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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Finance DEPARTMENT

G.O. No.	947	Press.
~~B.P. No.~~		~~Mis.~~
Dated 28. 5. 1881. 197.		

11/12

Not to be folded or roughly handled

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947
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GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

28th May 1881, No. 947.

Local Funds—Establishment.

Read again—

Proceedings of the Board of Revenue, dated 28th January 1881, No. 139.

Read the following letter from J. KELSALL, Esq., President of the Local Fund Boards, Kistna District, to the Secretary to the Board of Revenue, dated Masulipatam, 8th January 1881, No. 673:—

I have the honor to forward, for the orders of the Board, a letter from Mr. Brickwell, Local Fund Engineer, Masulipatam, and the Resolution of that Board thereon.

2. Mr. Brickwell is an officer of the Public Works Department who has retired under Government of India Resolution, No. 2079, of 31st July 1879, after about twelve years' service.

3. With reference to G.O., No. 5062, of 10th August 1880, Mr. Brickwell states that it is not likely he will serve long enough to earn a pension from this Board. The points I submit for the Board's orders are—

1. Whether, when an officer declares he will give up all claims to a future pension, the Board are obliged to pay the contribution required by the Civil Pension Code.
2. Whether, assuming that the contribution must be paid, it should be deducted from the officer's salary, or be paid by the Board in addition to his fixed salary.

ENCLOSURE No. 1.—Letter from Local Fund Engineer.

ENCLOSURE No. 2.—Proceedings of Local Fund Board.

Submitted for the orders of Government.

2. The rule as laid down in paragraph 4 of the letter from the Secretary to the Government of India, Public Works Department, contains no answer to the President's first question. As regards the second question put, the letter seems to contemplate the payment of the pensionary contribution by the Local Fund Board, but Section 46 (a), Civil Pension Code, lays down that the contribution is payable from the salary of the officer concerned. Considering the facts of the case of Mr. Brickwell it would appear to be equitable that the contribution should be made by the Local Fund Board in the shape of an addition to his salary.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

No. 577.

ORDER.—Before passing orders the Government will be glad to have the Accountant-General's opinion as to the exact interpretation of paragraph 4 of letter from Government of India, dated 21st June 1880, No. 1281-G, recorded in G.O., dated 10th August 1880, No. 5062, Military.

2. The meaning of either alternative there given is somewhat doubtful, and without specifying the different constructions which, it appears to the Government, might be put upon them, the Government leave it to the Accountant-General to explain them in his own terms.

1st April 1881.

(Signed) R. DAVIDSON,
Chief Secretary.

Read also the following paper :—

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 17th May 1881, No. 1794 [Current No. 1203].

With reference to Proceedings of Government, No. 577, dated the 1st April, I have the honor to state that as I read paragraph 4 of letter from the Government of India, dated 21st June 1880, No. 1281-G, an officer of the Public Works Department, retired under Resolution, No. 2079, dated 31st July 1879, who takes service under a Local Fund Board, comes under the rules which apply to Local Fund Officers generally, and cannot claim pension for Local Fund service unless he enters the service of the Board under a special stipulation to that effect, or unless such service is declared pensionable by the Local Government. As far as the Government of India are concerned the Boards are at liberty to give or to refuse pensions as they please, but if the officer in question desires to go on serving for a new pension he may make, with the consent of the Board, the arrangement stated in the latter portion of paragraph 4, that is to say, he may contract with the Board that out of his salary a contribution on account of pension shall be paid to Government who will then be liable for his new pension on retirement on condition of his surrendering claims to the one to which he is already entitled.

2. As regards the case on which the reference is based, it is clear to me that the Local Fund Board, Kistna, is, in the absence of any express stipulation to that effect made with Mr. Brickwell, under no obligation to pay any contribution for pension on his account, and it is equally clear from Mr. Brickwell's statement with regard to his age that he is under no inducement to surrender his pension already sanctioned and to serve on for a new one.

3. I regret the delay in replying to the reference.

ORDER THEREON, 28th May 1881, No. 947.

The Accountant-General's letter will be communicated to the President, Local Fund Boards, Kistna.

(True Extract.)

C. G. MASTER,
Offg. Chief Secretary.

To the Board of Revenue, with enclosure.
" Accountant-General.
" Public Works Department.

Exd. J. Wright.

947
2

Gobt. of (1881) Madras.
FINANCIAL.

To
THE BOARD OF REVENUE,
&c., &c., &c.

Dated May, 28th.

Issued

Recd.

Encl.

G.O., 28th May 1881, No. 947.

MAY.

Local Funds—Establishment.—Communicating letter from Accountant-General stating that, under letter from Government of India, dated 21st June 1880, No. 1281-G, a retired Public Works Officer taking service under a Local Fund Board cannot claim pension for such service unless he enters the service of the Board under a special stipulation to that effect, &c., and that, therefore, the Kistna Local Fund Board is under no obligation to pay any contribution for pension on account of Mr. Brickwell, Local Fund Engineer, Masulipatam Circle.

947
310

No. 139.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th January 1881.

Read the following letter from J. KELSALL, Esq., President of the Local Fund Boards, Kistna District, to C. A. GALTON, Esq., Secretary to the Board of Revenue, dated Masulipatam, 8th January 1881, No. 673:—

I HAVE the honor to forward, for the orders of the Board, letter from Mr. Brickwell, Local Fund Engineer, Masulipatam, and the Resolution of that Board thereon.

2. Mr. Brickwell is an officer of the Public Works Department who was retired under G.O., No. 2,079, of 31st July 1879, after about twelve years' service.

3. With reference to G.O., No. 5,062, of 10th August 1880, Mr. Brickwell states that it is not likely he will serve long enough to earn a pension from this Board. The points I submit for the Board's orders are

1. Whether, when an officer declares he will give up all claims to a future pension, the Board are obliged to pay the contribution required by the Civil Pension Code.
2. Whether, assuming that the contribution must be paid, it should be deducted from the officer's salary, or be paid by the Board in addition to his fixed salary.

ENCLOSURE No. 1.—Letter from Local Fund Engineer.

ENCLOSURE No. 2.—Proceedings of Local Fund Board.

SUBMITTED for the orders of Government.

2. The rule as laid down in paragraph 4 of the letter from the Secretary to the Government of India, Public Works Department, contains no answer to the President's first question. As regards the second question put, the letter seems to contemplate the payment of the pensionary contribution by the Local Fund Board, but Section 46 (a), Civil Pension Code, lays down that the contribution is payable from the salary of the officer concerned. Considering the facts of the case of Mr. Brickwell it would appear to be equitable that the contribution should be made by the Local Fund Board in the shape of an addition to his salary.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Chief Secretary to Government, Financial Department,
with two enclosures to be returned.

Copy to President of the Local Fund Boards, Kistna District.

Exd. A. Grubert.

DISPOSED OF
29 MAY 61
BY G.O. No.

19/5/79 Rs 1581 Lint
 21/5/80 Rs 1603 - his.
 5/7/77 Rs 90-71.
 7/4/78 Rs 746.

Finl. 0001 / Dept.
 (L.F. - Pensionary
 Contributions)
 R.E.
 3 FEB 81
 N: 279

Pensionary Contribution - of Mr. Brickwell,
 Local Fund Engineer, Manipaliam Circle,
 Kistna District. - Submitting for orders of
 Government letter from President of Local
 Fund Boards regarding payment of -.

PROCEEDINGS, 28TH JANUARY 1881, No. 139.
 (Dy 30/1/81) 22
 JANUARY.
 No. 139.

1881.
 Board of Revenue,
 MADRAS.
 THE CHIEF SECY. TO GOVT.,
 FINANCIAL DEPARTMENT.
 Dated January 28th.
 Printed in.
 Received

for the Government the order
 of the Board

with order

[Office-paper Form.]

Financial DEPARTMENT.

947
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Papers in hand down to date:—

X No. 279 of 1881
 No. of
 No. of

26

DRAFT ORDER. 1st April 1881 No 577
 Note for Order.

Before passing orders
 the Government will be glad
 to have the Accountant General's
 opinion as to the exact inter-
 pretation of paragraph 4 of
 letter from Government of India
 of 21st June 1880, No 12874,
 recorded in G.O. 97/10th August
 1880 No 5062. Military
 2. The

2 The meaning of either
alternative there specified ~~is~~
is somewhat doubtful, &
without specifying the different
constructions which, it
appears to the Government,
might be put upon them,
the Government leave it to
the Accountant General
to explain them in his
own terms.

1/11
25. 3. 87

Wm

Accountt General
with Board's Pro. &
GO No 5862 - to be
returned

Copied by. J. Tharamala Chetty

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resp 1/4/87

Financial Department

DISPOSED OF

1 APL 81

BY G.O. N^o. 577

Pensionary Contribution
of Mr. Brickwell

Under disposal Docket.

Open to be read in Proceedings

G.O. 279 of 1881

B

CURRENT No. 293

N^o. 1794

From

A. F. Clogston Esq.

To

Offg. Accountant General,
Madras,

The Chief Secretary to Government.

Sir,

With reference to proceedings of Government N^o. 577 dated the 1st April, I have the honor to state that as I read Paragraph 4 of letter from the Government of India dated 21st June 1880 N^o. 12814 an Officer of the Public Works Department retired under Resolution N^o. 2079 dated 31st July 1879 who takes service under a Local Fund Board comes under the rules which apply to Local Fund Officers generally, and cannot claim pension for Local Fund service unless he enters the service of the Board under a special stipulation to that effect or unless such service is declared pensionable by the Local Government. As far as the Government of India are concerned the Boards are at liberty to give or to refuse pensions as they please, but if the Officer in question desires to go on serving for a

new

new pension he may make with the consent of the Board the arrangement stated in the latter portion of para 4, that is to say he may contract with the Board that out of his salary a contribution on account of pension shall be paid to Government who will then be liable for his new pension on retirement on condition of his surrendering claims to the one to which he is already entitled.—

2. As regards the case in which the reference is based, it is clear to me that the Local Fund Board, Nishna, is, in the absence of any express stipulation to that effect made with Mr. Brickwell, under no obligation to pay any contribution for pension on his account; and it is equally clear from Mr. Brickwell's statement with regard to his age that he is under no inducement to surrender his pension already sanctioned and to serve on for a new one.—

3. I regret the delay in
replying

replying to the reference.— 947/8

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

H. Langston
Offg. Accountant-General

A.D.

1881
Trib. Department.

(L.F. 546)
From Pension
The Account Genl.
To Madras.
The Chief Secretary
R.D. Government
20 MAY 81
O.H.

Dated 17th May 81
Recd to

CURRENT No. 1203
No. 1794

Regarding the employment
of retired P.W. officers under
the Local Fund Board
& reporting on my British
mills counting service for
person for the period of employ-
ment under the L.F.W. Division

With order

947
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Recd 1000 June 11

21/4/0

LP

Order 28 May 1881.
No 947.

The Act (Pres. Ali) is
be communicated to
the President L-2 1881

Kistna 1881

1881 1000

Act Presal 36
P.W. Dept 6
Recd 7/6
No 1000 1587

In 27.5
R 100.5

Govt. of 1881 ^{Madras}
File

DISPOSED OF

28 MAY 81

BY G.O. No. 947

(10)

Estab
L. F. Lawrence young letter
from Asst Genl. stating ~~that~~
~~that under~~ ~~from~~ ~~dated~~ ~~28th~~ ~~June~~
1880 ~~by~~ ~~1281~~ ~~G.~~ ~~the~~ ~~the~~
~~retired~~ ~~the~~ ~~the~~ ~~the~~ ~~the~~
taking service under a L.F. B.
cannot claim pension ^{such} ~~for~~ ~~the~~
service unless he enters the service
of the B. under a ^{sp.} stipulation
to that effect, ~~or~~ ~~and~~ ~~that~~ ~~the~~
Retired L.F. B. is under no
obligation to pay any contribution
for pension on account of Mr
Brickwell, L.F. Surg., ~~has~~ ~~not~~
patron file.