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(1) Number of pages 18.

(2) Date of repair 20. 11. 39

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 62. Press Mis.

81-82

Dated 19 1— 1872.

16/11

81-82

Not to be folded or roughly handled

20-11-39

FINANCIAL DEPARTMENT.

No. 62.

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,

I am directed to forward, for transmission to the Secretary of State for India, a memorial from a Mr. F. Pereira, appealing against the orders of this Government, fixing the pension assigned to him at Rupees 20 per mensem, or Rupees 9 below the maximum to which he was eligible under the rules.

2. Mr. Pereira has appended to his memorial copies of the material papers in the case, and the Government do not consider that any remark is called for from them.

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

FORT ST. GEORGE,
19*th January* 1872.

Chief Secretary.

To

HIS GRACE THE DUKE OF ARGYLL, K.T., G.C.B.,
Her Majesty's Principal Secretary of State for India.

The humble Memorial of FRANCIS PEREIRA,
late Head Assistant to the Superintendent of
Family Payments and Pensions.

HUMBLY SHOWETH,

That your Memorialist having been degraded in the first instance from the appointment of Head Assistant to Registrar of Foreign Service Accounts held by him in the Office of the Superintendent of Family Payments and Pensions, and having been subsequently pensioned at a lower rate than that payable to him by the Regulations of the Service, your Memorialist appealed to the Local Government, but having failed to obtain redress, he is compelled to address Your Grace, and in doing so, humbly ventures to express an earnest hope that though the matter of the appeal may be comparatively small and insignificant, yet, considering the grave injury done your Memorialist, justice will be accorded.

That, in order that Your Grace may be able to adjudicate impartially in the matter, your Memorialist respectfully begs to submit the following brief statement of the facts connected with his case.

That, apparently, on two anonymous petitions being received by Government in March 1869, they were forwarded to the Commissioner of Police, who submitted a report. That after the receipt of such report, Major Michael, the then Deputy Secretary to Government, Military Department, called on the Superintendent of Pensions, in whose office your Memorialist was employed, and sending for your Memorialist, showed him a slip of paper, and inquired whether the writing on it was your Memorialist's. That the words in the paper were—

"Herewith two petitions; copy them as it is and send soon."

"Captain Prendergast's petition I will bring on Friday evening, but have the 5 Rupees ready; sure of success."

That your Memorialist frankly and unhesitatingly stated that the writing was his, and he was then required to state the circumstances under which he had written them; that your Memorialist immediately furnished the same, copy enclosed marked A, and that thereupon your Memorialist, without any further inquiry, was degraded, as stated above, and declared incapable of receiving any further promotion.

That it was only after the receipt of the Proceedings of the Madras Government, No. 2916, dated 10th August 1869, copy enclosed marked B, that your Memorialist was made aware why he was degraded. That your Memorialist begs to bring to the notice of Your Grace that no charge of any kind whatever had been preferred against your Memorialist through the Head of his Department; no inquiry was made at which your Memorialist was allowed to be present, nor was he called upon to make any defence.

That Government, under a vague idea that your Memorialist had been guilty of some breach of official confidence, desired to visit your Memorialist with their grave displeasure by adopting the course above alluded to, with the view of making your Memorialist an example to others.

That your Memorialist humbly and respectfully begs to submit that the action of Government in respect to your Memorialist is incorrect and unjust.

That in the Proceedings quoted above A, Government observed—

"Para. 2. From the information now afforded, and from certain facts which have lately transpired, it is manifest that certain persons make a trade of preparing appeals for bounty on behalf of people from whom they extract large sums of money, in the event of the appeals proving successful.

"3. The Right Honourable the Governor regrets to learn that there is no doubt that assistance is given to these petition writers, and that these spoils are shared by several employés in various offices under the State, who take advantage of the position they hold to search records and obtain precedents and information to strengthen the appeals put forward without regard to the real validity of the claims and without the authority of Government.

"4. The names of some of these persons are known to the Government, but an accident has *placed it beyond doubt that one of them, Mr. F. Pereira, Head Assistant in the Office of the Superintendent of Family Payments and Pensions, is not only mixed up with such transactions, but is also in the habit, for profit, of writing petitions himself.*"

That the statements contained in the last of these paragraphs, in reference to your Memorialist, are utterly incorrect and unsubstantiated by facts. Your Grace will observe that Government state that your Memorialist is not only *mixed up* with transactions of the character stated in their Proceedings, but is also in the *habit, for profit, of writing petitions himself*, and they further state that your Memorialist is one of the *principal offenders*. Your Memorialist submits that there is nothing to show that he was in the *habit*, for profit, of writing petitions. That the words contained in the paper alluded to, referred to two petitions written by one Narrain Sing, late a pensioner of Government; these petitions were, one to the Government and another to the address of His Excellency the Commander-in-Chief praying for the restoration of his pension of which he had been deprived by Government in consequence of his having appeared as a prosecutor in the High Court in a certain matter.

These petitions had been sent to your Memorialist for perusal, and they had no reference to any business connected with the office in which your Memorialist was employed, and it was these two petitions which are alluded in the first part of the paper mentioned above. With regard to the petition of Captain Prendergast, your Memorialist begs to observe that that petition also had no reference whatever to matters pertaining to the office in which your Memorialist was employed. Captain Prendergast was removed from his appointment as a Paying Officer, and he had requested Narrain Sing, the person alluded to above, to get some experienced person competent to write an appeal to prepare one for him, and your Memorialist on being asked to do so saw no impropriety in writing such an appeal.

That there are many of the high officials under Government who are in the habit, for gain or from interest, to write memorials or to prepare defences for persons serving under Government and of presenting memorials to Government in their private professsonal capacity as Vakeels or Agents.

That your Memorialist submits that there is no rule prohibiting a public servant from writing appeals in behalf of those who may solicit their services whether for gain or otherwise, provided that no public information is used by the individuals obtained by them in their public capacity. That your Memorialist humbly and deferentially submits that so long as he has not used any public information coming to him in his public capacity, and so long as he has simply employed his leisure hours in supervising the drafts of the two petitions and preparing the draft of another on matters quite distinct and separate from the duties of the office in which he was employed, your Memorialist has not committed any breach of public confidence, nor in no way compromised his position as a public servant, or in no way rendered himself liable to punishment.

Your Memorialist has been employed in the public service for a period of twenty-four years, and always afforded satisfaction to the several officers under whom he served, as will be observed in the enclosed testimonals marked C; and your Memorialist having rendered good and faithful service for the period above stated, he humbly begs that he may receive the average pension to which his service entitles him.

That the Government were pleased when your Memorialist broke down in health and mental energy by the unjust and undeserved heavy punishment found himself unable to work and submitted his papers for pension, granted Memorialist a pension of Rupees 20 per mensem instead of Rupees 29, the average pension of his service. That by this act your Memorialist has been twice punished for the same alleged act, recorded in the Proceedings of the Madras Government, No. 449, dated 8th September 1870, Pension Department, copy enclosed marked D.

Your Memorialist submits that, having been once punished by degradation and the loss of Rupees 65 monthly, it is unjust that he should be again punished especially as nothing has been proved against Memorialist.

Your Memorialist is burdened with the support and maintenance of a large family consisting of a wife, three children, and a brother. The cost of living has been greatly enhanced during the past few years, and your Memorialist finds it difficult with £2 per mensem to find the commonest necessaries of life for himself and those dependent on him. He was heavily punished by his income being reduced by Rupees 65 per mensem, and he earnestly prays that he may not be punished a second time by his good service pension also being reduced.

Your Memorialist, therefore, humbly and earnestly prays that Your Grace will be kindly pleased, under all the circumstances of his case, to sanction to him the disbursement of his full pension for which, as in duty bound, your petitioner will ever pray.

ROYAPOORAM, 13*th November* 1871. (Signed) F. PEREIRA.

Exd. J. Wright.

1872.

FINANCIAL DEPARTMENT.

From

The Chief Secretary to Government,
Fort St. George,

To

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

Dated 19th January 1872.

Recd.

No. 62.

Enclosure.

Forwarding, for transmission to the Secretary of State, a memorial from a Mr. F. Pereira, appealing against the orders of the Madras Government, fixing the pension assigned to him at Rupees 20 per mensem, or Rupees 9 below the maximum to which he was eligible under the rules.

Returned to the Memorialist with reference to Rule No. IX, below.

Extract from Rules for Memorials addressed to Her Majesty's Government.

RULE IX. Memorials may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the Memorialist on each sheet.

Under Secy. to Govt.

Petn No 28 of 1871 enclosing the memorial was returned under the above rule.

Let[r] 23/7/71.

2 1

Secy
Right Honorable

Rec[d] 27/11/71
Ans[d] 27/11/71
5 Encl[s]

Rec[d] upon same
24 Nov[r] 71

To H L Stokes Esq[r]

Sir,

I beg respectfully to
return with my Report to the
Sec[y] of State with the required
Entries made in it as
requested in your Docket
dated 24[th] instant.—

I have the honor to be
Sir
Your obed[t] Servant
T Pearce

Ls No 2377/71.

2

To

His Excellency
The Right Honorable
Lord Francis Baron Napier K.T.
Governor in Council
Fort Saint George.

The humble Petition of Francis Pereira late Head Assistant in the Office of the Superintendent of Family payments and Pensions.

Most Respectfully Sheweth,

That your Petitioner having been reduced and ~~transferred~~ pensioned on a lower Scale than that to which he was entitled, he is compelled to appeal to His Grace the Right Honorable the Secretary of State for India. Your Petitioner therefore begs to submit the enclosed Memorial, and earnestly Craves for the same your Excellency's unbiased perusal, and if the Statement and arguments therein set forth, are found to be correct, Your Petitioner trusts your Excellency will support the prayer of the Memorial, for which your Petitioner will ever feel most grateful. and

Your Petitioner as in duty bound
will ever pray.
F Pereira

No 37 Mercy Dispensary
13th November 1871

having made the necessary entries therein as directed in the Docket dated 22nd Instant prays for its transmission to the said authority

D Return of the memorial under Rule IV

G O Nr. 81 dd 19. Jany 72

C 171
1818

Government of Madras,

Public DEPARTMENT.

No. 62

Petition No. ~~2217~~ of 187 .

From Mr F Pereira late Head assistant

Occupation. in the office of Superintendent of Family Pensions and pensioner residing at

Village.

Talook. Rayapooram

District. Madras

Dated 24th November 1871

Received 27th November 1871

Enclosures 5

Abstract.

Returning his memorial to the address of the Right Honorable the Secretary of state for India after

dup 29/Feb 72
with brief Memorial & Enclosures

1 / 13

Financial Department.

No. 62.

To

The Secretary to Government of India,

Financial Department.

Sir,

I am directed to forward, for transmission to the Secretary of State for India, a memorial from a Mr F. Pereira, appealing against the orders of this Government, fixing the pension assigned to him at Rs 20 per mensem or Rs 9 below the maximum to which he was eligible under the rules.

2. Mr Pereira has appended to his memorial copies of the material papers in the case, and the Government do not consider that any remark is called for from them.

A.

Fort St George.
19th January 1872.

A.J. RR

Memorial to follow

187 , Department.

No.

To
The Secretary to the
Government of
Department

Dated 187

1872.

Financial DEPARTMENT

From

The Chief Secretary to Government,
Fort Saint George,

To

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

Dated Janry. 19 1872.

Recd.

No. 62.
Enclosure.

Nos. 81. 82

Forwarding for transmission to the Secy. of State a Memorial from a Wm. J. Pereira appealing against the orders of the Madras Govt. fixing the pension assigned to him at Rs. 20 per mensem or Rs. 9 below the maximum to which he was eligible under the rules.

C 12/1
R 16