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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 280 Press Mis.-

29-31

Dated 22—6— 1870.

29-31-

Not to be folded or roughly handled

FINANCIAL DEPARTMENT.

No. 280.

FROM

THE HON. 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 to forward, for transmission to the Right Honourable the Secretary of State for India, the accompanying memorial from Puducherry Sami Moodelly, late Javabnavis in the Madras Collector's Office, relating to his claims to be allowed to refund certain gratuities and to obtain pension in lieu of them.

2. Petitioner's case and the details of his service have already been brought to the notice of the Government of India in letter from this Government, No. 181, Financial, dated 9th April 1869. It was then pointed out that the petitioner had endeavoured to obtain a pension with refund of gratuity in 1865 ; but that the Government being at that time unable to accept refunds of old gratuities had rejected his claim, and had given him a second gratuity for his period of eighteen years' renewed service. On the 3rd February 1869, petitioner applied to be allowed to refund both these gratuities and to take pension in lieu, on the analogy of the case of Kastari Rangayya Nayadu, upon which orders were passed by the Government of India in Financial Resolution, No. 2116, dated 8th April 1868. This Government forwarded petitioner's application for the favourable consideration of the Government of India in the letter above quoted, and were informed in reply that, although the cases of petitioner and Rangayya Nayadu were alike as regarded the question of refund of gratuity, yet pensi[illegible] as his connexion with Government ceased on the 17th May 1860, while the rule giving pension to persons of less than thirty years' service on reduction of establishment was not introduced till November 1862. The Government of India declined to give retrospective effect to this order in petitioner's case.

3. The petitioner now prays that the decision last named may be re-considered on the grounds of two precedents which he quotes.

4. The case of Mr. J. F. Martin is in every way analogous to that of the petitioner. This case was decided in the letter, No. 2157, dated the 26th May 1863, from the Secretary to the Government of India, Financial Department, to this Government. Mr. Martin having served twenty-eight years was allowed, on the abolition of his office, to take a one-third pension though his service ended in the year 1861.

5. The case of Lakshman Row quoted by the petitioner is not an instance of retrospective effect being given to the order of 1862.

6. In the concluding paragraph of letter, No. 2157, above quoted, the Government of India have remarked that they will be ready to consider specially any cases of more than usual hardship connected with the rulings of 1860 and 1862. His Excellency the Governor in Council is of opinion that the present is a case deserving such special consideration. The petitioner has served Government for nearly thirty years during which period he has been three times discharged to meet the Government's convenience. The total pensionary reward received by petitioner for this service consists of two gratuities equalling, respectively, six and five months' salary, and amounting together to about three years of the pension to which he would be entitled under the ruling of 1862.

7. His Excellency the Governor in Council believes that there is no difficulty in petitioner's case, as regards his not having refunded the first gratuity at the time of re-employment, inasmuch as it has already been held by the Government of India that the case is identical in this respect with that of Rungayya Nayadu, which they have conceded. His Excellency in Council is of

opinion that the further disability under which petitioner labours of having been thrown out of employ two years prior to the date of the order of 1862 may, with propriety, be removed as a special case. He considers that, on the refund of the Rupees 330 gratuity already received by petitioner, the latter may fairly be given a pension of Rupees 8-5-4 per mensem, or a one-third pension under the old rules, calculated on his average salary for the five years preceding his discharge, to date from the time when application for pension was originally made, viz., 22nd August 1865.

8. His Excellency in Council does not support petitioner's request to be given half-pension.

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

FORT SAINT GEORGE,
22nd June 1870.

Chief Secretary.

Read again Proceedings of the Madras Government in the Pension Department, dated 4th October 1866 and 27th July 1869, Nos. 322 and 223.

Read also the following letter from P. SAMI MOODELLY, late Javabnavis in the Madras Collector's Office, to the Chief Secretary to Government, Fort Saint George, dated —— :—

I beg most respectfully to submit the enclosed Memorial to the Right Honourable the Secretary of State for India, and humbly request that the same may be transmitted to its address, with your favourable recommendation, at an early date.

To

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

The humble Memorial of P. SAMI MOODELLY,
late Javabnavis in the Madras Collectorate.

RESPECTFULLY SHOWETH,

That, having entered the public service in 1827, he was thrown out of employ by revision of establishment in 1838, and that in 1842 he re-entered the service, but had the misfortune to be again thrown out of employ by the same cause in 1860.

2. That, on the occasion of the first loss of his appointment, your petitioner received a gratuity of Rupees 210.

3. That, when he was thrown out of employ on the second occasion, he endeavoured to obtain a pension for his entire service of twenty-nine years, seven months, and six days, by refunding the gratuity which he had received in 1838; but that the Madras Government felt itself precluded from allowing the refund of gratuity, and accordingly sanctioned to your petitioner a further gratuity of Rupees 125.

4. That your petitioner had thus altogether received a gratuity of Rupees 335 for his service of twenty-nine years, seven months, and six days.

5. That the claim of your petitioner to a pension was based on an order of the Supreme Government passed in September 1860, allowing the grant of pensions to public servants discharged from the public service through revision of establishment, and who had served for thirty years or more, without the production of a medical certificate, and which rule was subsequently in November 1862 made applicable to the cases of servants who had served for twenty years. The Madras Government also recommended your petitioner to the Government of India for the grant of a pension.

6. That the Government of India have, however, declined to grant your petitioner a pension on the ground that at the time when he was finally discharged from the public service, viz., May 1860, no rules existed for the grant of pensions to servants thrown out of employment on reduction of establishment. In other words, the Government of India declined to give retrospective effect to their order of September 1860, in the case of your petitioner.

7. That, looking to the fact of your petitioner having twice lost his employment through reduction of establishment, he has not been treated in that liberal spirit which has been exercised towards other public servants who have been placed in the same situation as your Memorialist. For instance, in May 1863 the Supreme Government of India was pleased to sanction the grant of a one-third pension to Mr. J. F. Martin who was thrown out of employ in consequence of the abolition of his appointment, and who had served for twenty-eight years, by allowing retrospective effect being given to the rule which allowed of the grant of pensions, without production of a medical certificate, to persons who have served for twenty years. Under the same rule, and by giving it retrospective effect, a one-third pension was also sanctioned by the Government of India to S. Lukshuman Row who had served for twenty-four years, eleven months, and twenty-nine days. Your petitioner begs most respectfully to submit that, with these precedents before them, the Government of India have not fairly considered his claim to a pension, seeing that he has served longer than either of the two individuals above referred to, viz., twenty-nine years, seven months, and six days.

8. That petitioner begs to submit that, while he was discharged the public service on 17th May 1860, the rule granting pensions to Uncovenanted Servants thrown out of employ by reduction of establishment, without production of a medical certificate, was first introduced in September 1860, or about four months subsequent to his discharge. The interval between the cessation of Mr. Martin's and Lakshuman Row's respective service and the date of the ruling in question was much greater, and yet retrospective effect was given to the ruling in their cases, but has been denied in that of your petitioner's.

9. That your petitioner, therefore, prays that your Grace will consider his case favourably, and, with reference to the fact that the loss of his appointment is attributable to no fault of his, that your Grace will be pleased to authorize the grant to him of a pension equal to one-half of his salary, (on refund of the gratuities which he has received,) with reference to the notification recently published in the *Fort Saint George Gazette*, dated 2nd November 1869, page 585.

In 1859 a half-rate pension was granted to Mr. Ritchie, an employé in the Office of the Board of Revenue, for a service of twenty-eight years and nine months, and in the same year a pension equal to one-half his salary was granted for a service of twenty-eight years and seven months to Rungiah, a clerk in the Military Department of the Government Secretariat. In both these cases, as your Grace will observe, the qualifying periods of service fell far more short of the required period, viz., thirty years, in order to obtain a half-pension than the service of your petitioner, since his service was but only four months and twenty-four days short of thirty years. Your petitioner begs respectfully that the boon conferred on other servants, who, through revision of establishment, have lost their appointments, may be extended to him, and that he may be granted the pension to which his long service entitles him, a service which would soon have completed the required time of thirty years, but for his being thrown out of employ by an act of public emergency.

And he shall ever pray.

(Signed) P. SAMI MOODELLY.

Exd. J. Wright.

1870.

FINANCIAL DEPARTMENT.

From

The Chief Secretary to Government,
Fort Saint George,

To

The Secretary to the Govt. of India,
Financial Department

Dated 22nd June 1870.

Read. No. 280.
Enclosure.

Forwarding memorial from F. Sami Moodelly, late Jaravanavis of the Madras Collector's Cutcherry, asking to be allowed to refund certain gratuities, and to be granted a pension in lieu of the[m]

Financial Department

No. 280

To The Secretary to the Government of India
Financial Department.

Sir

I am directed to forward for transmission to the Right Hon'ble the Secretary of State for India in Council accompanying memorial from Fredericke Sami Moodelly, late Jaravanavis in the Madras Collector's Office, relating his claim to be allowed to refund certain gratuities and to obtain pension in lieu of them.

2. Petitioner's case & the details of his service have already been brought to the notice of the Govt. of India in letter from this Government - No 181 Financial, dated 9th April 1869. It was then decided that the petitioner had endeavoured to obtain a pension with a refund of gratuity in 1865; but that the Government being of

that time made [illegible]
refunds of the gratuities
had rejected his claim,
and had given him a
second gratuity for his
period of 18 years' renewed
service. On the 3rd May
1867 petitioner applied
to be allowed to refund the
said gratuities and to
take pension in lieu, on
the analogy of the case
of Kanchi Rangayya
Nayaker, upon which
orders were passed by
the Government of India
in Financial Resolution
No 216, dated 8th April 1868.
The Government found
petitioner's application
for the favourable con-
sideration of the Go[illegible]
India in the letter above
quoted, and were informed
in reply that, although
the cases of petitioner
and Rangayya Nayaker
were alike as regards the

such special consideration.
The petitioner has served
Government for nearly
30 years during which
period he has been
twice discharged
and the Government
commence. The total
pecuniary rewards received
by petitioner for his
service consist of two
gratuities, equalling
respectively 6 and 5
months' salary and
amounting together to about
3 years of the pension of
which he would be entitled
under the ruling of 1862.

7. The Excellency the
Governor in Council believes
that there is no difficulty
in petitioner's case, as
regards his not having
refunded the first gratuity
at the time of re-employ-
ment, inasmuch as
it has already been
held

by the Government to insist that the case is identical in this respect with that of Rangayya Naiyadu, which has preceded. Mr. Spackman in Council is of opinion that the further disability under which petitioner labours of having been thrown out of employ two years prior to the date of the order of 802 rupees, with interest, is unmerited, as Special case. He considers that the sum of Rs 330 granted by the order appealed by petitioner, the latter may fairly be given a pension of £ 8-5-4 per mensem, or one-third pension under the old Rules, calculated on his average salary for the five years preceding his discharge, to Palo

Proceedings

by the Government of India
that the case is identical

1870.

Financial DEPARTMENT

From
The Chief Secretary to Government,
Fort Saint George.

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

Dated June 22 1870.
Read

No. 280
Enclosures.

Nos. 29. 31.

Forwarding Memorials from P. Lamy Moodaliyar late Jamabundi of the Madras Collectorate Cutcheery, asking to be allowed to refund certain gratuities and to be granted a pension in lieu of them.

of a one-third pension under the old Rules, calculated on his average salary for the five years preceding his discharge, & Paid from

the question of refund of gratuity, yet pension could not be given to the former inasmuch as his connection with Government ceased in Jan 1860, while the rule giving pension of even of less than 20 years' service on reduction of establishment was not introduced till Nov 1862. The Government of India decided to give relief specific effect to this order in petitioner's case.

3 The petitioner now prays that the decision last named may be reconsidered on the grounds of the precedent which he quotes.

4. The case of Mr J. F. Durbin is in every way analogous to that of the petitioner. This case was decided in the letter No 2 1877 dated the

the 26th May 1863 from the Secretary to the Govt of India, Financial Department, to this Government for Quarter having served 26 years ... allowed on the abolition of his office to take a 1/2 pension through his service ended in the year 1861.

5. The case of Takkuma Row quoted by the petitioner is not an instance of retrenchment effected being given to the order of 1862.

6. In the concluding para of letter No 2157 above quoted, the Govt of India have remarked that they will be ready to consider specially any cases connected with the rulings of 1860 and 1862. His Excellency the Governor in Council is of opinion that the present is a case deserving such

from the time when application for pension was originally made, viz. 22nd August 1865.

By Order
of
His Excellency
in Council does not
support petitioner's
request to be given
half pension.

Fort St George
22 June 1870

P.M.