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(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 314. Press / Mis.

27.

Dated 22-7- 1890.

27 8/9

Not to be folded or roughly handled

23-10-39

FINANCIAL DEPARTMENT.

No. 314.

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 request instructions as to the manner in which the average salary of an applicant for pension is to be calculated when, during the five years preceding retirement, the applicant has undergone suspension. The case has not, it appears, been specifically provided for. Government of India Resolution, 26th September 1865, No. 2528, clause 5, directs that the period of suspension shall be excluded from the period qualifying for retiring allowance, but no ruling has been issued as to the effect of suspension on the average salary on which the pension is to be struck.

2. The principle to be followed is, it is supposed, that laid down as regards periods of leave without pay in Government of India Resolution, 21st July 1866, No. 1476; for whatever disability attaches to officers in respect of periods of such leave would *a fortiori* attach to them in respect of periods of suspension.

3. But I am to state that this Resolution appears to His Excellency the Governor in Council to be obscure. The latter portion of it (quoted in the margin) which deals with leave without pay as affecting average salary has been differently interpreted at different times in this Presidency. The different interpretations which may be placed on this portion of the Resolution are best shown by an example. Suppose that during the five years preceding retirement an officer has had two months' leave without pay, or two months' suspension. Is the period taken for the computation of average salary to be the last five years during which he drew pay? *i. e.*, the five years and two months preceding his retirement, or the last five years absolutely, *i. e.*, the last four years and ten months during which he received pay? The former method has since January 1868 been followed in this Presidency, and this appears to be the fairest method of computation. It seems reasonable that periods which do not count for pension should also be excluded from the calculation of the amount of pension.

"But the period of absence on private affairs on leave without pay must be thrown out from the monthly average of the five years' pay upon which pension is computed, the intention in Financial Resolution, No. 542, dated 4th June 1864, being that such periods of absence should in no way contribute to claims to pension."

4. In the case of an officer obtaining leave of absence without pay, during his last five years of service, much hardship would be inflicted if this period is included in fixing the average salary of five years upon which his pension is to be calculated.

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

OOTACAMUND,
22nd July 1870.

Chief Secretary.

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 July 1870.

Read.

No. 314.

Enclosure.

Requesting instructions regarding the mode of calculating average salary for pension, when, during the five years preceding retirement, the applicant has been suspended or granted leave without pay.

dest 29/7

Financial Department.

No. 314.

To

The Secretary to the Government

of India.

Financial Department.

Sir,

I am directed to request instructions as to the manner in which the average salary of an applicant for pension is to be calculated when during the five years preceding retirement the applicant has undergone suspension. The case has not, it appears, been specifically provided for. Government of India Resolution 28th September 1865 No 2528, cl. 5, directs that the period of suspension shall be excluded from the period qualifying for retiring allowance, but no ruling has been issued as

L. D. S.

as to the effect of suspension on the average salary on which the pension is to be struck.

2. The principle to be followed is, it is supposed, that laid down as regards periods of leave without pay in Govt of India Resolution 21st July 1866, No 1476; for whatever disability attaches to officers in respect of periods of such leave would ~~ought~~ a fortiori attach to them in respect of periods of suspension.

3. But I am to state that this Resolution appears to His Excellency the Governor in Council to be obscure. The latter portion of it (quoted in the margin) which deals with leave without pay as affecting average salary has been differently interpreted at different times in this Presidency – The different interpretations which may be placed on this portion of the Resolution are best shown by an example. Suppose that during the five years preceding retirement an officer has had two months' leave without pay, or two months' suspension, is the period taken for the computation of average salary to be the last five years during which he drew pay? i.e. the five years and two months preceding his retirement, or the last five years absolutely, i.e. the last four years and ten months during which he received pay?

+ "But the period of absence on private affairs on leave without pay, must be thrown out from the monthly average of the five years' pay upon which the pension is computed, the intention in Financial Resolution No 542. dated 4th June 1864, being that such periods of absence should in no way contribute to claims to pension".

The

The former method has since January 1868 been followed in this Presidency, and this appears to be the fairest method of computation. It seems reasonable that periods which do not count for pension should also be excluded from the calculation of the amount of pension.

4. In the case above of an officer obtaining leave of absence without pay, during his last five years of service, much hardship would be inflicted if this period is included in fixing the average salary of five years upon which his pension is to be calculated.

Ahmednuggur
22 July 1870

Financial 7

Pen. N° 38

To the Secretary to the Government of India
Financial Depart.

Sir

I am directed to request instructions as to the manner in which the average salary of an applicant for pension is to be calculated when during the five years preceding retirement the applicant has undergone suspension. The case has not, it appears, been specifically provided for. G. I. Resolution 26 Sept. 1865 N° 2528 cl 5 directs that the period of suspension shall be excluded from the period qualifying for retiring allowance, but no ruling has been issued as to the effect of suspension on the average salary on which the pension is to be struck.

2. The principle to be followed is, it is supposed

that laid down as regards periods of leave without pay in G. I. Resolution 21st July 1866 No. 1476; for whatever disability attaches to officers in respect of periods of such leave ought, a fortiori, to attach to them in respect of periods of suspension.

3 But I am to state that this Resolution appears to H. E. the Governor in Council to be extremely obscure. The latter portion of it (quoted in the margin) which deals with leave without pay as affecting average salary has been differently interpreted at different times in this Presidency. ~~It appears scarcely intelligible~~ To speak of a period of time being thrown out from monthly average salary, which is a sum of money, is unintelligible; and accordingly, as might be expected, doubt has arisen. The different interpretations are best shown by an example. Suppose that during the five years preceding retirement an officer has had two months leave without pay

x "But the period of absence on private affairs on leave without pay, must be thrown out from the monthly average of the five years' pay upon which pension is computed, the intention in Financial Resolution No 542, dated 4th June 1864, being, that such periods of absence should in no way contribute to claims to pension"

which may be placed on this portion of the Resolution

pay, or two months suspension is the period taken for the computation of average salary to be the last five years during which he drew pay? 2. the five years and two months preceding his retirement, or the last five years absolutely, i.e. the last four years and ten months during which he received pay? The former method has, since January 1868, been followed in this Presidency; but I am instructed to say that the latter now appears to H. E. the Governor in Council more likely to be what was intended by the Government of India, as the phrase used in the rules is the 5 years previous to retirement. But he observes that where the period of absence without pay or suspension is long, the result of the latter method will be seriously to reduce leave without pay to the last two periods of

No But this appears to be the fairest method of computation - It seems reasonable that periods which do not count for pension should also be excluded from the calculation of the amount of pension -

I think this is quite correct. Whatever period does not reckon for pension &c &c is not to come in to the calculation for amount of pension - J.D.L

I agree with Mr Lee that if a person is suspended he must be kept quite out of sight. It would be very hard on an officer if

9

amount of pension to be granted

Average salary on which to calculate pensions

DLL

DLL

Leave should be
counted on the five years
on the average salary of which
a pension is to be calculated.

A.J.D.

also
In the case of an officer
obtaining leave of absence,
during his last five years of service,
much hardship would be
inflicted, if this period
is included in the five
years on the average salary
of which his pension
is to be calculated
fixing the average salary
of five years upon which
his pension is to be calculated

~~C 13/7 Lty~~

C 13/7 R 15/7 C 15/7 LD

18 . *Department.*

No.

To

The Secretary to the
Government of

Department

Dated 187 .

1870.

Financial DEPARTMENT

From

The Chief Secretary to Government,
Fort Saint George,

To

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

Dated 22nd July 1870.

Rcvd.

No. 314

Enclosure.

Nos. 27.

Requesting instructions ~~Asking a reference~~ regarding the mode of calculating average salary for pension, when during the 5 years preceding retirement the applicant has been suspended or granted leave without pay.

C20/7 R22/7