[Edl. / 7.]
250—20-7-96.

Educational (~~189~~ 1901) Department.

ORDINARY PRINTED.

G.O., No. 396-7.

DATED 12·7·01

INDEXED.

Despd M. G. 12.7.01

N. P.

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ORIGINAL

[Despatch Abstract.]

Mrs. Brander.

Stating that the Govt of India will be addressed with reference to the application of certain articles of the Civil Service Regulations in the case of — inspectress of girls' schools. Letter to India

The Notes
in these Proceedings have been printed.

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Government {1901} of Madras.

EDUCATIONAL.

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ORIGINAL

G.O., &c., Nos. 396, 397, 12th July 1901.

N. P.

JULY.

Mrs. Brander.

Stating that the Government of India will be addressed with reference to the application of certain articles of the Civil Service Regulations in the case of——inspectress of girls' schools.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper :—

From the Honourable Mr. G. H. STUART, Director of Public Instruction, to the Secretary to Government, Educational Department, through the Accountant-General, No. R. C. 14917, dated 7th January 1901.

Referring to G. O., No. 336, Mis. Educational, dated 3rd June 1886, I have the honour to request that the sanction of the Secretary of State be obtained for treating Mrs. Brander's service as Superintendent of the Government Female Normal school, Madras, as counting towards pension. She entered on her duties as Superintendent of the school in November 1870 and handed over charge of the post on 1st April 1876. As inspectress of girls' schools, she has put in a service of over 23 years, so that, if her service of about 5 years in the Government Female Normal school is allowed to count, her total pensionable service will amount to more than 28 years and she will be eligible for a pension of half average emoluments. Mrs. Brander is anxious to have the question decided in view of her intention of retiring from service as soon as she is eligible for full pension. It is in consideration of Mrs. Brander's very valuable services to female education in this presidency, as the first Superintendent of the Government Female Normal school, and as the first inspectress of girls' schools, that I make this request.

No. $\frac{\text{Pen. V. 503}}{\text{10692}}$.

Submitted to Government. Mrs. Brander (Miss Isabel Bain) was first appointed as Superintendent of the Female Normal school, Madras, on certain terms and conditions mentioned in the letter of her appointment by the Secretary of State embodied in G.O., No. 198, dated 13th June 1870, Educational. These conditions contain no stipulation regarding her pension and in accordance with the spirit of the provisions of article 384 (*e*) of the Civil Service Regulations, this period of service cannot be reckoned as qualifying for pension without the special authority of the Government of India.

2. Miss Bain assumed charge of her appointment on the 8th November 1870, remained on duty up to 31st March 1876, and on the 1st April 1876 resigned the appointment being unwilling to renew her term of employment. Mrs. Brander was re-appointed to the service of Government on 3rd June 1880, to the post of inspectress of girls' schools, Madras, the interval between her resignation and re-appointment being 4 years 2 months and 3 days. Under article 460 (*a*) of the Civil Service Regulations resignation of the public service entails forfeiture of past service and this penalty cannot be remitted except by the orders of the Secretary of State.

W. DOBBIE,
Offg. Accountant-General.

Fort St. George,
Accountant-General's Office,
28*th January* 1901.

To the Secretary to Government, Educational Department.

Order—No. 396, Educational, dated 12th July 1901.

The Government of India will be addressed.

(True Extract.)

C. J. WEIR,
Acting Secretary to Government.

To the Director of Public Instruction.

Letter—No. 397, Educational, dated Ootacamund, 12th July 1901, to the Secretary to the Government of India, Home Department.

I am directed to address the Government of India on the subject of applying certain articles of the Civil Service Regulations in the case of Mrs. Brander, inspectress of girls' schools in this presidency.

2. Mrs. Brander (*née* Bain) was sent out by the Secretary of State to fill the post of the Superintendent of the Madras Female Normal school when it was established in 1870 and she entered upon her duties on the 8th November of that year. The terms and conditions on which her appointment was made will be found in the letter addressed to her by the India office on the 13th April 1870, printed in the proceedings of this Government, No. 198, Educational, of the 13th June following, a copy of which is enclosed. On the completion of the period of her engagement, she expressed a wish not to continue in service, and she was relieved on the 31st March 1876.

3. Subsequently, when the post of inspectress of girls' schools was created in 1880, it was offered to and accepted by Mrs. Brander and she joined the appointment on the 3rd June of that year. Her agreement with the Secretary of State on this occasion was forwarded with Mr. F. C. Daukes' endorsement No. 240, Educational, dated 15th June 1880. When in 1885 the term of five years for which she was appointed expired, she was re-engaged for a similar term. She then requested that her previous service of five years as Superintendent of the Government Female Normal school might be counted for pension, and Government promised to consider this claim after she retired from the service.

She was again re-engaged in 1890 for another five years, and in 1895 for an indefinite period. She is now a member of the Indian educational service.

4. Mrs. Brander has put in nearly 21 years of service as inspectress of girls' schools and is anxious to retire as soon as she becomes eligible for a half pension. The Governor in Council accordingly proposes to condone a deficiency of one year in her service under article 465-A of the Civil Service Regulations and to add three years under article 441-A. Mrs. Brander can in that case retire immediately on medical certificate or take furlough for two years and retire at the end of that period as she will then be 55 years of age.

5. The non-qualifying service in consideration of which it is proposed under the operation of article 465-A to condone a deficiency of 1 year in Mrs. Brander's qualifying service is that rendered from the 8th November 1870 to the 31st March 1876 as Superintendent of the Female Normal school. This did not qualify for pension under the terms of her agreement; and even if it had qualified, objection might be raised on the ground that it was forfeited by resignation of appointment and that such forfeiture being absolute no claim to the service could be revived. Article 465-A, it may be contended, is applicable only to uninterrupted service. I am to observe however that Mrs. Brander resigned in 1876 only on the completion of the term of her engagement, and it is nowhere stated in the regulations that the concession allowed by the article just named is dependent on the service being unbroken.

6. The addition of three years under article 441-A is also conceivably open to objection on the grounds (1) that Mrs. Brander was not a member of the superior Educational service on the 23rd July 1896, (2) that in the circumstances of her case she cannot be considered to have been appointed after attaining the age of 25 years, since she had previously entered Government service before attaining that age and had resigned her appointment, and (3) that the special concession to members of the Educational department granted by the article is not secured to Mrs. Brander by the terms of her agreement on re-employment.

As regards the first of these possible objections, His Excellency in Council observes that when Mrs. Brander was appointed to the Indian educational service in 1897 she was an inspectress of girls' schools in this presidency, a post which she had been holding from 3rd June 1880. Her appointment of inspectress was not included in the old graded service: it was a special one. This Government thought that as in the case of the other special officers such as the vice-principal of the Teachers' college, the superintendent of the Presidency Training school for mistresses and others, she was in the superior, although not in the graded, educational service of this presidency. Mr. Price's letter No. 556, Educational, dated 25th July 1892 and the heading of the list appended to his letter No. 831, Educational, dated 13th November 1893, establish this. The cases of graded officers who became members of the Indian service with Mrs. Brander are governed by paragraph 15 of the Resolution of the Government of India No. 4, Education,—204—215 dated 23rd July 1896 and there is no question that article 441-A applies to them. The wording of the article is however so general as to include an officer like Mrs. Brander also.

With reference to the second of the objections specified above, it appears to Government to be inequitable to argue on the one hand that Mrs. Brander's service prior to March 1876 should be considered null and void for pension purposes, and on the other that it stands in the way of her obtaining a concession under article 441-A.

The third objection, *viz.*, that the special concession to members of the Educational department granted by article 441-A is not secured to Mrs. Brander by the terms of her agreement on re-employment, does not appear to this Government to be valid, as her agreement was exactly similar to those taken from other educational officers appointed by the Secretary of State.

7. Under these circumstances I am directed to request that the Government of India will be pleased to sanction the application of articles 465-A and 441-A of the Civil Service Regulations in Mrs. Brander's case. In the opinion of His Excellency in Council she fully deserves the concession in consideration of her very valuable services to female education in this presidency as the first superintendent of the Normal school and subsequently as the first inspectress of girls' schools.

8. I am to add that there appear to be special reasons which remove this case from the operation of article 995 of the Civil Service Regulations. It is necessary that Government should know when Mrs. Brander's pensionable service will be completed, in order that public inconvenience may not result from her sudden retirement.

C. J. WEIR,
Ag. Secretary to Government.

NOTES CONNECTED WITH G.O. Nos. 396, 397, EDUCATIONAL, DATED 12th JULY 1901.

[SUBJECT—*Mrs. Brander's Pension.*]

From the Director of Public Instruction No. 14917, dated 7th January 1901.

Mrs. Brander (formerly Miss Bain) held the post of Superintendent of the Female Normal school from 8th November 1870 to 31st March 1876. She left the service on the expiry of her engagement.

2. Subsequently on 3rd June 1880 she became inspectress of girls' schools and she still continues in that appointment.

3. In 1885 she requested that her previous service of five years and odd might be counted for pension: in their order No. 336, Mis., dated 3rd June 1886, Government promised to consider this claim after she retired.

4. The Director now raises the question again and desires that the sanction of the Secretary of State may be obtained to the admission of the claim. He says that Mrs. Brander has now put in a service of over 23 years as inspectress—he should have apparently said "of over 20 years,"—and that it is necessary to have the question decided in view of her intention of retiring as soon as she becomes eligible for a half pension.

5. Under article 995 (*b*) of the civil service regulations no question about the pension of an officer, who has not retired from the public service, should be submitted to the Government of India unless there are special reasons for a departure from the general rule. In Mrs. Brander's case, however, the uncertainty whether she should continue in service or not seems to constitute a special ground for addressing the Government of India at once.

Yes.
A.T.P.

P. T. Tharyan.
11-2-01.

There seem to be special reasons here, but we may first invite remarks from the Pension department.

A. T. Pringle.
11-2 01.
M. Hammick.
12-2-01.

Pension Department, u.o.

For the Chief Secretary.

Pension Department.

In 1869, the Government of India having sanctioned the proposal of this Government to establish a Female Normal school at Madras, the Secretary of State was asked to select and send out a lady superintendent for the school possessing the qualifications specified in the Director's letter No. 2823, dated 6th December 1869. Besides the salary proposed, *viz.*, Rs. 300 per mensem, with an extra allowance of Rs. 50 for carriage hire, a grant of £150 was made on account of outfit and passage money. The Secretary of State nominated Miss Bain to the appointment in question on the salary and allowances proposed above and forwarded a copy of the terms and conditions of her appointment.—*vide* copy of letter, dated 13th April 1870 from the India Office to Miss Bain, printed in G.O. No. 198, Educational, dated 13th June 1870.

G.O. No. 311, Educational, dated 29th September 1869.

Letter No. 13, dated 28th December 1869, to the Secretary of State.

G.O. No. 402, Educational, dated 28th December 1869.

See despatch in G.O. No. 198, dated 13th June 1870, Educational.

2. Miss Bain entered upon her work on the 8th November 1870, and under her, the Government Female Normal school was reorganised in 1874, and the valuable services rendered by Miss Bain were suitably acknowledged by Government in its order No. 235, Educational, dated 26th July 1875.

Miss Bain left the school in 1876 on the completion of the term of her engagement. Miss Bain's marriage with Mr. Brander led to the non-renewal of her engagement.

See para. 2 of D. P. I.'s letter No. 2432, dated 15th April 1885 in G.O. No. 441, Educational, dated 16th July 1885.

3. The Secretary of State was requested early in 1880 to again secure the services of Mrs. Brander for the post of inspectress of girls' schools in this presidency. She was accordingly appointed and the terms of her agreement then will be found in G.O. No. 244, Educational, dated 26th June 1880. Mrs. Brander took charge of her office in June 1880.

See Despatch to S. of S. No. 80, dated 25-2-80 from Govt. of India in G.O. 71, dated 9-3-80, Educational.

4. Paragraph 8 of this agreement runs as follows :—

> "That, if the said Isabel Brander shall continue to serve Government "under these presents for more than 5 years, her service (commencing "from the date of her entering on the performance of her duties) shall "count as service towards leave and pension under the Uncovenated "Service Leave and Pension rules............"

5. When her term of five years for which she was appointed by the Secretary of State terminated on the 23rd June 1885, Mrs. Brander enquired whether her appointment would be continued beyond that date and, if so, what her position and emoluments would be. She also asked among other things that the Secretary of State might be moved to allow her previous service of 5 years, as Superintendent of the Government Female Normal school, to count for pension and furlough, so that she might be held to have completed 10 years' service in June 1885. The Director of Public Instruction recommended that Mrs. Brander should continue in service and that her request in regard to the previous service might be specially brought to the notice of the Secretary of State. The Government thereupon re-engaged Mrs. Brander's services for another period of 5 years from June 1885; and her pay was also raised to Rs. 500 from that date with the approval of the Secretary of State. With regard to her request to count her previous service towards pension, the Government said that it would be prepared to consider the claim when she retired from the service.

See D. P. I's. letter No. 751, dated 10-2-85, in G.O. 145, Educational, dated 3-3-85.

G. O. 145, Educational, dated 3-3-85.

See S. of S. despatch, No. 111, dated 12-11-85, in G. O. No. 2, Educational, dated 5-1-86.

G. O. No. 336, Educational, dated 3-6-86.

6. Mrs. Brander still continues in the service, her continuance in service being sanctioned after the expiry of every 5 years till the 1st June 1895 when her services were re-engaged for an indefinite period. She is now included in the Indian educational service and is drawing Rs. 600, (pay Rs. 500—20—600)

See G. O. No. 725, Educational, dated 29-8-95.

7. The Director of Public Instruction now makes another reference to Government as to Mrs. Brander counting towards pension her service of 5 years as Superintendent of the Government Female Normal school from 1870 to 1875. The Director of Public Instruction says that, as inspectress of girls' schools, Mrs. Brander has put in over * 23 years' service and that, if her service of about 5 years in the Government Female Normal school be allowed to count, her total pensionable service will amount to 28 years rendering her eligible for a half-pension. He also says that Mrs. Brander is anxious to have the question decided in view of her intention to retire from the service as soon as she is eligible for full pension.

	Y.	M.	D.
* Service from 3-6-80 to 1-3-1901	20	7	28
Add service under article 441-A. C.S.R.	3	0	0
	23	7	28

8. The Accountant-General, however, points out that, as the terms and conditions of her appointment in 1870 contained no stipulation regarding her pension, the period of service claimed cannot count for pension without the special authority of the Government of India.

9. Under clause 8 of her agreement of 1880, Mrs. Brander having continued in service for more than 5 years, her service counts towards leave and pension under the uncovenanted [Indian] Service Leave and Pension rules. Under these rules she will be eligible for (1) a superannuation pension on attaining 55 years of age, or (2) an invalid pension on production of a medical certificate of incapacity for further service, or (3) a retiring pension on completing 30 years' service, or (4) a compensation pension on abolition of her appointment.

10. There are only two events in which Mrs. Brander could get a pension *before* she is 55 years of age [she would be much above this before she has put in 30 years' service], *viz.*, abolition of appointment which is not at all likely, or break down of her health such as preclude her serving any longer in India.

See. para. 13 below. She is now 53.
C. M. S.

Yes : but not if the 5 years in question is included. She will have 28½ or only 1½ to serve.
G. Stokes.

11. It is stated that Mrs. Brander intends retiring from the service if she knows that she has served for 25 years, the period prescribed for a half pension. She is not 55 years of age now and the papers do not show that she is likely to secure a medical certificate so as to preclude her serving any longer.

This is the point.
G. S.

12. Under article 995 of the Civil Service Regulations, the Government of India is ordinarily unwilling to pass orders on questions affecting the pension of an officer until he actually retires, because their premature discussion occupies valuable time almost always to no purpose and uselessly. Accordingly, no question about the *pension* of an officer who has not *retired* from the public service should be submitted by a local Government to the Government of India unless there are special reasons for a departure from the general rule.

13. Mrs. Brander is now 53 years of age and will be eligible for a superannuation pension either by continuing in service for two years more or by taking furlough for that period and then retiring. In June next, her total service will amount to 21 years, and she counts all this for pension, since, under article 446 of the Civil Service Regulations she counts as service the 2 years' leave she has already had. With the 3 years' additional service admissible under article 441-A, she will have 24 years' service to her credit. If she continues in service till she attains 55 years of age, her service will then be 26 years entitling her to a half pension * which, however, will be subject to a reduction of 2-40ths under article 521 (*a*) of the Civil Service Regulations, inasmuch as her qualifying service began in June 1880 and after she had attained the age of 30 years, *i.e.*, she will get a pension of Rs. 285 per mensem.

Born 20-2-1848, see page 523 of History of services of Gazetted officers.

* Rs. 300 per mensem.

14. If, however, she takes furlough for 2 years now, for which she is eligible under article 340 of the Civil Service Regulations, and retires on attaining the age of 55 years, her service will then be 24 years only, since she will not* count as service this furlough. The deficiency of one year to complete 25 years can be condoned under article 465-A, (2) (*a*) of

* *Note.*—Her total service being less than 25 she counts as service only 2 years' leave and this has already been taken into account, see para. 13 *supra*.

the Civil Service Regulations to render her eligible for the pension of Rs. 285 noted above in view of her non-qualifying service of 5 years from 1870 to 1875.

15 But if, in June next, she retires on a medical certificate of incapacity for further service, her service being then 24 years, she will, with the condonation of the deficiency of one year suggested above, be eligible for a half pension of Rs 300 per mensem; but this pension will also be subject to the reduction of 2-40ths. *if the incapacity be due to old age or natural decay from advancing years.*

16. In all these 3 cases of pension, the question of her counting towards pension the 5 years' service as Superintendent, Government Female Normal school will not arise.

17. Mrs. Brander will be eligible for a retiring pension on completing 30 years' service, but as she will be much above 55 years before she puts in 30 years' service, the question of a retiring pension need only be considered in the event of the 5 years' service being treated as qualifying. Her actual service on the 1st June next will be 21 years, and if the 5 years' service be added to it, with the sanction of the Secretary of State, she will have 26 years' service to her credit. But if this 5 years' service is counted as qualifying she will have to be considered as having been first appointed in 1870, when she was 22 years of age and she will thus lose the advantage of article 441-A, of the Civil Service Regulations. She will then have to remain in service for 4 years more to entitle her to a *retiring* pension.

18. To sum up, the points seem to be :—

(i) If Mrs. Brander intends to work out her service to a *superannuation* pension, the question of the 5 years' service from 1870 to 1875 will not affect the amount of pension.

(ii) If, in June next, she retires on a medical certificate of incapacity for further service, she will, with the condonation of one year deficiency, be eligible for a half pension; and the question of 5 years will not again affect the amount of pension.

(iii) She will be much above 55 years of age before she can complete 30 years' service for a *retiring* pension, and so a *retiring* pension need not be considered.

19. Under these circumstances, the question of the 5 years' service may be left alone. The Accountant General's opinion may perhaps be invited (u. o.) with the concurrence of "Educational."

K. SRIKANTA AIYAR.
14-3-01.

C. M. SCHMIDT.
14-3-01.

Yes.

G. STOKES.
15-3-01.

Educational Department, u.o.

Educational Department.

The Educational Department may concur in the proposed reference to A. G.

A. T. PRINGLE.
16-3-01.

I agree [to] consult the Accountant General u. o. as proposed.

M. HAMMICK.
16-3-01.

Pension Department, u.o.

Pension Department.

Accountant General, u.o.

G. STOKES.
16-3-01.

On the 19th of June 1901, Mrs. Brander will have rendered 21 years' service qualifying for pension, and the question under consideration is how the deficiency of 4 years necessary to the grant of the maximum pension can be made good. It is suggested that Government should for this purpose (*a*) condone a deficiency of 1 year under article 465-A of the Civil Service Regulations and (*b*) add 3 years to the qualifying service under article 441-A of the Regulations.

2. Article 465-A authorizes the local Government to condone a deficiency to the extent of half of any non-qualifying service rendered by an officer and not exceeding 12 months. The non-qualifying service of Mrs. Brander which it is suggested should be brought under this rule is the service rendered from 8th November 1870 to 31st March 1876 which did not qualify for pension under the terms of Mrs. Brander's agreement, and which even if it had qualified under the agreement was forfeited under 460 (*a*) by Mrs. Brander's resignation of Government service. I do not think article 465 (*a*) can be applied to service forfeited by resignation of appointment. Such forfeiture is, it appears to me, absolute, and no claim to such service can be revived. To apply the provisions of article 465 (*a*) to such service would be to confer upon non-qualifying service of this nature an advantage which had the service been "qualifying" could not have been granted, and it could certainly never have been intended to give to non-qualifying service an advantage denied to qualifying service which is of a higher character. Article 465-A is I think applicable only to "uninterrupted" service. A reference to the Government of India on this point would be necessary before the deficiency of one year could be condoned under the operation of article 465-A with reference to the forfeited past service.

She did not resign.
G. STOKES.

The first step then is to get this service made qualifying which is what Mrs. Brander wants and has wanted all along.
G. S.

3. I regret also to say that the addition of 3 years to Mrs. Brander's qualifying service under article 441-A is not permissible. Article 441-A does not apply to her case for three reasons :—

(*a*) Mrs. Brander was not on the 23rd July 1896, a member of the Superior Educational service, to which the appointments mentioned in the article belonged. I of course lay no stress on the fact that the article speaks of inspectors whereas Mrs. Brander is an inspectress. The conditions of Mrs. Brander's appointment were different to those of the "Education department" as then constituted. Mrs. Brander's appointment was a special one outside those of the "Education department" and with a special rate of allowance. It is only to officers of the "Education department" that article 441-A applies and only to those in that department on the 23rd July 1896. It was not until after that date that Mrs. Brander was admitted to the Education department, the Indian Educational service as it was designated after its re-organization. It was into this re-organised service that Mrs. Brander was admitted, and that after the 23rd July 1896.

Was it?
G. S.

If K (G.O. No. 725, Educational, dated 29th August 1895), does not admit Mrs. Brander to the Educational Department there is no order doing so in the file.

(*b*) The provisions of article 441-A are also not applicable to the case of an officer who after one spell of Government service resigns and rejoins, his age after rejoining, but not when he first joined, being over 25 years. The reason for this is obvious. The concession is granted on the grounds that the officers filling the appointments mentioned in the article had to undergo a training and experience which prevented their taking up the appointments until they were 25 years of age. The concession is not admissible or required in the case of an officer who does not undergo so

In other words if the concession is granted Mrs. Brander's service begins in 1870.
G. S.

This is all assumption.
G. S.

lengthy a training, but who joins the service of Government before he is 25 years of age. His resignation and re-acceptance of service under Government does not supply the occasion for the concession. In such a case the reasons which caused the concession to be granted do not exist. In Mrs. Brander's case I understand that the service of Government was first entered at the age of 22 and that her re-employment was the result of her first term of service which was satisfactory and of the Indian experience gained then.

(*c*) The special concession to members of the Educational department granted by art. 441-A is not secured to Mrs. Brander by the terms of her agreement on her re-employment in Government service. The agreement secures to Mrs. Brander pension under the uncovenanted service pension rules, and the addition of 3 years' service is no portion of the ordinary rules. It is a special concession and could only be secured to Mrs. Brander by a special clause in her agreement.

This is beside the question as she gets the benefit of the rules as they stand or are modified under her agreement.

G. Stokes.

This argument is clearly untenable *vide* art. 219, rule I and art. 352.

G. S.

4. A reference to the Government of India is essential in Mrs. Brander's case if the suggested concessions are to be granted.

This is true.
G.S.

W. Dobbie.
1-4-01.

For the Chief Secretary. Pension Department.

It would be seen from the Accountant-General's note on pages 5 and 6 of these notes that while he is opposed to Mrs. Brander being allowed to count her service from November 1870 to March 1876 for the purposes of art. 465 A. of the Civil Service Regulations, he considers that for the purposes of art. 441 A. this service should practically be deemed to be service under Government.

2. The Accountant-General's objection as regards the application of art. 465 A. is that Mrs. Brander forfeited her service prior to March 1876 by resignation of appointment. It is true that Mrs. Brander did resign her appointment, but this was on the completion of the term of her engagement.

3. The Accountant-General holds that art. 441 A. of the Civil Service Regulations cannot apply to Mrs. Brander's case, as she was not on the 23rd July 1896 a member of the Superior educational service; that in the circumstances of her case she cannot be considered to have been appointed after attaining the age of 25 years since she had previously entered Government service before attaining that age and had resigned her appointment; and that the special concession to members of the Educational department granted by art. 441 A. is not secured to Mrs. Brander by the terms of her agreement on re-employment.

4. As regards the first objection it is to be noted that the Accountant-General agrees that Mrs. Brander was admitted into the Indian educational service after the 23rd July 1896. This being so, if art. 441 A. does not apply to her case it seems to follow that art. 441 does apply, and as she was appointed to the post of an inspectress when she was 32 years of age she would seem to be entitled to some concession under art. 441.

5. The second objection of the Accountant-General under this head has already been alluded to in the first paragraph of this note, and it seems only necessary to remark that if Mrs. Brander's services prior to March 1876 are to be considered null and void for pension purposes, it is somewhat hard on her to make this service count against her obtaining a concession under either art. 441 or art. 441 A.

6. The Accountant-General's third objection is not quite clear. The agreement of Honourable Mr. G. H. Stuart* and that of Mrs. Brander† are substantially the same (see the Honourable Mr. Price's note on page 7 in G. O. No. 725, Educl., dated 29th June 1895), and as the admission of extra service in Mr. Stuart's case seems to be permissible, it seems also to be permissible in Mrs. Brander's case.

7. It is submitted that the best course will be to submit the whole case for the decision of the Government of India putting forth the argument and contentions of both sides, and that the Educational department may be so advised. The present case is not, it is submitted, one the settlement of which is prohibited by art. 995 of the Civil Service Regulations.

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*G.O. No. 99, Educational, dated 20th June 1882.

†G.O. No. 244, Educational, dated 26th June 1880.

C. M. Schmidt.
4 5-01.

I concur that the case should be referred to India, as till the service prior to 1876 is made pensionable Government cannot condone and give her the year needed. All India need settle is whether that service is to be considered pensionable.

G. Stokes.
5-5-01.

Educational Department, u.o.

Educational Department.

The draft placed below follows the further discussion which there has been on the subject and may be submitted to the H. M. and to H. E.

A. T. Pringle.
23-5-01.

C. J. Weir.
30-5-01.

Pension Department, u.o. *for acceptance.*

Pension Department.

Please see extracts written below from the Government of India Resolution (Home Department), dated 23rd July 1896, No. 4, Educational—204—215 in G.O. No. 479, Educational, dated 10th August 1896.

3. "In his despatch of the 28th January 1892, the Secretary of State agreed "that the Graded service should not be at once abolished, but remarked that the "intention of the Public Service Commission had been, not to interfere with the "officers already in the Graded service, nor to abolish all permanency of service, "but to provide that for the future officers recruited in England should, in the "first instance, be engaged for a short term with a power of re-appointment, which "would be exercised if their services were judged to be valuable. His Lordship "observed that this proposal was in fact a restoration of a long established "practice which had fallen into disuse (inasmuch as the written terms of "appointment were nearly always for five years only) and desired that in future "it should have definite effect, the first five years of an officer's service being "regarded as probationary and his future employment being made dependent on "the judgment passed on his services during that term."

* * * *

14. "All officers appointed in England will be eligible for the more favourable leave rules contained in Chapter XIII of the C. S. R. Their pensions will "be regulated by the ordinary superior service pension rules in Chapters XVIII "and XIX modified by the concession in art. 441-A, 2nd edition (which will apply "to those who enter the Indian educational service after the date of this "Resolution) in substitution for the provisioes of art. 441. The probationary "service of officers whose services have "been continued beyond the probationary period as well as the previous service of those who have been engaged, in the "first instance, on temporary contracts without leave or pension advantages, but "have been subsequently confirmed, will reckon towards leave and pension as well "as towards increments under the new scheme."

Note.—Art. 441-A of 2nd Edition is art. 441 of 3rd Edition, and art. 441 of 2nd Edition is art. 441-A of 3rd Edition.
K.S.
5-6-01.

"15. It has been decided that no officer now in the Graded service should "suffer by the re-organization of the department. Every European officer, there- "fore who has been permanently appointed to the graded list will be given the "option of coming under the new scheme or of continuing on the graded list and "obtaining promotion as vacancies occur in it, subject to the condition that only "those considered fit for promotion will get it. Those officers who elect to come "under the new scheme will count their past service on the graded list for the pur- "pose of fixing their pay and increments as well as towards leave and pension."

2. In 1896 Mrs. Brander was admitted to the more favourable leave rules contained in Chapter XIII of the C. S. R., and in January 1897, she was admitted as a member of the Indian educational service. So, all the concessions allowed by the Resolution of 23rd July 1896 to the officers of the Graded service who came under the new scheme would seem to have been extended to her, and in this view she is, it is submitted entitled to the concession in art. 441-A (present art. 441) of the C. S. R. (2nd Edition). Her previous service on temporary contract (from 1870 to 1876) without leave or pension advantages would, with reference to para. 14 of the Resolution have reckoned towards leave and pension if she had continued in the service without break.

3. In regard to the educational services in Madras it will be seen from this Resolution that, prior to the 23rd July 1896, there were apparently three classes of service—the Graded, the Non-graded and the Subordinate service. It is submitted that Mrs. Brander must be held to have belonged to the Superior Educational service though she was not included in the graded service. The expression "*old superior educational service*" used in the draft may therefore be changed to "*old-graded service.*"

4. If as is clear from the Resolution, Mrs. Brander comes under art. 441 of C. S. R. (3rd Edn.) she would have the additional 5 years, only if she retires on a superannuation pension. But this pension will, as already pointed out, be subject to reduction under art. 521 (*a*) inasmuch as her qualifying service began after the 20th January 1871, and after she attained the age of 30 years.

Art. 441-A, seems to apply to certain officers of the educational service who continue on the graded lists.

5. The duties of the inspectress are given in para. 14 of Dr. Duncan's letter, dated 19th September 1893, No. 10313 at page 85 of the blue book herewith submitted.

S. Srikanta Aiyar.
5-6 01.

For the Chief Secretary.

The facts set out in the foregoing note seem finally to meet the Accountant-General's arguments against granting Mrs. Brander the benefit of either section 441 or section 441-A of the Civil Service Regulations. The note concludes that from the fact that she is shown in the "History of Services" as having been admitted as a member of the Indian educational service in January 1897 she falls under section 441 of the Civil Service Regulations (which was section 441-A, as added to the second edition of the C. S. R). If it is held that Mrs. Brander entered the Indian educational service after the 23rd July 1896, there can be no doubt that section 441 applies to her case; but looking to the correspondence on the subject of her appointment, which is referred to in the foregoing note, it is thought that the intention of the Government of India was, whilst treating her appointment for the present as one of the European Service appointments and admitting her to all the privileges enjoyed by officers holding those appointments, to keep it an open question whether the appointment should be finally included in that service. It seems doubtful whether section 441 does apply to her case since her inclusion in the Indian educational service was peculiar. Section 441 will, as already pointed out only benefit Mrs. Brander if she retires on a superannuation pension. Section 441-A would benefit her in the case of any class of pension. It would have been useful if letter No. 566, Educational, dated the 25th July 1892, which is quoted in letter No. 651, Educational, dated the 2nd August 1895 *re* her admission to the more favourable leave rules had been placed in the file. It seems important that her exact standing as regards the Indian educational service should be examined very carefully and this course may, it is submitted, be suggested to the Educational department before it proceeds further in addressing the Government of India.

C. M. Schmidt.
10-6-01.

Educational Department, u.o.

G. Stokes.
11-6-01.

Educational Department.

When Mrs. Brander was appointed to the Indian educational service in 1897 she was an inspectress of girls' schools in this presidency which post she had been holding from 3rd June 1880. Her appointment of inspectress was not included in the old graded service—it was a special one. This Government thought that as in the case of the other special officers such as the vice-principal of the Teachers' college, the superintendent of the Presidency Training school for mistresses and others, she was in the superior, although not in the graded, educational service of this presidency—the heading of the list on page 82 of the blue book establishes this. The Government of India have not expressed any opinion on this point: all the quotations from their resolution of 1896 made on pages 7 and 8 of the above notes refer to the graded service. Article 441 of the Civil Service Regulations however strictly applies, in the educational department, only to officers who at the time of first appointment to the Indian educational service had *not* previously been in service, (the words "whose whole pensionable service has been passed in one or other of such offices" seem to conclusively prove this). Article 441-A applies to those who had been in service, previous to 23rd July 1896. The Accountant-General considers that this article does not apply to Mrs. Brander for the reason, among others, that she was not in the "superior" educational service prior to 23rd July 1896. Here there is a difference of opinion between him and Government and unless he yields, a reference has to be made to the Government of India; this is what Educational proposes to do.

2. Mrs. Brander became a member of the Indian educational service on 1st January 1897, but her service from 3rd June 1880 to 31st December 1896 counts for pension. Strictly speaking therefore it is only article 441-A, that should be applied to her.

The cases of graded officers who also became members of the Indian service with her are governed by paragraph 15 of the resolution of the Government of India printed in G.O. No. 479, Educational, dated 10th August 1896. There is no question therefore of article 441-A applying to them. The wording of the article is however so general as to include an officer like Mrs. Brander also, but the Accountant-General takes a different view.

3. Briefly stated, the position appears to be this. Mrs. Brander entered the Indian educational service after 23rd July 1896 but she is one of those officers of that service who were in the Educational department on 23rd July 1896, and to whom article 441-A, of the Civil Service Regulations is in the opinion of this department, applicable.

4. The portion between pencil brackets, in para. 6 is disputable and may be V
omitted with advantage. Otherwise the draft should, it is thought, issue unless the Pension department have any further objection to urge.

P. T. Tharyan.
18-6-01.

A. T. Pringle.
18-6-01.

I think the contention above is correct. The letter of 25th July 1892, wanted by Pension department has been obtained. It might be used I think to meet the W

Accountant-General's contention that Mrs. Brander could not be considered to have been in the Superior educational service prior to 23rd July 1896.

C. J. Weir.
19-6-01.

Pension Department, u.o.

Pension Department.

For the Chief Secretary.

It is submitted that the views expressed on the last Educational note (page 9), which seem to clear up the position effectually, may be accepted in this department.

2. As regards the draft letter, it may be suggested to Educational that the case for Mrs. Brander would be strengthened if the contentions in the last Educational note were placed before India. As remarked by the Secretary at **W**, the letter of July 1892 might also be used to meet the Accountant-General's objection to considering Mrs. Brander to have been in the Superior educational service prior to the 23rd July 1896.

3. With reference to the suggestion at **V**, it is thought that the inequity of treating the service prior to March 1876 as null and void for pension purposes and at the same time making it count against Mrs. Brander obtaining the concession admissible under Section 441-A should be dwelt upon.

4. It is also thought that the letter should not contend that her case falls under Section 441 and that the reference to that section in para. 7 of the draft had better be omitted.

C. M. Schmidt.
27-6-01.

I quite concur.

G. Stokes.
27-6-01.

Educational Department, u.o.

Educational Department.

A revised draft is placed below (in type).

P. T. Tharyan.
4-7-01.

I think every body is now agreed.

A. T. Pringle.
4-7-01.

Hon'ble Member.

H. E. the Governor.

The letter has been settled in consultation with the Pension Department.

C. J. Weir.
5-7-01.

J. T[homson.]

A[mpthill.]

Educational Department.

Further notes on Mrs. Brander's case—*vide* G.O., No. 396, Educational, dated 12th July 1901.

Demi-official from the Private Secretary to His Excellency the Governor, dated 17th November 1902.

The facts of Mrs. Brander's case are briefly set forth in Mr. Weir's letter to the Government of India, No. 397, Educational, dated 12th July 1901.

2. Mrs. Brander (*née* Bain) was sent out by the Secretary of State to fill the post of Superintendent of the Madras Female Normal school when it was established in 1870 and she entered upon her duties on the 8th November of that year. On the completion of the period of her engagement (five years), she expressed a wish not to continue in service and she was relieved on the 31st March 1876.

3. Subsequently when the post of inspectress of girls' schools was created in 1880 it was offered to and accepted by Mrs. Brander and she joined the appointment on the 3rd June of that year.

4. In 1885 she requested that her previous service of five years might be counted for pension but Government simply promised to consider this claim after she retired. The question was again raised in 1901 when the Government requested * the sanction of the Government of India to condone a deficiency of one year in her service under article 465-A of the Civil Service Regulations and to add three years under article 441-A. She would then have 25 years' qualifying service and would be eligible for a half pension. The Government of India † said that they were unable to consider the question of condoning the deficiency in her service until she actually retired but recommended the addition of three years to her service to the Secretary of State and the latter sanctioned it in his despatch in G.O., No. 16, Educational, dated 19th January 1902.

5. Nothing can apparently be now done for Mrs. Brander, but if she is compelled by ill-health to retire immediately and if the Government again recommend the condonation of a year's service the chances are that the Government of India will accept the recommendation. Mrs. Brander should, however, it is submitted, be prepared to take the chance.

P. T. Tharyan—17-11-02.

M. Hammick—17-11-02.

I have seen Mrs. Brander and told her that we can make no promise, but that if she should be compelled to retire at once on account of ill-health her case will be a good one for concession. I added that she must take her chance relying on the generosity of Government and advised her to go before a Medical Board.

A[mpthill]—24-11-02.

J. T[homson]—28-11-02.

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* Letter, 397, Educational, 12th July 1901.

† G.O., 551, Educational, 30th September 1901.

2,000—5-11-00.

Educational (1901) Department.

Through the Accountant-General

CURRENT No. 117 10

From

[Name] The Hon'ble Mr G. H. Stuart, M.A. Bar-at-Law

[Designation] Director of Public Instruction,

[Station] Madras

DESPATCHED
7 - JAN. 1901

3.6.86 = 336 Dis
13.6.70 = 198 M.C.

ASSISTT. SECY. TO GOVT. E.S.
29 JAN. 1901
LOCAL MUNL. EDL. & LEG. DEPTTS.

R.D.

fro/o/p
Rn
30/1

put up
1-2-01

Ref on cur No. 14917.

Dated 7th January 1901.

Enclosures

Received 29. 1. 1901.

Registered 30. 1. 1901.

SUBJECT.

Requesting to obtain the sanction of the Secretary of the State for treating Mrs. Brander's Service as Superintendent of the Govt. Female Normal School, Madras, as counting towards pension

BACK PAPERS.

3.6.86 = 336.
5-1-86 = 2
16-7-85 = 441-2
3-3-85 = 145

26.6.80 = 244
9.3.80 = 71
8.3.79 = 74.5
26.7.75 = 235

13.6.70 = 198
Des to S of S no 13 of 1869 d/ 28.12.69
28.12.69 = 402
29.9.69 = 311

FURTHER PAPERS.

INDEXED No.

To

The Secretary to Government,

Educational Department.

Thro' the Accountant-General.

ACCOUNTANT GENERAL'S OFFICE
8 JAN 1901
101
MADRAS

Sir,

Flag I

Referring to G.O.No 336,Mis,Educational,dated 3rd June 1886,I have the honour to request that the sanction of the Secretary of State be obtained for treating Mrs.Brander's service as Superintendent of the Government Female Normal School,Madras,as counting towards pension. She entered on her duties as Superintendent of the School in November 1870 and handed over charge of the post on 1st April 1876. As Inspectress of girls' schools, she has put in a service of over 23 years,so that,if her service of about 5 years in the Government Female Normal School is allowed to count,her total pensionable service will amount to more than 28 years and she will be eligible for a pension of half average emoluments. Mrs.Brander is anxious to have the question decided in view of her intention of retiring from service as soon as she is eligible for full pension. It is, in consideration of Mrs. Brander's very valuable services to female education in this Presidency,as the first Superintendent of the Government Female Normal School,and as the first Inspectress of girls' schools, that I make this request.

vide despatch in G.O. 198/13-6-70 B

vide G.O. 235/26-7-75 A

I have the honour to be,

Sir,

Your most obedient servant,

G H Stuart

Director of Public Instruction.

3

No. Pen V. 503/10692

Submitted to Government. Mrs Brander (Miss Isabel Bain) was first appointed as Superintendent of the Female Normal School, Madras on certain terms and Conditions mentioned in the letter of her appointment by the Secretary of State embodied in G.O. No. 198 dated 13th June 70 Edl. These conditions contain no stipulation regarding her pension and in accordance with the spirit of the provisions of article 384(c) of the Civil Service Regulations, this period of service cannot be reckoned as qualifying for pension without the special authority of the Government of India.

B

2. Miss Bain assumed charge of her appointment on the 8th November '70, remained on duty up to 31 March '76, and on the 1st April '76 resigned the appointment being unwilling to renew her term of employment. Mrs Brander was re-appointed to the service of Government on 3rd June '80 to the post of Inspectress of Girl's schools, Madras the interval between her resignation and re-appointment being 4 years 2 months and 3 days. Under article 460(a) of the Civil Service Regulations resignation of the public service entails forfeiture of past service and this penalty cannot be remitted except by the orders of the Secretary of State.

G.O. 244/2[illegible]-6-80 K

D. Dobbie.

Offg: Accountant General

Fort St George
Accountant General's Office
[illegible]
To the Secy to Govt
Educational Deptt.

No. [illegible]
1901

Submitted to government. Mrs Brander (Mrs Isabel Brander) was first appointed as Superintendent of the Female Normal School, Madras on certain terms and conditions mentioned in the letter of her appointment by the Secretary of State enclosed in G.O. No 193 dated 13 Jan 1870. These conditions contain no stipulation as regarding her pension and in accordance with the spirit of the provisions of Article [illegible] of the Civil Service Regulations, the period of service cannot be reckoned as qualifying for pension without the special authority of the Government of India.

2. Mrs Brander was [illegible] of her appointment [illegible] [illegible] [illegible] on the 1st April 1876 resigned the appointment [illegible] to resume her [illegible] of employment. Mrs Brander was re-appointed to the service of Government on 3 June 1880 to the post of Inspectress of Girls Schools Madras the interval between her resignation and re-appointment being 4 years 2 months and 3 days. Under article [illegible] of the Civil Service Regulations resignation of the public service entails forfeiture of past service and this can only be remitted [illegible] [illegible] except by the [illegible] of the Secretary of State.

10

5/4

Educational (1901) Department.

12

D.O.
~~CURRENT~~ No. 12

From

[Name] The Hon'ble Mr G.H. Stuart

[Designation] D.P.I.

[Station]

No.

Dated 15. 4. 1901.

Enclosures

Received 22. 4. 1901.

Registered 22. 4. 1901.

SUBJECT.

Reg:- Mrs Brander's Service as Supdt of the Govt normal school

BACK PAPERS.

Ed 17 of 01 abt.

FURTHER PAPERS.

D. O.
Office of the Director of Public Instruction,
Madras, 15. April 1901.

My dear Weir, 13

I sent up some time ago a letter from Mrs Brander Insp^ss of Girls Schools asking that her service as Supt. of the Presidency Training School for Mistresses might count for pension, in spite of the break that followed. I think Hammick told me ~~it had~~ the matter had been referred to the A/G. Can you let me know the stage it is in now? Mrs Brander is anxious to know the result of her application, as, if it is unfavourable she must spend her furlough west of Aden in order to count the time as service, whereas if ~~the~~ her request be granted she can afford to spend her leave in India & this she wishes to do.

Yours sincerely

G H Stuart

My letter was numbered

Ref on CN 14917 of 1900

and dated 7th Jan 1901

G H S

Office

Let me know soon

about this

F.G.B.

17.1

Ed Cor. / 1 600—15-11-00

8

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12

3

Educational Department.

Print in full (The letter is sent herewith.)

Cur: No. 117, from the Dir: of Pub: Instrn., No.R.C.14917, d/ 7th Jan: 01.

Order ~~(Press)~~ No. Edl. 91

The Government of India will be addressed.

Ag
22/5/01

23.5.1

To the Dir: of Pub: Instrn.

Letter

To the Secy. to the Govt. of India,
Home Department.

Sir,

I am directed to address the Government of India on the subject of applying certain articles ~~41-A. and 405-A.~~ of the Civil Service Regulations in the case of Mrs. Brander, inspectress of girls' schools in this presidency.

2. Mrs.Brander (née Bain) was sent out by the Secretary of State to fill the post of the superintendent of the Madras Female normal school when it was established in 1870 and she entered upon her duties on the 8th November of that year. The terms and conditions on which her appointment was made will be found in the letter addressed to her by the India office on the

PM
Seen carefully + correctly and [illegible]

Print the letter on a separate sheet.

7

B

the 13th April 1870, printed in the proceedings of this Government, No. 198-Edl. of the 13th June following, a copy of which is enclosed. On the completion of the period of her engagement, she expressed a wish not to continue in service, and she was relieved on the 31st March 1876.

3. Subsequently, when the post of inspectress of girls' schools was created in 1880, it was offered to and accepted by Mrs. Brander [redacted] and she joined the appointment on the 3rd June of that year. Her agreement with the Secretary of State on this occasion was forwarded with Mr. F.C. Daukes' endorsement No. 240-Edl., dated 15th June 1880. When in 1885 the term of five years for which she was appointed expired, she was re-engaged for ~~another five years~~ a similar term. She then requested that her previous service of five years as superintendent of the Government Female normal school might be counted for pension, and Government promised to consider this claim after she retired from the service.

She was again re-engaged in 1890 for another five years, and in 1895 for an indefinite period. She is now a member of the Indian Educational service.

4. Mrs. Brander has put in nearly 21 years of service as inspectress of girls' schools and is anxious to retire as soon as she becomes eligible for a half pension

C G.O. 244 26-6-80 C

G.O. No 145 Edl d/ 3-3-85. IV.

G.O. No 336 Edl d/ 3-6-86. I.

G.O. No 388 Edl d/ 30-5-90. Z.

G.O. No 725 Edl d/ 29-8-95. K.

8

15

pension. The Governor in Council accordingly proposes to condone a deficiency of one year in her service under article 465-A. of the Civil Service Regulations and to add three years [redacted] under article 441-A. ~~She~~ Mrs Brander can in that case retire immediately on medical certificate or take furlough for two years and retire at the end of that period as she will then be 55 years of age.

5. The non qualifying service in consideration of which it is proposed under the operation of art 465A to condone a deficiency of 1 year in Mrs Brander qualifying service, is that

6. The ~~non~~ deficiency in the qualifying service of Mrs. Brander which it is proposed to ~~granted~~ bring under article 465-A. ~~is the service~~ ~~is connected with the service~~ rendered from the 8th November 1870 to the 31st March 1876 as superintendent of the Female normal school. This [redacted] did not qualify for pension under the terms of [redacted] her agreement; and ~~but~~ even if it had qualified, objection might be raised on the ground that it was forfeited by resignation of appointment and that such forfeiture being absolute no claim to the service could be revived. Article 465-A., [redacted] it may be contended, is ~~be~~ applicable only to uninterrupted service. I am to observe however that Mrs. Brander resigned in 1876 [redacted] only on the completion of the term of her engagement, and [redacted] it is nowhere stated in the Regns; ~~that~~ the article just named is dependent on ~~unbroken~~ the service being unbroken.

the concession allowed by

6 ~~7~~. The addition of three years under article 441-A. ~~may~~ is also ~~[illegible]~~ possibly open to objection ~~is understood, be objected to~~ on the grounds (1) that Mrs. Brander was not a member of the superior Educational service on the 23rd July 1896, (2) that in the circumstances of her case she cannot be considered to have been appointed after attaining the age of 25 years, since she had previously entered Government service before attaining that age and had resigned her appointment, and (3) that the special concession to members of the Educational department granted by the article is not secured to Mrs. Brander by the terms of her agreement on re-employment. ~~[illegible]~~ As regards the first these possible objections, His Excellency in Council ~~would~~ observes that although ~~if~~ Mrs. Brander on 23rd July 1896 did not belong to the old Superior ~~[illegible]~~ Educational Services. yet she held the appointment of Inspectress of Schools. the duties of which are analogous to those of an Inspector and the terms under which she was engaged were similar to those in the agreements of other Educational officers. Further if Mrs Brander was not a member of the superior Educational service on the 23rd July 1896, she must be held to have been admitted into the Indian Educational service after that date and article 441 will then apply. Five years can then be added to her service as she was appointed to the post of inspectress when she was 32 years of age. ~~To again, she cannot be considered to have been~~

SEE separate sheet attached

16

~~been appointed after attaining the age of 25 years her service prior to March 1876 must count for the purposes of article 465-A.~~ If ~~this~~ her service prior to March 1876 ~~[illegible]~~ is to be considered null and void for pension purposes, it ~~seems hard~~ does not seem equitable that it should be ~~[illegible]~~ held to prevent ~~count against~~ her obtaining a concession under either article 441 or article 441-A. The third objection that the special concession to members of the Educational department granted by article 441-A. is not secured to Mrs. Brander by the terms of her agreement on re-employment does not appear to this Government to be valid as her agreement ~~this~~ ~~[illegible]~~ was exactly similar to those taken from other educational officers appointed by the Secretary of State.

8. Under ~~In~~ these circumstances I am directed to request that the Government of India will be pleased either to rule that Mrs Brander's case falls under art. 441 or to sanction ~~to sanction~~ the application of article 465-A. and 441-A. of the Civil Service Regulations in her ~~Mrs. Brander's~~ case. ~~so that this Government can, as proposed, condone a deficiency of one year in her service and add three years to her qualifying service.~~ In the opinion of His Excellency in Council She ~~Mrs. Brander~~ fully deserves the concession in consideration of her very valuable services to female education in this presidency as the first superintendent of the normal school and subsequently as the first inspectress of girls' schools.

Pension DEPT
U.O. No. 6-R
31-5-1901

To Pension ~~Rev.~~ Depart. u.o. for acceptance.

Ed. no. 90 D dated 31-5-01.

22/5/01

20-5-01.

23.5-1

Proof.
3/7

Government {1901} of Madras.

EDUCATIONAL.

17

Recd. } 1901. Enclosures
Regd. } Spare copies

G.O., No. , July 1901.

JULY.

Mrs. Brander

Stating that the Government of India will be addressed with reference to the application of articles 465-A and 441-A of the Civil Service Regulations in the case of inspectress of girls' schools.

Circ 117.

Don't print

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper:—

From the Honourable Mr. G. H. STUART, Director of Public Instruction, to the Secretary to Government, Educational Department, through the Accountant-General, No. R. C. 14917, dated 7th January 1901.

Referring to G. O., No. 336, Mis. Educational, dated 3rd June 1886, I have the honour to request that the sanction of the Secretary of State be obtained for treating Mrs. Brander's service as Superintendent of the Government Female Normal school, Madras, as counting towards pension. She entered on her duties as Superintendent of the school in November 1870 and handed over charge of the post on 1st April 1876. As inspectress of girls' schools, she has put in a service of over 23 years, so that, if her service of about 5 years in the Government Female Normal school is allowed to count, her total pensionable service will amount to more than 28 years and she will be eligible for a pension of half average emoluments. Mrs. Brander is anxious to have the question decided in view of her intention of retiring from service as soon as she is eligible for full pension. It is in consideration of Mrs. Brander's very valuable services to female education in this presidency, as the first Superintendent of the Government Female Normal school, and as the first inspectress of girls' schools, that I make this request.

No. $\frac{\text{Pen. V. 503}}{\text{10692}}$.

Submitted to Government. Mrs. Brander (Miss Isabel Bain) was first appointed as Superintendent of the Female Normal school, Madras, on certain terms and conditions mentioned in the letter of her appointment by the Secretary of State embodied in G.O., No. 198, dated 13th June 1870, Educational. These conditions contain no stipulation regarding her pension and in accordance with the spirit of the provisions of article 384 (*e*) of the Civil Service Regulations, this period of service cannot be reckoned as qualifying for pension without the special authority of the Government of India.

2. Miss Bain assumed charge of her appointment on the 8th November 1870, remained on duty up to 31st March 1876, and on the 1st April 1876 resigned the appointment being unwilling to renew her term of employment. Mrs. Brander was re-appointed to the service of Government on 3rd June 1880, to the post of inspectress of girl's schools, Madras, the interval between her resignation and re-appointment being 4 years 2 months and 3 days. Under article 460 (*a*) of the Civil Service Regulations resignation of the public service entails forfeiture of past service and this penalty cannot be remitted except by the orders of the Secretary of State.

W. DOBBIE,
Offg. Accountant-General.

FORT ST. GEORGE,
ACCOUNTANT-GENERAL'S OFFICE,
28th January 1901.

To the Secretary to Government, Educational Department.

Stating that the Government of India will be addressed with reference to the application of article 460(a)

18

Don't print

ORDER—No , Educational, dated July 1901.

The Government of India will be addressed.

H. M.
H. E. the Governor,

(True Extract.)

~~Acting~~ Secretary to Government.

4/7/1

A.J.P.
4.7.01

5.7.01.

8/7

Don't print

To the Director of Public Instruction.

Government {1901} of Madras.

EDUCATIONAL.

19

19

Recd. } 1901. *Enclosures*

Regd. *Spare copies*

Letter, No. , th July 1901.

JULY.

10 JUL 1

BRANCH

Mrs. Brander

Requesting sanction for the application of articles 465-A and 441-A of the civil service Regulations in the case of — inspectress of Girls' Schools.

H. M.,
H. E. the Governor

Don't print

EDUCATIONAL DEPARTMENT.

The letter has been settled in ~~consultation with the~~ Rev. Depart.

LETTER—from

C. J. WEIR, ESQ., I.C.S.,
Acting Secretary to the Government of Madras,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to address the Government of India on the subject of applying certain articles of the Civil Service Regulations in the case of Mrs. Brander, inspectress of girls' schools in this presidency.

ital.

2. Mrs. Brander (née Bain) was sent out by the Secretary of State to fill the post of the Superintendent of the Madras Female Normal school when it was established in 1870 and she entered upon her duties on the 8th November of that year. The terms and conditions on which her appointment was made will be found in the letter addressed to her by the India office on the 13th April 1870, printed in the proceedings of this Government, No. 198, Educational, of the 13th June following, a copy of which is enclosed. On the completion of the period of her engagement, she expressed a wish not to continue in service, and she was relieved on the 31st March 1876.

3. Subsequently, when the post of inspectress of girls' schools was created in 1880, it was offered to and accepted by Mrs. Brander and she joined the appointment on the 3rd June of that year. Her agreement with the Secretary of State on this occasion was forwarded with Mr. F. C. Daukes' endorsement No. 240, Educational, dated 15th June 1880. When in 1885 the term of five years for which she was appointed expired, she was re-engaged for a similar term. She then requested that her previous service of five years as Superintendent of the Government Female Normal school might be counted for pension, and Government promised to consider this claim after she retired from the service.

She was again re-engaged in 1890 for another five years, and in 1895 for an indefinite period. She is now a member of the Indian educational service.

4. Mrs. Brander has put in nearly 21 years of service as inspectress of girls' schools and is anxious to retire as soon as she becomes eligible for a half pension. The Governor in Council accordingly proposes to condone a deficiency of one year in her service under article 465-A of the Civil Service Regulations and to add three years under article 441-A. Mrs. Brander can in that case retire immediately on medical certificate or take furlough for two years and retire at the end of that period as she will then be 55 years of age.

5. The non-qualifying service in consideration of which it is proposed under the operation of article 465-A to condone a deficiency of 1 year in Mrs. Brander's qualifying service is that rendered from the 8th November 1870 to the 31st March 1876 as Superintendent of the Female Normal school. This did not qualify for pension under the terms of her agreement; and even if it had qualified, objection might be raised on the ground that it was forfeited by resignation of appointment and that such forfeiture being absolute no claim to the service could be revived. Article 465-A, it may be contended, is applicable only to uninterrupted service. I am to observe however that Mrs. Brander resigned in 1876 only on the completion of the term of her engagement, and it is nowhere stated in the regulations that the concession allowed by the article just named is dependent on the service being unbroken.

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6. The addition of three years under article 441-A is also ~~possibly~~ conceivably open to objection on the grounds (1) that Mrs. Brander was not a member of the superior Educational service on the 23rd July 1896, (2) that in the circumstances of her case she cannot be considered to have been appointed after attaining the age of 25 years, since she had previously entered Government service before attaining that age and had resigned her appointment, and (3) that the special concession to members of the Educational department granted by the article is not secured to Mrs. Brander by the terms of her agreement on re-employment.

As regards the first of these possible objections, His Excellency in Council observes that when Mrs. Brander was appointed to the Indian educational service in 1897 she was an inspectress of girls' schools in this presidency, which a post she had been holding from 3rd June 1880. Her appointment of inspectress was not included in the old graded service: it was a special one. This Government thought that as in the case of the other special officers such as the vice-principal of the Teachers' college, the superintendent of the Presidency Training school for mistresses and others, she was in the superior, although not in the graded, educational service of this presidency. Mr. Price's letter No. 556, Educational, dated 25th July 1892 and the heading of the list appended to his letter No. 831, Educational, dated 13th November 1893 establish this. The cases of graded officers who became members of the Indian service with Mrs. Brander are governed by paragraph 15 of the Resolution of the Government of India No. 4, Education,—204—215 dated 23rd July 1896 and there is no question that article 441-A applies to them. The wording of the article is however so general as to include an officer like Mrs. Brander also.

With reference to the second of the objections specified above, it appears to Govt. to be inequitable ~~it may be argued~~ to argue on the one hand that ~~it~~ Mrs. Brander's service prior to March 1876 ~~is to~~ should be considered null and void for pension purposes, and on the other that ~~it does not seem equitable that it should be held to prevent~~ stands in the way of her obtaining a concession under article 441-A.

The third objection, viz., that the special concession to members of the Educational department granted by article 441-A is not secured to Mrs. Brander by the terms of her agreement on re-employment, does not appear to this Government to be valid, as her agreement was exactly similar to those taken from other educational officers appointed by the Secretary of State.

7. Under these circumstances I am directed to request that the Government of India will be pleased to sanction the application of articles 465-A and 441-A of the Civil Service Regulations in Mrs. Brander's case. In the opinion of His Excellency in Council she fully deserves the concession in consideration of her very valuable services to female education in this presidency as the first superintendent of the Normal school and subsequently as the first inspectress of girls' schools.

8. I am to add that there appear to be special reasons which remove this case from the operation of art. 995 of the C.S.R. It is necessary that Govt. should know when Mrs. Brander's pensionable service will be completed in order that public inconvenience may not result from her sudden retirement.

I have the honour to be,
Sir,
Your most obedient servant,

5. 7. 01.
Ag. Secretary to Government.

OOTACAMUND,
July 1901.

4. 7. 01

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