

Law (1926) Department.
(Education)

Ordinary SERIES.

G.O. No. 461

DATED 29-3-1926

[Despatch Abstract.]

Thompson, Mr. M.S.H.

Appeal for grant of overseas pay and exemption from pause at
Rs. 600--orders passed.

1937-1257.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80.	1850	26.10.25	26.10.25	80.	309-10	309-10	22.5.1907
80.	713	"	8.5.24				
80.	1725	"	1.12.23				
80.	713	Finance	8.8.23				
80.	379A	L.E	22.7.22				

FURTHER PAPERS.

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

Any further communication on this subject should be addressed to—
The Chief Accounting Officer to
The High Commissioner for India,
42, Grosvenor Gardens, London, S.W.1,
and the following reference quoted:—
H.C.P. 78608/L/B



OFFICE of the HIGH COMMISSIONER for INDIA
(Accounts Department),
42, GROSVENOR GARDENS, LONDON, S.W. 1.

Law EDr 887 A

Telephone—
VICTORIA 9720. EXT. No.

Telegraphic Address (for Inland Telegrams)
HICOMIND, SOWEST, LONDON

18th February 1926

Chief Sect

Law (Edn) no.

8-3-26

Sir,



I am directed to forward herewith a letter (and enclosures) received from the above named, which is in effect an appeal against the decision of the Government of Madras in certain matters affecting his pay and eligibility for Overseas pay.

I am, Sir,

Your obedient Servant,

Th. Mark

for CHIEF ACCOUNTING OFFICER.

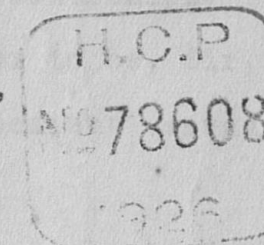
The Chief Secretary to the
Government of Madras,
Madras.

B.

58, Rosslyn Hill,
Hampstead, N.W.3.

16th February 1926

From : M. S. H. Thompson Esq.,
District Educational Officer,
Tanjore. (On leave).



To : The High Commissioner for India,
42, Grosvenor Gardens,
London, S.W.

Sir,

I beg to submit for favour of kind consideration the
accompanying Note regarding :-

- (1) My request for Overseas Pay, and
- (2) Exemption from the pause at Rs. 600
in my present time-scale of pay.

My representations under both heads show, I venture to
think, the need for further enquiry, and I submit the case in
the full hope that both matters will be enquired into afresh.

Permit me to state :-

- (1) That as a matter of fact I have no home anywhere
in India, and
- (2) That my stating that I was a 'native of India'
(meaning a person born in India) does not
vitiate my case, for the reason that a very
large percentage of Indian officials drawing
Overseas Pay were born in India and are therefore
'natives of India'.

ACCOUNTS REGISTRY

17 FEB 1926

H. C. FOR INDIA

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(4)

In regard to the Government of India Scholarship referred to in the Note, I beg to submit that the scholarship was not awarded me, and Rule 75 (2) (a) of the Fundamental Rules - to which, I take it, that reference is made by the Government of Madras - speaks of the 'conferment' of scholarships.

I have the honour to be, Sir,

Your most obedient servant,

Aswathappa

District Educational Officer.

Tanjore. (On leave).

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(S)
NOTE.

NAME:

M. S. H. THOMPSON.

DESIGNATION:

DISTRICT EDUCATIONAL OFFICER,
TANJORE, MADRAS PRESIDENCY.

REQUESTS:

- (1) That I be granted Overseas Pay
with retrospective effect from
the date of my confirmation in
the Indian Educational Service.
 - (2) That I be exempted from the pause
at Rs.600 with respect to the
year September 1923 to August
1924.
-

OVERSEAS PAY.

I REQUEST THAT I MAY BE GRANTED OVERSEAS PAY BECAUSE I AM NOT "DOMICILED" IN INDIA, HAVING NO PERMANENT HOME THERE.

In South India I have a sister and a cousin, and in North India two sisters, all of whom are only temporarily resident in India. The sister in S. India is the wife of Mr. L. G. B. Firth (her cousin), who is Asst. Director of Survey and who has been recently declared to be of 'non-Asiatic domicile'. In N. India, one sister, Mrs. Hyde, is the wife of Mr. H. B. Hyde, Superintending Engineer, Indore (whose father was Advocate General, Calcutta); another sister is Miss A.V.J. Thompson, Inspectress of Schools, Nagpur, whose right to Overseas Pay has never been questioned. My father, the late Mr. R.W. Thompson, A.M.I.C.E., was educated entirely at home, and held various important posts all over India.

That I have no home, in the accepted sense, in India is further proved by the fact that all my other relatives, both on my father's and my mother's side are domiciled in this country. Among these are -

On my father's side -

- (1) Sir Alexander (who acted as Governor of Madras) and Lady Cardew (my cousin).
- (2) Mr. S.D. Pears (who retired as Chief Engineer, P.W.D., Madras) and Mrs. Pears (also my cousin).
- (3) Mrs. Anderson (another cousin), widow of the late Col. E. Brooke-Anderson of Boscombe.

On my mother's side -

Miss Haughton (my mother's sister), 'Pilgrims' Place House', Rosslyn Hill, Hampstead, N.W.3.

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My wife's home is in London, and my sister, Mrs. O.H. Veasey, Southmead, Balcombe, is permanently domiciled in England.

I AM THE ONLY MEMBER OF MY FAMILY WHO HAS BEEN DECLARED BY THE MADRAS GOVERNMENT TO BE OF ASIATIC DOMICILE, AND REFUSED THE USUAL ALLOWANCES.

I give below a brief resume of the position as it stands at present:

- (1) I was promoted permanently to the Indian Educational Service with effect from the 23rd February 1921, and a few months after my confirmation submitted an application for Overseas Pay. It was refused for two reasons: (1) that I was domiciled in India, (2) that I was 'appointed' to the Indian Educational Service subsequent to 1st December 1919. I attach a true copy of the order (marked 'A'). In regard to (2) I have since pointed out that though I was not confirmed in the Indian Educational Service till 23rd February 1921, my entry into that service dates from the 2nd. January 1919 (excluding the service put in from March to November 1918), although I was not acting in a permanent vacancy during the period from 2nd January 1919 to 31st August 1920.

- (2) My next application for Overseas Pay was refused on the ground that I was promoted to the Indian Educational Service on the distinct understanding that I was of Indian domicile, and I was given to understand that my continuance in this service was contingent on my declining the allowance applied for. I attach a true copy of the Order (marked 'B') with the 'reminder' relating thereto. In my reply I submitted that in my agreement with the Secretary of State no mention was made of the fact that I was considered to be of Indian domicile, that on the contrary Clause (5) of that agreement

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(true copy - marked 'C' - enclosed) pointed to India not being my home, and that my reversion to the Madras Educational Service would entail great hardship to one who had waited over eight and a half years for his first real promotion.

(3) In refusing me Overseas Pay for the third time the Madras Government made reference to an application for a Government of India Scholarship, for which I was recommended by the Director of Public Instruction. A true copy of the order is attached (marked 'D'). In reply to this reference I submitted (1) that I was not awarded the scholarship in question, and (2) that in stating at the time (the original application is not available at the Secretariat, Madras) that I was a 'native of India' I obviously construed 'native' as 'born in'. I referred in this connection to a conversation between Sir Alfred Bourne, then Director of Public Instruction, Madras, and me at an interview. He was offering me an appointment in the old Provincial Service, and enquired whether I was a 'native of India'. I replied that I was one in the sense referred to above, when he remarked, 'My son was born in India, but he is not "a native of India"', yet proceeded no further with his enquiries on the point in question. I believe that the great majority of Indian officials are etymologically 'natives of India'.

(4) The Madras Government state in their order dated 26th October 1925 (true copy - marked 'E' - attached) that they are unable to reconsider the orders already passed in their previous order, but the Secretary in the Law Department, Dewan Bahadur V.T. Krishnamachariar Avergal, said that there was no objection to my representing my claims afresh to the High Commissioner for India.

Secretary of State

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In addition to the facts stated above I beg to represent the following :-

1. The communications relating to free passages, attached in original and marked 'F' and 'G', were, it will be seen, communicated to me by name.

2. I was refused an advance from my Provident Fund because I was a 'European'. I attach a true copy of the Proceedings in question (marked 'H').

3. While acting in the Indian Educational Service at Mercara I was permitted to draw the local allowance of Rs.100 per mensem, until then drawn only by officers appointed in England. In this connection I attach an extract (marked 'I') from letter No. 1643, dated 28th. April 1919, from the Hon'ble the Chief Commissioner of Coorg.

Sir Alexander Cardew has kindly permitted me to quote him as a reference. I am known to Prof. T.P.Nunn, Professor of Education, London University. At present I am observing some of the work in Phonetics at University College (under Prof. Daniel Jones.)

EXEMPTION FROM THE PAUSE AT Rs. 600.

Though my service in the Indian Educational Service in a permanent vacancy counts only from the 1st September 1920, as stated by the Accountant-General, Madras, in his communication dated 21st August 1925, a true extract from which I attach (marked 'J'), my continuous service counts from 2nd January 1919. In view of this fact I beg to request (especially with reference to Act 371 of the Civil Service Regulations) that I may be granted the exemption referred to in G.O. No.1313, dated 13th August 1924, a true copy of which I attach (marked 'K'). I assume that the term 'appointed' does not mean 'appointed per-

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manently', because an officer (Mr. H.F. Saunders) junior to me in service - who was confirmed after I was - was granted the exemption.

On a representation made to the Director of Public Instruction, Madras, on this matter, he stated that the G.O. in question 'did not apply' to me, but did not assign any reason. I attach a copy of his Proceedings (marked 'L').

In addition to the facts stated above I beg to represent the following :-

1. The communications relating to free passages attached in original and marked 'P' and 'Q', were, it will be seen, communicated to me by name.

2. I was refused an advance from my Provident Fund because I was a 'European'. I attach a true copy of the Proceedings in question (marked 'H').

3. While acting in the Indian Educational Service at Madras I was permitted to draw the local allowance of Rs. 100 per month, until then drawn only by officers appointed in England. In this connection I attach an extract (marked 'I') from letter No. 1343, dated 28th April 1919, from the Hon'ble the Chief Commissioner of Madras.

Sir Alexander Gardner has kindly permitted me to quote him as a reference. I am known to Prof. T.P. Mann, Professor of Education, London University. At present I am observing some of the work in Phonetics at University College (under Prof. Daniel Jones).

EXEMPTION FROM THE PAUSE AT Rs. 500.

Though my service in the Indian Educational Service is a permanent vacancy commencing only from the 1st September 1920, as stated by the Assistant-Commissioner, Madras, in his communication dated 21st August 1920, a true extract from which I attach (marked 'J'), my continuous service commences from 2nd January 1919. In view of this fact I beg to request (especially with reference to Act 371 of the Civil Service Regulations) that I may be granted the exemption referred to in G.O. No. 1313, dated 15th August 1924, a true copy of which I attach (marked 'K'). I assume that the term 'appointed' does not mean 'appointed per-

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ENCLOSURES.

'A'.

Proceedings of the Director of Public Instruction, Madras.

R.C.No. 198 C/22, dated 1.8.22.

Read -

Correspondence ending with letter from the Inspector of Schools, Guntur and Nellore, dated 3.4.22.

G.O. No.R.379, Law (Education), dated 22.7.22.

Mr. M. S. H. Thompson, ag. Inspector of Schools, Guntur and Nellore Districts, is informed that he is not eligible for Overseas Pay as he is domiciled in India and was appointed to the Indian Educational Service subsequent to the date of reorganisation of the service, viz., 1st. December 1919.

(By Order) Manager.

'B'

Proceedings of the Director of Public Instruction.

R.C. No.941 C/23, dated 14th. July 1923.

Read - Govt. Memo. No. 2104A-2, dated 9th. July 1923.

Mr. Thompson was appointed to the Indian Educational Service by the Secretary of State on the ground that he was of Indian domicile. He now requests for the grant of an overseas pay on the ground that he is of European domicile. If he presses for the grant of overseas pay, the Secretary of State

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will have to be addressed for reversing his appointment to the Indian Educational Service. The Director of Public Instruction is requested to ascertain and report whether Mr. Thompson chooses to remain in the Indian Educational Service and decline the allowance or whether he presses for the overseas pay.

(Sd.) R. Ramachandra Rao.

Secretary.

Communicated to Mr. M.S.H. Thompson with reference to his letter dated 23rd. April 1923.

(By Order) Manager.

Reminder dated 11th. August 1923.

The attention of Mr. M.S.H. Thompson is invited to Progs. R.C. No. 941 - C/23, dated 14.7.23, regarding the grant of Overseas Pay to him, and he is requested to be good enough to expedite the submission of his reply thereto.

(By Order) Manager.

'C'

(5) That it shall be lawful for the Secretary of State for India in Council or for the Government prior to the expiration of his service under these presents, if satisfied on the report of the duly constituted advisory Medical Board that the party of the first part is unfit, and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in India, to determine the service under these presents (the decision of the Secretary of State for India in Council on the Government being conclusive), and thereupon his services shall be terminated.

will have to be addressed for reversing his appointment to the Indian Educational Service. The Director of Public Instruction is requested to ascertain and report whether Mr. Thompson chooses to remain in the Indian Educational Service and decline the allowance or whether he presses for the overseas pay.

(Sd.) R. Ramachandra Rao.

Secretary.

Communicated to Mr. M.S.H. Thompson with reference to his

letter dated 23rd April 1923.

(By Order) Manager.

Revised letter dated 11th August 1923.

The attention of Mr. M.S.H. Thompson is invited to

Progs. R.O. No. 941 - C/23, dated 14.7.23, regarding the grant

of Overseas Pay to him, and he is requested to be good enough

to expedite the submission of his reply thereto.

(By Order) Manager.

'C'

(2) That it shall be lawful for the Secretary of State

for India in Council or for the Government prior to the expiry

tion of his service under these presents, if satisfied on the

report of the duly constituted Advisory Medical Board that the

party of the first part is unfit, and is likely for a consider-

able period to continue unfit by reason of ill-health for the

discharge of his duties in India, to determine the service under

these presents (the decision of the Secretary of State for

India in Council on the Government being conclusive), and there-

upon his services shall be terminated.

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(13)
'D'

Proceedings of the Director of Public Instruction.

Dis. No. 332/24, dated 29.1.24.

Reference - G.O. No. 1725, Law (Education) Department,
dated 11th December 1923.

Order:-

With reference to his letter No. 941-C, dated the 31st August 1923, the attention of the Director of Public Instruction is invited to Paragraph 3 of his letter No. 2807, dated the 3rd. May 1907, disposed of in G.O. No. 309, Educational, dated the 22nd May 1907, and he is informed that since Mr. M.S.H. Thompson claimed and the Government deemed him to be a native of India within the meaning of Statue 33, Vict., Capt. 3, Section 6, for purposes of a state scholarship, and since he was admitted by Government to have had an Indian domicile for the purpose of his appointment to the Indian Educational Service, he is under the proviso to Rule 1 (a) of the rules for the grant of overseas pay printed in G.O. No. 713, Finance, dated the 8th. August 1923, debarred from claiming overseas pay.

(By order of the Government, Ministry of Education.)

R. Ramachandra Rao, Secretary.

Communicated to Mr. M.S.H. Thompson, Ag. District Educational Officer, Madura with reference to the correspondence ending with his letter dated 17.8.23.

2. The Director's letter No. 2807, dated 3.5.1907, referred to in the G.O. is the one in which Mr. Thompson was recommended for a Government of India scholarship.

3. Rules regarding grant of overseas pay were communi-

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dated to him in Progs. Dis. No. 3281/23, dated 15.8.25.

(By Order) Senior Superintendent.

'E'.

Proceedings of the Director of Public Instruction.

R.C. No.1187 C/24, dated 29th.10.25.

Read - G.O. 1850, Law (Education), dated 26.10.25.

Mr. M.S.H.Thompson is informed that Government have in their order read above stated that they are unable to reconsider the orders passed in G.O. No.1725, Law (Education) dated 11.12.23, communicated with Progs. Dis.No.332/24, dated 29.1.24.

(By Order) Senior Superintendent.

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'H'.

Progs. of the Director of Public Instruction.

Dis. No. 868/23, dated 23rd. February 1923.

Read: Application of M.S.H.Thompson, Esq.

District Educational Officer, Guntur dated 6.2.23 for an advance from the General Provident Fund.

M.S.H.Thompson, Esq., Dist. Educational Officer, Guntur is informed that the rules of the General Provident Fund do not permit the use of deposits in the fund to meet marriage expenditure in the case of Europeans - vide Govt. of India letter No. 1309, F.E., dated 24.11.16, embodied in this office Progs. Dis. No. 1097/17, dated 19th.Feb.1917.

(By Order) Ag. Manager.

'I'.

Extract from letter No. 1643, dated the 28th. April 1919 from the Hon'ble Mr. H.V.Cobb, C.S.I., C.I.E., Chief Commissioner of Coorg, Bangalore, to the Secretary to the Govt. of India, Department of Education.

'Finally I wish to observe that I showed the draft of this letter unofficially to the Government of Madras, who have suggested that as under the present orders on the subject the Head Master of the High School at Mercara is entitled to an allowance of Rs.100 per mensem provided he pays rent for the Govt. quarters which he occupies and provided that he is appointed from England, an alternative way of meeting the difficulty might be to ask the Government of India to relax this latter condition in the case of Mr. Thompson, who has had both training and experience in England, so that he would now

be entitled to a monthly salary of Rs.470

'J'

Office of the Accountant General, Madras.

No. Pen. Mis. 3.13 (2) of 24-26/588, dated 21st. August 1925.

The Director of Public Instruction has since reported to this office that Mr. W.B. Brierley held a lien on the post of Headmaster, Central High School, Mercara till 1.9.1920. In modification of this office letter No. Pen. Mis. 3-13(2) - 24 - 25 - 459, dated 27th. June 1924. Mr. Thompson is therefore informed that his service in the Indian Educational Service commences from 1st. Sept. 1920, and not from 2nd. January 1919.

'K'

G.O. No. 1313, Law (Education), dated 13th. Aug. 1924.

Order:

The Secretary of State for India in Council has decided to exempt from the pause in the Indian Educational Service time-scale at Rs.600 per mensem all officers who were appointed to that service prior to 1st. Dec. 1919 and to leave such officers affected by the pause at Rs.1,000 per mensem only. The revised orders will have effect from the 26th. May 1924, the date of their receipt by the Government of India.

2. In accordance with the above orders the pay of the under-mentioned officers of the Indian Educational Service will be revised as shown below:

Name of Officer

Pay now
drawn.

Pay admiss-
ible on
26.5.24 under
the orders
Now received

Date of
next
increment.

Mr. H.F.Saunders

700

750

21.8.24

Mr. N.R.Krishnamma

700

750

14.5.25

Mr. K. Ananda Rao

600

600

7.7.24

'L'.

Progs. of the Director of Public Instruction, Madras.

Dis. No. 2594/25, dated 9.7.25.

Read letter from Mr. M.S.H.Thompson, Ag. Inspector of European Schools, dated 25th. June 1925, requesting exemption from the pause at Rs. 600 in the Indian Educational Service scale under G.O. No. 1313, Law (Education), dated 13.8.24.

The Director regrets that he cannot help Mr.M.S.H. Thompson in the matter, as G.O. No. 1313, Law (Education), dated 13.8.24, does not apply in his case.

(Sd.) A. Rama Rao.

For Director of Public Instruction.

C.No. 887 A - From the Chief Accounting Officer,
Office of the H.C. for India, London
dated 18-2-26, No.78608 L.B. dated
18-2-26.

Subject.- Appeal of Mr. M.S. H. Thompson regarding
overseas pay and exemption from pause at Rs 600.

In his letter addressed to the High Com-
missioner for India Mr. Thompson requests:

- (i) that he may be granted overseas pay
- (ii) that he may be exempted from the pause
at Rs 600 in his present time scale of pay.

2. In G.O. No.1723 Law (Education) dated
11-12-23 and G.O. No. 1850 Law (Edn) dated 26-10-24
the Government declined to entertain Mr. Thompson's
request for the grant to him of overseas pay.
Mr. Thompson should have submitted ^{his} memorial to the
Secretary of State ^{for India} on the subject through the Local
Government and should not have addressed the High
Commissioner *direct*.

3. As regards his request to be exempted
from the pause at Rs 600, orders were issued in G.O.
No.713 Law (Edn) dated 8-5-24 declining to exempt
Mr. Thompson and other officers from the pause at
Rs 600. Since then, however, some of the officers
have been exempted from the pause. If Mr. Thompson
applies for a similar concession to the Local Govt.
through the D.P.I., his request may be considered.

4. Draft order is submitted.

S.M.S.
16-3-26

NY
25/3/26

25/3 *V.T.K.*
26.3

(p.2 of seg C.f.)

(X)
(Y)

(Z)

When Received for Fair-copying.

Date. Initials.

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When examined

When signed

When despatched

Thompson, Mr. W. S. B.

Appeal for grant of overseas pay
and exemption from house at Rs 600/-
order passed.

READ AGAIN G.O. No. 5, dated 192 .

” ” ” ” ” 192 .

★ READ ALSO:—

C. No. 8874 From the High Commissioner, No. 78608/4B dated 18.2.1926
for India

” ” ” ” ” ” 192

” ” ” ” 192

ORDER.

Mis.

No. 461, dated 29. 3. 1926

With reference to his letter to the High Commissioner for India dated 16-2-26, Mr. M.S.H. Thompson is informed that, in respect of the grant of over-seas pay to him, he should address his memorial to the Secretary of State for India in Council and submit it through the Local Government.

2. As regards his other request for exemption from the pause at the stage of Rs 600, he should address the Local Government through the Director of Public Instruction.

S. M. S.

To

M. S. H. Thompson Esq.,

D. E. O.,

Tanjore. (on leave)

58, Rosslyn Hill

Hampstead, N.W. 3

(wie anelomus sat)

(H-7-19 Gf.)

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When given for copying _____
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 When signed _____

READ AGAIN G.O. No. _____, DATED
 192

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 OF, BEING MEANT FOR DESPATCH
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