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MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No. 493 Press / Mis.

Dated 29-9-1871.

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Not to be folded or roughly handled

7/11/39

FINANCIAL DEPARTMENT.

No. 493.

FROM

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

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

With reference to the Resolution of the Government of India, 4th September 1871, No. 2971, I am directed to state that the Draft Pension Code appears to this Government to be an accurate summary of existing orders clearly arranged, and is likely to prove of much practical utility.

2. The Draft Code having been communicated to the Accountant-General by the Government of India, the only Officer whose remarks were sought by this Government was the Controller of Military Accounts, and I am to transmit, for consideration, copy of a memorandum from him on the Code raising certain questions suggested by it.

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

Captain, R. E.,
Under Secretary, P. W. D.,
for *Chief Secretary.*

OOTACAMUND,
29*th September* 1871.

From the Controller of Military Accounts, to the Chief Secretary to Government, Fort St. George, dated Fort St. George, 15th September 1871, C.

In obedience to the Order of Government, dated 6th September 1871, No. 431, Financial Department, I have the honour to submit a Memorandum of observations on the provisions of the Draft Civil Pension Code, which come under the cognizance of this Department.

MEMORANDUM of remarks on the Draft Civil Pension Code, received with Proceedings of Government, Financial Department, dated 6th September 1871, No. 431.

Chapter 2, Section 4.

Clause 3.—Non-Commissioned Officers in the Public Works Department, when advanced to the Engineers' Establishment, are obliged to take their discharge, and their whole departmental service then qualifies.

How is the case of a warrant officer to be disposed of ?

Chapter 3, Section 12.

Service on an establishment paid from a contract allowance made to the head of the office with detailed distribution of which Government does not interfere does not qualify.

What extent of interference on the part of Government qualifies for pension ?

Chapter 6, Section 37. (*d.*) Workmen in the Gunpowder Manufactory, when permanently disabled by sickness or old age, are classed as superior.	Government of India in their letter, dated 27th June 1871, No. 814, recorded in Proceedings of Government, 8th July 1871, No. 2197, state that the native servants of the Powder Manufactory are not allowed pensions. In G. O. G., 20th April 1860, No. 179, it was ruled that the pension of one-third of pay after twenty years, and half after thirty years may be granted, what period of service will hereafter be required for pension? How are the cases of European and East Indian employés to be dealt with?
Chapter 15, Section 83. A Local Government may permit transfer of payment from one Treasury in India to another.	Is this rule applicable to transfers from one Treasury to another in the same Presidency? Attention is invited to the course prescribed in the letter of the Comptroller-General of Accounts, dated 9th April 1870, No. 181, recorded in Proceedings of Government, Pension Department, 7th May 1870, No. 204.
Chapter 18, Section 92. Clause 2. But in the case of Commissioned Officers and in the case of pensioned heirs of Native Non-Commissioned Officers, &c., their pension will during their employment merge in their salaries.	Under instructions from the Secretary of State, it is laid down in paragraph 3 of G. O. G., 25th August 1868, No. 330, that an officer, who having retired on a pension is subsequently employed in the public service may be permitted to draw pension in addition to the salary of the officer. As regards heirs, the pension merges in the salary, if the latter equals or exceeds pay of deceased.—*Vide* Proceedings, 96, page 256, Pay Code.

(Signed) T. GILLILAN, Lieut.-Colonel,
Controller of Military Accounts.

Exd. J. Wright.

1871.

FINANCIAL DEPARTMENT.

From

The Chief Secretary to Government,

Fort St. George,

To

The Secretary to the Govt. of India,

Financial Department.

Dated 29th September 1871.

Read. No. 493.

Enclosure.

Communicating opinion of this Government on the Draft Civil Pension Code, and transmitting, for the consideration of the Government of India, copy of a Memorandum from the Controller of Military Accounts, raising certain questions suggested by the Code.

55

No. 2971.

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

PENSIONS AND GRATUITIES.

RESOLUTION.

SIMLA, THE 23RD AUGUST 1871.

IN the Draft Civil Pension Code which accompanies this Resolution, the rules at present in force regarding the pensionary allowances of servants of Government are collected and arranged.

2. The draft Code is intended at present for circulation to Local Governments, to Account Officers, and to Heads of Departments, who are requested to forward to this Department any criticisms upon it which they may desire to offer. It is not intended by it either to grant any new pensionary rights, or to introduce any new restrictions; but as the subject of pensions is one of great importance, both to the Government and to its officers, it is desirable that every means be taken to render the Code accurate and complete before it is formally published.

3. With this view it is first circulated to the Local Governments and the officers above-named, not necessarily that they may make a detailed examination of it, but that, before it becomes the exclusive rule of Government, it may receive such corrections as may be suggested by officers, and by clerical officers, accustomed to deal with claims to pension.

4. Subject to this explanation, the draft Code may be officially used and quoted as if it were already authoritative, with this exception that it will be impossible to introduce, until the entire Code is published, the procedure prescribed in the first few sections of Chapter XII., which, it is believed, will enable applications for pension to be more speedily disposed of than is at present the case.

5. Rules declaring rights to pension have no retrospective effect, except such as may be specifically declared, and the draft Code in its present form applies, as is declared in the first section of it, only to those who are *now* public servants. In applying it, therefore, to the cases of persons who have already left the service of Government, and whose right to pension, if any, has already accrued, the question must always arise whether the rule under

bought

which the right is claimed was or was not in force at the time the claim accrued. The marginal references are a guide to the declaration of each rule, and will aid in the determination of this question.

6. It is requested that criticisms upon the Code, or upon any part of it, may be communicated as soon as possible, as it is intended after a month or six weeks to publish it, and to formally abrogate *all* existing orders, except those which refer only to individuals named in them, and which of course find no place in a general Code. The criticisms should be confined to the question how far the Code correctly [illegible] the rules at present in force, as it would be inconvenient to discuss, in connection with the present subject, any proposals for extending these rules.

7. The supplement may not be published till afterwards.

ORDER.—Ordered, that the foregoing resolution be communicated to the—

Several Departments of the Government of India;
„ Local Gover[illegible]ents and Administrations;
Director General of the Post Office of India;
Mint Master, Calcutta;
Comptroller General;
Several Accountants General;
„ Deputy Accountants General in independent charge.

J. WESTLAND,
Under Secy. to the Govt. of India.

J. Westland.
Under Secy. to the Govt. of India.

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GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

PENSIONS AND GRATUITIES.

From
The Govt of India
Finl Dept

No. 2971.

Dated Simla, 23rd August 1871.

Received 4. Septr 71

1 Enc.

No 1473.

Extracommed. 6 Septr 1871. No 431.

Communicated to the Controller of Military Accounts, who is requested to Submit to this Govt, within a fortnight any remarks he may have [illegible] draft Code.

R. S. Ellis
Chief Secretary

To the Controller of Mily Accts
with copy Mode
Dept 6-9-71.

Communicating Resn forwarding the Draft Civil Pension Code for any criticisms upon it as the Govt may desire to offer: the criticisms being confined to the question how far the Code correctly represents the rules at present in force in regard to the pensionary allowances of servants of Govt.

[illegible] remarks were sought

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Sept 84

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Financial Department.

No. 493. S

To

The Secretary to Government
of India,
Fin'l Department.

Sir,

With reference to the Resolution of the Government of India, 4th September 1871 No. 2971, I am directed to state that the draft Pension Code appears to this Government to be an accurate summary of existing orders clearly arranged, and is likely to prove of much practical utility.

2. The draft Code having been communicated to the Accountant General by the Govt of India, the only officer whose remarks were sought

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from him, raising cer-
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Cotaccammed
29 Sept 1871

187 , Department.

No.

To
The Secretary to the
Government of
Department

Dated 187

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1871.

Financial DEPARTMENT

From
The Chief Secretary to Government,
Fort Saint George,

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

Dated Sept. 29 1871.

Recd.

No. 493.
Enclosure.

Nos. 110. 111.

Forwg. opinion of this Govt. on the Draft Civil Pension Code, and transmitting for the consideration of the Govt. of India, a copy of a Memo. from the Controller of Military Accounts, raising certain questions suggested by the Code.