

Law (192/) Department.
Education
Ordinary SERIES.

G.O. No. 1563

DATED 27. 10. 21

[Despatch Abstract.]

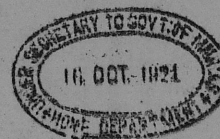
Gopalachariyar, M.R.Sy. V.M.

Late Head clerk - office of the University of
Madras - Pension - grant of an enhanced - declined.



University of Madras.

No. 9814



En 3099 B

17. 10. 21.

SENATE HOUSE, 5 OCT 1921

Enclosures.

4/20/10/21

FROM

FRANCIS DEWSBURY, ESQ., B.A., LL.B.

Registrar, University of Madras,

TO

The Secretary to Government,

Law (Education) Department.

SIR,

I have the honour, by direction of the Syndicate, to request that the Government will be pleased to accord sanction to the payment, as a special case, to Mr. V.M. Copalachariar, late Head-clerk of this office, of a pension of Rs112-8-0 per mensem with effect from 3rd September 1921 irrespective of the provisions of the Civil Service Regulations in regard to the grant of pensions.

2- Mr. Copalachariar was entertained in the service of the University as temporary clerk in October 1889 and he was eventually confirmed in his post in the office with effect from the 28th March 1896. The temporary establishment in which he served for over 6 years was not continuous though it was maintained at fixed periods during each year. Accordingly, his permanent service qualifying for pension under the Civil Service Regulations comes to only 25 years less 25 days: if, however, his temporary service is also taken into account he has put in over 30 years' service. As Head-clerk he has been receiving from 1st September 1915 the maximum salary of Rs140 in the grade of Rs110-6-140 and a personal allowance of Rs40 from 1st September 1919 in the grade

of Rs20-10-40.

He was granted combined privilege leave and furlough for 2 years from the 3rd March 1919; and on the production of a Medical Certificate he was granted an extension of furlough for 6 months, which expired on the 3rd September last. During the period of his leave he was drawing Rs70 (half his salary) plus Rs20 (half his personal allowance) plus Rs26 (special allowance on account of high prices) amounting in all to Rs116.

3 The question of permitting of Mr. Gopalachariar to return to duty on the expiry of his leave on the 3rd September last was considered by the Syndicate; but as such a course will seriously dislocate the arrangements already made in the office, and in view of the fact that the post of Head-clerk which he held had been abolished in consequence of a complete reorganisation of the office in August 1919, the Syndicate resolved that Mr. Gopalachariar be retired on a pension of Rs112-8-0 per mensem with effect from that date.

4 Though Mr. Gopalachariar is not entitled under the ordinary rules of the Civil Service Regulations to receive the pension proposed, yet the Syndicate considers that the rate of pension granted to him should be such as to compensate him for the disadvantage of going on furlough at the end of his service, and that the salary he would have received in the ordinary course had he remained in the office when the salaries of the staff were recently reorganised should be taken into account. Accordingly, the Syndicate decided that he should be granted one half of the maximum of the revised grade of salary of the post which he formerly held, viz., Rs150-7½-225.

5 A reference was made to the Accountant-General for his opinion on this decision of the Syndicate. That Officer states in his letter dated the 20th September 1921 (copy enclosed) that the temporary service put in by Mr. Gopalachariar would not count

for pension, that the pension admissible to him under the Civil Service Regulations will not amount to Rs112-8-0 and that the grant of a pension to him by the University in excess of that admissible under the ordinary rules of those regulations would require the sanction of Government.

6 The Syndicate considered this communication from the Accountant-General at its meeting held on the 3rd instant and resolved that in consideration of Mr. Gopalachariar's long and faithful services to the University and in view of the circumstances set forth above the special sanction of the Government should be obtained for the grant to him of the amount of pension decided by it, viz., Rs112-8-0. I am accordingly to request that the Government will be pleased to consider the proposal of the Syndicate favourably and accord sanction to it.

The favour of very early orders on this communication is further requested.

I have the honour to be,

Sir,

Your most obedient servant,

Francis B. B. B.

REGISTRAR.

No. _____
Dated _____

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS,

To

Enclosures _____

SUBJECT.

UNIVERSITY OF MADRAS. 4 5

Letter No. Pen. Mis. 3-10497, dated 20th September 1921, from the Accountant-General, Madras, to the Registrar, University of Madras, Madras.

With reference to your letter No. 8005, dated 30th August, 1921, communicating the Syndicate's decision that Mr. V.M. Gopalachariar, Head-clerk of your office, may be retired with effect from 3rd September, 1921, on a monthly pension of Rs 112-8-0 and enquiring what further action should be taken to give effect to the Syndicate's decision, I have the honour to state as follows:-

According to the rules in the Civil Service Regulations, the temporary service of Mr. V.M. Gopalachariar during the period from October, 1889 to March, 1896, will qualify for pension only if the conditions of Articles 369 and 370 of the Civil Service Regulations are fulfilled. In the present case the temporary service referred to would not count under either of the articles, as it cannot be said that the service was of the nature referred to in article 369 or that the temporary appointment held by him was first created temporarily and eventually made permanent.

2. Rejecting the temporary service, the service qualifying for pension amounts to only 24 years, 11 months and 5 days, and he cannot be retired on a retiring pension under Article 465 of the Civil Service Regulations. If, however, he is retired on an invaliding certificate, he will be eligible for an invalid pension not exceeding 24/60ths of the average emoluments or 30/60ths if the deficiency of 25 days in the qualifying service is condoned under Article 423 (1) Civil Service Regulations. Otherwise, he cannot be retired before he attains the 55th year of age (i.e., before 2nd November 1922).

3. For the purpose of calculation of actual emoluments personal allowances and temporary allowances granted on account of high prices cannot count unless they have been specifically declared to be reckoned as pay for all purposes. Granting that

these allowances are allowed to count, the pension admissible will not in any case amount to Rs112-8-0 and the proposal of the Syndicate to grant the Head-clerk a pension in excess of that admissible under ordinary rules of the Civil Service - Regulations will require the sanction of the Governor-in-Council.

(True copy.)

Senate House,
October 15, 1921.

Francis Dwyer
REGISTRAR.

Handwritten signature or name, possibly "J. W. Brown".

27/10

Law (Gov) Dept

C. 3099 B. From the Registrar, University of Madras No 7814 d 15.10.21

Subject Grant of enhanced pension to Mr. V. M. Gopal Chariar, late Head Clerk office of the University of Madras

Go No. 268 dt 14.5.1901

lays down that the grant of pensions or gratuities, as the case may be, to university servants should be regulated by the rule laid down in the C. S. R. for ordinary uncovenanted servants in the service of Govt. In the present case the

para 2 of A.G.'s letter, p. 4 of the C. S. R., be eligible only for a pension amounting to 24/60th of the average emoluments if he is retired on a invaliding certificate and in the calculation of the average emoluments the

para 3, p. 4 of P.A. of Rs 40 p.m. and the allowance of Rs 26 p.m. granted on account of high prices should be excluded. Even if the above allowances were included

para 2, p. 4 of and if the deficiency of 25 days was

condoned under Art. 423(1) of the C.S.R.,
 the clerk would be eligible for a
 pension of 30/60ths of the average
 emoluments is only Rs about Rs 92/- p.m.
 It is for orders whether the Synodical
 cate's proposal to grant him an
 enhanced pension of Rs 112-8 p.m.
 will be sanctioned as a special
 case or whether the pension may
 be calculated at 30/60ths of
 the average emoluments including
 therein the P.A. and temporary
 allowance and condoning the
 deficiency of 25 days under
 Art. 423 (1) of the C.S.R. ~~and~~
~~for the purpose of the pension~~
~~condoned~~

p. 3 of

p. 4 of

In dealing with the
 22.10.21 proposals of the University we
 do not generally interfere
 much. Please see Sir Murray
 Hammett's note on page 3 of
 notes with fo 240. ED 26.5.10. ©

The ordinance accept under the proposal
 is "extravagant or foolish."

In order whether we may agree
 in this case. The amount is to be paid
 from the U.C. fee fund.

CA
 24.10.21

This is as
 said in history

2/10

p. 3 of
 No 240
 65.10

I do not think that Sir Murray Hammett
 disposes of this case. The Synodical
 propose to go outside the provisions
 of the C.S.R. in purchasing a servant
 of theirs and ask that Govt. should
 sanction this. As the Govt. would not
 sanction this in the case of a servant
 of theirs I don't see why they should
~~sanction~~ consent in this case. A servant
 of the University is as much bound
 by the provisions of the C.S.R. as a
 Govt. servant. Mr. Espalabharani
 is stated to have rendered long &
 faithful service but fortunately
 this is a very rare and is well
 rewarded by going beyond the
 provisions of the C.S.R.

25.10.21

Agree.
 The provisions of C.S.R. should be
 complied with. There are no
 extraordinary circumstances to justify
 the exemption from C.S.R. - Synodical
 Admin will not be approved

Dr. Johnson

draft submitted.

26.10.21
 27.10.21
 27.10.21

Date.	Initiale.
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✓ 9-7-7

27/10 2010

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C. No. 3099B From the Syndicate, No. 9814, dated 15-10-1921

C. No. 3099B From the Syndicate, No. University of Madras

No. 1563, dated 27- 10, 1921

misc

~~I am sure that his criticisms
of the C.R. that he compiled
with some they are useful~~

+ and answer will be
provisions of the C & R that
be complied with.

DESPATCHED
27 OCT 1921
810

T

The Registrar, University of Madras
copy to me A.C.

The Govt ~~see~~ ^{has} no sufficient reason to sanction ~~the grant of~~ ^{an} enhanced pension of Rs 112-8 ^{p.m} to Mr. V. M. Bopalachariyar, late Head clerk of the office of the University of Madras. ~~Under the provisions of the G.O. The clerk should be granted the pension admissible to him under those provisions of the G.O. if he is retired on an invalidating certificate.~~

$\frac{83}{26.10.21}$
 $\frac{82}{27.10.21}$

When given for copying
When copied
When examined
When signed

192

READ AGAIN G.O. No.
192

DATED

ORDER No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DFTD.

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

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.