M.R.O. 1—77,006—3-6-37.

(1) Number of pages_____

(2) Date of repair 3-1-40

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1525 Press / Mis.

87-88

Dated 10-9- 1874.

11/12

Not to be folded or roughly handled

SK

No. 87. Read the following Extract from the Proceedings of the Government of India in the Home Department (Public), dated Fort William, 20th August 1874, No. 55—2197:—

Read again—

Home Department Notification, No. 794, dated 25th January 1865, prescribing the age of 55 years as the limit of service, and forbidding the appointment to a new gazetted office in civil employment of any officer above that age as well as his retention in any such office which he has held for five years and upwards, except in special cases, which are to be referred for the decision of the Secretary of State for India.

Home Department Circular, No. 269—2700, dated 24th July 1817, drawing the attention of the Local Governments and Administrations to the ruling contained in the Military Department General Order, No. 711, dated the 9th idem, that Military Officers in Political, Civil, or Staff employ vacate their appointments on succession to Colonel's allowances although eligible for reappointment or for employment in other capacities with the sanction of the Secretary of State.

Home Department Endorsement, No. 5766—5775, dated 31st December 1869, and the Financial Resolution therein enclosed, directing that in cases of classified officers promotion to a new class shall, for the purposes of the Rule of the 25th January 1865, be considered equivalent to appointment to a new office.

Resolution.—The Honorable the President in Council observes that there is a distinction between the Order of 1865 and that of 1867, which possibly may have been overlooked, and to which it is desirable that attention should be drawn. The former prohibits the continued employment, without the permission of the Secretary of State, of an officer who has attained the age of 55 years, and this permission can only be sought in special cases. Under the Order of 1867 an officer who has succeeded to Colonel's allowances must vacate his appointment, but it lies within the discretion of the Government under which he is serving to reappoint him subject to confirmation by the Secretary of State.

2. The Order of 1865 was unaccompanied by any instructions as to the measures which Local Governments should adopt to ensure its being enforced. But, unless some system of enforcing this Order has been established in each Presidency and Province, the Honorable the President in Council fears that its existence may occasionally be overlooked, and, therefore, he is pleased to direct that each Local Government and Administration should report the measures which have been devised to ensure its systematic observance.

No. 2198.

Order.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations* for information and guidance.

* To the Chief Commissioner of Assam with the two old Resolutions quoted.

(True Extract.)

(Signed) T. J. C. PLOWDEN,
Offg. Under Secy. to the Govt. of India.

No. 88. To the Secretary to the Government of India Home Department, dated Ootacamund, 10th September 1874, No. 1525.

I am directed to acknowledge your docket, No. 2198, communicating Resolution, No. 55—2197, of the 20th August instant, and inquiring what measures have been devised to ensure the systematic observance of the Notification, No. 794, dated 25th January 1865.

2. In reply, I have the honor to state that lists of officers above 55 years of age are furnished from each department, annually, to the Audit Office, which refuses to pass pay to the persons named therein, except where it can be shown that there is authority for their continued employment. This, of course, is a sufficient check against any infringement of the rule.

3. But His Excellency the Governor in Council desires me to point out that there appears to be some misapprehension in the Resolution now acknowledged as to what sanction is now necessary for the exemption of the officers described in the Rule from the operation of the general regulation.

There are three classes of persons named—

(*a.*) Military Officers in Civil employ.
(*b.*) Naval do. do.
(*c.*) Uncovenanted Officers holding gazetted appointments and receiving such appointments direct from Government.

As regards (*a.*) and (*b.*) no modification of the Rule has subsequently appeared; and, whenever it is desired to secure the services of a Military Officer (Naval, we have none) in civil employment after he has attained the age of 55 years, the case is always referred to the Secretary of State. But in respect to persons in the Uncovenanted Service, who are gazetted under appointment by the Governor in Council, such as Subordinate Judges, Magistrates of Police, Inspectors of Jails, &c., the provisions of Section 53 of the Civil Pension Code—which has been expressly declared by an order of the Supreme Government, prefixed to the volume, to regulate the claims of all persons in the civil service of Government—are uniformly held to apply. That section leaves it entirely with the several Governments concerned to determine whether an Uncovenanted Servant shall be required or not to retire at the age of 55, with the injunction that they shall not burthen the pension list by unduly enforcing retirement at that period of life. Further, while no Uncovenanted Servant can *claim* to retire at 55, it is provided that it is only in the case of certified inefficiency from old age or infirmity that he can be required to retire before 60.

Fort William, Financial Notification, 1st December 1873.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

Ed. J. Wright.

May: 29: 1874.

Copy of Government Resolution
transmitted with
Government Circular
No. 1525 dated 10th
September 1874.

Copy of Circular Order
Financial Department
Fort St. George 4th Sept.
1874.

Issued for information
and guidance.

1. Attention is drawn to the Order of the Secretary of State for India in Council, dated 17th June 1865, which prescribes that all persons appointed to the Civil Service of India, after the date of the Order, shall be required to pass a probationary examination in the Vernacular language of the district to which they may be appointed, before they are confirmed in their appointments.

2. Attention is also drawn to the Order of the Government of India, dated 2nd March 1870, which prescribes that all persons appointed to the Uncovenanted Service of India, after the date of the Order, shall be required to pass a probationary examination in the Vernacular language of the district to which they may be appointed, before they are confirmed in their appointments.

3. The Order of the Government of India, dated 2nd March 1870, was communicated to this Government in the Secretary of State's Despatch No. 1 of 1870, dated 6th April 1870, and was published in the Fort St. George Gazette of 19th April 1870.

Govt. of {1874} Madras.

FINANCIAL.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA,
Home Department.

Dated September, 10th.

Recd. Encl.

G.O., 10th September 1874, No. 1525.

SEPTEMBER.
Nos. 87-88.

The 55 years' Order of 1865.—The Government of India informed of the measures which have been adopted in this Presidency to ensure the systematic observance of the Order as regards public servants affected thereby.

authority to include
whether amount
of Rs. 1553 Yo: of paper
did remain with
Servin has nothing
is said about this
last statement the
Code I have some
considered any pt.
called in to question
the action of Govt
the [redacted] return
of Spent pursuant
Remain in treasury
after 65 is embodied

as ordered and
the audit officer upon
whose pay to whom
on 65 noted his re-
attention is sanctioned
Govt - This is the
check on excesses
& am not aware
that any thing is
required.

Yr. obedt. servt.
[redacted]

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Fort William, the 20th August 1874, No. 55—2197.

Read again—

Home Department Notification, No. 794, dated 25th January 1865, prescribing the age of fifty-five years as the limit of service, and forbidding the appointment to a new gazetted office in civil employment of any officer above that age as well as his retention in any such office which he has held for five years and upwards, except in special cases which are to be referred for the decision of the Secretary of State for India.

Home Department Circular, No. 2691—2700, dated the 24th July 1867, drawing the attention of the Local Governments and Administrations to the ruling contained in the Military Department General Order, No. 711, dated the 9th idem, that Military officers in Political, Civil or Staff employ vacate their appointments on succession to Colonel's allowances, although eligible for reappointment, or for employment in other capacities with the sanction of the Secretary of State.

Home Department endorsement, No. 5766—5775, dated 31st December 1869, and the Financial Resolution therein enclosed, directing that in cases of classified officers promotion to a new class shall, for the purposes of the rule of 25th January 1865, be considered equivalent to appointment to a new office.

RESOLUTION.

The Honorable the President in Council observes that there is a distinction between the order of 1865 and that of 1867, which possibly may have been overlooked and to which it is desirable that attention should be drawn. The former prohibits the continued employment, without the permission of the Secretary of State, of an officer who has attained the age of fifty-five years, and this permission can only be sought in special cases. Under the order of 1867 an officer who has succeeded to Colonel's allowances must vacate his appointment, but it lies within the discretion of the Government under which he is serving to reappoint him, subject to confirmation by the Secretary of State.

2. The order of 1865 was unaccompanied by any instructions as to the measures which Local Governments should adopt to ensure its being enforced. But unless some system of enforcing this order has been established in each Presidency and Province, the Honorable the President in Council fears that its existence may occasionally be overlooked, and therefore he is pleased to direct that each Local Government and Administration should report the measures which have been devised to ensure its systematic observance.

No. 2198.

ORDER.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations* for information and guidance.

*To the Chief Commissioner of Assam with the two old Resolutions quoted.

(True Extract.)

(Signed) TREVOR PLOWDEN,
Offg. Under Secy. to the Govt. of India.

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(Signed) TREVOR PLOWDEN,
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No. 55 / 2197.

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Fort William, the 20 August 1874.

READ again—

Home Department Notification No. 794, dated 25th January 1865, prescribing the age of 55 years as the limit of service, and forbidding the appointment to a new gazetted office in civil employment of any officer above that age as well as his retention in any such office which he has held for five years and upwards, except in special cases which are to be referred for the decision of the Secretary of State for India.

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(True Extract.)

Offg. Under Secretary to the Govt. of India.

Exd.—C. A. S.

dispatch from Offg Secy Govt

No. 1525 Public Dept

To the Secy Govt of India
Home Dept

17

Sir.

I am directed to acknowledge
your Despatch No 2198 communicating
Resolution No 55/2197 of 20th August
instant, and inquiring what measures have been devised to ensure
the systematic observance of
the Notification No 794 dated 25th
January, 1865

2. In reply I have the honor to state
that lists of Officers above 55 years of
age are furnished from each Dept,
annually, to the Audit Office, which
refuses to pass pay to the persons
named therein, except where it can
be shown that there is authority for
their continued employment
This, of course, is a sufficient check
against any infringement of the Rule.

3. But H.E. the Govr. in Council desires me to
point out that there appears to be
some misapprehension in the Resolution
now acknowledged as to what sanction

Dept from Offg Secy Govt

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Dept from Offg Secy Govt
Home Dept
Dated 30th Aug 1865
Rec'd 2nd Septr 1865
No. 55/2197

Ad No. 1525

Copy Resolution
Directing Extra Work
for Offrs of Commissariat
& Transport Departments
which have been
Revised & Enlarged
by Supreme Govt Resolution
No 794 dated 25th January 1865

is now necessary for
the exemption of the
Officers described in the Rule
from the operation of the general
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There are three classes of persons named,
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Uncovenanted Service, who are gazetted
under appointment by the Govt.,
such as Subordinate Judges, Magis
-trates of Police, Inspectors of Jails &c,
the provisions of Sect 53 of the

Fort William
Financial Notfn
1-12-73

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has been expressly declared by an
Order of the Supreme Govt., prefixed
to the Volume, to regulate the
claims of all persons in the Civil Service
of Govt. - are uniformly held to
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entirely with the several Govts con-
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required or not to retire at the age
of 55, with the injunction that they
shall not have been the Pension list
by unduly enforcing retirement
at that period of life. Therefore,
while no Uncovenanted Servant
can claim to retire at 55, it is
provided that it is only in the
case of certified inefficiency from
old age or infirmity that he can
be required to retire before 60.

D.S.I. 30/8/4

Contracamund
10 Sept 1874

Dec 6 1825

Board of Trade

Home Dept

Reply – Limit of service,

Uncovenanted Officers.

C31/8. R 5/9.