M.R.O. 1—77,006—8-6-37.

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Financial **DEPARTMENT.**

G.O. No. 382	Press / Mis.
Dated 25-8- 1869.	

8/9

53-54

Not to be folded or roughly handled

FINANCIAL DEPARTMENT.

No. 382.

FROM

THE HONOURABLE R. S. ELLIS, C. B.,
Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed by His Excellency the Governor in Council to acknowledge the receipt of Mr. Under-Secretary Batten's letter, dated the 29th June last, No. 1528, asking for an explanation of an order of this Government, No. 148, dated 10th May last, on a petition of appeal by H. Janakaramiah, late Accountant in the Public Works Department.

2. In this order the petitioner was informed that "the appeal from the decision of this Government in cases of this description lies not to the Government of India, but to the Secretary of State."

3. Mr. Under-Secretary Batten, while asking for an explanation of this order, calls attention to Rule III. of the rules regarding memorials to the Secretary of State prescribed by the Government of India in the Home Department in Orders No. 3742, dated August 21st, 1867, in which it is declared that memorials relating to pensions, &c., should be forwarded through the Government of India in the Financial Department, *who would thus have an opportunity of modifying or reversing the decision of the local Government.*

4. I am to state, for the information of His Excellency the Viceroy and Governor General in Council, that, after a careful consideration of the rule quoted by Mr. Under-Secretary Batten, this Government see no reason to question the propriety of the order regarding which explanation is required.

5. The case which elicited this order may be briefly stated as follows :—

An Accountant in the Department of Public Works appealed directly to the Government of India against an order of the Madras Government, which decided that the appellant was entitled to a gratuity, and not to a pension which he claimed.

The Government of India returned the petition with a view to its being submitted through the proper channel.

The petition was then sent by the Superintending Engineer, under whose orders the petitioner was serving, to the Secretary to Government, Public Works Department, who transferred it to the Pension Department, and it was in this Department that the petitioner was informed that his appeal should be addressed, not to the Government of India direct, but to the Secretary of State.

6. Rule III. of the Memorial Rules quoted by Mr. Under-Secretary Batten was not, I am to observe, overlooked. I am respectfully to remark that this rule provides, first, that memorials to the Secretary of State, from individuals in the Madras and Bombay Presidencies, should be forwarded *direct* by those Governments to the Secretary of State, except such memorials as relate to pensions, salaries, gratuities, and leave of absence, which should be forwarded to the Secretary of State through the Government of India in the Financial Department. The words added by Mr. Under-Secretary Batten, "*who would have an opportunity of modifying or reversing the decision of the local Government,*" do not form a part of the Rule III.

I am very respectfully to submit that this is a new construction of Rule III., of which the original intention would appear to have been that memorials on pensions, salaries, gratuities, and leave of absence, should reach the Secretary of State for India with the remarks of the Government of India, and that this very necessary course does not authorize any direct appeal to the Government of India from a decision of the Governments of Madras and Bombay.

7. I am to express the hope entertained by this Government that, under the explanation now afforded, the order of this Government, No. 148 of the 10th May last, will not appear to His Excellency the Viceroy and Governor General open to objection.

FORT SAINT GEORGE,
25th August 1869.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Secretary.

Exd. J. Wright.

India

1869.

FINANCIAL DEPARTMENT

From

The Chief Secretary to Government,
Fort Saint George,

To

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

Dated 25th August 1869.

Read.

No. 382.
Enclosure.

AUGUST.
Nos. 53-54.

Furnishing explanation of an Order of this Government, No. 148, dated 10th May last, on a petition of appeal by H. Jamakaramiah, late Accountant in the Public Works Department.

No. 1528.

To

The Chief Secretary to the Government of
Fort Saint George. —

Financial Department Sir,

With reference to the order of the Govern-ment of Fort Saint George No. 148 dated the 10th May 1869, on a petition of appeal by H. Jane Keramiah late Janaka Ramaiah Accountant in the Public Works Department, praying for a pension of one third of his salary in lieu of the gratuity granted him — wherein it is stated that "the appeal from the decision of this Government in cases "of this description lies not to the Government of India "but to the Secretary of State," I am directed to request that with the permission of His Excellency the Governor in Council, you will explain the grounds of the opinion that no appeal from the orders of the local Government lies to the Supreme Government in cases of this kind — On this point I am directed to refer to Rule III of the Rules regarding memorials to the Secretary of State prescribed by the Government of India

India in the Home Department, in orders No. 3742 dated 21st August 1867, in which it is declared that Memorials relating to Pensions &c. should be forwarded "through the Government of India in the Financial Department", who would thus have an opportunity of modifying or reversing the Decision of the local Government.—

I have the honor to be,
Sir,
Your most obedient servant.

Simla
The 29th June 1869

J. Batten
Under Secy. to the Government of India.

1-7-69
Pens. Rec. 10 May 1865 No. 148
" to 22 Aug. 1865 " 240
Fin. " 6 June " 284
Pub. " 26 Nov. 1868 " 424
" 28 " July " 152
Pub. " 5 Feb. 1869 " 1116

Fin. Dept. 1869
No. 382
Under date 29th June 1869
Transmission Dft. 12 1572

P. 382
P. Dept.
No. 25 of August

P. 382

Under the circumstances stated in the accompanying letter from the Secretary to the Government of India, Financial Department, No. 382 dated 29th June 1869, I am directed to request that you will be pleased to call for an explanation from the Petitioner, late Accountant in the Public Works Department, why the Petition of appeal which he has presented against the order of this Government, No. 148 dated 10th May 1865, should not be rejected as inadmissible under the rules of appeal to the Secretary of State, in Council, and to forward the explanation which you may receive from the Petitioner for the information of Government.

I have &c.
J. Batten
Under Secy. to the Government of India.

114 in Pub. Dept. Cons. 29 July 1869 No. 53
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308

Financial Department 5

No. 382.

To

The Secretary to the Government of India.
Financial Department.

Sir,

I am directed by His Excellency the Governor in Council to acknowledge the receipt of Mr. Under Secretary Batten's letter dated the 29th June last No. 1520, asking for an explanation of an order of this Government No. 148 dated 10th May last on a petition of appeal by H. Jonakeramiah, late accountant in the Public Works Department.

2 In this order the Petitioner was informed that "the appeal from the decision of this Government in cases of this description

description lies not to the Government of India but to the Secretary of State."

3 Mr. Under Secretary Batten while asking for an explanation of this order calls attention to Rule III of the Rules regarding Memorials to the Secretary of State prescribed by the Government of India in the Home department in orders No. 3742 dated August 21st 1867 in which it is declared that Memorials relating to Pensions &c., should be forwarded through the Government of India in the Financial department who would thus have an opportunity of modifying or reversing the decision of the local Government.

I am to state for the information

information of His Excellency the Viceroy and Governor General in Council that after a careful consideration of the Rule quoted by Mr. Under Secretary Batten, this Government see no reason to question the propriety of the order regarding which explanation is required.

5 The case which elicited this order may be briefly stated as follows:-

An Accountant in the Department of Public Works appealed directly to the Government of India against an order of the Madras Government which decided that the appellant was entitled to a gratuity and not to a pension which he claimed.

The

The Government of India returned the Petition with a view to its being submitted through the proper channel.

The Petition was then sent by the Superintending Engineer under whose orders the Petitioner was serving, to the Secretary to Government Public Works Department, who transferred it to the Pension Department and it was in this department that the Petitioner was informed that his appeal should be addressed not to the Government of India direct, but to the Secretary of State. Rule III of the Memorial Rules guided by Mr. Under Secretary Batten was not. I am to observe, overlooked. I am respectfully

to

to remark that this Rule provides 1st. that Memorials to the Secretary of State from individuals in the Madras and Bombay Presidencies should be forwarded direct by those Governments to the Secretary of State except such memorials as relate to pensions, salaries, gratuities and leave of absence which should be forwarded to the Secretary of State through the Government of India in the Financial department. The words added by Mr. Under Secretary Batten, "who would have an opportunity of modifying or reversing the decision of the Local Government", do not form a part of the Rule III.

I

I am very respectfully to submit that this is a new construction of the Rule III. of which the original intention would appear to have been that Memorials on Pensions, Salaries, Gratuities, and Leave of absence, should reach the Secretary of State for India with the remarks of the Government of India and that this very necessary course does not authorize any direct appeal to the Government of India from a decision of the Governments of Madras and Bombay.

7. I am to express the hope entertained by this Government that under the explanation now afforded the order of this

Government.

Government of the No. 148
of the 10th May last will not
appear to His Excellency the
Viceroy and Governor General
open to objection.

Fort St. George
25th August 69.

186 . *Department.*

No.

To

The Secretary to the

Government of

Department

Dated 186 .

30-11-869
10/11-29

1869.

Financial DEPARTMENT.

From

The Chief Secretary to Government,
Fort Saint George,

To

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

Dated Augt. 25. 1869.
Recd.

No. 382
Enclosure.

No. 642

53. 54

Furnishing explanation of an order of this Govt. No. 148 dy 10th May last on a petition of appeal by A. Janakaramiah late Accountant in the Public Works Dept.