M.R.O. 1—77,000—8-6-37.

(1) Number of pages 10

(2) Date of repair 29/4/40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	1843	Press Mis.
115-115A		151-151A
Dated	17-12-	1873.

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
17th December 1873.

No. 151. Read the following Proceedings of Government in the Military Department, dated 25th November 1873, No. 3915 :—

Appointments.
Retirements.

Read the following papers :—

From His Grace the DUKE OF ARGYLL, K.T., Her Majesty's Secretary of State for India, to His Excellency the Right Honourable the Governor-General of India in Council, dated India Office, London, 30th August 1873, No. 106 (Public).

The despatch of your Excellency in Council, dated the 16th of June, No. 42 of 1873, relative to the rule which requires officers in civil employ to retire at the age of fifty-five years, and to the specific case of * * * * * has been considered by me in Council.

2. Having given my best attention in Council to your despatch and its accompaniments, I concur in the opinion of your Lordship's Government that the rule in question should be strictly enforced, unless the retirement of any officer should be considered by the Government under which he is serving to be injurious to the public interests. I, therefore, agree with your Excellency in Council that, while * * * appears to be a useful and experienced officer, his case is not one which should form an exception to the existing rule ; and I desire that you will communicate your decision in this sense to the Government of Bengal accordingly.

MILITARY DEPARTMENT, SIMLA, THE 7TH NOVEMBER 1873,
No. 266.

Copy of the foregoing forwarded to the Secretary to Government, Fort St. George, Military Department, for the information of the Right Honourable the Governor in Council.

(By order.)
(Signed) W. M. LEES, Lieut.-Colonel,
Offg. Depy. Secy. to the Govt. of India.

Communicated to His Excellency the Commander-in Chief, and Departments concerned.

(True Extract.)
(Signed) A. C. SILVER, Colonel,
Secy. to Govt, Mily. Dept.

No. 151-A. To the Secretary to the Government of India, Financial Department, dated Fort St. George, 17th December 1873, No. 1843.

By C, Section 53, Chapter XI., of the Civil Pension Code, paragraph 1, it is directed that, as the premature retirement of an efficient officer imposes a needless charge on the State, the rule prescribing retirement at fifty-five years of age should be worked "with discretion." On the other hand the Proceedings of the Government of India in the Military Department, dated 7th November 1873, No. 266,

communicate a despatch from the Secretary of State in which concurrence is expressed with the Government of India "that the rule in question should be strictly enforced" unless in the particular case the retirement would "be injurious to the public interests." There appears, therefore, to be an inconsistency between the Code and the Proceedings above cited; and I am to request that this Government may be furnished with definite instructions on the subject.

W. HUDLESTON,
Chief Secretary.

Exd. J. Wright.

1873.

FINANCIAL DEPARTMENT.

From

The Chief Secretary to Government,
Fort St. George,

To

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

Dated 17*th December* 1873.

Read.

No. 1843.

Enclosure.

DECEMBER.
Nos. 151-151-A.

Fifty-three Years' Order.—Definite instructions requested regarding the effect to be given to this order, with reference to two contradictory rulings on the subject.

Proceedings of the Madras Government, Military Department,
25th November 1873.

Appointments,
Retirements.

Read the following papers :—

No. 417. From His Grace the DUKE OF ARGYLL, K.T., Her Majesty's Secretary of State for India, to His Excellency the Right Honorable the Governor General of India in Council; dated India Office, London, 30th August 1873, No. 106, (*Public.*)

The despatch of your Excellency in Council, dated the 16th of June, No. 42 of 1873, relative to the rule which requires officers in civil employ to retire at the age of 55 years, and to the specific case of * * * * * has been considered by me in Council.

2. Having given my best attention in Council to your despatch and its accompaniments, I concur in the opinion of your Lordship's Government that the rule in question should be strictly enforced, unless the retirement of any officer should be considered by the Government under which he is serving to be injurious to the public interests. I therefore agree with your Excellency in Council that while * * * appears to be a useful and experienced officer, his case is not one which should form an exception to the existing rule; and I desire that you will communicate your decision in this sense to the Government of Bengal accordingly.

MILITARY DEPARTMENT, SIMLA, THE 7TH NOVEMBER 1873.

No. 266.

Copy of the foregoing forwarded to the Secretary to Government, Fort Saint George, Military Department, for the information of the Right Honorable the Governor in Council.

(By order.)

(Signed) W. M. LEES, Lieut.-Colonel,
Offg. Dy. Secy. to the Govt. of India.

No. 418. ORDER THEREON, 25th November 1873, No. 3915.

Communicated to His Excellency the Commander-in-Chief, and departments concerned.

(True Extract.)

Secretary to Government.

To the Adjutant General.
" Public, &c., Departments. With 20 spare copies.
" Revenue Department.
" Public Works Department.
" Controller of Military Accounts.

Exd. J. E. Cashart.

dated 17/12/73

Financial DEPARTMENT. 7P

No. 1843

To

The Secretary to the Government
of India,
Financial DEPARTMENT.

Sir,

With reference to
By C Section 53 Chap. XI of
the Civil pension Code
para. 1 ~~directing~~ desiring that, as
the premature retirement of
an efficient Officer imposes
a needless charge on
the State, the rule prescri-
-bing retirement at 55 years
of age should be worked
"with discretion," ~~(and to~~
the proceedings of the Govt
of India in the Military
Dept^t dated 7 Nov^r 1873, No 266
communica~~ting~~ting a Despatch
from the Secy of State
in which concurrence is ~~expressed~~ concurring with the Govt
of India "that the rule

in

S L 1843 of 17th Dec

Govt. of India.

MILITARY.

THE ADJUTANT GENERAL.

Dated November, 25th.

Rec'd. " — 28.

G. O. 25th November 1873, No. 3015.

S. Rs. 2202

NOVEMBER.
Nos. 417-418.

Communicating decision of the Home Government, concurring in the opinion of the Government of India that the rule which requires officers in civil employ to retire at the age of fifty-five years should be strictly enforced unless the retirement of any officer should be considered to be injurious to the public interests.

in question should be
strictly enforced" unless
in the particular case
the retirement would "be
injurious to the public
interests." I am directed
to request that this Govt
may be informed which
line of policy it is desired
may be observed and
with what limitations?

Prot & 201

Foot St. Leg.
17 Dec. 73

I have appeared to
entertain doubts between
the Code and
the Treaty above
cited: and I am to
request that Her Majesty
may be
furnished with
definite instructions
in the subject.

187 DEPARTMENT.

No.

To

The Secretary to the
Government of

Department.

Dated 187 ,