M.R.O. 1—77,006—8-6-37.

(1) Number of pages 50

(2) Date of repair 24-2-40

(3) Initials of the Referencer

4

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 219		Press / Mis.
100-103.		
Dated 15-2-	18 73.	

24/25

100 - 103

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
15th February 1873.

Read the following papers :—

No. 100. From the Hon. G. S. FORBES, Madras Civil Service, to the Chief Secretary to Government, Fort St. George, dated Madras, 9th November 1872.

I have the honour to request that you will do me the favour to submit, for the consideration of His Excellency the Governor in Council, that, on the 13th December 1873, I shall have completed thirty-five years' service in this Presidency. I shall not, however, attain the age of fifty-five, which is the period of service in the uncovenanted branch of the service, until the 29th March 1875, and, as I am in good health and capable of further service, I solicit permission to date my retirement from that time.

2. In the great majority of cases, Covenanted Civilians have already reached the age of fifty-five before they have served thirty-five years, so that the rules which regulate the time of retirement are substantially the same for both branches of the service.

3. As, however, my case is exceptional, I hope the Government will be pleased to recommend my request for the favourable consideration of His Grace the Secretary of State for India.

4. The Government are aware that my services have more than once received special acknowledgment from the Secretary of State and from the Government of Madras.

No. 101. From the Officiating Under Secretary to the Government of India, Financial Department, to the Chief Secretary to Government, Fort St. George, dated Fort William, 31st December 1872, No. 4831.

In reply to your letter, No. 1590, dated 28th November 1872, regarding the rule in Section 8, Supplement A, of the Civil Pension Code, I am directed to say that promotion to a higher grade in a Board of several Members drawing different rates of pay, but performing the same duties, is not a promotion to a new office such as to carry with it the retention of the higher-paid post for five years, irrespective of the length of the incumbent's service.

No. 102. From the Hon. G. S. FORBES, Madras Civil Service, to the Chief Secretary to Government, Fort St. George, dated Madras, 15th January 1873.

Adverting to my former letter in which I submitted an application to be allowed to continue to serve till I attain the age of fifty-five, I have now the honour to request that you will be so good as to bring to the notice of His Excellency the Governor in Council that I shall not have completed five years' service in my present appointment till the 25th January 1875, having been appointed First Member of the Board of Revenue in January 1870.

2. I submit that the post of First Member of the Board is a distinct official post, just as the removal of a Collector from one district to another places him in a new appointment, though he is as before a Collector and discharges the same duties

though in a different place; and if he entered upon a new Collectorate at the close of his service he would still be entitled to hold the appointment five years.

3. The First Member of the Board is specially so gazetted and he draws a special salary, and there seems to be no reason why broad distinctions, such as these, and which are recognised by law, should not be held to entitle the incumbent to hold his office, five years.

4. I venture to submit, for the consideration of the Government, that this is a question of sufficient importance to officers of the Revenue Department of the service to call for an authoritative decision by the Right Honourable the Secretary of State for India, because in the case of a Junior Member of the Board acting for a Senior Member deputation allowance has, under a different view of the question, been hitherto withheld. It is needless to add that the recognition of the different grades in the Board of Revenue, as appointments which may be held for five years, would be a great boon to officers who attain the upper grades only at the close of their career.

No. 103. ORDER THEREON, 15th February 1873, No. 219.

The Governor in Council observes that in Despatch, dated 7th April 1859, No. 8, the Secretary of State decided that only on the ground of injury to the public interests through the retirement of a particular officer, could the rule be departed from which prohibits retention of office held already for five years, or appointment to a new office, after completion of thirty-five years' service.

2. On the general ground of injury to the public interest, the Governor in Council, while recognising the value of Mr. Forbes' past services in responsible posts and on special occasions, is unable to recommend his application to the Secretary of State. It might, however, be contended that Mr. Forbes' promotion to be First Member of the Board of Revenue in January 1870 on increased pay entitled him to a five years' tenure of that appointment; but the Government of India, on a reference, having decided that promotion to a higher grade in a Board of several Members drawing different rates of pay, but performing the same duties, is not such a promotion to a new office as to entitle to retention of the higher-paid post for five years' irrespective of length of service, Mr. Forbes' request to be permitted to remain in the service after completing thirty-five years in it from date of arrival is beyond the competency of this Government to grant.

3. These papers will be forwarded for the information of the Secretary of State.

(True Extract.)

Chief Secretary.

To the Hon. G. S. Forbes.

Exd. J. Wright.

Wm. Forsyth Esq.
3d. Secretary to Govt.
&c. &c. &c.

Sir

I have the honour to request that you will be so good as to bring to the favourable consideration of H. E. the Governor in Council that on the 13th December 1873 I shall have completed 35 years service in this Presidency. I shall not however attain the age of superannuation which is the period of service in the uncovenanted branch of

5 4 1

To

The Chief Secretary to Government - Fort St. George.

the service until the 2d March 1875, and as I am in good health & capable of further service I submit for permission to state my retirement from that time in the great majority of cases commanded certain rank attained & reached the age of 55 before they have served 35 years. So that the rules which regulate the time of Substantially retirement, are the same for both branches of the service.

As however my case is exceptional I hope the Government will be pleased to recommend my request for the favorable consideration of H.E. the Secretary of State for India.

The Government are aware that my services have more than once received special acknowledgment from the Secretary of State and from the Government of Madras

I have the honour to be
Sir
Your most obedient
E. V. Sirkes

Madras
November 9
1872

24

No. 4831.

To

The Chief Secy: to the Govt. of
Madras.-

Financial Deptt. Sir,

In reply to your letter No. 1590, dated 28th November 1872, regarding the rule in Section 8, Supplement A of the Civil Pension Code, I am directed to say, that promotion to a higher grade in a Board of several members drawing different rates of pay, but performing the same duties, is not a promotion to a new office such as to carry with it the retention of the higher paid post for five years, irrespective of the length of the incumbents' service.—

I have the honor to be,
Sir,
Your most obedient Servant,

Fort William,
The 31st December 1872.

J Burbon

Offg. Under Secy: to the Govt. of India.

Dec/31/72

Public 18/12 Dept
Financial
Letter to Govt
dated 28th Nov 1872 No 1590.
From
Chief Secy to Govt Madras
Rd 2.1.73
No 219
Rs 1/6/15/0 Stamps
Rs 19.5 Postage
No 1609.
Requesting that the application for the retention of the higher paid post for five years may be considered in favorable circumstances
Rec'd 31st Dec 1872

Madras January 15 1873

To
The Chief Secretary to Government
Fort St George

Sir

I have the honor to report for the information of Government that I have this day joined the Board of Revenue as a Member.

I request that the Notification of the Government in Council, that I shall not have completed two years' service in my present appointment, by the 25th January 1873 having been appointed First Member of the Board of Revenue on January 1870.

I submit that the post of First Member of the Board is a distinct Special post inferior to the Members of the Collectors' Service Rides

Financial 873 Letter
from
The Govt. of Madras
Financial Dept.
No 45 31.

Dated 31st December 1872
Rec'd 8th January 1873

No 219

Fort St George 15th January 1873

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Fin. 9 Letter to Govt dated 21st January 1873 No.

Financial 873 Letter
from
The Govt. of Madras
Financial Dept.
No 219

Dated 31st December 1872
Rec'd 8th January 1873

No 219

Fort St George 15th January 1873

Sir,

Govt. Letter No 5301 of 25th Dec 1872 regarding the rule of the 5 Subordinate of the Civil Service Code, and the Service allowance grade in a Branch Service, whether Examinership of the Board of Revenue, is entitled to some deputy, but Superintendence for new office, such as the Examinership with the exception of the Superintendence of the Board of Revenue, is entitled to the Service allowance

Fin. 9 Letter to Govt dated 21st January 1873 No.

Secretaries to Inland Revenue

consideration of the Government

that this is a question of

importance to officers of the

Revenue Department of the

Service to call for an authoritative

decision of the Secretary of State

for India because in the case

of a senior member of the Board

acting for a short period

deputation allowance has,

under a different view of the

question, been granted to officers

I have the honour to be

Sir

Your most Obedt Servant

C. O. Inbes

It is needless to add that the recognition of the different grades in the Board of Revenue as appointments which may be held for four years would be a great boon to Officers who attain the upper grades only at the close of their careers

C 1511/25 - 2 2511
12/1924

Ind. Office to Sup. 8
21 Dec. " February 1925 " 2.

I.O. 219

Draft will be signed by the Secretary of State

Dear Sir,

I am directed by the Secretary of State for India to refer to your letter of the 15th January, 1925, and to say that the Secretary of State has decided that the question of the grant of a pension to Mr. [illegible] should be submitted to the Board of Pensions, and that the Board should be requested to report whether, in their opinion, the circumstances of the case are such as to justify the grant of a pension to Mr. [illegible] under the provisions of Article [illegible] of the Royal Warrant of 1st December, 1922.

I am, Sir,
Your obedient Servant,

The Secretary,
Board of Pensions,
Queen Anne's Gate Buildings,
S.W.1.

I think the question must be referred for decision to the Govt of India -
P.K. Wade 30

It is not com-
petent I think to
decide that
question - and
I should return
as the letter for
India - & the
appointment in
which case the
Board differs -
Duties to be sent
the Parties and to
be considered as
was a temporary appointment

Memo. for Order

The limited in point of
fact to order Mr.
Forbes-application
for permission to retire
after the completion
of his 35 years service
in Dec. 25. and until
he attains the age of 55
in March 26. at which
age Lieut. Civil servants
and Mil. officers in
civil employ are required
to retire.
Mr. Forbes has stated that
his appointment to such

C 1576/53 - 2251
1218 - 1236.

Regulating Extracts from
the Cov. Ct. Dr. in Ct.

"after 35 years service reckoning
from date of arrival in India
to appear shall be appt
to any Civil office - but be
permitted to retain an office
Dr. he has held for a period
of 5 years or upwards. Except
in special cases Dr. not to
be appointed for the decision
of the Sec. of State".

Mr. Forbes was appointed
3d Member of the Bd. Dr.
on 20 Apr. 67.
and promoted to the post
of 1st Member on 25 Jan. 70.
his 5 years tenure of
his present post will not

Gazette of India
2 Nov. 72
page 1018.

expire
principle adopted
by Mr. Forbes.

It has always
been understood
that they are not
subject to such - except the
Chairs to both
tinued accordingly
when they

finished their 5 yrs.
period on a smaller
of course - 7 Lis.
I believe I am
the correct view -
and it is shewn
by the fact that
a junior man has
acting for a senior
man by drawing
the acting allowance
which otherwise
he would D.

J. D-S.

Expires to the Bishop of Madras
75. or 2 months after the date of
Mr. 3d. Dr. Bombay Civil Service
the qualifying period is
the latter period from 2d.
Mr. Member of the Bd. Dr.
is not entitled to Pension
unless he carries on duty a day
considerably beyond
pay. is an appt. by Secy
Office. I referred this question
to the last pm. Mr. Forbes
is limited in Council
& perhaps his appt by Dr.
appears to the abolition
of the distinction of
2d. & 3d. Members in
1854. he states that he
is disposed to doubt
whether Mr. Forbes appt

C 15/153. C 25/1 Rice 1830

The 1st Member wishes
to call the attention of
the Board to the distinction of 1st Members
from that of 2d & 3d. This distinction
is an argument of great force
in the opposite direction.
But in addition to this ground
the order of 54. has been directly
superseded by the Act
in 67. which abolishing the old
distinction of 2d & 3d Members
so that of the decision hinges
on the validity of the 54 Order
it is non-existent.

The question of deputation
otherwise than one Member
is acting for another, seems
to rest upon a different
consideration. viz: whether
the duties are different in the
different grades of members list

2/

The Respt. Counsel to the President - for
many years
by use of the
if Council -

The Respt. Counsel to the President - for many years past Africa held temporary Provincial Commissions

absolute discretion

I do not

This was subsequently framed to be in writing. The Statute strictly declares

The analogy of Ct. consisting of more than one Judge: and the provisions of Regt. of 1853. relating to the Ct. of Chy. seem to distinguish the 1st Member in a marked manner from the rest of the Ct. I draw Mr. Lushington's attention to the 50. of 24 & 25 Vict. c. 104 establishing the distinction of 2d & 3d Members. It is the intention to make that the decisive consideration & view as to the intention of giving to several Members lists as distinct appointments Otherwise there can be no reason in maintaining the distinction

But the consideration pointing in the same direction is that promotion among the members of each branch of the list is not bounded by service in the Ct.

Thus Mr. Bell in 1862 returned to the 1st on the head of the

Clerks (Juniors to Typists)
Portsea Exhibitioners to H.S.
since 1880.

I submit that the Typists
appeal attaching to the 1st, 2nd
& 3rd. members of ~~the~~ constitute
important practical distinctions
in the interests of the public
service such as appear to affect
for the purposes of the Estimates
consideration in order to
maintain the value of the
prizes of the Lwr. branch
of the Service.

I request to be
further application.

J.K.

2 Nov 92

that precedence
in Grade is by
seniority of ab-
pointment & that
is not by seniority
in the Service.
This can not be called
at the time. It
is in consequence
of this Statute
that I entered
the W.O. as 3rd
class clerk - at the time
of sacrifice - instead
of waiting a few
months for the 1st

Canary worked by
hand the electric motor.
Want - and it
was to prevent
future doubts
that the designa-
tion of 1st, 2nd & 3rd
class was removed.

J. O. S.

21

25.

Accountant General's Office,
Madras, 13th. Novr.

23
24

My dear Thudleston,

I cannot find any distinct order bearing on the point referred to in your note. but G. O. No. 1275 dat. 23d. Octr. 1854 abolishes the distinctive appellation of second & third Members of the Board of Revenue - and it has been ruled on more than one occasion that the third member acting for the second, and the second acting for

the first can draw no deputation allowance on the ground of the duties of all the Members being the same. I am disposed to doubt therefore whether the recent appointment of G. S. F. to be first Member would be held a valid plea for his retention in the service beyond the 35 years.

G. Means

F. Aubrington

26
14

[illegible]

My dear Hardcastle

Mr Beaufort of the Bengal C.S. who was at Haileybury with me & who I think is now 55 years in India has just obtained an extension. I do not know particulars. I think

London Nov 28

Lord Kenyon's Resolution

Respecting the referred to the Civil Department

to the Treasury Solicitor,

and the Letter accordingly

written to the Board

of Inland Revenue. But

the urgent solicitation

by application was that

the Secretary of State would

Mr H. A. Bratt.

Member of the Board — 31st Novr 1862.
Retired on the completion of 35 years service. — } 29th May 1867.

Mr T. Clarke.

Member of the Board — 28th Feby 1860.
First Member — 20th April 1867.
Retired on the completion of 35 years service — } 3d Septr 1869.

33

Sir

Report of Indian Law
relative to the permission
of the Pt Ramtuckish
of the B. of Rev. to act
Lucknow asst Sr
Lewis Pelly as
Political Resident for
5 years irrespective
of the Pt Service -
Lord requests
for the disposal of
H. Lords Pleasure

The permission to remain in the Service from Dept. Head when he completes his 35 years of Service under the Govt. Service rules Service / until he reaches the age of 55 years when he attains the retirement from the Govt. Service is Compulsory

It is presumed that the intention of the Legislature was the Service for the public service from superannuated officials.

E. F. retired the service

long may that the C.S. exist in his case operate Exceptionally.

But the Extention of time for W. he asks. being 15 months. is in Excess of the year's Leave granted in such cases.

But the Standard of qualification of the 53 years has lately been checked by years of the Legislature since it stands almost efficient tenure from the public service & increase the Pension list. I believe W. F. is

Lowrie good health. &
quite upt the duties of
his office.

The states, & Sales
Law in the papers. that
his contemporary W. Beaufort
of the N.C.S. has lately
been granted an Extension
beyond the 25 years.

L.H.D

I understood Mr Fox was
decided in Co: Exp the question
& communicated to the Sup. Jud.
but Chief Justice W. Haywood
but the determination
to the Sec. of State. To save
time visit of Inspectors & W.F.
this will know how he stands
with the Union as soon as possible. Sincere
a draft G.D. L.H.D

For Secy.

Mr Fox's letter
is not in the
form of a
memorial to the
Leg. of State.
I do not see
what can
then be done
I can do about
it
by self be bring
that the decision
of the Legislature

W. Forbes in this
letter raises the question
of the effect of his appt.
the 1st December
of the Bd. on the Gov:
Engagement of his service
beyond 25 years.
It is now more than 5
years since he was
first appt. & the Bd
will not be 5 years
until January 75. since
he was promoted to
the first Chamber.
The G.D. Leave

lately ruled that formation
among members of a
Bt. The carrying increase is big £0 - but
pay. is not such a one of £ 2nd
2nd appt. act entitles not, it seems
£ retention for 5 years. some doubt but
The question is Whether we
this Victim should be regarded as
accepted on a different reference to
Head of the Ex. Council.

I.K.

the time for -
and certainly
he cannot make
the Best. All
he can do is
to send the

letter of Calcutta for con-
sideration - he might be asked
that as an authentic
ruling from the State under
particularly he accelerate to
the Union -

He might talk the
matter at Council
on Tuesday

L. of S.

N.B.
We can discuss the
matter in Council B.T.E
I think an interpretation
of what is a new appt. desirable. I doubt whether the
new transfer from one Collectorate to
another would be recognised -
Not for
publ

C 15/1/73.
R 18

41
41

Financial Department.

No. of 1873.

To

The Right Honourable

The Secretary of State for India.

My Lord Duke,

In December next Mr. Gordon Forbes, the senior Member of the Madras Civil Service will complete 35 years service and be precluded by the Civil Service Rules from holding any new appointment or retaining one which he has held for five years But only in March 1875 will he complete his 55th year at which age the Uncovenanted Service Rules prescribe retirement, altho' it has been ordered that this Rule

I repeat that I am unable to concur in this proposal. he

ause.

. I cannot conscientiously

Mr. Forbes retirement will cause "injury t the Public interest" te only ground u hich a deb tion the 35 yrs rule

rule is not to be enforced to the extrusion of Effi-cient public servants.

2. Mr Gordon Forbes asks permission to remain in the Service until he completes his 55th year, and we beg to recommend this request to your Graces' favorable con-sideration -

3. It is to be presumed that the object of both sets of rules is the same, viz, to prevent super-annuated officials from hanging on in the public service, and that they alike contemplated the age of 55 as that which, as the rule, might with advantage be adopted for

is permissible - v. Sec 7 of Statis de. Patch 7 abid 59 - No 8 - Ms. Peterson, the 2d Member & several other Officers could discharge the Duties quite as well.

II. Because it is unjust to the other Members of the Board - and es-pecially to Mr. Robinson, an Officer of the highest merit & best pretensions who already been in-jured by his unpol--icy as a Police Officer.

III. Because the 55 year rule does not absolutely & Covenanted obtain at all - and if it did, does not affect the case - It rules that an Officer (the covenanted only) shall re-tire at 55 - not that he shall not be retained, in the face of other Rules & circumstances till 55. Mr. Forbes asks not the rule - which does not absolutely at

for enforced retirement; but in Mr. Gordon Forbes' case the rule operates exceptionally by reason of his having entered the Service at an unusually early age - and in another respect also it operates hardly in his case. He was promoted to his present appointment of Senior Member of the Board of Revenue in January 1870, so that the five years tenure of office rule, if applicable would carry him to within a few weeks of the date to which he wishes to remain. But the Government of India have decided that such promotion, altho' it carries with it increased

Member is recognized as a new appointment - not Ed. Police when first admitted - Pol.

increased emoluments, is not such a "new appointment" as the rule contemplated, because the nature of the duties of each member of the Board is the same: (as this ~~enforcement~~ reading of the rule will deprive ~~Mr Gordon~~ him of ~~his~~ offices and duties of emoluments which he would have been able to retain, had his promotion moved him from the Board to another office.

4. We doubt whether this unequal action of the rule was contemplated when it was framed, and as Mr. Gordon Forbes is still thoroughly efficient, mentally and physically

for 5 years

as Mr. Gordon Forbes was appointed 3rd Member of the Bd. in April 1867.

all to him, as he is a Covenanted Officer, ~~to the Bd~~ shall be attached to him - but to remove him from the Service - but to keep him in it! To make the 55 years Rule applicable to Covenanted officers may suit Mr Forbes' case as for 55 years rule does

for the matter of that it would suit my vote - but it will operate hardly on the great majority of the Service of the present day, who are now as a rule ~~contributory~~ age 20 when they come out - and who would be turned out under the operation of the 55 year rule before they had enjoyed 35 years of service -

J. D. Sim

I repeat that I cannot support Mr. Forbes' application we cannot affirm that Mr. Forbes retirement will be injurious to the public interests. The only ground in support of this claim ~~would be~~ urged is that the addn to the Member is recognized as a new appointment - but this the Govt of India wish to admit. P.R.

physically, we trust your Grace may see fit to comply with his request.

Pt Gordon Forbes.

FORT SAINT GEORGE.

(187 .) DEPARTMENT.

Letter to the Right Honourable
the Secretary of State for India,
Dated

No. of 187 .

C 15-1/73- C25/1
C8/2

Attend as
ordinance Council
1. Feb. 73. L.H.

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ papers.

From the Hon'ble G. L. Forbes — Dated 9th November 1872.
From the Government of India, Financial Dept — Dr 31st December 1872 No. 4831.
From the Hon'ble G. L. Forbes. — Dr 15th January 1873.
Order thereon, 15th February 1873 No. 219.

This should not be sent to the Ct. of D. unless ISL

J. S.

R. S. C

This seems rather hard. Is it not unjust to the Government servant that scheme

The Governor in Council observes that in Despatch dated 1st April 1859 No. 8, the Secretary of State decides that only on the ground of injury to the public interests through the retirement of a particular officer could the Govt. be applied from 4th para prohibitory retention of office held already for 5 years - or appointment to a new office, after completion of 35 years service, to be departed from.

On

2. On the general ground of injury to the public interest, the Governor in Council while recognizing the value of Mr Forbes' past services in responsible posts and on special occasions, is unable to recommend his application to the Secretary of State (see last page) ~~Govt~~ ~~pursuant of the~~ ~~Lieu~~ ~~saving~~ that promotion to a higher grade in a Board of several members drawing different rates of pay but performing the same duties is not such a promotion to a new office as to entitle to retention of the higher paid post for 5 years irrespective of length of service, Mr Forbes requisite

the unreserved civil Council can recommend (see Covering) the 55, he may be object to leave before that age? And is it certain that the provision in the case in the Board

Resolution such as may warrant the Govt of India when it gave its decision?

I should like to discuss this question upon in Council

to be permitted to remain on the service after completing 35 years in it from date of arrival is beyond the competency of this Government to grant.

3. These papers will be forwarded for the information of the Secretary of State.

the former letter

on increased pay;

It might however be contended that Mr Forbes' promotion to the 1st Member of the Bd of Rev. in January 70 entitled him to a five years tenure of that appointment; but the Govt of India on a different having decided to

No Dr Smith G. S. Forbes. Sept 15/2

Financial Dept to Govt 21st February 1873 No 6.

Govt. of {1873} Madras.

Ziml

To

The Hon: Genl. Forbes

Dated 15 Feb {}
Recd. {} 1873, No. 219

Nos. 100–3

Stating the inability of Govt. to comply with his request to be permitted to remain in the Service after completing thirty-five years in it from date of arrival.