M.R.O. 1—77,006—8-6-37.

(1) Number of pages.....

(2) Date of repair 9.9.38

(3) Initials of the Referencer.....

MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No.	429	Press Mis.
35-36		
Dated	13-9-	1865.

35-36 60/40

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
13th September 1865.

No. 35. Read the following letter from C. RAJAGOPALA CHARIER, late Tahsildar of Mannargoody, in the Tanjore District, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 28th July 1865.

I beg to forward you, herewith, a memorial in triplicate, to the Right Honorable the Secretary of State for India in Council, and to solicit the favor of your forwarding the same to England.

TO THE RIGHT HONORABLE SIR C. WOOD, BART., G. C. B., M. P.,
Secretary of State for India in Council.

The humble Memorial of C. RAJAGOPALA CHARIER, late Tahsildar of the Taluq of Mannargoody, in the District of Tanjore, in the Presidency of Madras,

SHEWETH,

That your Memorialist faithfully and diligently served the Government of Madras for twenty-five years and eight months; during this long period he held various appointments on the Establishments of the Collectors of Cuddalore and Tanjore; he was, for his merit and integrety, gradually promoted from one place to another, and was lastly appointed to the responsible office of a Tahsildar in the District of Tanjore. Incapacitated by hard work of nights and days without distinction and with an injured constitution, unable any longer to stand the toils and troubles of the life of an up-country servant of Government, and anxiously looking forward for a short retired life, your Memorialist, in communication with the Collector, resolved upon sending in his application for pension. Before your Memorialist forwarded the application, he read the New Pension Rules himself, submitted them to the construction of many of his friends in the Districts, being important officials in the service of Government, and it was considered by one and all, that service from the commencement of the age of twenty-two should be accepted as good. Your Memorialist resigned the appointment, came to Madras, and awaited the Order of Government upon his application for a pension of one-half of his salary; but before the receipt of the Order, it so happened that the Civil Paymaster considered your Memorialist was, under paragraph 11 of the above Rules, only entitled to have his services computed from the commencement of his age of twenty-three, and that he had, in consequence, to take a reduced pension of one-third instead of one-half, as he had originally believed upon a calculation of his services from the commencement of his age of twenty-two. Your Memorialist was also informed that the Civil Paymaster solicited the ruling of His Excellency the Governor in Council upon the construction of the Rules. He then hastened to submit to Government the petition marked A. It will be observed from the Order thereon of Government, herewith submitted and marked B, that they refused to interfere on behalf of your Memorialist. From the tenor of the Order, he was led to consider that His Excellency the Governor in Council, in disposing of the petition, only considered the strict construction of the Rules, and that he has not pronounced an opinion upon whether your Memorialist's case deserved to be treated as an exception to their operation on the grounds alleged in the Petition. Your Memorialist, therefore, again submitted to Government the further petition marked C; and he regrets to state he was also equally unsuccessful upon it.

Your Memorialist craves leave to submit that, with all conceivable deference to this Government, their construction is wrong. The language of the Rule is "that the period of service before the age of twenty-two cannot be counted." He cannot read the passage otherwise than in the sense contended for; numerous public servants, Europeans and Natives, agreed with him in his construction; but, inasmuch as it is now put before you for your consideration and construction, your Memorialist considers it unnecessary to adduce his arguments.

Your Memorialist also earnestly begs leave to submit that his case will at all events be viewed as an exception to the Rules. The Rules were but recently enacted; scarcely sufficient

time has elapsed for doubts to arise, and for authorities to interfere and declare their construction. In fact no one case like your Memorialist's has yet arisen, in which this Government have declared their construction, and that the service has had notice; on the contrary the case of your Memorialist was the first in which the question had necessarily to be mooted; he read the Rules in the sense in which many in the service have read them; the Collector of the District expressed no doubt upon the construction, and it is not as if it were that he had taken upon himself to risk an application for a pension of one-half of his salary against the known rules or known construction of the rules; and your Memorialist humbly submits that it would be a case of unmerciful hardship if he should be made to sacrifice any portion of the fair reward of his long and hard service for no error on his part, or for an error of which he could not in any sense be said to be the author.

Your Memorialist therefore prays that he may be declared entitled to a pension of one-half of his salary on either of the grounds alleged herein, or that he may be permitted to re-enter the service and hold the resigned appointment for as much further period as may suffice to qualify him for the pension applied for.

And, as in duty bound.

MADRAS, 28*th July* 1865. (Signed) C. RAJAGOPALA CHARIER.

A

To His Excellency Sir W. DENISON, K. C. B.,
Governor in Council, Fort Saint George.

The humble Petition of C. RAJAGOPALA CHARIER, late Tahsildar of the Taluq of Mannargoody, in the District of Tanjore,

RESPECTFULLY SHEWETH,

That your Excellency's humble petitioner faithfully and diligently served the Government for a period of twenty-five years and eight months; but being unable to serve a longer period, he applied for pension and retired from service. At the time when the application for pension was made, he believed that if he could show a service of twenty-five years from the commencement of his twenty-second year, he would be taken to have satisfied paragraph 11 of the new Pension Rules.

2. Your petitioner regrets to state, and he ascribes it to his own misfortune, that the Civil Paymaster declines to accept his service before the age of twenty-three, as service under the above paragraph of the new Rules. According to his construction, your unfortunate petitioner will, for want of a few months service, have to take one-third of his salary, which it need not be said is insufficient to keep his body and soul together, instead of one-half as he at first believed. Your petitioner understands that the Civil Paymaster has solicited the ruling of your Excellency in Council on the construction of the rule. Your petitioner, though recognizing in your Excellency a benevolent guardian of the just interests of public servants, nevertheless feels anxious to submit his arguments in support of the construction he had put on the Rule. The wording of the rule is "that the period of service before the age of twenty-two cannot be counted." It is impossible looking at these words to say that a man's service during the three hundred and sixty-five days of his twenty-second year ought to be refused; if so, when may it be said he was of the age of twenty-two? On the first day of his twenty-third year, he commences his age of twenty-three; and according to the Civil Paymaster, he cannot be said to be of the age of twenty-two till the expiration of the last day of his twenty-second year. Your petitioner humbly submits, that in common conversation a man during all the period of his twenty-second year is generally talked of as of the age of twenty-two. Your Excellency in Council will also be pleased to consider, that the object of the Rule is to exclude a man's service during his minority, when he has no legal status: but a man is in law able to contract from the first day of his twenty-second year, and, therefore, that your petitioner is entitled to the benefit of his service during his twenty-second year is consistent with that intention.

3. Your Excellency in Council will also consider that, inasmuch as the Rule, as it stands, fairly admits of possibility of different constructions, it would be unjust that your petitioner, innocent as he is, should be compelled to sacrifice his interest acquired by the faithful service of the best part of his life, for an error of which he cannot in any sense be said to be the author. Some of the gentlemen to whom he referred the matter before applying for pension put the same construction on the Rule as was explained in the previous paragraph, so as to leave no doubt in the mind of your petitioner. If the Rule was before the expiration of the age of twenty-two, there could be no chance of two constructions. It will at all events be conceded that the language of the rule is dubious, that it bears out the construction contended for, and that your petitioner has been innocent: he trusts, under these circumstances, that in the deliberations of your Excellency in Council, you will allow these facts to weigh in your mind. Your Excellency's petitioner therefore prays that he may be declared entitled to a pension of half the amount of his average salary during the last five years of his service.

For which, as in duty bound.

(Signed) C. RAJAGOPALA CHARIER.

B

ORDER.

No. 1021 of 1865.

It is evident that the construction put by the Civil Paymaster on the words "before the age of 22" is correct, viz., that it means "before completion of the 22nd year."

The Governor in Council sees no reason for interference on petitioner's behalf.

(By Order).

FORT SAINT GEORGE, 20*th May* 1865. (Signed) F. BRANDT, *Acting Under Secretary to Government.*

C

To

His Excellency Sir W. T. DENISON, K. C. B.,
Governor in Council, Fort Saint George.

The humble petition of C. RAJAGOPALA CHARIER, late Tahsildar of the Taluq of Mannargoody, in the District of Tanjore,

RESPECTFULLY SHEWETH,

That your Excellency's humble petitioner has though on the one hand read with regret the enclosed Order of Government, dated the 20th instant, on his petition No. 1021 of 1865, yet he cannot but on the other feel bound by it. Your petitioner, however, is from the reading of the order led to believe that in the disposal of the petition your Excellency in Council was pleased to consider only the question whether the Civil Auditor was right in his construction of the rule; but your petitioner is solicitious that the circumstance under which his application for pension was made, and which sufficiently distinguishes the case from others which may fall within the strict operation of the rule, must be more pointedly submitted to your Excellency in Council, and he therefore humbly begs leave to ask that this may not be considered a repetition.

2. Your petitioner was not aware that the Civil Paymaster had put a construction on the rule, and that he acted on it, in other instances. Your petitioner, when he thought of applying for pension, had to read the rules and construe them himself. Unwilling to rely upon his own reading he consulted his friends; but unfortunately for your petitioner they one and all agreed with him; it was not suggested that the rule was also capable of different construction. The petitioner did all he could have done to guard against the possibility of error, and it was not till after he actually resigned his appointment and come to Madras that he had an opportunity of knowing the construction of the Civil Paymaster. Your Excellency in Council will also consider that in accordance with the Order of Government above adverted to, he has only to serve a

further period of a few months for full pension; and if he knew this further service would be required of him, he should not have hesitated to continue in the service for the period. It could not be said that his reading of the rule was different from that of others, and that he is singularly enough the only one who would put the construction contended for; your petitioner in conclusion humbly begs to submit that these circumstances will be received as constituting sufficiently equitable grounds for treating the case of your petitioner as a special one.

3. Your humble petitioner therefore prays that if he is not within the rule, that the benefit of it may notwithstanding be extended to him as a special case, or at all events that your Excellency in Council may be pleased to exercise the discretion vested in you by paragraph 7 of the new rules.

For which, as in duty bound.

MADRAS, *25th May* 1865. (Signed) C. RAJAGOPALA CHARIER.

ORDER.

No. 1251 of 1865.

The petitioner is referred to the second paragraph of the Order of Government passed on his petition, No. 1021 of 1865, dated 20th May.

2. The refusal to re-consider the decision as to the amount of pension was decided upon after full consideration of the whole case, and is final.

(By Order).

FORT SAINT GEORGE,
15th June 1865. (Signed) F. BRANDT,
Acting Under Secretary to Government.

No. 36. ORDER THEREON, 13th September 1865, No. 429.

Resolved that the memorial received with the foregoing letter be despatched to the Secretary of State.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. H. Burns.

1756 f 165 1 Encl 1/8

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To

Honorable A. J. Arbuthnot

Chief Secretary to Government

Fort Saint George

Sir,

I beg to forward you herewith a Memorial in triplicate to the Right Honorable the Secretary of State for India in Council and to solicit the favor of your forwarding the same to England and

I beg to remain
Sir
Your most Obedient Servant

Madras
24th July
1865

C. Raja Gopalachorier

Late Tahsildar of Poomeegoody
in Tanjore District

TO

THE RIGHT HON'BLE SIR CHARLES WOOD BART, G.C.B.M.P.,

SECRETARY OF STATE FOR INDIA IN COUNCIL

The humble Memorial of C. RAJAGOPALA CHARIER, *the late Tahsildar of Talook of Mannargoody, in the District of Tanjore, in the Presidency of Madras.*

SHEWETH,

That your Memorialist faithfully and diligently served the Government [illegible] twenty-five years and eight months; during this long period held various appointments on the Establishments of the Collectors of Coimbatore and Tanjore; he was for his merit and integrety, successfully promoted from one place to another, and was lastly appointed to the respectable office of a Tahsildar in the district of Tanjore. Incapacitated by hard work of nights and days without distinction and with an injured constitution, unable any longer to stand the toils and troubles of the life of an up-country servant of Government, and anxiously looking forward for a short retired life, Your Memorialist in communication with the Collector resolved upon sending in his application for pension. Before your Memorialist forwarded the application, he read the new pension Rules himself, submitted them to the construction of many of his friends in the districts being important officials in the service of Government, and it was considered by one and all, that service from the commencement of the age of twenty-two should be accepted as good. Your Memorialist resigned the appointment, came to Madras and awaited the Order of Government upon his application for a pension of one-half of his salary; but before the receipt of the Order, it so happened that the Civil Paymaster considered your Memorialist was, under para 11 of the above Rules, only entitled to have his services computed from the commencement of his age of twenty-three, and that he had in consequence to take a reduced pension of one-third instead of one half, as he had originally believed upon a calculation of his services from the commencement of his age of twenty-two. Your Memorialist was also informed that the Civil Paymaster solicited the ruling of His Excellency the Governor in Council upon the construction of the Rules. He then hastened to submit to Government the Petition marked A. It will be observed from the Order thereon of Government, herewith submitted and marked B, that they refused to interfere on behalf of your Memorialist. From the tenor of the Order he was led to consider, that His Excellency the Governor in Council in disposing of the Petition, only considered the strict construction of the Rules, and that he has not pronounced an opinion upon whether your Memorialist's case deserved to be treated as an exception to their operation on the grounds alleged in the Petition. Your Memorialist therefore again submitted to Government the further Petition marked C; and he regrets to state he was also equally unsuccessful upon it.

Your Memorialist craves leave to submit that with all conceivable deference to Government their construction is wrong. The language of the Rule is [illegible] the period of service before the age of twenty-two cannot be

counted." He cannot read the passage otherwise than in the sense contended for; numerous public servants, Europeans and Natives, agreed with him in his construction; but, in as much as it is now put before you for consideration and construction, your Memorialist considers it unnecessary to produce his arguments.

Your Memorialist also earnestly begs leave to submit that his case will at all events be viewed as an exception to the Rules. The Rules were but recently enacted; scarcely sufficient time has elapsed for doubts to arise, and for authorities to interfere and declare their construction. In fact no one case like your Memorialist has yet arisen, in which this Government have declared their construction and that the service has had notice; on the contrary the case of your Memorialist was the first in which the question appears to be mooted; he read the Rules in the sense in which many others have read them; the Collector of the district expressed no doubt upon the construction and it is not as if it were that he had taken upon himself to make application for a pension of one-half of his salary against the known rules or known construction of the rules; and your Memorialist humbly submits that it would be a case of unmerciful hardship if he should be made to sacrifice any portion of the fair reward of his long and hard service for no error on his part, or for an error of which he could not in any sense be said to be the author.

Your Memorialist therefore prays that he may be declared entitled to a pension of one-half of his salary on either of the grounds alleged herein, or that he may be permitted to re-enter the service and hold the resigned appointment for as much further period as may suffice to qualify him for the pension applied for.

And, as in Duty Bound.

MADRAS,
28th *July* 1865.

C. Rajagopalachurier

A

TO

HIS EXCELLENCY SIR WILLIAM DENISON, K. C. B.,
GOVERNOR IN COUNCIL, FORT SAINT GEORGE.

The humble Petition of C. RAJAGOPALA CHARIER,
the late Tahsildar of the Talook of Mannargoody in the District of Tanjore.

RESPECTFULLY SHEWETH,

That your Excellency's humble Petitioner faithfully and diligently served the Government for a period of twenty-five years and eight months; but being unable to serve a longer period he applied for pension and retired from service. At the time when the application for pension was made, he believed that if he could show a service of twenty-five years from the commencement of his twenty-second year, he would be taken to have satisfied Para 11 of the new Pension Rules.

Your Petitioner regrets to state and he ascribes it to his own misfortune that the Civil Paymaster declines to accept his service before the age of twenty-three, as service under the above para of the new rules. According to his construction, your unfortunate Petitioner, will for want of a few months service, have to take one-third of his salary, which it need not be said is insufficient to keep his body and soul together instead of one-half as he at first believed. Your Petitioner understands that the Civil Paymaster has solicited the ruling of your Excellency in Council on the construction of the Rule. Your Petitioner, though recognising in your Excellency a benevolent guardian of the just interests of public servants, nevertheless feels anxious to submit his arguments, in support of the construction he had put on the Rule. The wording of the rule is "that the period of service before the age of twenty-two cannot be counted." It is impossible looking at these words to say, that a man's service during the three hundred and sixty-five days of his twenty-second year ought to be refused; if so, when may it be said he was of the age of twenty-two? On the first day of his twenty-third year, he commences his age of twenty-three; and according to the Civil Paymaster, he cannot be said to be of the age of twenty-two till the expiration of the last day of his twenty-second year. Your Petitioner humbly submits, that in common conversation a man during all the period of his twenty-second year is generally talked of as of the age of twenty-two. Your Excellency in Council will also be pleased to consider, that the object of the Rule is to exclude a man's service during his minority, when he has no legal status; but a man is in law able to contract from the first day of his twenty-second year, and therefore that your Petitioner is entitled to the benefit of his service during his twenty-second year, is consistent with that intention.

Your Excellency in Council will also consider that in as much as the Rule as it stands, fairly admits of possibility of different constructions, it would be unjust that your Petitioner, innocent as he is, should be compelled to sacrifice his interest acquired by the faithful service of the best part of his life, for an error of which he cannot in any sense be said to be the author. Some of the Gentlemen to whom he referred the matter before applying for pension put the same construction on the Rule as was explained in the previous para so as to leave no doubt in the mind of your Petitioner. If the rule was before the expiration of the age of twenty-two, there could be no chance of two constructions. It will at all events be conceded that the language of the rule is dubious, that it bears out the construction contended for, and that your Petitioner has been innocent: he trusts under these circumstances, that in the deliberations of your Excellency in Council, you will allow these facts to weigh in your mind. Your Excellency's Petitioner therefore prays, that he may be declared entitled to a pension of half the amount of his average salary during the last five years of his service.

For which, as in duty bound.

C. RAJAGOPALA CHARIER.

B

ORDER.

No. 1021 of 1865.

It is evident that the construction put by the Civil Paymaster on the words "before the age of 22" is correct viz. that it means "before completion of the 22nd year."

The Governor in Council sees no reason for interference on Petitioner's behalf.

By Order.

F. BRANDT.

Acting under Secretary to Government.

FORT SAINT GEORGE, 20th *May* 1865.

C

TO

HIS EXCELLENCY SIR WILLIAM DENISON, K. C. B.,
GOVERNOR IN COUNCIL,
FORT SAINT GEORGE.

The humble Petition of C. RAJAGOPALA CHARIER, *the late Tahsildar of the Talook of Mannargoody, in the District of Tanjore.*

RESPECTFULLY SHEWETH,

That your Excellency's humble Petitioner has though on the one hand read with regret the enclosed Order of Government, dated the 20th Instant on his Petition No. 1021 of 1865, yet he cannot but on the other feel bound by it. Your Petitioner however is from the reading of the Order led to believe, that in the disposal of the Petition your Excellency in Council was pleased to consider only the question whether the Civil Auditor was right in his construction of the Rule; but your Petitioner is solicitious that the circumstance under which his application for pension was made and which sufficiently distinguishes the case from others which may fall within the strict operation of the Rule, must be more pointedly submitted to your Excellency in Council, and he therefore humbly begs leave to ask that this may not be considered a repetition.

Your Petitioner was not aware that the Civil Paymaster had put a construction on the rule, and that he acted on it, in other instances. Your Petitioner when he thought of applying for pension had to read the rules and construe them himself. Unwilling to rely upon his own reading he consulted his friends; but unfortunately for your Petitioner they one and all agreed with him; it was not suggested that the rule was also capable of different construction. The Petitioner did all he could have done to guard against the possibility of error, and it was not till after he actually resigned his appointment and come to Madras that he had an opportunity of knowing the construction of the Civil Paymaster. Your Excellency in Council will also consider that in accordance with the Order of Government above adverted to, he has only to serve a further period of a few months for full Pension; and if he knew this further service would be required of him, he should not have hesitated to continue in the service for the period. It could not be said that his reading of the rule was different from that of others, and that he is singularly enough the only one who would put the construction contended for; your Petitioner in conclusion humbly begs to submit that these circumstances will be received as constituting sufficiently equitbale grounds for treating the case of your Petitioner as a special one.

Your humble Petitioner therefore prays that if he is not within the rule, that the benefit of it may notwithstanding be extended to him as a Special case, or at all events that your Excellency in Council may be pleased to exercise the discretion vested in you by para 7 of the New Rules.

For which, as in duty bound.
C. RAJAGOPALA CHARIER.

MADRAS,
25th May 1865.

ORDER.
No. 1251 of 1865.

The Petitioner is referred to the second paragraph of the Order of Government passed on his Petition No. 1021 of 1865, dated 20th May.

The refusal to reconsider the decision as to the amount of Pension was decided upon after full consideration of the whole case, and is final.

(By Order.)
F. BRANDT,
Acting under Secretary to Government.

FORT SAINT GEORGE,
15th June 1865.

Encl: to Letter to England dy 26: Sept:
No 9 of 1865.

Encl No 1736 of 1865

13th Sept. 1865.
No 429

Ft. 1865/D
Ja 373.

Fin: Letter to Govt. dated 26th Sept.
No. 9 of 1865.

Financial 1865 Dept.
No. 1736 of 1865.

From C. Rajagopala Chariar.
late Shaikdar of Shannagood
in Tanjore Distt., now at
Madras.
Dd 28th July 1865.
Rd 1 Augt.
Reg. 3 Aug.
Three enclosures.

Ans 373

Prays to forward the
enclosed Memorial in
triplicate to the Secretary
of State for India.—
Complaining against the
operation of the new Sanction
Rules, in his case.

N 3

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8 17

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from C. Rajagopala Chariar.
Here after 28th July 1865.

Order thereon. 13th Sept. 1865 No. 429.

Resolved that the Memorial received with foregoing letter, be despatched to the Secretary of State.

Intimation of the despatch of the Memorial to be given to Rajagopaul Chariah — Mr. Copies, Madras.

Fin.l Letter to Rog.r & 4 2½ Sept.r
No.9 of 1865.

Replied to - 15.th Dec.r 65
No.92

Proc.s of September

Fort William 1865. Department.

No. 429

PROCEEDINGS *of* GOVERNMENT.

Dated 13.th September 65

35436