M.R.O. 1—77,000—8-6-37.

(1) Number of pages 11

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

financial DEPARTMENT.

G.O. No. 249 Press / Mis.

Dated 16-5 1868.

9/10

38

Not to be folded or roughly handled

KV

Proceedings of the Madras Government, Financial Department,
16th May 1868.

No. 38. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 16th May 1868, No. 249.

I have the honor, by direction of the Governor in Council, to refer, for the decision of the Government of India, the following questions which have arisen with reference to the late Despatch, (No. 455 of the 16th December 1867,) of the Secretary of State, authorizing the grant of Compassionate Allowances to servants of Government in inferior grades, thrown out of employment by reduction of establishment after completing thirty years' service.

2. The questions are first, whether the grant is (as was the case with the grant of a similar allowance to Peons) to be retrospective, and to apply to the persons thrown out of employ by the recent revisions of establishments in this Presidency? Or whether it is to be entirely prospective, and to refer only to reductions made subsequently to the date of the Order of the Government of India? And secondly, if the grant is retrospective, from what date the allowances are to be granted—the date of reduction—or the date of the Order of the Government of India? I am to observe that in the opinion of this Government the Order of the Secretary of State should have retrospective effect, the allowances being granted from the date on which this Order was published by the Government of India.

(Signed) R. S. ELLIS,
Chief Secretary.

Exd, F. R. Bantleman.

Fort William, the 22nd January 1868.

No. 517.

Read the following Despatch from the Right Hon'ble the Secretary of State for India :—

FINANCIAL. INDIA OFFICE;

No. 455. *London, the 16th December* 1867.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council your Financial Letter of the 1st October last, No. 217, recommending that, in lieu of gratuities at present allowed, moderate compassionate allowances, not exceeding Rs. 4 per mensem, should be conferred upon all servants of Government in the inferior and ineligible grades, who may be thrown out of employment on reductions of Establishment after completing thirty years' service.

2. I concur with your Government that servants discharged from no fault of their own, after completing so long a period of service as thirty years, have a claim to liberal treatment, and I therefore sanction the grant to them of compassionate allowances as proposed by you.

I have, &c.,

(Sd.) STAFFORD H. NORTHCOTE.

Ordered, that the above Despatch be published in the *Gazette of India*.

1868

5

Memo for orders.

The accountant General
has considered the Petitioner,
who has 32 years service,
lastly as Cutwal on 20
Rs a month, ineligible
for Compassionate allowance
under the orders of Govt.
of 63. Wh gives this allowance
for services of the ranks
of peon, thrown out of
employment in reduction
of Establishment; but under the
orders of Secy of State

of the 16 Dec 67. The
Pet? seems properly
entitled to a compensa-
tion not exceeding
£ 2?
There is nothing in the
secy of State's letter to
prevents it having
retrospective effect, in
cases, such as the
present, which seems
deserving of the
favourable consideration
of Lord Bath

Memorandum-

I would beg with all respect to bring to the notice of Govt. the great hardships which will be caused if the Govt. proceed to pass to persons who have sometime ago been thrown out of Govt. employ by revision after long service the Compassionate allowances which are authorized by the despatch of the Secy. of State, No. 455 of 16th Dec. 1867 and if the Govt. of India subsequently rule that the grant is purely prospective & direct the stoppage of the allowances already given-

2 Comparing the circumstances of the two grants of such allowances I find that

that to Peons in Dec.r/63 &
the present, - that grant
was distinctly made retro=
spective & only retrospective
(not extending to future re=
visions) and the allowances were
all to begin from the date
of the order of the Govt. of
India, the gratuities which
had been drawn not being
refunded -

3 This grant says
that "in lieu of gratuities
at present allowed - mod=
erate compassionate allow=
ances x x x should be
conferred upon all servants,
x x x
"in eligible grades who
may be thrown out of
employment on reductions.
x x x.

4 There is here
nothing to lead to the idea
that the grant is retro=
spective. It speaks of the
proposed allowances as
taking the place of gra=
tuities

=tuities now given, & of
their gift to servants "who
may be thrown out of
employ"

5 The ordinary
rule is that a grant dates
from the date of the order
making it, & I submit
that so far is the tenor
of the despatch from favo=
ing the idea of a retro=
spective grant, that it
not indistinctly points to a
grant in future cases -

If retrospective grants
are made under this order
they must be from the date
of the cessation of employ=
ment, 5, 6, 7, 8 years ago,
& the charge for arrears
will be not slight - five
years arrears of one grant
amounts to Rs. 240 & the
number will be considerable

6. I should be
extremely glad to see these
pow

poor people provided for;-
but I should be more
sorry to see a grant made
& withdrawn!

7- ... May I be
allowed to suggest a
reference to the Govt of
India as to the intention
of the despatch, before
any retrospective grants
are made under it.

The Board of Revenue
have referred a query
of the Collector of Madura
on the subject, & the
Collector of Kistna has
asked the question whether
they are to be given retro-
spectively & hence an early
settlement will be very
advisable- C.W.

Grant of Compassionate
Allowance under the late
Despatch

(2)

It may be safer to refer
the question as suggested by
Mr Undersecretary Walker - though
I trust that they will have
correctly interpreted the despatch

HC

I must upon the
question to the Govt. of
India.

G. N.

MM

Clerkey
R8.

desp 20/5

List

To

13

Financial Department.

No. 249.

The Secretary to the Government
of India,
Financial Department
Calcutta

Sir,

I have the honor by
direction of the Governor in Coun-
-cil to refer for the decision of
the Government of India the
following questions which have arisen
with reference to the late Des-
-patch (No. 455 of the 16th Dec. 67)
of the Secretary of State author-
-izing the grant of Compassion-
-ate allowances to servants of
Govt in inferior grades thrown
out of employment by reduction
of Establishment, after com-
-pleting 30 years service.

The questions are first
whether

whether the grant is (as was the case with the grant of a similar allowance to Peons) to be retrospective, and to apply to the persons thrown out of employ by the recent revisions of Establishments in this Presidency? — or whether it is to be entirely prospective, and to refer only to reductions made subsequently to the date of the order of the Government of India?

And secondly, if the grant is retrospective, from what date the allowances are to be granted — the date of reduction — or the date of the order of the Government of India?

I have &c.

I am to observe that in the opinion of this Govt the order of the Secretary of State should have retrospective effect, the allowances being granted from the date on which this ~~Secretary of State's~~ order was published by the Govt of India.

Fort St George
16 May 1868

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26-4-08
16.8.21 3[illegible]

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Compassionate Allowances

Financial 1868. Department.

No. 249.

F. & A. 318.

To

The Secretary to the
Government of India
Department.

Dated 16th May 1868.

Referring for decision certain question connected with the grant of Compassionate allowances, authorised by the Secy. of State to ~~Several~~ servants of Govt. in inferior grades, thrown out of employment by reduction of Establishments after completing 30 years service.

38.

Pol. No. 1
Financial
No. 249
16 May 1868