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(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 201	Press / Mis.
69-70	
Dated 30-4-	1869.

8/9

69-70

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 30th April 1869.

No. 69. Read the following letter from the Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 10th April 1869, No. 380.

Examiner of Claims' Department.

I have the honour to request that His Excellency the Right Honorable the Governor in Council will be pleased to re-consider the grant of compassionate allowance sanctioned in Proceedings of Government, 15th and 16th ultimo, Nos. 102 and 104, Pension Department, or to refer these cases to the Government of India for confirmation, as the grant of the compassionate allowance of Rupees 4 to the individuals concerned, who retired under medical certificate on dates prior to that of the Secretary of State's Despatch sanctioning that allowance, is opposed to the practice that has been observed in previous similar cases, to one of which, viz., that decided in Government Order, 3rd September 1868, No. 291, the Examiner of Claims referred in his report upon Duffadar Gopaloo Pillay's application.

No. 70. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 30th April 1869, No. 209.

I am directed to submit, for the confirmation of the Government of India, the marginally noted Proceedings of this Government, in which grants of compassionate allowances to Mahommed Kasim Saheb and Gopala Pillai were sanctioned under the Despatch of the Right Honorable the Secretary of State, No. 432, dated 14th October 1868.

Pension Proceedings, dated 15th March 1869, No. 102.
,, ,, 16th ,, ,, No. 104.

2. In sanctioning these grants, His Excellency in Council was of opinion that, as there is nothing in the Despatch from which it can be gathered that its operation is to be prospective only, it might fairly, and in accordance with the spirit of the Despatch, be applied to the cases above-mentioned, in both of which the cessation of service took place prior to its promulgation.

3. I am also to observe that retrospective effect has been given to a similar Despatch from the Secretary of State, No. 455, dated 16th November 1867.

4. The grant of an allowance to Gopala Pillai requires the confirmation of the Government of India on another ground, viz., the interval which elapsed between the date of cessation of service and that of the medical certificate (from 12th September 1867 to 28th January 1869). The causes of this delay are fully set forth in the Proceedings, and there seems no doubt that Gopala Pillai was unfit for service when he was removed from it and directed to apply for a gratuity.

5. Under these circumstances, I am desired to solicit the sanction of the Government of India to the grants in question.

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

1869.
FINANCIAL DEPARTMENT.

From
The Chief Secretary to Government,
Fort Saint George.

To
The Secretary to the Govt. of India,
Financial Department.

Dated 30th April 1869.
Read.

No. 200.
Enclosure.

APRIL.
Nos. 69-70.

Submitting, for confirmation, Proceedings of this Government granting compassionate allowances to Mohamed Kasim Saheb and Gopala Pillai.

Claims'
Examiner of ~~Bills~~ DEPARTMENT.

No. 380

Fort Saint George,
Accountant General's Office,
10th April 1869.

FROM The ACCOUNTANT GENERAL,
TO THE GOVERNMENT OF MADRAS.

To The Chief Secretary
to the Government of Fort Saint George
Pension Department.

SIR,

I have the honor to request that His Excellency the Right Honorable the Governor in Council will be pleased to reconsider the grant of Compassionate Allowance sanctioned in Proceedings of Government, 15th and 16th ultimo Nos. 102 and 104 Pension Department, or to refer these cases to the Government of India for confirmation as the grant of the Compassionate allowance of Rs. 4-0-0 to the individuals concerned who retired under Medical Certificate on dates prior to that of the Secretary of State's Despatch sanctioning that allowance is opposed to the practice that has been observed in previous similar cases by one of which viz. that decided in Govt. Order, 3 September 1868 No. 291, the Examiner of Claims referred in his Report upon Deffadar Gopalah Pillay's application.

I have the honor to be
Sir,
Your most Obt. Servt.

F. Ruthnum
Accountant General

With the 2 Proceedings noted below—

200

Financial Department.

No. 209.

To

The Secretary to the Government
of India.
Financial Department.

Sir,

I am directed to submit for the confirmation of the Government of India, the marginally noted Proceedings of this Government in which grants of Compassionate allowance were sanctioned under the Despatch of the Right Honorable the Secretary of State, No. 432, dated 14th October 1868, to Mahammed Kasim Sahib and Gopala Pillai.

Revs. Pros. dated 15th March 1869 Nos. 102. 16 0 0 and 104.

2. In sanctioning these grants His Excellency in Council was of opinion that, as there is nothing

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in the Despatch from
which it can be gathered
that its operation is to
be prospective only, it
might be applied to the
cases above mentioned in
both of which the cessation
of service took place prior
to its promulgation.

3. I am also to observe
that retrospective effect
has been given to the simi-
lar Despatch from the
Secretary of State No. 455
dated 16th November 1867.

4. The grant of an allow-
ance to Gopāla Pillai
requires the confirmation
of the Government of India
on another ground viz:
the interval which elapsed
between

Pension Department.

17

Memorandum

In the letter No. 380 dated
10th April, the Accountant
General requests Government
either to revise the grants
of compassionate allowances
made in Proceedings of
Government, Pension Dept.
Nos. 102 & 104, or to refer
those grants for the confir-
mation of the Government
of India.

2. The objection taken
by the Accountant General
is, that in these grants
retrospective effect has
been given to the Despatch
of the Secretary of State
No. 432 dated 14th October
1868, which sanctioning the grant
of

of compassionate allowances not exceeding Rs. 4 per mensem to servants pronounced by competent medical authority to be unfit for duty after having done good service for 35 years. This despatch was promulgated in this Presidency on the 22d. December 1868.

3. In the case which is the subject of Proceedings No. 102, the petitionment was on the 19th September 1868, and the Medical Certificate was dated the 24th. The delay was physically unavoidable.

4. In the case of the grant made in Proceedings No. 102, the Examiner

of claims in his report, brought to notice that the despatch of the Secretary of State above referred to did not apply, not having retrospective effect. Government were of opinion, however, that there is nothing in the despatch limiting its operation and accordingly passed the grant.

5. The cessation of service in this case took place on 12th September 1867 while the Medical certificate was not obtained till the 28th January 1869. The explanation of the delay was that the applicant was trying to get reinstated and failed to apply for the certificate. It is observed that independently of

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the objection now taken by the Accountant General this delay in obtaining the medical certificate rendered the confirmation of the Government of India essential to the validity of the grant.

6. It is observed with reference to the present objection of the Accountant General, that a limited retrospective operation (a little more than 6 months) was allowed by the Govern-ment of India, in the application of a similar Despatch of the Secretary of State No. 455, dated 15th October 1867, sanction-ing grant of compassion-ate allowance to persons

thrown

But on what principle is this limit to be imposed? I think the Accountant General's objection is right, but as we have sanctioned the grant of compassionate allowances, I suppose we must adhere to it.

A. J. A.

11X

thrown out of employment after 30 years' service by reductions of establishment (See Prod. Madras Govt. Fin. Dept. No. 325 dated 18 July 68). If similar retrospective effect be given to the dis-patch now referred to, one of the cases (that dealt with in Proceedings No. 102) will be covered by it, but not the other.

7. Under these circum-stances the accompany-ing draft of a letter to the Government of India is submitted for approval.

(3)

Retrospective sanction to the levy of Stamp Duty Leech regarding Corn Pensioned allowance

between the date of cessation of service and that of the Medical Certificate (from 12th September 1867 to 28th January 1869). The causes of this delay are fully set forth in the Proceedings and there seems no doubt that Gopāla Pillay was unfit for service when he was removed from it and directed to apply for a gratuity.

6. Under these circumstances, I am desired to solicit the sanction of the Government of India to the grants in question.

13X

18C

Govt. Resp
30 April/69

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1327.

186 . Department

No.

To

The Secretary to the

Government of

Department.

Dated 186 .

1869.

Financial DEPARTMENT.

From
The Chief Secretary to Government,
Fort Saint George.

To
The Secretary to the Govt. of India,
Financial Department.

Dated April 30 1869.
Recd.

No. 209.
Enclosure.

69-70 F. 269.

Submitting, for confirmation, Pros. of this Govt granting compassionate allowances to Mohammed Kasim Saheb & Gopala Pillai