M.R.O. 1—77,006—8-6-37.

(1) Number of pages 8

(2) Date of repair 14.11.40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 158 Press Mis.

239-241.

Dated 25-1- 1876.

Not to be folded or roughly handled

Public Servants.

Read the following papers :—

No. 239. Proceedings of the Court of Wards, dated 18th December 1875, No. 3375.

Read the following letter from C. SANNIAH, Sub-Divisional Writer, to G. VENKATA ROW PANTULUGAR, Supervisor, Kimedy Sub-Division, dated Chicacole, 28th September 1875 :—

I BEG respectfully to bring the following to your favorable consideration.

2. You are aware that in the Proceedings contained in G.O., No. 1,009, dated 18th April 1874, the Department of Public Works of the Kimedy Estate was converted a Sub-division of the Chicacole Range instead of being an independent establishment as hitherto, and, under this circumstance, I do not know whether my past service in the estate will be received towards pension.

3. I have completed a service of 15 years and 1½ months in the estate (exclusive of a temporary employment filled for about 2½ years) up to 1st July 1871, the date on which the Kimedy Public Works were amalgamated with the Chicacole Range.

4. I have not paid any contribution towards pension to Government, nor do I think that any one in the same establishment has done so before.

5. I can adduce several instances of men employed in the estate having been awarded either with a pension or gratuity, though they have not paid any contribution.

6. An Ooriya Sheristadar, named Radacrustnapat Naick, received a pension equal to a third of his pay when his services under the manager were dispensed with ; a Dresser, named Potunur Iyannah, employed in the dispensary supported by the estate, had also received a pension of 6 Rupees per month ; and to a third man, named Valugula Appiah, a Gumastah in the Forest Department, was granted a gratuity of 140 Rupees for a service of seven years : (*vide* Court's Proceedings, No. 6,587, dated 22nd September 1874.)

7. Such being the case, I beg to request that you will be so good as to apply to the proper authorities to grant me the privilege of reckoning my previous service in the estate along with the present one towards pension.

8. Having served already in the estate for about 17½ years, I am not now likely to serve sufficiently long so as to entitle myself for a pension from the Government.

9. Should the authorities refuse to acknowledge my service in the estate, I am sure that, in the event of my retiring from the department, I shall receive a very small remuneration, and the consequence will be that in my old age I and my large family will have to suffer the miseries of poverty, though I have actually served long enough to obtain an adequate pension on retirement.

No. 39.

SUBMITTED to the Secretary to Government, Public Works Department, Fort Saint George (through the Controller of Public Works Accounts, Fort Saint George) for the favorable consideration of Government.

BERHAMPORE, *12th October* 1875.

(Signed) H. SMALLEY, Major, R.E.,
Offg. District Engineer, Ganjam.

No. 125-W.

THE establishment employed on the Kimedy Estate is chargeable directly to the estate and not to the General Revenues of India. Members of the Public Works establishment, whose salaries are chargeable to the estate are not therefore public servants within the meaning of the Civil Pension Code, and their service does not count towards pension.

2. Section 31 of the Civil Pension Code may be quoted on the point—"Service paid from funds which Government holds only as a trustee does not qualify."

"*Examples.*—Estates under the Court of Wards, attached estates." Under this section the services of C. Sanniah at the present time do not count towards the receipt of a pension or gratuity from Government any more than they did previous to the transfer of the Kimedy Estate to the Public Works Department.

3. In the cases cited by C. Sanniah in paragraphs 4 and 5 of his application it is evident that the gratuities were made from the funds of the estate and not from the Government Revenues. These cases cited, therefore, however strong the grounds they may afford for applying to the Court of Wards for a gratuity from the funds of the estates, afford not the slightest ground for the grant of a gratuity from Government.

4. The real issue in this case appears to me as follows:—

What are the conditions of service of the Public Works Establishment employed on the Kimedy Estate?

Have they a claim to pension or gratuity from the funds of the estate in the same way as a public servant of Government has on the General Revenues?

5. As it is only fair that every servant should know the conditions of his service, I would suggest the papers being referred to the Court of Wards for an authoritative decision of the question.

FORT ST. GEORGE, *4th November* 1875.

(Signed) L. CONWAY-GORDON,
Controller of P. W. Accounts.

No. 260.

REFERRED to the Court of Wards for an expression of opinion.

FORT ST. GEORGE, *8th November* 1875.

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government, P. W. D.

SERVICE under the Court of Wards does not count for pension from Government except in the case of public servants transferred to service under the Court, who are permitted to count such service on payment of the pensionary contribution prescribed by Section 35 of the Pension Code. The Court believe that this condition is clearly understood by all subordinates in their employ. If any members of the Kimedy Public Works establishment were transferred from service under Government, their service under the Court of Wards should be treated as qualifying on payment of the prescribed pensionary contribution in arrears. It does not appear that pensionary contribution has ever been paid by any member of the establishment. The Collector will report whether any members of the establishment were transferred from service under Government, and, if so, on what dates, and why the contribution has not been paid. The establishment, though borne on the Public Works list, is supernumerary, and, being paid from estate funds, service does not qualify under Section 31 of the Pension Code. Petitioner has, therefore, no greater claim to pension from Government than he had before the transfer of the establishment to the control of the Public Works Department.

2. The Court do not grant pensions or gratuities for service in estates under their charge, except in very exceptional cases, and then only as a matter of grace. The Court are unwilling to burden an estate with heavy charges on account of retiring allowances, which, even if granted, would terminate with the period of wardship unless the proprietor chose to continue them. Accordingly, retiring allowances are granted but rarely, for long and approved service, chiefly in the form of gratuities, the Court's special sanction being required.

3. The Court take this opportunity of inquiring whether the special sanction of Government must be obtained whenever the services of a public servant are required by the Court for employment on any estate under management. Section 34 of the Pension Code prescribes that the transfer must be made "under the general or special sanction of the Government of India." General sanction has hitherto been assumed, and transfers have been made, in communication with the head of the department without the formal sanction of Government in each case being obtained: there does not appear to be any ruling on the point, and it is not expedient that the validity of such transfers should be open to question.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

Paragraph 3 transferred to the Financial Department, for disposal.

(Signed) W. HUDLESTON,
Chief Secretary, for *Rev. Secretary.*

No. 58.

Referred to the Accountant-General for report.

FORT ST. GEORGE, *13th January* 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

Proceedings of the Madras Government, Financial Department,
25th January 1876.

No. 617.

No. 240. MEMORANDUM.

The undersigned has the honor to report that he is not aware of the existence of any general sanction by the Government of India for the transfers referred to. Special sanction of the Government of India seems called for in all cases as per Chapter VII., Section 34, of the Civil Pension Code.

FORT ST. GEORGE,
15th January 1876.

(Signed) R. W. LODWICK,
Accountant-General.

To the Chief Secretary to Government, Fort St. George.

No. 241. ORDER THEREON, 25th January 1876, No. 158.

Ordered that application be made to the Government of India for general sanction, under Section 34 of the Civil Pension Code, to the transfer of public servants for employment in estates under the Court of Wards on the conditions as regards contribution laid down in Section 35.

(True Extract.)

To the Board of Revenue.
,, Accountant-General.

Exd. J. W. Fischer.

Govt. of {1876} Madras.

FINANCIAL.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated January, 25th.

Issued

Recd.

G.O., *25th January* 1876, *No.* 158.

JANUARY.

Nos. 239—242.

Public Servants.—Sanction of the Government of India requested to the transfer by this Government of public servants for employment in estates under the Court of Wards on the conditions prescribed by Section 35 of the Civil Pension Code.

Public Servants.

FINANCIAL DEPARTMENT.

No. 159.

FROM

THE HON. W. HUDLESTON,
Chief Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to transmit copy of the Proceedings of this Government marginally noted, and to request that general sanction may be accorded, under Section 34 of the Civil Pension Code, to the transfer by this Government of public servants for employment in estates under the Court of Wards on the conditions as regards contribution laid down in Section 35.

Dated 25th January 1876, No. 158.

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

FORT ST. GEORGE,
25th January 1876.

Chief Secretary.

Exd. J. W. Fischer.

1876.

FINANCIAL DEPARTMENT.

From

The Chief Secretary to Government,

Fort St. George,

To

The Secretary to the Govt. of India,

Financial Department.

Dated 25th January 1876.

Issued

Recd.

No. 152.

Enclosure

Public Servants.—Sanction of the Government of India requested to the transfer by this Government of public servants for employment in estates under the Court of Wards on the conditions prescribed by Section 35 of the Civil Pension Code.

No. 3,375.

PROCEEDINGS OF THE COURT OF WARDS, dated 18th December 1875.

Read the following letter from C. SANNIAH, Sub-Divisional Writer, to G. VENKATA ROW PANTULUGAR, Supervisor, Kimedy Sub-Division, dated Chicacole, 28th September 1875 :—

I BEG respectfully to bring the following to your favorable consideration.

2. You are aware that in the Proceedings contained in G. O., No. 1,009, dated 18th April 1874, the Department of Public Works of the Kimedy Estate was converted a Sub-division of the Chicacole Range, instead of being an independent establishment as hitherto, and under this circumstance, I do not know whether my past service in the estate will be received towards pension.

3. I have completed a service of 15 years and 1½ months in the estate (exclusive of a temporary employment filled for about 2½ years) up to 1st July 1874, the date on which the Kimedy Public Works were amalgamated with the Chicacole Range.

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5. I can adduce several instances of men employed in the estate having been awarded either with a pension or gratuity, though they have not paid any contribution.

6. An Ooriya Sheristadar, named Radacrustnapat Naick, received a pension equal to a third of his pay, when his services under the manager were dispensed with ; a dresser, named Potunur Iyannah, employed in the dispensary supported by the estate, had also received a pension of 6 Rupees per month ; and to a third man, named Valugula Appiah, a Gumastah in the Forest Department, was granted a gratuity of 140 Rupees for a service of seven years : *vide* Court's Proceedings, No. 6,587, dated 22nd September 1874.

7. Such being the case, I beg to request that you will be so good as to apply to the proper authorities to grant me the privilege of reckoning my previous service in the estate along with the present one towards pension.

8. Having served already in the estate for about 17½ years, I am not now likely to serve sufficiently long so as to entitle myself for a pension from the Government.

9. Should the authorities refuse to acknowledge my service in the estate, I am sure that in the event of my retiring from the department, I shall receive a very small remuneration, and the consequence will be, that in my old age, I and my large family will have to suffer the miseries of poverty, though I have actually served long enough to obtain an adequate pension on retirement.

No. 39.

SUBMITTED to the Secretary to Government, Public Works Department, Fort Saint George (through the Controller of Public Works Department, Fort Saint George) for the favorable consideration of Government.

BERHAMPORE, 12th October 1875.

(Signed) H. SMALLEY, Major, R.E., Offg. District Engineer, Ganjam.

No. 125 W.

THE establishment employed on the Kimedy Estate is chargeable directly to the estate and not to the General Revenues of India. Members of the Public Works establishment, whose salaries are chargeable to the estate, are not therefore Public servants within the meaning of the Civil Pension Code, and their service does not count towards pension.

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5. As it is only fair that every servant should know the conditions of his service, I would suggest the papers being referred to the Court of Wards for an authoritative decision of the question.

FORT ST. GEORGE, 4th November 1875.

(Signed) L. CONWAY GORDON, Controller of P. W. Accounts.

No. 260.

REFERRED to the Court of Wards for an expression of opinion.

FORT ST. GEORGE, 8th November 1875.

(Signed) G. W. WALKER, Major-General, R.E., Secretary to Government, P. W. D.

SERVICE under the Court of Wards does not count for pension from Government, except in the case of public servants transferred to service under the Court, who are permitted to count such service on payment of the pensionary contribution prescribed by Section 35 of the Pension Code. The Court believe that this condition is clearly understood by all subordinates in their employ. If any members of the Kimedy Public Works establishment were transferred from service under Government, their service under the Court of Wards should be treated as qualifying, on payment of the prescribed pensionary contribution in arrears. It does not appear that pensionary contribution has ever been paid by any member of the establishment. The Collector will report whether any members of the establishment were transferred from service under Government, and, if so, on what dates, and why the contribution has not been paid. The establishment, though borne on the Public Works list, is supernumerary, and, being paid from estate funds, service does not qualify under Section 31 of the Pension Code. Petitioner has therefore no greater claim to pension from Government than he had before the transfer of the establishment to the control of the Public Works Department.

2. The Court do not grant pensions or gratuities for service in estates under their charge, except in very exceptional cases, and then only as a matter of grace. The Court are unwilling to burden an estate with heavy charges on account of retiring allowances, which, even if granted, would terminate with the period of wardship, unless the proprietor chose to continue them. Accordingly, retiring allowances are granted but rarely, for long and approved service, chiefly in the form of gratuities, the Court's special sanction being required.

3. The Court take this opportunity of enquiring whether the special sanction of Government must be obtained whenever the services of a public servant are required by the Court for employment on any estate under management. Section 34 of the Pension Code prescribes that the transfer must be made "under the general or special sanction of the Government of India." General sanction has hitherto been assumed, and transfers have been made, in communication with the head of the department, without the formal sanction of Government in each case being obtained: there does not appear to be any ruling on the point, and it is not expedient that the validity of such transfers should be open to question.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Public Works Department.
" the Collector of Ganjam.
" the Secretary to Government, Revenue Department.

Exd. A. Raitt.

413

Financial Department.

Writ Proceedings Desp 1/2

No. 159.

To

The Secretary to the Government
of India,
Financial Department.

Sir,

I am directed to transmit copy of the Proceedings of this Government marginally noted and to request that general sanction may be accorded ~~to the Government~~ under section 34 of the Civil Pension Code to the ~~G.O.~~ transfer of public servants for employment in Estates under the Court of Wards as the

Financial Department
Despatch 1876
No. 82

Court of Wards,
MADRAS.

Proceedings, 18th December 1875, No. 3,375.

Despatch 11 January 1876

Encl.

Received 12 January 1876

DECEMBER.
No. 3,375.

Public Works Establishment—employed in Kinnedy Estate under charge of Court of Wards, in Ganjam District.—Submitting to Government Court's views as to what are the conditions of service of — and whether they have a claim to pension or gratuity from estate funds: enquiring whether sanction of Government must be obtained whenever the services of a public servant are required by Court, and requesting Collector to report on certain points relative to the subject.

Accountant General's Office
Recd 15 Jan 1876
Ansd 25 Jan 1876

13.1.76

Assistant Secretary

Public Works Establishment

Ganjam District

Court of Wards &c.

1876

No 159

Writ Proceedings

Despatch 1/2

No 615

Proceedings of the Government of Madras in the Financial Department dated 15th January 1876.

Read the following extract from the Proceedings of the Court of Wards, Madras, dated 18th December 1875, No. 3,375.

Read also the following letter from the Secretary to the Government of India, Financial Department, dated 12th January 1876, No. 82.

Ordered that the general sanction of the Governor in Council be accorded to the transfer of public servants for employment in Estates under the Court of Wards as the Court of Wards Act, VIII Act. 1871 Madras Code, Section 34. Civil Pension Code.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Court of Wards

Copy forwarded to the Secretary to the Government of India, Financial Department, for information in connection with his letter No. 82 dated 12th January 1876.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Accountant General

Copy forwarded to the Secretary to the Government of India, Financial Department, for information in connection with his letter No. 82 dated 12th January 1876.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Public Works Establishment

Copy forwarded to the Collector of Ganjam for information in connection with the Proceedings of the Court of Wards, Madras, No. 3,375 dated 18th December 1875.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Collector of Ganjam

Copy forwarded to the Secretary to the Government of India, Financial Department, for information in connection with his letter No. 82 dated 12th January 1876.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Court of Wards

Copy forwarded to the Secretary to the Government of India, Financial Department, for information in connection with his letter No. 82 dated 12th January 1876.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Public Works Establishment

Copy forwarded to the Collector of Ganjam for information in connection with the Proceedings of the Court of Wards, Madras, No. 3,375 dated 18th December 1875.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Collector of Ganjam

Copy forwarded to the Secretary to the Government of India, Financial Department, for information in connection with his letter No. 82 dated 12th January 1876.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Accountant General

Copy forwarded to the Secretary to the Government of India, Financial Department, for information in connection with his letter No. 82 dated 12th January 1876.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Public Works Establishment

Copy forwarded to the Collector of Ganjam for information in connection with the Proceedings of the Court of Wards, Madras, No. 3,375 dated 18th December 1875.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Collector of Ganjam

Copy forwarded to the Secretary to the Government of India, Financial Department, for information in connection with his letter No. 82 dated 12th January 1876.

By order of the Governor in Council

(Sd) W. Robertson
Secretary to Government

To the Court of Wards

the condition as
regards contribution
laid down in sec-
tion 35—

Fort St. George
25th January 1876

Fort St. George
January 1876.

21-1-76

1876 Financial Department

No. 159

To

The Secretary to the
Government of Victoria
Financial Department.

Dated 25 January 1876.

Govt. of {1876} Madras.

Financial

G.O., 28 January 1876, No. 158/89.

Nos. 239-42

Public Servants-Sanction of the Government of India requested to the transfer by this Government of Public Servants for employment in Estates under the Court of Wards, on the conditions ~~of contribution~~ prescribed by Section 35 of the Civil Pension Code.

1-3