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MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No.	82	Press / Mis.
33-34.		
Dated	22-2-	1866.

6/7

33-34

Not to be folded or roughly handled

No. 33. Read the following letter from the Secretary to the Civil Fund, to the Chief Secretary to Government, Fort Saint George; dated Madras, 27th December 1865, No. 382.

I am directed by the Managers of the Civil Service Annuity Fund to request that you will submit the following case for the favorable consideration of Government.

2. On 4th March 1861, Mr. R. B. M. Binning was compelled by ill health to resign the Service, having been then absent from India five years.

3. Mr. Binning was appointed in 1833, and his service commenced from 25th June 1834, so that at the time of his retirement he was of nearly 27 years' service, although, in consequence of absence on sick leave, he could count little more than 19 years towards the prescribed period of 22 years' residence in India for pension.

4. At the time of Mr. Binning's resignation of the Service, the sum of Rupees 16,411 was at his credit in the account of subscriptions to the Annuity Fund, the whole of which sum he thus lost.

5. The Secretary of State referred Mr. Binning to the Managers of the Civil Service Annuity Fund as to the possibility of granting him any pension, and as the Managers held themselves debarred from making any recommendation to Government on his behalf, in accordance with paragraph 28 of the Court of Directors' Despatch, No. 16 of 1852, Financial Department, dated 20th October 1852, quoted in the margin, by reason of there being no available Annuity on hand untaken, the result has been that up to the present time Mr. Binning has received no pension whatever from Government or from the Annuity Fund.

Para. 28. "In the foregoing calculations, provision has not been made for Civil Servants who become permanently unfitted by sickness to remain in India before they have served the requisite period to qualify them for the Annuity. No invalid pensions have hitherto been granted from the Annuity Branch* of the Fund at your Presidency. There has indeed been no surplus from which the grant could have been made. Judging from the Bengal Fund, from which, with a body of nearly 500 Subscribers, only six Invalid Pensions have been taken in the last 15 years, we apprehend that the cases are very few in which they would be applied for at your Presidency. The financial state of the Fund precludes our sanctioning any grant for the purpose under Rule. But should the Trustees think proper at any time to recommend to your Government the case of an Invalid Subscriber who has not served the prescribed time to entitle him to the £1000 Annuity, you will give the case your mature consideration, and will forward it to us if your opinion should be favorable to the admission of the party to a reduced Annuity; but as we decidedly disapprove of the total number of Annuities allowed being exceeded, our decision will be partly guided by the fact whether any portion of the full amount of Annuities authorized to be granted has been unoccupied in the previous year and in the current year of your application. Of this fact, you will not fail to inform us at the same time. We expressly desire that no such Annuity be granted without our previous sanction."

*The Rules of the Charity Branch of the Civil Fund at Madras, provide, in a measure, for these cases; but the relief is dependent upon the amount of the Invalid's income from other sources.

Proceedings of Government, dated 10th January 1863, No. 19, Financial Department.

6. Circumstances have recently brought the case again under consideration, and the Managers being of opinion that they too strictly construed the Despatch of the Home Government, above quoted, direct me to lay the case before Government in the confident hope that the Government may feel themselves at liberty to make such a recommendation to the Secretary of State, on Mr. Binning's behalf, as may obtain for him the benefit of the Despatch of 25th November 1862, granting minor pensions to members of the Service compelled by sickness to retire before earning the Annuity.

7. It will be observed that the Home Government, in their Despatch of 1852, stated merely that their decision in the case of Invalid Subscribers to the Annuity Fund, recommended by the Managers to the consideration of Government, would be *partly* guided by the fact whether any portion of the authorized number of Annuities had remained untaken in the previous and current year, and the circumstance which induced the Managers, in Mr. Binning's case, to treat the want of this condition as an absolute bar to his application, rendering it useless for them to address Government on his behalf, was that in the only other case which had ever arisen subsequent to the Despatch of 1852, viz., that of Mr. Ogilvie, the Home Government had based their refusal to grant him even a donation on this sole ground.

See Court's Despatch, dated 8th November, No. 34 of 1854 in E. M. C. dated 23rd December 1854, No. 515, Financial Department.

8. It occurs, however, to the Managers that the cases of the two gentlemen were essentially different in some material points.

Proceedings of the Madras Government, Financial Department,
22nd February 1866.

9. Mr. Binning, as already stated, was of nearly 27 years' standing in the Service when compelled to resign it, and had actually performed 19 years and upwards of good service in India, while Mr. Ogilvie, when he finally resigned the Service, was of little more than eight years' standing, and had been in India but two years and five months, of which one year and ten months were passed in College.

10. Mr. Binning's health broke down under the exposure incident to prolonged hard service in the country; while Mr. Ogilvie's failure of health, appearing as it did so shortly after his arrival, and when he had undergone no exposure or hard service, must be deemed to have been constitutional, and such as, however great a misfortune to himself, gave him little claim on the Government.

11. Mr. Binning had, as already stated, a very considerable amount of accumulated subscriptions to the Annuity Fund at his credit when he retired, all which he lost; while Mr. Ogilvie's subscriptions had necessarily been trifling in the extreme.

12. These important differences in the circumstances of the two cases, would, the Managers now consider, have warranted them in recommending Mr. Binning's case strongly to the favorable consideration of Government in 1861, and they trust that their failure then to do so may not now operate to his disadvantage.

13. There need be no fear of creating an inconvenient precedent by admitting the present recommendation.

14. Mr. Binning's is the only case in this Presidency that can possibly be brought forward; and in both the other Presidencies there was provision to meet such cases in the Rules of the Civil Service Annuity Funds prior to both the Despatches of 1852 and 1862.

15. In conclusion, the Managers would point out that within 20 months of Mr. Binning's retirement from the service, the Secretary of State was pleased, on the strong representation of the Service, to admit the claims of those who—to use the words of the Despatch—"having devoted a portion of their lives and energies, and especially those years during which men qualify for a profession, to the service of Government, are deprived of the fruits of their labor by sickness," and to provide pensions to meet their cases; under which rule, men who were far junior to Mr. Binning in the service, and of far less standing and residence in India, have been placed in a position of comparative ease when their prospects were blighted by ill-health.

See Despatch, dated 25th November 1862, paragraph 7, above quoted.

16. The Managers venture to entertain the hope that this fact may add another argument to those they have urged for the admission of Mr. Binning's case to the most favorable consideration of Government.

No. 34. ORDER THEREON, 22nd February 1866, No. 82.

Ordered to be submitted for the favorable consideration of the Secretary of State, with the recommendation of Government that Mr. Binning be admitted to the benefit of the Financial Despatch of the Home Government, dated the 25th of November 1862, No. 193.

(True Extract).

Chief Secretary.

To the Managers of the Civil Service Annuity Fund.

Exd, R. H. Lee.

3A

Madras

№ 382 Civil Fund Office

27th December 1865.

From

W Hudleston Esqre

Secretary to the Civil Fund

To

Hon. A. J. Arbuthnot Esqre

Chief Secretary to Government

Sir,

I am directed by the Managers of the Civil Service Annuity Fund to request that you will submit the following case for the favorable consideration of Government.

On 1st March 1861 Mr R. B. Binning was compelled by ill health to resign the Service having been then absent from India 5 years.

Mr Binning was appointed in 1833 and his service commenced from 25 June 1834 - so that at the time of his retirement he was of nearly 27 years service - although in consequence of absence on sick leave he could count little more than 19 years towards the prescribed period of 22 years residence in India for pension.

At

At the time of Mr Binning's resignation of the service the sum of Rupees 16411 was at his credit in the account of subscriptions to the Annuity Fund, the whole of which sum he thus lost.

The Secretary of State referred Mr Binning to the Managers of the Civil Service Annuity Fund as to the possibility of granting him any pension, and as the Managers held themselves debarred from making any recommendation to Government on his behalf in accordance with para 28 of Court of Directors' Despatch № 16 of 1852 Fin.l Dep.t dated 20th October 1852 quoted in the margin, by reason of there being no available Annuity on hand untaken, the result has been that upto the present time Mr Binning has received no pension whatever from Government or from the Annuity Fund.

Para 28. "In the foregoing Calculations, provision has not been made for Civil Servants who become permanently unfitted by sickness, to remain in India, before they have served the requisite period to qualify them for the annuity. No Invalid pensions have hitherto been granted from the Annuity Branch* of the Fund at your Presidency. There has indeed been no surplus from which the grant could have been made. Judging from the Bengal Fund, from which with a body of nearly 500 Subscribers, only 6 Invalid Pensions have been taken in the last 15 years we apprehend that the cases are very few in which they would

* The Rules of the Charity Branch of the Civil Fund at Madras provide in a measure for these cases, but the relief is dependent upon the amount of the Invalid's income from other sources.

would be applied for at your Presidency. The financial state of the Fund precludes our sanctioning any grant for the purpose, under Rule. But should the Trustees think proper at any time to recommend to your Government the case of an Invalid Subscriber who has not served the prescribed time to entitle him to the £1000 Annuity, you will give the case your mature consideration, and will forward it to us, if your opinion should be favorable to the admission of the party to a reduced Annuity, but as we decidedly disapprove of the total number of Annuities allowed being exceeded, our decision will be partly guided by the fact whether any portion of the full amount of Annuities authorized to be granted has been unoccupied in the previous year and in the current year of your application. Of this fact, you will not fail to inform us at the same time. We express desire that no such annuity be granted without our previous sanction."

Proceedings of Government dated 10th Jan.y 1863 № 19. Fin.l Dep.t

Circumstances have recently brought the case again under consideration and the Managers being of opinion that they too strictly construed the Despatch of the Home Government above quoted, direct me to lay the case before Government in the confident hope that the Government may feel themselves at liberty to make such a recommendation to the Secretary of State on Mr Binning's behalf as may obtain for him the benefit of the Despatch of 25th November 1862, granting minor pensions to members of the Service compelled by sickness to retire before earning the annuity.

It will be observed that the Home Government in their Despatch of 1852 stated merely that their decision in the case of Invalid Subscribers to the Annuity Fund

recommended

recommended by the Managers to the consideration of Government, would be partly guided by the fact whether any portion of the authorized numbr of annuities had remained untaken in the previous and current year and the circumstance which induced the Managers in Mr Binning's case to treat the want of this condition as an absolute bar to his application rendering it useless for them to adress Government on his behalf was that in the only other case which had occurred subsequent to the Despatch of 1852 - Viz: that of Mr Ogilvie - the Home Government had based their refusal to grant him even a donation on this sole ground.

See Court's Despatch 1 & Nov 2 No 346 54 in E. In. C. dated 23 Dec 55 No 515 Fin Dep

It occurs however to the Managers that the cases of the two Gentlemen were essentially different in some material points.

Mr Binning as already stated was of nearly 27 years standing in the Service when compelled to resign it and had actually performed 19 years and upwards of good Service in India - while Mr Ogilvie when he finally resigned the Service was of little more than 8 years standing

standing and had been in India but 2 years and 5 months of which 1 year and 10 months were passed in College.

Mr Binning's health broke down under the exposure incident to prolonged hard Service in the country - while Mr Ogilvie's failure of health, appearing as it did so shortly after his arrival and when he had undergone no exposure or hard service, must be deemed to have been constitutional and such as however great a misfortune to himself gave him little claim on the Government.

Mr Binning had as already stated a very considerable amount of accumulated subscriptions to the Annuity Fund at his credit when he retired - all which he lost; while Mr Ogilvie's subs no had necessarily been trifling in the extreme.

These important differences in the circumstances of the two cases would, the Managers now consider, have warranted them in recommending Mr Binning's case strongly

strongly to the favorable consideration of Government in 1861, and they trust that their failure then to do so, may not now operate to his disadvantage.

There need be no fear of creating an inconvenient precedent by admitting the present recommendation.

Mr. Binning's is the only case in this Presidency that can possibly be brought forward; and in both the other Presidencies there was provision to meet such cases in the rules of the Civil Service Annuity Funds prior to both the Despatches of 1852 and 1862.

In conclusion the managers would point out that within 20 months of Mr. Binning's retirement from the Service, the Secretary of State was pleased on the strong representation of the Service, to admit the claims of those who - to use the words of the Despatch - "having devoted a "portion of their lives and energies and "especially those years during which men qualify for a profession, to the Service of "Government are deprived of the fruits of "their labor by sickness" and to provide pensions to meet their cases; under which rule, men who were far junior to Mr. Binning in the Service and of far less standing and residence in India have been placed in a position of comparative ease when their prospects were blighted by ill health.

See Desp: dated 25th Novr 1862 para 7. above quoted

The Managers venture to entertain the hope that this fact may add another argument to those they have urged for the admission of Mr. Binning's case to the most favorable consideration of Government.

I have the honor to be,
Sir
Your Obedient Servant
J. Anderson
Secretary.

Madras
Civil Fund Office
27th December 1865

To
Hon: A. J. Arbuthnot Esqre
Chief Secretary to Government

Encd. No.

Rec. 10th Jany 63 - 21-24

Finl. Ltr. to Engd. 27th Feb
No. 7 of 1866.

Replied to - 9th May 66
N 39

Financial 1865 Despatch.

From
The Secretary to the
Civil Fund No. 382

27
Fy 28. } Dec. 65

No. 636

Recommending
Wm. R B n Brimingstate
of the M. C. S. for a
minor pension.

With an Order

22d February 1866 No. 82.

Ordered that the submitted
for the favorable consideration
of the Secy of State with the
recommendation of Govt.
that Mr. Brimingstate be ad-
mitted to the benefit
of the Final Despatch
of the Home Govt. dated
the 25th of Nov/62 No 78 173.

The Manager of the Civil Service Annuity Fund. } dated 26 Fy

217 SRS.
A32 4

33. 31 Ltr.