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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 329 Press / Mis.

4-5

Dated 4-8- 1870.

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Not to be folded or roughly handled

No. 329.

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 transmit the accompanying memorial from S. Kalyani, a draughtsman who was employed under Major Gill in copying the paintings in the Adjunta Caves. The memorialist appeals against the orders of this Government granting him a gratuity only for his service, and prays that he may be admitted to pension.

2. He served for eighteen years up to the 31st December 1862, and was granted by this Government a gratuity of Rupees 500 or five months' pay, which was all he was entitled to under the old rules then in force. He now claims pension under the new rules, on the ground that, though Government ordered his discharge at the end of 1862, he was retained at Major Gill's expense, but believing himself in the service of the State, till June 1863, the month in which the new rules came into force; and he cites as precedents certain cases which, however, were avowedly specially treated. He also urges the arduous nature of his duties and special grievances for which, however, Major Gill alone is responsible.

3. Although, as will be seen from the foregoing explanation, the memorialist has, under the rules in force when his employment ceased, no claim to a pension, his case is one of peculiar hardship. He has passed a great part of his life in the arduous task of copying the paintings in the Adjunta Caves—an occupation which has unfitted him for any other employment. The greater portion of the wages, which he should have received during these years, he lent to his employer Major Gill, and there seems no prospect of this debt being ever recovered, Major Gill being himself in indigent circumstances.

4. Under these circumstances, the Madras Government think that the memorialist's case may be treated exceptionally, and they request the sanction of the Government of India to Kalyani receiving the benefit of the existing pension rules and being allowed the amount of pension, viz., Rupees 33-4-0, to which he is entitled under those rules for his service during a period of eighteen years.

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

OOTACAMUND,
4th August 1870.

Chief Secretary.

From S. KALYANI, late Draughtsman on Major R. Gill's Establishment, to the Chief Secretary to Government, Fort Saint George, dated Madras, 24th June 1870.

I beg respectfully to enclose, herewith, a memorial (in triplicate) addressed to the Right Honourable the Secretary of State for India, and humbly to request that the same may be forwarded to its destination at an early date.

To The Right Honourable The SECRETARY of STATE for INDIA.

The humble Memorial of S. KALYANI, late Draughtsman on Major Gill's Establishment.

Respectfully Showeth,

That petitioner was employed as a draughtsman, portrait-painter, and photographer on the establishment of Major R. Gill, who was engaged in taking paintings of the Caves of Adjunta.

2. That he served in this capacity for the period of eighteen years and six months.

3. That, on the breaking up of the establishment, the case of petitioner was submitted to Government by Major R. Gill, with a strong recommendation that a pension might be granted to him on the ground of his "very long, arduous, and unremitting services." But that the Madras Government, in disposing of his case, have granted petitioner only a gratuity of Rupees 500, being equal to five months' salary.

4. That, feeling aggrieved by this order, petitioner again solicited a reconsideration of his case, and prayed for a pension to which he considered he had established a fair right ; but that the Madras Government maintained their original decision.

5. That petitioner begs briefly to represent the reasons for which he claimed a pension :—

First.—That he had served for eighteen years and six months—a period which entitles to pension.

6. Petitioner was entertained in the month of January 1845, and continued to be employed until the end of June 1863, when the establishment was abolished, thus completing a service of eighteen years and six months. The Madras Government, however, remarked in their Proceedings on petitioner's solicitation of a re-consideration of his case that "Government, on the application of "Major R. Gill, distinctly refused to sanction the employment of S. Kalyani, draughtsman, after "the close of the year 1862." But petitioner begs to submit, as he has informed the Madras Government, that he was kept in total ignorance of this order by Major R. Gill, who retained him in employ up to the end of June 1863 when, as petitioner was led to believe, the establishment was broken up. In corroboration of the statement that petitioner had not the slightest knowledge that the Madras Government had refused to sanction any further expenditure on account of Major R. Gill's establishment, he begs to state that it was not until the 30th June 1863 that the last painting 36' by 11' of the ceiling of the caves was finished, and on the hopes held out to petitioner by Major R. Gill that the latter would obtain him a pension, he even continued with Major R. Gill for two months later, or until September 1863, in completing his pictures, but, of course, petitioner did not seek to reckon that period towards pension. It would naturally be inquired, if the Madras Government had intimated to Major R. Gill that petitioner's employment must cease after December 1862, from what source petitioner received his salary for the six months longer he continued in employ. Petitioner begs to state that he did receive his salary for this period, and was under the belief that he was drawing it, as hitherto, from the public treasury, until, for the first time, he found a statement in the Proceedings of the Madras Government made by Major R. Gill that petitioner had been kept on for the six months in question at his (Major R. Gill's) own expense—a fact that Major R. Gill never once mentioned to petitioner. Doubtless, petitioner submits, the Madras Government was perfectly in order in rejecting his six months' service, from January to June 1863, after their express instructions to Major R. Gill. But at the same time your petitioner would most deferentially deprecate the visitation on him of the penalty due to the faults of another, and that other his employer. Nor will the conduct of Major R. Gill towards your petitioner appear so inexplicable, as at first sight it must to any one, when your Grace shall have become acquainted with the circumstances disclosed in paragraph 9 of this memorial.

7. Your petitioner trusts that, under the foregoing explanation, he will be considered to have rendered a *bonâ fide* service to Government of eighteen years and six months.

Secondly.—The arduous nature of his duties while employed in the Caves of Adjunta.

8. Your petitioner submits that these were of a peculiarly trying and exceptional nature, and as such entitling him to special consideration. Not only was the climate of the locality in which he was employed notoriously unhealthy, but he had to contend with difficulties of no ordinary character. He had to traverse backwards and forwards every day in a most difficult, rocky, and jungly country, a distance of more than five miles, far removed from the habitation or even the haunts of man, and to live in daily apprehension of attacks from wild beasts and sudden sickness, isolated from his kith and kin. The execution of his duties involved the exposure of petitioner to the varied influences of wind and rain, blasts and scorching heats, and to the sickening effluvia of the pent-up caves. More than all this the great effort of sight which was incessantly necessitated for want of sufficient sunlight in tracing the carvings, &c., has so impaired his vision as must naturally result in unfitting him, sooner than otherwise, for any continued employment as a draughtsman in his profession.

Thirdly.—The great losses which your petitioner suffered while employed at Adjunta.

9. During the great Indian Mutiny, when Adjunta was looted by the Rohillas, your petitioner suffered a loss of property estimated at between 3000 and 4000 rupees. This fact was brought to the notice of the Madras Government by Major R Gill when that officer recommended him for a pension. In addition to this petitioner has suffered to a still greater extent by Major R. Gill. This officer, although drawing the salary of petitioner in the same abstract with that of his establishment, held back petitioner's full pay for a considerable period, giving him only a portion of it by irregular instalments, on the plea that Government had not passed his abstracts regularly. This course Major R. Gill pursued with reference also to Yelliah, the assistant draughtsman, and these sums, so withheld, aggregated Rupees 10,779 ; the repayment of which was guaranteed to petitioner by Major R. Gill under a note of hand bearing that officer's signature, but which amount up to the present time remains unliquidated. These serious losses have considerably diminished your petitioner's resources, and his case has been rendered harder still by the denial of a pension to him in this time of his need. Taking the word of Major R. Gill as from a gentleman, petitioner had not the remotest suspicion that Major R. Gill, in saying that the pay abstracts were not regularly passed by Government, was saying what was not the fact ; and yet in the Proceedings of the Madras Government, a copy of which was furnished to petitioner, it clearly appears from the letters of the Accountant-General, Madras, recorded therein, that the pay abstracts of Major R. Gill's establishment were not only regularly passed, but included the pay of a draughtsman on Rupees 100 per mensem, which post was held by your petitioner during the whole term of his service.

10. That, under the circumstances above narrated, your petitioner earnestly begs that your Grace will be pleased to admit his claim to a pension under the provisions of the Revised Uncovenanted Service Pension Rules.

11. That the case of your petitioner was disposed of by the Madras Government under the Pension Rules of 1862, whereby he was held to be entitled to no more than a gratuity ; but petitioner begs respectfully to submit that the Revised Pension Rules are not inapplicable to his case. Petitioner lost his appointment in consequence of the orders of Government bringing the special duty on which he was employed to a termination which is tantamount to an abolition of office, on which ground the Madras Government have, in the cases of individuals who were thrown out of employ through such a cause, granted them special pensions for service falling short of the required period. The Revised Pension Rules admit of a public servant obtaining a one-third rate of pension on completing service of fifteen years, and petitioner having served for more than this period is, therefore, clearly entitled to the pension provided for this term of service, and prays that he may be granted a pension, therefore, under those rules, retrospective effect being given to those rules as has been done in numerous cases. Or petitioner begs that, as in the cases above quoted, his may be made a special case on the ground of the exceptionally arduous nature of his employment at Adjunta, and to which Major R. Gill himself has borne ample testimony, and that he was thrown out of employ through no fault of his own ; and a pension be granted him under the provisions of the old rules.

C. Vencatachella Moodelly, Clerk in the Office of the Presidency Paymaster in 1861.
Mr. N. Abbey, Clerk, Pay Office, Masulipatam, in 1864.

12. Under all the circumstances of his case, petitioner begs that your Grace will be pleased to bestow upon him the pension which he has, by hard and laborious service, earned from Government, so that he may have some small support during the remaining years of his life, which, embittered as it is in consequence of the heavy losses he has already suffered in the pursuit of his calling, will be rendered still more so were he, in addition, to be deprived of a pension.

And, as in duty bound, petitioner shall ever pray.

(Signed) S. KALYANI.

Ed. 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 4th August 1870.

Recd.

No. 329.

Enclosure.

Forwarding, with the recommendation, a petition to Home Government from S. Kalyani, late Draughtsman of the Adjunta Caves, praying for a pension for his past services.

chd P 13/8 with the original Memorial

Financial Department.

No. 329

To

The Secretary to the Government of India.

Financial Department.

Sir,

I am directed to transmit the accompanying Memorial from S. Kalyani a draftsman who was employed under Major Gill in copying the paintings in the Adjunta Caves. The Memorialist appeals against the orders of this Government granting him a gratuity only for his service and prays that he may be admitted to pension.

2. He served for 18 years up to the 31st December 1862 and was granted by this Government a gratuity of Rs. 500 or five months

pay

I. D.

pay which was all he was entitled to, under the old rules then in force. He now claims pension under the new rules, on the ground that though Government ordered his discharge at the end of 1862, he was retained at Major Gill's expense, but believing himself in the service of the State, till June 1863, the month in which the new rules came into force; and he cites as precedents certain cases which, however, were avowedly specially treated. He also urges the arduous nature of his duties and special grievances for which, however, Major Gill alone is responsible.

3. Although as will be seen from the foregoing explanation

explanation the Memorialist has, under the Rules in force when his employment ceased, no claim to a pension, his case is one of peculiar hardship. He has passed a great part of his life in the arduous task of copying the paintings in the Adjunta Caves, an occupation which has unfitted him for any other employment. The greater portion of the wages, which he should have received during these years, he lent to his employer Major Gile and there seems no prospect of this debt being ever recovered, Major Gill being himself in indigent circumstances.

Under these circumstances the Madras Govt. think that the Memorialist's case may be treated exceptionally and they request the sanction of the Govt. of India to Kalyani receiving the benefit of the existing pension rules and being allowed the amount of pension viz Rs. 33. 4 0 to which he is entitled under those

those Rules for his service during a period of 18 years.

Attached
4. August 70.

Draft from Kalyánis pension

Revised Draft

18 . Department.

No.

To

The Secretary to the Government of

Department

Dated 187 .

Despatch of the Memorial intimated to S. Cullianee-a the 10 Aug 1870

R&S.

Financial Department. 9/1

No.

To

The Secretary to the Government of India.

Financial Department.

Sir,

I am directed to transmit the accompanying Memorial from S. Kalyánie a draftsman who was employed under Major Gill in copying the paintings in the Adjunta Caves. The memorialist appeals against the orders of this Govt granting him a gratuity only for his service and prays that he may be admitted to pension.

2. He served for 18 years up to the 31st Dec. 1862 and was granted by this Govt a gratuity of Rs 500 or five months pay which was all he was entitled to, under the revised draft. The

This man has been to Elephanta by Major Gill—that I think he might be treated as case 2 accordingly

J. B. S.

I would admit his N.

yrs. I think to Major Gill's instructions with reference to the Petitioners claims the writer of Govt: letter of 2 Dec: 1862 may be brought to the notice of the Govt: in connection with

the old rules then in force.
He now claims pension
under the new rules, on
the ground that though
Govt. ordered his discharge
at the end of 1862, he was
retained, at Major
Gill's expense but believing
himself in the service of the
State, till June 1863, the
month in which the
new rules came into force;
and he cites as precedent
certain cases which, how-
ever, were avowedly
specially treated. He also
urges the arduous nature
of his duties and special
grievances for which however
Major Gill alone is res-
ponsible.

3. I am to state
that when the claim for
pension was first pre-
ferred it was objected
that the applicant's service
was

was rendered on a tem-
porary establishment, but
that this Govt having
regard to the peculiar nature
of his duties and the length
of his continuous service
overlooked the objection
which was no doubt well
founded the letter of
the rules. The Memorialist
has therefore already
profited by a relaxation
of the rules and the Govt
of Madras has no recom-
mendation to make in
his favor.

A.C.I

18 . Department.

No.

To

The Secretary to the

Government of

Department

Dated 18 .

1870.

Financial DEPARTMENT

From

The Chief Secretary to Government,
Fort Saint George,

To

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

Dated Aug 14 1870.
Read.

No. 329.
Enclosure.

Nos. 4-5

Forwarding with recommendation Petition to Hon'ble Govt. from S. Kalyani, late draftsman of the Adjutant Cavers praying for a pension for his past services