Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4427

DATED 14th November 98.

[Despatch Abstract.]

Recording G.O. Fin^l. permitting Messrs. Morris and Oldfield, A.S. Coll^r and A.S. Sub. Coll^r. of the Kistna Dt. to draw the actual expenses incurred by them in maintaining camp at Bezwada on the 16th & 17th Feby 1898 on the occasion of H.E. the Governor's visit up to the ~~l~~ limit of daily allowance; and stating that the Govt. sees no necessity for suggesting any alteration in the terms of article 1109 of the C.S.R.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1898} of Madras.

FINANCIAL.

Recd. 3/11 } 1898.
Regd.

Enclosures
Spare copies

14/11/98

G.O., No. 946, 26th October 1898.

G.G. Misc. No 4427 of 14th Nov 1898
Recorded.
14/11/98

OCTOBER.

Note
copy of the order has been communicated to the Fin. Dept.

Travelling allowance for journeys performed on unopened lines of railway. 19/11/98

Permitting Messrs. Morris and Oldfield, Acting Collector and Acting Sub-Collector of the Kistna district, to draw the actual expenses incurred by them in maintaining camp at Bezwada on the 16th and 17th February 1898 on the occasion of His Excellency the Governor's visit up to the limit of daily allowance; and stating that the Government sees no necessity for suggesting any alteration in the terms of article 1109 of the Civil Service Regulations.

14/11/98

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—the following papers:—

From R. MORRIS, Esq., Acting Collector of Kistna, to the Secretary to the Commissioners of Land Revenue, dated Masulipatam, 13th July 1898, k.C. No. A. 1214-Accts.

In February last on the occasion of His Excellency the Governor's visit to this district, I received orders to meet His Excellency on the frontier of this district. The East Coast Railway sent down an empty special train to Bápatla on the 16th, which went on to rail head next morning and returned with His Excellency's party to Bezwada. By the courtesy of the railway officers I was allowed a free passage in this train from Bezwada to Bápatla on the 16th, on to Ammanabrolu, the nearest station to the Nellore frontier, next morning, and back with the Governor's party to Bezwada in the afternoon. The entire journey was over the Madras-Bezwada Railway, which is an unopened State line. For the journeys on the 16th and 17th I charged my ordinary daily allowance, believing that, under articles 1132 and 1154 of the Civil Service Regulations, I was entitled to do so. (I consider also that I was entitled, if I chose, to draw mileage instead of daily allowance, the distances being 45 and 107 miles on these two days, respectively. But I did not do so, as I did not think it proper to claim an allowance out of all proportion to my expenses.) During the journey I incurred certain expenses, which, however, were not of the kind defined as "actual travelling expenses" in article 15, and as I was given a free passage, the actual cost of locomotion to me was nothing. Previous to going to Ammanabrolu I had halted at Bezwada on the 14th and 15th, and after my return I halted there again on the 18th. During my journey I left my camp standing at Bezwada, and incurred the ordinary expenses of maintaining a camp at that place. The halt that began on the 14th was separated by a period of more than three nights from the last halt I had made at Bezwada, and the halt on the 18th was similarly separated from my next by a period of three nights. The Board will thus see that had I never left Bezwada at all on the 16th and 17th I could have drawn daily allowance for these two days without any objection being raised.

2. The Accountant-General, however, has ruled otherwise, and has decided that I am entitled to nothing for these two days. He considers that, under the Government of India's letter to him, dated 28th September 1893, No. P.-4213 F. C., my case should be governed by article 1092. I have pointed out to him, and he has not controverted my statement, that the case dealt with in that letter was on an entirely different footing from mine, and the facts were not parallel. I may also add that the ruling having been passed under the second edition of the Civil Service Regulations, and not having been embodied in the third, which came into force on the 1st May 1897, must be taken to be cancelled by article 1 (*b*) of the Regulations.

3. The Accountant-General agrees with me that if any part of article 1092 applies to my case, note 2 must apply, and he also admits that, under that note, the rules under the article itself do not apply. He concludes thence that I am not entitled even to actual expenses, if any, limited to half daily allowance, but only to the free passage which I received. I confess I cannot understand his reasoning. I should have thought that as the rules under article 1092 admittedly did not apply, and that as these rules operate to restrict travelling allowance, under certain conditions, to something less than daily allowance, the inapplicability of these rules meant that there was no restriction to the drawing of full daily allowance.

4. The matter is one of general interest. Wherever there is a line under construction, railway officers are in the habit of allowing District officers on tour the privilege of travelling free by construction and material trains, when the granting of this privilege does not interfere with the ordinary running of these trains. It is obvious therefore that what applies to my case must apply to a large number of others and it is well therefore to have the matter definitely settled.

5. I would, therefore, respectfully request that the Government be moved to address the Government of India in view to the Accountant-General's ruling being withdrawn.

Reference from Board of Revenue (Land Revenue), No. 821, dated 22nd July 1898.

No. 3875.

Under article 1092, Civil Service Regulations, an officer who is provided with the means of locomotion at the expense of the State is entitled to *actual travelling expenses* not exceeding half the allowance ordinarily admissible, but this article does not apply to *an officer who is allowed free transit by railway—vide* article 1092, note 2, Civil Service Regulations. Travelling allowance is intended to meet the cost of travelling and there is no rule in the Civil Service Regulations under which travelling allowance can be granted to an officer who is supplied gratis with the means of locomotion. In certain cases the concession, laid down in article 1092, Civil Service Regulations, is applicable, but it cannot, under note 2 above referred to, be given to Mr. Morris, as he was allowed free transit by railway for the journeys made on the 16th and 17th February 1898. He is not therefore entitled to anything beyond the free passage. As, however, he maintained camp at Bezwada on the 16th and 17th February, he may be allowed the actual expenses he incurred on this account up to a limit of daily allowance under the special order of the Local Government, article 1166 (*a*), Civil Service Regulations. Mr. Morris did not state in his former letters that he incurred any expense in maintaining camp at Bezwada, and the point was not therefore taken up by me.

(Signed) T. HESKETH BIGGS,
Accountant-General.

To the Secretary to the Commissioners of Land Revenue.

Ref. No. 921.

Submitted for the orders of Government.

2. Mr. Morris, the Acting Collector of Kistna, who was encamped at Bezwada on the 14th and 15th February last, left his camp on the 16th idem and proceeded to Ammanabrolu, the nearest station to Nellore frontier, to meet His Excellency the Governor on the occasion of his visit to the Kistna district and returned to Bezwada with the Governor's party on the 17th February 1898. For the journeys on the 16th and 17th February which were performed over the Madras-Bezwada Railway, an unopened State line, free of cost, Mr. Morris charged ordinary daily allowance, but the claim was disallowed by the Accountant-General under note 2 to article 1092, Civil Service Regulations. In the first letter read above, the Acting Collector represented that during the journeys on 16th and 17th February 1898 he incurred extra expense though not of the nature of actual travelling expenses as defined in article 15 of the Civil Service Regulations besides the ordinary charges of maintaining his camp at Bezwada which was left standing during the period, and requested that the Account ant-General's ruling under note 2 to article 1092, Civil Service Regulations, which he contended could not be applied to his case, might be withdrawn. The Acting Collector further stated that whenever there was a line under construction, Railway

officers were in the habit of allowing District officers on tour the privilege of travelling free, by construction and material trains, when the granting of this privilege did not interfere with the ordinary running of these trains, and urged that the question of granting travelling allowance in these cases should be definitely settled.

3. The Accountant-General, to whom a reference was made, still adheres to his original interpretation of note 2 to article 1092, Civil Service Regulations. He states that there is no rule in the Civil Service Regulations under which travelling allowance can be granted to an officer who is supplied gratis with the means of locomotion and that it cannot be given to Mr. Morris as he was allowed free transit by railway for the journeys made on the 16th and 17th February 1898. He, however, points out that the fact that Mr. Morris had maintained camp at Bezwada on the 16th and 17th February had not originally been intimated to him by that officer and recommends that he may be allowed the actual expenses he incurred on that account up to a limit of daily allowance under the special order of the Local Government contemplated in article 1166 (*a*) of the Civil Service Regulations. If the Government considers the Accountant-General's ruling to be technically correct, then the Board supports this recommendation.

4. It observes, however, that the rule as regards travelling by unopened lines of railway is contained in article 1109, Civil Service Regulations, and that the special allowance declared admissible by that article is intended to be given only to officers of the Public Works and Telegraph departments and not to Revenue officers. This is an anomaly, which calls for remedy. Two remedies suggest themselves, viz.: (i) to follow Mr. Morris' plan, and apply the general principles of articles 1132 and 1154 and pass the daily allowance which would have been admissible had Mr. Morris remained at Bezwada, just as formerly it was the practice to pass daily allowance for the period of absence to an officer who availed himself of casual leave while on tour; or (ii) to delete the words "of the Public Works and Telegraph departments" from article 1109 of the Civil Service Regulations. The Board would prefer the latter course.

18*th August* 1898.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter and Accountant-General's endorsement,
in original, to be returned.

Endorsement from the Revenue Department, dated 29th August 1898, No. 1300 R.

Ref. No. 973.

In its Reference No. 921, dated 18th August 1898, the Board has recommended that Mr. Morris, Acting Collector of Kistna, should be granted travelling allowance for the journeys performed by him on 16th and 17th February 1898 by the Madras-Bezwada Railway, an unopened State line, on the occasion of His Excellency the Governor's visit to the Kistna district. The Collector now reports that the Accountant-General has objected to pass the daily allowance drawn by Mr. Oldfield, Acting Sub-Collector of the district, who travelled with the Collector by the same train on the 16th and 17th February 1898. The case of Mr. Oldfield is reported to be similar to that of Mr. Morris, and the Board accordingly requests that the Accountant-General's objection referred to may be withdrawn.

31*st August* 1898.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Endorsement from the Revenue Department, dated 8th September 1898, R. No. 1348.

From T. HESKETH BIGGS, Esq., Accountant-General, Madras, to the Chief Secretary to Government, dated 19th September 1898, No. 4361.

With reference to Acting Assistant Secretary's memo. No. 2355, Financial Department, dated the 6th of September 1898, I have the honour to forward herewith a copy of letter from the Government of India, No. 4213-P., dated the 28th September 1893, Finance and Commerce Department, together with a copy of this office letter, No. 2649, dated 14th September 1893, therein referred to.

Enclosures.

From R. A. GAMBLE, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Accountant-General, Madras, dated Simla, 28th September 1893, No. 4213-P.

In reply to your letter, No. 2649, dated 14th instant, I am directed to say that article 1092 of the Civil Service Regulations should be applied to the case therein mentioned.

From J. E. COOKE, Esq., Officiating Accountant-General, Madras, to the Secretary to the Government of India, Department of Finance and Commerce, dated Fort St. George, 14th September 1893, No. 2649.

A question having been raised whether an officer (who does not belong to either of the departments mentioned in article 1109 of the Civil Service Regulations) who travelled a distance of 123 miles in one day on an unopened line of railway *under a free pass*, *i.e.*, without payment for transit, issued by the Executive Engineer, is entitled to mileage for the distance travelled, or whether he should be restricted to daily allowance, I solicit the orders of the Government of India on the point.

2. I may mention that, with reference to a case of the kind that occurred in this Presidency in the year 1876, the Madras Government ruled that no official cognizance could be taken of a railway which was not open to the public, and that this ruling has since then been acted upon here and daily allowance or mileage allowed according as either was admissible under the ordinary rules for journeys on tour. As this ruling appears to be opposed to the general principle that travelling allowance is intended to meet actual expenditure for locomotion only, and as no provision apparently exists in the Civil Service Regulations for meeting cases of this nature, I have considered it necessary to refer the case before dealing with the charge.

Order—No. 916, Financial, dated 26th October 1898.

As suggested by the Accountant-General, Messrs. Morris and Oldfield will, under article 1166 (*a*) of the Civil Service Regulations, be permitted to draw the actual expenses incurred by them in maintaining camp at Bezwada on the 16th and 17th February up to the limit of daily allowance.

2. The Government sees no necessity for suggesting an alteration in the terms of article 1109 of the Civil Service Regulations as suggested by the Board.

(True Extract.)

A. E. Goughton
for *Chief Secretary.*

To the Accountant-General.
" Board of Revenue (Land Revenue).
" Revenue Department.

Exd. T. K. Narayana Aiyangar.

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*When signed*_____

READ AGAIN G.O., No. , DATED
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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.							

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