Archives I—10,006—16-8 77.

(1) Number of pages 30

13 (2) Date of repair April 1987

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Final DEPARTMENT

G.O. No. / ~~B.P. No.~~	1258	Press. / Mis.
Dated	7 . 7 . 1881	19 .

16/17

Not to be folded or roughly handled

15

1258/1

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

7th July 1881, No. 1258.

Fifty-Five Years' Order.

Read the following papers :—

From Colonel C. S. HEARN, C.I.E., Inspector-General of Police, to the Officiating Chief Secretary to Government, dated Ootacamund, 13th June 1881, *No.* 3407 [*Current No.* 1559].

I have the honor to submit, for the favorable consideration of Government, the accompanying letter from Colonel Swanston, Deputy Inspector-General of Police, Southern Range, and Acting Commissioner of Police for the Town of Madras, regarding his position under paragraph 6, Section 65, of the Civil Pension Code, which renders it obligatory on Military Officers to vacate civil employment at the age of fifty-five except in special cases.

2. Colonel Swanston wishes to know if his acting appointment of Commissioner of Police will be held to come under the exception which permits the tenure of an appointment for five years from the date of entering upon it independently of age. He further points out the hardship of his position in being compelled to remain in the Police Department and thereby being made liable to the operation of the fifty-five years' rule from which he would have been exempt had he been permitted to return to military duty according to his own wish.

3. The position of Military Officers serving in the Police Force certainly seems peculiarly hard. They are debarred from the option of returning to military duty (which was open to them when they accepted Police employment), and consequently after attaining the rank of Lieutenant-Colonel they have to perform exceptionally hard and responsible duties (as Superintendents of Police) on the mere unemployed pay of their rank, while their compeers in the Army are holding the command of Regiments or Wings in addition to their actual pay. Then, if during the last few years of their service Police Officers succeed to a somewhat better paid appointment, they are liable to the operation of the fifty-five years' rule which throws them back on unemployed pay, whereas Officers in the Army continue to hold the command of Wings, Regiments, Brigades, &c., long after that age. Thus deserving officers are undeservedly shelved and mulcted after years of very arduous duty.

4. I respectfully submit that the fifty-five years' rule should not be enforced in the case of Military Officers in *Police* employ who are still thoroughly efficient, unless some military appointment can be provided for them. Colonel Swanston is still well qualified for Police duty mentally and physically. He has served the Government well both in the mutiny (where he was specially distinguished) and during many years of Police work. As for his removal being "injurious to the public service" of course there are other officers in the Police Department well qualified to perform the duties of Deputy Inspector-General or Commissioner of Police. At the same time it may be deemed injurious to the Police service to lose a Military Officer of long experience who is still thoroughly efficient. I trust that Colonel Swanston's case may receive favorable consideration.

ENCLOSURE No. 1.

From Colonel W. O. SWANSTON, Acting Commissioner of Police, Madras, to the Inspector-General of Police, dated Madras, 10th June 1881.

I have very lately had it brought to my notice that when I attain the age of *fifty-five* I shall be turned out of the Police and have to revert to military *un*-employ.

Paragraph 6, Section 65 of the Civil Pension Code lays it down that "no Military Officer shall, after the age of *fifty-five* years, be appointed to a new office in civil employ, or shall be permitted to retain any such office which he has held for five years and upwards except in special cases, &c." Paragraph 7 says, "Rule 6 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 service."

As I shall attain the age of *fifty-five* years on the 26th April 1882, I shall, under the rule above quoted, find myself after that date without any employment, reduced to my pay proper as a Lieutenant-Colonel of the Staff Corps for no fault of my own, but because I have attained an age at which it has been laid down that a Military Officer becomes unfit for civil employ.

From the wording of Rule 6, Section 65, a Military Officer may apparently retain the appointment his fifty-fifth year catches him in for *five* years, if he has not already held it for that time. I shall therefore feel obliged if you will lay my case before the Government with a view to its being decided whether I can retain my present appointment of Acting Commissioner of Police for five years should there be opportunity for my doing so; and also whether the time that I on previous occasions held the appointment of Acting Commissioner of Police will be taken into account when calculating the *five* years that I presume I may, under the rule quoted, hold the appointment.

I hardly like to enter into my private affairs in an official letter, and I would hesitate to do so did I feel myself in any way unfitted by age for carrying on my work; but I cannot help pointing out the very great hardship this hard and fast rule entails upon me. I entered the service on 20th December 1846 and therefore am not entitled to my Colonel's allowances till 20th December 1884 or *two* years and *eight* months after I shall be declared to be unfit for civil employ. I had hoped to have taken furlough in 1883 for two years upon the furlough pay I should have been entitled to under the civil rules, but this I shall of course not now be able to do, and I shall have to remain in India for *two* years and *eight* months an idle man, until I come in to my Colonel's allowances.

When I took civil employ in the Police, which I did upon pressure, I did so under different regulations to those now in force, and I could at any time have returned to military employ; but in 1873 when I wished to do so I was then informed, for the first time, that an order had been passed prohibiting Military Officers in civil employ being allowed to return to military employ, unless the Commander-in-Chief should require their services; and though I have since then on more than one occasion endeavoured to obtain military employ I have failed, and now after having been forced to remain to my great pecuniary loss in civil employ, I am, after *thirty-five* years, I hope, honorable service, turned adrift and left to fret for nearly three years with nothing to do on small means.

No. 1079.

Referred to the Accountant-General for report whether, on the 26th April next, Colonel Swanston will be affected by the rule in question (Section 106, Rule 6, Civil Pension Code), as he will not then have held his *present* appointment (*Acting* Commissioner of Police) for more than twenty months.

OOTACAMUND,
22*nd June* 1881.

(Signed) C. G. MASTER,
Offg. Chief Secretary.

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Officiating Chief Secretary to Government, dated Fort St. George, 29th June 1881, *No.* 2461 [*Current No.* 1677].

Gazetted Audit Department.

With reference to your endorsement, No. 1079, dated the 21st June 1881, forwarding for my report a letter from Colonel Swanston, Acting Commissioner of Police, I have the honor to state that, on the analogy of the definition of the term "office" given in Section 30, Civil Pension Code, I am of opinion that Colonel

1258/2

Swanston will not be affected by Rule 6, Section 106 of the same Code, if on the 26th April 1882, the date he reaches the age of fifty-five years, he holds the acting appointment of Commissioner of Police, and that he can hold that appointment after the age of fifty-five for such period as will make his total service as Acting Commissioner up to five years. Should he, however, at any time after the age of fifty-five lose that appointment, he would be compelled to retire from the Civil Department unless specially exempted by the Secretary of State.

ORDER THEREON, 7th July 1881, No. 1258.

Colonel Swanston's case will receive every consideration when the occasion arises. Meanwhile there is nothing in the rules to prevent his retaining his present post for five years from date of appointment thereto.

(True Extract.)

C. G. MASTER,
Offg. Chief Secretary.

To the Inspector-General of Police.

Exd. T. O'Connor.

Govt. of {1881} Madras.

FINANCIAL.

To
THE INSPECTOR-GENERAL OF POLICE.

Dated July, 7th.

Issued.

Recd.

G.O., 7th July 1881, No. 1268.

JULY.

Fifty-Five Years' Order.—With reference to his letter regarding the effect of this order on Colonel Swanston, Acting Commissioner of Police, the Inspector-General informed that Colonel Swanston's case will receive every consideration when the occasion arises, and that meanwhile there is nothing in the rules to prevent his retaining his present post for five years from date of appointment thereto.

1 P
1268/3

Office of the Inspector General of Police,
No. 3407 (Ootacamund) 13 June 1881.

From Colonel C. S. Hearn, C.I.E.
~~The~~ *Inspector General of Police,*

CURRENT No. 559

To
The Chief Secretary
to Government
(Ootacamund).

Sir,

Enclosures? ones

I have the honor to submit for the favorable consideration of Government the accompanying letter from Colonel Swanston Deputy Inspector General of Police Southern Range and Acting Commissioner of Police for the Town of Madras regarding his position under Para 6 Section 65 of the Civil Pension Code which renders it obligatory on Military Officers to vacate Civil employment at the age of 55 except in special cases.

2. Colonel Swanston wishes to know if his acting appointment of Commissioner of Police will be held to come under the exception which permits the tenure of an appointment for 5 years from the date of entering

entering upon it independently of age. He further points out the hardship of his position in being compelled to remain in the Police Department and thereby being made liable to the operation of the 55 years rule from which he would have been exempt had he been permitted to return to Military duty according to his own wish.

3. The position of Military Officers serving in the Police Force certainly seems peculiarly hard. They are debarred from the option of returning to Military duty (which was open to them when they accepted police employment) and consequently after attaining the rank of Lieutenant Colonel they have to perform exceptionally hard and responsible duties (as Superintendents of Police) on the mere unemployed pay of their rank while their compeers in the Army are holding the command of Regiments or wings in addition to their actual pay. Then, if during the last few years of their service

Police

From

Lt. Col. W. C. Swanston
Actg Comm. Police
Madras

To

Lt. Col. C. S. Heard
Insp. Genl. of Police
Madras

Page No. 2 Pleading

1258/4 380

Sir I have very lately had it brought to my notice that when I attain the age of 55 I shall be turned out of the Police & have to revert to Military employ -

Para 6 Sec. 55 of the Civil Pension Code says it thus that "No Military Officer "shall after the age of 55 "years be appointed to "a new office in Civil "employ or shall be per- "mitted to retain any "such office which he "has held for five years "and upwards except "in special cases be"

Section 106 of the 5th Edition

Para 4 says "Rule 6. should
"be strictly enforced unless
"the retirement of any Officer
"should be considered
"by the Govt under which
"he is serving to be injurious
"to the Public Service"—

As I shall attain the
age of 55. years on the 26th
April 1882 I shall make
the rule above quoted
final myself after
that date without any
employment; reduced
to my pay service as
a Lieut. Col. of the Staff
Corps, for no fault of mine
own, but because I have
attained an age at which
it has been laid down
that a Mil. Officer
becomes unfit for Civil
employ -

From the wording of
Rule 6. Sec "65. a Military
Officer may apparently

1858 1880

retain the appointment
his 55th year catches him
in, for 5. years if he has
not already held it for
that time - I shall therefore
feel obliged if you
will lay my case before
the Government with a
view to its being decided
whether I can retain my
present appointment
of Acting Comm. of Police
for five years should
there be opportunity for
my doing so; and also
whether the time that
I on a previous occasion
held the appointment
of Acting Comm. of Police
will be taken into account
when calculating the
5 years that I presume
may under the rule
quoted be held the appt.

I hardly like to enter
into my private affairs

in an Official letter and
I would hesitate to do so
did I feel myself in
any way unfitted by
age for carrying on my
work; but I cannot help
pointing out the very
great hardship this
hard & fast rule entails
upon me - Entered
the Service on 20th Decr
1846 & therefore am not
entitled to my Pension
allowances till 20th Decr
1884. or 2. Years & 8. months
after I shall be declared
to be unfit for Civil
employ. I had hoped
to have taken furlough
in 1883 for two years upon
the furlough I pay I
should have been en-
-titled to under the Civil
Rules but this I shall
of course not now be
able to do. And I shall

1253
10
1873

have to remain in India
for 2. Years & 8. months an
idle man, until I come
into my Pension allowances
When I took Civil em-
-ploy in the Police which
I did upon pressure
I did so under different
Regulations to those now
in force & I could at any
time have returned
to Mil[y] employ, but in
1873 when I wished to do
so I was then informed
for the first time that
an order had been passed
prohibiting Mil[y] Officers
in Civil employ being
allowed to return to
Mil[y] employ unless
the Commander in Chief
should require their
Services; and tho' I have
since then on more than
one occasion endeavoured
to obtain Mil[y] employ
I have failed, owing

after having been forced
to remain to my great
pecuniary loss in Civil
employ down after
35. years of honorable
service turned adrift
& left to fret for nearly
three years with nothing
to do on small means.

I have the honor to be
Sir
Your most Obedient
Servant
W Swanston Lt.
29th Lancers Retired

Madras
16th June
1887

2158

From
Lt: W. O. Sumpter
Adjutant Police
To
Lt: C. S. Hearn
Asst Supt Police
Dated 10. 6. 81.
Regarding
Lt: S's attending
the ofse of 56
Jurors —

10/6/81
W. O.

Ltr from Lt. 10-6-81

No. 1079. 60

1258/9

Fin. (1881) DEPARTMENT.

(55 years order)

From

I.G. of Police.

No. 3407.

Dated 13
Recd. 17 June, 81.

CURRENT No. 1557

SUBJECT.

Effect of 55 ya
rule on Col. Swan

Reported to the Accountant General for report whether on the 26th April next Colonel Swanston will be affected by the rule in question (Section 100, rule 6, Civil Service Code) as he will not then have held his present appointment (Acting Commissioner of Police) for more than twenty months.

Master
Offg. Chief
Secretary

21/6/81

Ordered accordingly
22nd June 1881

NOTE.—This paper should be returned with reply, and should not be marked in any way by the receiving office.

22 JUN 81

Entered

1881 DEPARTMENT.

ENCLOSURE I

In a letter from the Inspector
General of Police, dated 13 June 1881.
No. 3407.

Gazetted Audit Department.

CURRENT No. 1077

No. 2461

Fort Saint George,
Accountant-General's Office,
29th June 1881.

1258/D

From

H. F. Hogstoun Esqre
Offg. ACCOUNTANT-GENERAL
TO THE GOVERNMENT OF MADRAS,

To

THE Secretary to Government,
Revenue Department,
Ootacamund.

SIR,

With reference to your Endorsement No. 1079 dated the 21st June 1881 forwarding for my report a letter from Colonel Swanston, acting Commissioner of Police, I have the honor to state that, on the analogy of the definition of the term "Office" given in Section 30, Civil Pension Code, I am of opinion that Colonel Swanston will not be affected by rule 6 section 106 of the same Code, if on the 28th April 1882 the date he reaches the age of 55 years, he holds the acting appointment of Commissioner of Police, and that he can hold that appointment after the age of 55 for such period as will make his total service as acting Commissioner up to five years. Should he, however at any time after the age of 55 lose that appointment he would be compelled to retire from the Civil Department unless specially exempted by the Secretary of State.—

DISPOSED OF

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

H Hogstoun
Offg Accountt General.

AS

1258/12

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

20th January 1881, No. 103.

Fifty-five Years' Order.

Read the following paper :—

No. 69. *From F. C. DAUKES, Esq., Under Secretary to the Government of India, Home, Revenue, and Agricultural Dpartment (Public), to the Local Governments and Administrations in the Bengal Presidency except Punjab, dated Fort William, 20th December* 1880, *No.* 7—1922-28.

Her Majesty's Secretary of State has recently pointed out that, when his authority is required for the extension of the term of service of a Military Officer in Civil employment after attaining the age of fifty-five years, the necessary sanction should be obtained previous to that event. I am accordingly directed to request that this order may in future be carefully observed, and that sufficient notice may always be given to the Government of India in such cases to admit of a timely reference being made to the Secretary of State.

No. 1928.

Copy forwarded to the Government of Madras for information.

(Signed) F. C. DAUKES,
Under Secy. to the Govt. of India.

No. 70. ORDER THEREON, 20th January 1881, No. 103.

Communicated to all Departments of Government, to Heads of Departments, and to the Accountant-General.

(True Extract.)

J. Davidson
Chief Secretary.

To the Revenue Department.
„ the Public Works Department.
„ the Military Department.
„ all Heads of Departments.
„ the Accountant-General.

Exd. J. Wright.
5/1

1881
II

From
The Accountt. Genl
Madras.

To
The Secretary to
Government
Revenue Dept.
Ootv.

CURRENT No. 1677
Rec. 2/1/81

Dated 29th June 81
Read 1st July 1881.

1-7-81
Go.

Fav orders.
In the event of
Col. Deane's return,
Col: Saunders will
have to retire, unless
a special Exception
is made in his
favour.
2/7/81

Remarks On Colonel Swanton's holding the Acting Appt of Commr of Police after the age of 55 years.

Strike time incl
I deal with the case
when the necessity
arises. At present
Col. S. can retain his
present appt after 5 years.
If Govt obtain by advocate
special recommendn in
his case if or when necessary
in receipt of his special
good service in the Country.
2/7/81

1/7

Fav

Jud 120
Jud 103

87/80
20-1-81

Govt. of {1881} Madras.

FINANCIAL

SECRETARIAT GENERAL OFFICE
5 FEB 81
MADRAS

To

THE REVENUE DEPARTMENT,

&c., &c., &c.

Dated January, 20th.

Issued

Read. Encl.

G.O., 20th January 1881, No. 103.

JANUARY.
Nos. 69-70.

Fifty-five Years' Order.—Communicating endorsement of Government of India forwarding copy of letter stating that the Secretary of State has pointed out that, when his authority is required for the extension of the term of service of a Military Officer in Civil employment after attaining the age of fifty-five years, the necessary sanction should be obtained previous to that event, &c.

GO (Fin) 1258/81.

Fin Department.

80

1858/13

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter

From the I.G. of Police C.E. No. 3407 d/13th June/81
To the Acct. Genl. C.E. No. 1079 d/22nd June/81
From ditto C.E. No. 3461 d/29th June/81

Order, 7 July 1881. No 1258

Colonel Swanston
Deputy Surgeon
Gen
Case will be dealt with when the vacancy occurs. There is nothing in the Office Memo to prevent his retaining his present post for five years from date of appointment thereto

To the I.G. of Police, 6 enclosures 14/7/81.

R.E. Ent. & to 30 Doors

1258/15

Govt. of {188 } Madras.

To

Dated
Recd. } 188 , No.

Nos.

Soon

Govt. of [1881] Madras.

Final

DISPOSED OF

7 JUL 81

(15)

BY.G.O.No. 1258

Fifty five years Order

With regard to his letter regarding the effect of this Order on Colonel Swanston, Ag. Inspr. of Police, the Inspr. Genl. informed the Colonel Swanston's case will receive every consideration when the occasion arises, and that meanwhile there is nothing in the rules to prevent his retaining his present post for five years from date of appointment thereto.