MR., G. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 309 Press ~~Mis.~~

43-44

Dated 8 — 3 — ~~19~~ 1859

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 8th March 1859.

No. 43. Read the following Extract Minutes Consultation in the Financial Department, dated 19th February 1859, No. 115.

Communicating an Extract from a Despatch from the Right Honorable the Secretary of State for India, forwarded by the Supreme Government, deciding that men of the grades of Non-Commissioned Officers and Privates will be exempt from the operation of the rule which has been applied to Military Pensions, under which a Civil Pension is merged in the salary of Office.

(Vide Financial Consultation, 25th February 1859, Nos. 10 and 11.)

No. 44. ORDER THEREON, No. 309; dated 8th March 1859.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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FINANCIAL DEPARTMENT.

No. 115.

Extract from the Minutes of Consultation under date the 19th February 1859.

Read the following Extract. from a Despatch from the Right Honorable the Secretary of State for India, No. 23 of 1858, dated the 8th December.

Letter, dated the 23rd August 1858, No. 113.
Advert to the decision of the Court in the case of Captain W. E. Hay that the rule under which a Civil Pension is merged in the salary of Office, should also apply to Military Pensions, and submit, for decision, a question raised whether the rule is to be held to apply to the subordinate grades of Non-Commissioned Officers and Privates. Correspondence with the Chief Commissioner of the Punjab, and the Government of Madras, on the subject, forwarded.

Para: 6. The rule referred to in these Papers, under which the Pensions of Retired Civil and Military Servants merge in the salary of Office, in the event of their re-employment was not intended to apply to Military Pensioners of the ranks of Non-Commissioned Officers and Privates.

7. Pensioners from those grades are of two Classes, *viz.*, men who have been discharged after completing their prescribed period of service, and men who have been pensioned on account of unfitness for further Military duty. The former Class are entitled to their pensions as matter of right, and the latter are pensioned, because the public interests are promoted by their discharge. In either case the Pensioners may be well qualified for other than Military duties, and for situations in which their employment could in no way prejudicially affect the interests of their equals in rank in that branch of the service to which they had belonged, men of these grades will therefore be exempt from the operation of the rule referred to.

No. 670.

Copy of the above paras: forwarded to the Government of Fort Saint George for information and guidance.

FORT WILLIAM,
Financial Department,
The 22nd January 1859.

(Signed) C. HUGH LUSHINGTON,
Secretary to the Government of India.

Order.—Ordered to be communicated to the Civil Auditor and Military Auditor General with reference to the Resolution recorded in this Department under date 29th August 1857, No. 530; and also to the several Departments of the Secretariat.

Ordered that the foregoing Extract be also published in the Government Gazette.

(True Extract and Copy.)

Edward B. Pycroft

Chief Secretary.

To the Civil Auditor.
" Military Auditor General.
" Departments of the Secretariat.
" Superintendent of the Government Press.
" Judicial Dept.

Exd. J. A. Wilson.

Judicial. 1859. Dept.

In Cons: 8th March

Extract Minutes of Consultation in the Financial Dept. 115.

2/19
2/21st Feby.

No 330.

Communicating an Extract from a despatch from the R.H. the Secy of State for India, forwarded by the Supreme Govt. deciding that men of the grades of non Commissioned Officers and Privates will be exempt from the operation of the rule which has been applied to Military Pensions, under which a Civil Pension is merged in the Salary of Office.

No 309
Recorded
8th Mar/59.

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