

Educational (1895) Department.

ORDINARY MS.

G.O., No. 725

Dated 29th Aug. 1895

INDEXED.

[Despatch Abstract.]

MR. PRINCE, INSPECTOR OF SCHOOLS

Sanctioning the continuance in service of --, after the 1st June
1895.

BACK PAPERS.

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

FURTHER PAPERS.

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

1895-27-2-24.

1895.

Educational Department.

Current No. 939

From

THE DIRECTOR OF PUBLIC INSTRUCTION,

Melbourne.

To

THE HONORABLE THE CHIEF SECRETARY
TO GOVERNMENT,

Port St. George.



No. 5393

Dated 7/2

Despatched 20

Received 7/8.

August 1895

27/2

No.

ENCLOSURES.

Subject.

Requesting the sanction
of Government for the
continuance of Mr Brander
in service.

388-30/5/98

502-3-29-98

229-19-3-90

576-11-5-90

576-11-5-90

728-8-11-90

161-9-27-2-91

311-28-4-91

426-7-6-91

728-8-11-90

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Very Urgent 5 *Current No. 93*

OFFICE OF THE DIRECTOR OF
PUBLIC INSTRUCTION

Madras, 7th August 1895.

No. 8393

From

THE HONORABLE MR. D. DUNCAN, M.A., D.Sc.,

DIRECTOR OF PUBLIC INSTRUCTION,

Madras,

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,

FORT ST. GEORGE.

SIR,

The period of five years for which the Government re-engaged the services of Mrs Brander in its order No. 388, dated, 30th May 1890, Educational, having expired on the 1st June last, the Accountant-General objects to pass her salary bill unless Government sanctions her further retention in service. As there is no idea of disturbing her work, I have the honour to request that the sanction of Government may be obtained, as early

C. No. 939

I take it that on Mr. Branders' retirement, before she attains the age of 55, she will get no pension except on medical certificate - or nothing that we can do, will get us over this difficulty - unless we were to abolish the post she holds, (wh. is not likely) There is nothing to be done beyond sanctioning her continuance in the service.

There is some difficulty - I want to have a settlement of the terms - FOR ORDER she sends -

25 Aug.

I agree with the CS that there is no need to make any addition to the order. The state of the case is clear

22/8

Yes, so far that she is entitled to pension if she serves on. But suppose she gives her 6 months' notice, what happens then, if she has not served for a good service retiring pension? Would she get a super. pension? I don't find that this point has been settled. I don't know how she could get super. pension under the rules, because under the only provisions of that class are only in cases where the app't is abolished.

24/8/95

Now: Members' attention is invited to G.O. dated 26th June 1895. No 244, Educational. No 3

Under clause 8 of Mr. Branders' original agreement, it is laid down that if she continues to serve Govt. under these presents for more than 5 years per service (commencing from the date of her entering on the performance of her duties) shall count as service towards leave and pension under the Unwarranted Service Leave and Pension rules.

Under clause 6, the Govt. may at any time dispense with Mr. Branders' service on giving her six months' notice.

6/10/95

early as possible, for her continuance in service. No limit of period seems necessary.

I have the honour to be,

Sir,

Your most obedient servant,

J. G. Brown
Director of Public Instruction

22/8

Clause 4 appears only to apply to the first five years of her service and it would seem therefore that Mrs. Brander is not bound to give any specific notice of her intention to leave the service of Govt. except probably the months notice which is ordinarily required of all employes (whether of Govt. or private persons) who are paid by the month. The draft order on the reverse of the current read with Mrs. Brander's original agreement therefore appears to be all that is required, except perhaps in so far as it relates to this one point. It is hardly likely that Mrs. Brander would ever wish to leave Govt. service without giving timely notice of her intention to do so; but to guard against such a contingency it would be wise to append a paragraph to the order binding her to give six months' previous notice of such intention.

I have taken L. G. H. Brander's agreement

Re: the continuance of Mrs. Brander in service

FOR ORDERS.

E

H. D. & Co.

10-10-10

DEPARTMENT.

C. No.

FOR ORDERS.

out of the job connected with Dr. Holmes case and compared it with Mr. Brander's. They are substantially the same.

As far as I am aware there has not been any formal renewal of Mr. Brander's engagement; there certainly has not been a second one with Mr. Brander. As far as I can see there is nothing all that seems necessary in order to satisfy the Board as to Mr. Brander's retention in the service without specifying any period.

Clause 5 of the agreement the lastly letter the pension and leave questions of Clause 6 of the same, how and when Mr. Brander's engagement being terminated by Govt. The stipulation that the service for six months notice required apparently in the first five years but the Govt. made the stipulation as regards the third year as far as I can recollect, in the

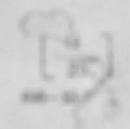
case of any other officer here seems
to need to bring Mr. Brander on
the subject. He is not at all likely
to suddenly quit the service of
Gov. and of the sick arrangements
which he has made when the work
on a full scale could hardly be made
be made effected

21/8/95

FOR ORDERS.

Kenner

21/8/95



DEPARTMENT.

C. No.

FOR ORDERS.

I don't think the point raised
Granger has been quite comprehended.
Ordinary servants of Govt, the then
there in the I.C., have monthly money
supplies with the supposition that they
will be retained in the service long
enough to have a pension & that their
services will not be discontinued with-
out in case of resignation or of
abolition of Govt. The Rules provide
for all possibilities in this case.
In the case of Mrs. Brander &
others, who serve on the
special condition that their services
may be discontinued at any time
on the notice, without in-
terruption of payment of their
abolition of Govt, the rules make
no provision; and what I desired
to suggest was that the question
whether they should be deemed such
cases should not be decided
decided when it is possible to
have a pension without
the consideration of personal merits
of service. I am aware that, if
known suggested on Mrs. Brander's
arrangements for 6 months' notice, the
question of pension can then
be decided. But this will be
very embarrassing, as personal
questions will then almost cer-
tainly obscure the general question
and the matter lie over in this

Re-submitted to H.M.
had in the ordinary rules Mrs. Brander would
get no pension if discharged, at
12 months notice before attaining the
age of 55. She can voluntarily withdraw
at 55 under C.R. Act. 500
and get a superannuation
pension. - It is submitted that
there is no need to modify the
Department on the score of the
current, it is not probable that
Govt will have to discharge Mrs.
Brander before she is 55 & if the
contingency does occur it will always
be possible to recommend the grant
of a special pension on the
circumstances of the case to meet
such a case separately

21/8/95
Mrs. Brander's case could I take it if
Govt. at any time before she reached

55 (the 47) dependent with
her service and considered that she
should have a pension be treated as
a special case. I do not see how
any provision could now be made
to meet this contingency. There is
nothing in the Indian C.S.R. to meet
it. There are only two cases in
which Mr. B. could get a pension
before the attainment of 55 years of age
- the first is death before this before
she has put in 30 years service, viz
abolition of appointment, which is
not at all likely or break down
of health such as to preclude her
doing any longer in India.

HP

26/8/95

Way is also both unfair & the
consequence of that is that this
pension position and an obstacle
to good work. Some of the
unfairness is the handing of
job in dealing with such cases.

HP

27/8/95

The recommendation to the draft
rule is now made - that I
desire to supplement it by
asking the India to know what
the rules are.

Mr. Branden's service

FOR ORDERS

E

Mr. W. Bliss.

13

11

DEPARTMENT.

C. No.

FOR ORDERS.

Submitted to C.S.

I have talked the matter over with the
Hon^{ble} Mr. Gibson this morning. He
considers that the rules are perfectly
clear in cases like Mr. Branden's, & agrees
with C.S. in holding that their
effect undoubtedly is to prohibit
the grant of any pension - not
specifically sanctioned by the Secretary
of State - & an officer in his
position who is discharged at sea
meets rules, who is not entitled to
(a) a superannuation pension by reason of
being 55 years of age, (b) an invalid
pension by reason of physical infirmity
supported by medical certificates, or (c)
a gratuity pension by reason of the
abolition of his appointment.
The question is to what he

be altered by the addition of a general provision regulating the grant of pension in cases like that of ^{Mr. Pearson} ~~Mr. Wilson~~, a quite another matter. So far as Educational officers are concerned, the very point is ^{presently} ~~entirely~~ the consideration of the Govt of India, a connection with the reorganization of the service. As was mentioned in the note about Mr. Wilson's case, Lord Curzon in January 1892 suggested that it should be considered "whether among the terms of Educational Service should not be included a stipulation that the Govt reserve the right to require an Educ. officer occupying a England to retire on the probability of pension appropriate to his length of service (being over five years) if it is deemed to be to the public interest that he should so retire though not released permanently incapacitated by bodily or mental infirmity." ~~He said, the best way to keep~~

FOR ORDERS

90. 27 31 May 1902 No 4111 Ed
(at now available)

C. No.

FOR ORDERS

that if Mr. Pearson's Govt shall be released from paying the whole of his charge unless it is deemed to the public interest that ~~it should be paid~~ the officer concerned should retire, and (b) that in such cases the pension appropriate to the ^{officer's} length of service should be granted, being calculated as the pension would be in a civil service. It is to be noted, however, that the correspondence in reference to the C.S.R. shows that on a previous occasion the Secretary of State declined to sanction any special arrangement for the grant of pension to officers when it is desirable to discharge for inefficiency. It seems therefore questionable whether any good could come of making the pension a reward of

officer already in the employ of Govt; the case is different from that of officers who may be employed in the future upon agreement containing the stipulations suggested by Lord Cross.

4. Mr. Brande's pay has been withheld by the Accountant-General since the 1st June because Govt has not yet sanctioned his retention in the service. C's order are therefore solicited as to whether the draft order in the name of the current may not at once issue, the note being submitted to H.A. through the Pension Department, later on, in order that a decision may then be arrived at as to whether the Govt of India should be addressed on the general question. - H.A. accepts the draft order but wishes to supplement it by a reference to India, so there seems no objection to issuing it at once in order to save Mr. Brande further annoyance.

24-8-91
This is what should be done.
Done for Govt. B
29/8/91-

Mr. Brande's Case

FOR ORDERS.

C.

The question was
discussed - please
see notes of 20.4.90, Para 5 616-76
May 20, 1901

290. draft + file
submitted to Govt.

then given for copying
then copied
then examined
then signed

then given for copying
then copied
then examined
then signed

Serial No.

Approved by G. D.

Order of Government

Letter of Government

Enclosure with order

Form not filled in, being about the same as the original

A - Copy to file
B - Not to be copied
C - Copy statement only
D - Copy finding only

A A A A A A A