M.R.O. 1—77,006—8-6-37.

(1) Number of pages 10

(2) Date of repair 13-10-39

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 264	Press / Mis.
25-26	
Dated 16-6- 18 69	

6/7

25-26

Not to be folded or roughly handled

No. 25. Read the following letter from the Under Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George; dated Simla, 29th May 1869, No. 639.

I am directed to acknowledge the receipt of your letter, No. 181, dated 9th April 1869, submitting the recommendation of the Government of Fort Saint George for the grant of a pension to Poodicherry Samy Moodelly, late Jawabnavis in the office of the Collector of the Madras District, who was discharged in May 1860 in consequence of the abolition of his office.

2. It is observed that P. Samy Moodelly, on the occasion of a former discharge from Government employment in 1838 in consequence of abolition of office, received a gratuity of Rupees 210, and that again, in consequence of the loss of his appointment in May 1860, he was allowed a further gratuity. The gratuity obtained in 1838 not having been refunded on re-employment, the Madras Government rejected the claim to pension preferred by P. Samy Moodelly after his discharge in May; but with reference to the orders of the Government of India, passed in Financial Resolution of the 8th April 1868, on the case of Custoory Rungah Naidoo, the local Government now submits the application of P. Samy Moodelly for favourable consideration.

3. In reply I am to state that the case of P. Samy Moodelly is not analogous with that of C. Rungah Naidoo, although, as regards the non-refund of gratuity, the circumstances of the two cases are alike: the Government of Fort Saint George overlooks the important difference between the two cases, viz., that whereas C. Rungah Naidoo's final connexion with Government ceased at a time when the rules allowed of the grant of pensions to servants thrown out of employment on reduction of establishment; no rules providing for the grant of pensions in such cases existed at the time when P. Samy Moodelly was finally discharged from the public service. It was not till the 20th September 1860 that the rule was laid down for the first time whereby persons discharged from the public service could be allowed pension, and then again the rule was restricted to persons who had served thirty years or more; and not until more than two years after, or in November 1862, was it ruled that persons whose service fell short of thirty years, as in the present case, could be allowed pension on reduction of establishment.

4. The rule of November 1862 cannot be allowed to have retrospective effect, and hence the Governor General in Council is unable to sanction the admission of P. Samy Moodelly to pension.

No. 26. ORDER THEREON, 16th June 1869, No. 264.
Communicated to the Pension Department.
(True Extract).

Actg. Secy. to Govt.

To the Pension Department.

Ed. A. S. Rodgers.

Govt. of Madras. 1869.

FINANCIAL.

To

THE PENSION DEPARTMENT.

Dated June, 16th.

Recd.

G. O., 16th June 1869, No. 264.

JUNE.
Nos. 25-26.

Communicating letter from the Government of India declining to admit P. Samy Moodelly, late Jawalnavis in the office of the Collector of Madras, to pension.

25

No 639

To

The Chief Secretary to the
Govt. of Fort St. George

Financial Departt Sir,

I am directed to acknowledge the receipt of your letter No 181 dated 9th April 1869, submitting the recommendation of the Government of Fort St. George for the grant of a pension to Poodicherry Samy Moodelly late Jawalnavis in the Office of the Collector of the Madras District, who was discharged in May 1860, in consequence of the abolition of his Office.

2. It is observed that P. Samy Moodelly on the occasion of a former discharge from Government employment in 1838, in consequence of abolition of Office, received a gratuity of Rs. 210/, and

and that again, in consequence of the loss of his appointment in May 1860, he was allowed a further gratuity. The gratuity obtained in 1838, not having been refunded on reemployment, the Madras Government rejected the claim to pension preferred by P. Samy Moodelly after his discharge in May, but with reference to the orders of the Govt of India passed in Financial Resolution of the 8th April 1868 on the case of Custoory Rungah Naidoo, the local Government now submits the application of P. Samy Moodelly for favorable consideration.

3 In reply I am to state that the case of P. Samy Moodelly is not analogous with that of C. Rungah Naidoo, although as regards the non-refund of gratuity, the circumstances of the two Cases are

are alike; the Government of Fort St. George overlooks the important difference between the two Cases, Viz. that whereas C. Rungah Naidoo's final connection with Government ceased at a time when the rules allowed of the grant of pensions to Servants thrown out of employment on reduction of Establishment, no rules providing for the grant of pensions in such cases excisted at the time when P. Samy Moodelly was finally discharged from the public Service. It was not till the 20th September 1860, that the rule was laid down for the first time, whereby persons discharged from the public Service could be allowed pension, and then again the rule was restricted to persons who had served 30 years or more, and not until

until more than two years after,
or in November 1862, was it ruled
that persons whose service fell
short of 30 years as in the present
Case, could be allowed pension
on reduction of Establishment.—

4 The rule of November 1862 can
not be allowed to have retrospective
effect and hence the Governor
General in Council is unable to
sanction the admission of P. Samy
Moodelly to pension.—

I have the honor to be
Sir
Your Most Obed.t Servant

Simla
The 29th May
1869

W. Patten
Under Secy to the Govt of India

Pension

Financial 186 6 DEPARTMENT.

From

Under Secretary to the Govt. of India,

Financial Department.

No. 689

Dated 29 May

Received 8 June

No. 257.

Communicates inability to admit P. Sammy under 3 & 4 Vict. c. 35 to pension

With one enclosure

Proc: 9 "April/69 Nos 26-28 Fin
" 4 "Oct 1/68 " Nos 322 Rev
" 15 May/68 " 144 Do

Ltr 26 June 1869
Commissioner &c to Rt Hon Sir S Rawson
Dispatch rec'd.

Rt Hon Sir S Rawson Dispatch Answered 12 July 1869

Govt. of {1869} Madras.

Final

To

The Pension Dept.

Dated June 16.

Recd. Encl.

G.O. 16 June 1869 No 261

Nos. 25 26

Coming letter from the Govt of India, declining to admit V. Sammy Moodelly, late Javabnavis in the Office of the Collr of Madras, to pension.