Saint George Gazette
dated 25.1.98, Mr. Peet, Conservator of Forests,
A.C was granted furlough for one year
from or after the 3rd April 1898. Mr. Hosper,
who was then on special leave for six months,
was appointed to act for him (vide Notifi. No.
80 published in the Fort Saint Geo. Gazette, dated
15.2.1898). Mr. Hosper's special leave expired
on the 24 March 1898. He arrived at Bombay

G.O. 325 Min
20.1.98

G.O. 4271 Min
16.8.97

G.O. 855 Min
17.2.98

on the 26th idem and was thereafter entitled to subsidiary leave for at least ten days under the provisions of articles 352 & 355, Civil Service Regulations. He, however, wished to forego a portion of the subsidiary leave and reported that he would be ready for duty on the afternoon of the 30th March. Mr. Post, ~~was~~ however, was unwilling to hand over charge until the forenoon of the 30th April and the transfer of charge was therefore not effected until the forenoon of that day.

2. Mr. Hooper now claims the pay of an Acting Conservator or at least that of his permanent appointment of Deputy Conservator, 1st grade for 31st March, 1st & 2nd April 1898. The Accountant General to whom a reference was made on the subject states that under Article 254, Civil Service Regulations, Mr. Hooper is entitled to draw pay only from the date of his assuming charge of the office to which he was appointed on return from leave and adds that the fact that he belongs to a graded service does not exempt him from the provisions of the said article.

3. Mr. Hooper, however, demurs to the Accountant General's ruling and requests that the orders of Government may be obtained on his case. He contends that he was entitled to immediate employment on return from leave and to draw pay from the date on which he was ready to assume charge of the office to which he was posted.

Lionel Davidson

Ag. Secretary

To The Secretary to Govt. Rd
thru the Acct. Genl
with copy of 130.7 No 539 his
Mr. Hooper's letter & the A.G.'s. Just read above
in orig to be ret'd.

N^o 4933 Fort St. George,
Accountant General's Office,
8th November 1898.

Forwarded to Government.

Under Article 254 Civil Service Regulations Mr. Hooper is entitled to pay as Deputy Conservator from the date of assuming charge of that appointment only and not immediately on expiry of his leave, and the intervening period is subsidiary leave under Article 352(a) and Article 359 Civil Service Regulations. As regards Mr. Hooper's contention that he had a superior lien to Mr. Brasier who actually did the duties of the appointment of Acting Conservator, a reference is invited to Article 240(a) Civil Service Regulations under which he had no lien on any acting appointment while on special leave, and this being the case, he also loses all right to the appointment of Acting Conservator during his subsidiary leave (Article 352 to

Article 365 Civil Service Regulations). The fact that he belongs to a graded service does not exempt him from the provisions of Article 254 Civil Service Regulations. Mr. Hosper's claim is therefore untenable either both as regards to the pay of his permanent appointment of Deputy Conservator and the salary of the acting Conservator. - ship.

W. H. H.
Accountant General.

The Secretary to Government,
Revenue Department.



Proceedings of the Board of Revenue
(Land Revenue).

Forest No. 539 his dates 17. 8. 1898.

Read the following letter from E. D. Mr.
Hosper Esquire, Acting Conservator of Forests, N.C.,
dated 14 July 1898, C. No. 11.

I have the honour to request the sanction of Government to draw salary and allowances of an acting Conservator, 3rd Grade for the 31st March, 1st and 2nd April 1898 while at Vizagapatam awaiting charge of the Northern Circle which Mr. Post declined to hand me until the afternoon of 2nd April (vide accompanying correspondence).

I returned from leave under sanction of the Secretary of State to resume the service of Government and having returned not more than 16 days before the expiry of the period of sanctioned absence, I believe, I have a claim under the Civil Service Regulations to immediate employment as a Deputy Conservator of Forests, 1st Grade and to receive pay from date of arrival at Vizagapatam where I proceeded under your instructions received at Ben. As Government had been pleased in my absence to

to appoint me to act as Conservator in the absence of Mr. Peet Popert who had already left the Country, I believe, I am more entitled to the emoluments of the office of acting Conservator than Mr. Brasier being junior at the time in similar charge, but in my case I scarcely think His Excellency in Council in granting Mr. Peet leave from a fixed date would sanction in consequence my being kept from employment even for a few days which is equivalent to suspension from pensionable service and salary for no fault not being allowed even the salary of my permanent post for that period.

I therefore solicit the favour of being held to have acted as Conservator, 3^d grade from the time of my arrival at Vizagapatam which would cause no loss to Government as Mr. Peet's subsidiary leave on full pay would not have been exceeded had I relieved him on the 31st March. In the following Reference No. 308. dated 25.7.98.

Referred to the Accountant-General for favour of remarks.

Read also the following Endorsement of - J. Hesketh Biggs Esquire, Accountant-General, Madras, dated 9th August 1898, No. 3886.

Returned with a copy of this office letter No. 2162 dated 8th June 1898 to the address of Mr. Hodger on the subject under reference. Under Article 254, Civil Service Regulations Mr. Hodger is entitled to pay as Deputy Conservator from the date of assuming charge of that appointment, and not immediately on expiry of his leave. The

The intervening period is subsidiary leave under Article 352(a) ii and Article 359, Civil Service Regs.

As regards Mr. Hodger's contention that he had a superior lien to Mr. Brasier on the appointment of Acting Conservator, a reference is invited to Article 240(a) Civil Service Regulations, under which he had no lien on any acting appointment while on special leave, and this being the case, he also loses all right to the appointment of acting Conservator during his subsidiary leave (Art. 365, Civil Service Regulations). He was not therefore more entitled to the emoluments of the office of acting Conservator than Mr. Brasier who was actually performing a Conservator's duties. Under Art. 445, Civil Service Regulations, however, Mr. Hodger's subsidiary leave reckons as service counting for pension. There is no rule in the Civil Service Regulations under which Mr. Hodger's request that he may be held to have acted as Conservator, 3^d grade from the time of his arrival at Vizagapatam, can be granted.

Resolution

The Accountant-General's remarks in his Endorsement read above will be communicated to Mr. Hodger. It will be observed that Mr. Hodger's request to be allowed to draw pay as acting Conservator, 3^d grade pending his assumption of charge from Mr. Peet is inadmissible.

To The Conservator N. C.

(True Copy & Extract)
(Signed) Lionel Davidson
Ag. Secretary

(True copy)

Lionel Davidson
Ag. Secretary

Current No. 7664 of 98

From The Board: GR and Accountant Genl.
Dated 20 - 10 - 1898.

FOR ORDERS.

The Accountant-General's
Conclusion seems correct.

2 In his letter of 14th July 1898
read in B.P. (Forest) No 539 mi of
17th August 1898, Mr Hooper states
that it was under the Board's
instructions that he proceeded to
Viragapataw where he had to
wait for ~~three~~ three days before
assuming charge of the Acting
Conservator's place. If Mr Hooper
had not been so instructed, there
seems no doubt that he would have
taken charge of ~~his~~ his permanent
appointment of Deputy Conservator
and would have drawn the full
pay of that appointment for the
31st March and 1st and 2nd April.

3 Mr Hooper's loss of half pay
during those three days ^{having been} ~~being~~
caused by the instructions issued
by the Board of Revenue, orders are

Read endorsement of the
Accountant-General No 625
12-XI
(Ces 8548 of 98).

To the Under Secretary.

In reply to the reference made in G.M No 293 329. XI. 98, the Accountant-General states that the payment to Mr Hooper of the full pay of his permanent appointment (Deputy Conservatorship) for the 31st March and 1st and 2nd April 98, will contravene the provisions of articles 65 and 362 of the C.S.R and that therefore his case cannot be treated under art 278A of the Civil Account Code.

A draft order is submitted on the docket of the Current.

SM
16-XI-98

Secy

It is presumed that India need not be addressed?

the
4/11/98

Encly 1

FOR ORDERS.

requested as to whether the Accountant-General may be requested to report whether the full pay of the Deputy Conservator's appointment may be sanctioned by the Government under article 278A of the Civil Account Code. According to article 254 of the Civil Service Regulations, ^{that} an officer returning from leave ^{may} draw ^{the} pay ~~only if~~ of an appointment on which he has a lien, he must actually assume it. In the case under consideration Mr Hooper did not assume the office of the Deputy Conservator of forests; so that before sanctioning ^{the} full pay for the three days in question, it is necessary to determine whether such sanction will involve the setting aside of article 254 of the C.S.R or only the granting of an exemption from its operation justified by Special Circumstances. In the former case, article 278A of the Civil Account does not apply - please see the second proviso to that article.

SM
22-XI-98

Secy

Submitted that the ref may be made to the A.G. as suggested above.

the
23-XI-98

Please see draft G.M. submitted.

SM
28-XI-98

Some as revised
29-XI-98

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 DITTO.

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

N.B.--

A = Copy in full.
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