

Financial (1899) Department.

ORDINARY MS.

G.O., No. 1099

DATED 6. 10. 99

INDEXED.

16/16

[Despatch Abstract.]

Sanctioning the disbursement to Hunsur
Shaiikh Hyder, late 1st Grade Head Constable,
South Canara St. of the amount of pension
withheld from him.

T
9.4.98

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[E. 7
35.]
100-7-8-4

Financial CURRENT No. 2862
Government of Madras.

9526 (Mi) 18.11.28
911 (Sc) 21.11.25.

PENSION DEPARTMENT.

READ the following paper :—

Endorsement No. 541.

*Transferred to the
Financial Department with
reference to para. 2 of G. O. 911
Financial, dated 21st Nov 1898*

*Be
not. Mem
Cm
Wgm
Incl sub.
memo
21/11/99*

(By Order.)

J. M. M.

for Under Secretary to Government.



FORT ST. GEORGE,

10th Aug - 1899.

*Rec^d
Reg^d 14. 8. 99
Incl 4.*

To
The Secy. Genl.
with papers

*Requiescent sent to
Pension 18/11/99*

*DMA
10/8/99*

Pension
Revenue (1897) Department.

CURRENT No. 195



From

The Board of Revenue
Land Revenue
Madras

Endt. No 24 of 21-3-97.

Order

Referred to the Accts. Genl. for favour

of remarks.

Forst No. 125 Misc.

Dated 24th February 1897

Received 1. 3. 97

Registered 1. 3. 97

Enclosures

Spare copies

SUBJECT.

Submitting to Govt. petition from
Shaikh Haidar, a superannuated
Head Constable of Police, regarding
his claim to pension and pay
as a forest watcher in the
South Canara District.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Diary No. 1189

File No. 5371898

Serial No. 9

The Secretary to the
Government of India
Simla

The humble petition of Shik
Haider, pensioned first class Head
Constable, residing in Koteswar Village
Honour Magane, Kundapur Taluk,
South Canara District.

Most Respected Sir
I served in the Police
Department, for a period of about 33
years and by the hard, honest and
Satisfactory labour, have earned
a pension of Rs 11-7-8 per month in the
year 1894. In December 1895, I was
appointed temporarily a forest watchman
on Rs 8 at Honour, of Kundapur Taluk,
South Canara District, a locality
well known for its feverish climate.
Up to January 1897, I was getting the
pay of the Forest watchman viz Rs 8 as
well as my ~~pay~~ pension viz Rs 11-7-8,
but in the year 1897, my pension was
kept in abeyance for some months
and afterwards a sum of Rs 137-12-0
was paid to me which was the
amount of my pension for 1897.

Government of Madras.

REVENUE DEPARTMENT.

Read Encl. from the Govt. of India forwarding to this Govt. a petition from Shaukht Hyder 15/9-11-98
Endorsement No. 15

Submitted through the District Forest Officer South Canara
to the Government of Madras.

24-1-99

(By Order.)

24-1-99
 (By Order.)
 Under Secretary to Government
 Ag Under Secretary to Government
 Signed Lake Head Constable Shukla Singh
 ag. Koller Potali.

AG Under Secretary to Government.

Responded to 912 July

FORT ST. GEORGE,

14th January 1899.

Forwarded to the Secretary to the Commissioners of Land Revenue, Madras.

The petitioner's case has been fully reported
in this office letter Sup. Civ. N.º 1428 dated 16 May 1898 read **To**
in Board's Pro. Forest N.º 649 mis. dated 21 Sept 1898.

Shaikh Hyder,
a retired Police Constable
with petition & enclosures.

8-299

D. Brewster
For Ag. Collector

8mA
12/1/99



Proceedings of the Board of Revenue
(Land Revenue).

Forst No 125 Misc., dated 24th February 1899

Read Endorsement of A. F. Pinkney Esquire, Ag.
Collector of South Canara, dated 8th February 1899,
C.P. No. 912 of 1898-99.
For

Resolution

Submitted to Government.

2. As the amount of the Memorialist's pension exceeded his pay as Forst Watcher, the Government in its order no 691 (Pension) B dated 13th September 1898 permitted him to draw the difference for the period from 1st January to 17th August 1897 while his claim was for full pension as well as pay. Against this order he submitted to the Government of India his

9
195

9

195

his memorial read above which has been referred
to him with the Local Government Endorse-
ment dated 14th January 1899 (Pension Deptt)
for submission through the proper Channel.
The Board has already expressed its opinion in
regard to the memorialist's claim in its reference
disposed of in the G.O. quoted above and desires
to reiterate the recommendation then made
on his behalf. The memorialist's record of
service and physique appear to have been
exceptionally good; he has actually done the
work of a forest watcher for the period in
question in the belief that he would receive
additional pay for such work; but for such
belief he would have quitted his employment.

(True Extract)

Lancel Davidson

Ag. Secretary

To
The Secretary to Govt. P.D. with
petition & Enclosures.

Pension (1899) Department.

CURRENT No. 291

Order

From

The Accountant-General
Madras.

No.

Per A2
68

Dated 7th April 1899

Received 10.4.99

Registered 10.4.99

Enclosures

Spare copies

SUBJECT.

Stating that under the circum-
stances herein mentioned, the petition
Shankh Hydor's request can not be
complied with.

1899

June

4

2862

18

article 579 of the Civil Service Regulations Hence the petitioner's request cannot be complied with article 575 of the Civil Service Regulations.

The papers received with your endorsement under reply are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

W. M. B.
Accountant-General.

[F.O.]
22.
107-8-16.

PENSION DEPARTMENT.

C. No. 29/

From the Accountant-General,

Dated 7th April 1899, No. Pen. A 2
68

FOR ORDERS.

Shank Hyder, late 1st grade head Constable, S. Canara D., was granted a Superannuation pension of Rs. 11-7-8 p.m., with effect from 8th May 1894, and in January 1896 he was re-employed as a temporary Forest Watcher on Rs 8/- p.m. in the S. Canara D., and this re-employment was sanctioned in G.O. No: 540, d, 1st July 1896, but the period for which the re-employment was to last was not fixed in the order. The pensioner, however, continued to hold the Appointment

Co. 1133
14.9.94. E

D

C. 17/5.
14.9.94.

3
Appointment up to 17th August 1897 when the Accountant-General pointed out to the Collector that the man could not, with reference to the provisions of Art. 579, C. S. R., be re-employed for more than a year. The Collector then asked, thro' the Board of Revenue, for the sanction of Gov^t for the man's re-employment for the period beyond one year, but Gov^t declined to sanction the same. The pensioner was, however, allowed to draw the difference between the pension and pay for the period in question as he on re-employment should not be placed in a position worse than if he had not been so employed.

Against this order the pensioner has appealed to the Government of India requesting that he may be allowed pay also for the period, but the Gov^t of India has forwarded the petition to this Government for disposal. The Board of Revenue in forwarding the man's petition says that he did the work

Co. 506
7-7-97 C

B

A

The petition seems liable to be withheld under rule 3 (10) of Sec. III of the Gov^t of India Petition Rules.

I am strongly in favour of this, but two are we to get out of Art 576 + 579 C.S.R. The Act: Gov^t & it is unreasonable to expect that the pensioner in this case should have known the Rule. There was certainly no sanctioning of his re-employment by the Gov^t without specifying the time to which the sanction was to apply. I think in principle we are to refer to the India 19-5-97.

144.
Perhaps he may get the pay for the extended period. The subordinates warned that the consequences of their inadvertence were cut off.

4
work of a Forest Watcher for the period in the belief that he would receive additional pay for such work and that but for such a belief he would have quitted his employment. The Accountant-General, who was referred to, remarks that to allow the pensioner his pension from 1st January to 17th August 1897 would amount to sanctioning his re-employment for more than a year which, however, is inadmissible under Art. 575, C. S. R. Being a Superannuation pensioner he cannot be re-employed in the General Service.

His extended reemployment is the fault of the subordinate authorities who in the first instance also, had no authority to reemploy him at all. Pensioners shd submit get to learn the rule against reemployment. Submitted that the petition may be rejected.

15/1/11

19
Pension Department.

No. 44 of 28-6-99

OFFICIAL MEMORANDUM.

With reference to his letter No.
Pin. A-2 of 7th April 1899, the Acctt. Genl.
68
is requested to state whether there is any
objection to the Govt. sanctioning the writing
off of the amount of pension irregularly drawn
by the pensioner Shaikh Hyder, as ~~in~~ in
the cases of B. Ramasamy and 3 others disposed
of in para 2 of G.O. 107 Pension of 7 Feb 96.

mt
17/6/99

Mr
22/6/99

To
The A.G.
with pp.

Pension DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

20
Pen 137A 15 July 1899.
No. 4047.

From

T. Hesketh Biggs Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Secretary to Government,

Pension Department.

SIR,

Encls. 6

* A,

With reference to your Official Memo No. 44 dated the 28th of June 1899, I have the honour to state that the case of B. Ramasamy referred to in the Government Order quoted therein is not analogous to that of Shaik Hyder. The former is a Retiring pensioner, and his re-employment can, under Article 57b of the Civil Service Regulations, be sanctioned by Government, while the latter being a Superannuation pensioner, is barred from being re-employed under Article 575 of the Regulations. But Government having sanctioned his re-employ-

2

ment for one year, he should not have been kept in service beyond 31st December '96. The retention therefrom from 1st January to 17th August 1897, was irregular, and the amount of pension drawn by Shaikh Hyder for that period at Rs 11-7-8 a month, and subsequently received, is Rs 86-10-5. But under the sanction conveyed by G.O. No. 691 dated 13th Sept 98, Rs 26-4-2 being the difference between the amount of his pension and that of his pay on re-employment have been refunded to him. Should Government however, in the circumstances, and under the powers vested in it by Article 278 A of the Civil Account Code, 6th Edition, be pleased to condone the irregularity and accord its sanction to the admission of the charges incurred in connection with the retention of the pensioner the difference of Rs 60-6-3, will be further refunded to him.

The enclosures received with your Memo under reply are herewith returned.

I have the honour to be,

Sir,
Your most obedient servant,

Arkh Bp
Accountant General.

to

NOTE FOR THE UNDER SECRETARY.

In G.O. 107 Pension, 27th Feb 96

Flag A,

the Govt. said that as no strong public grounds were shown for the reemployment of the individual therein referred to, his retention in the service was inadmissible with reference to the provisions of Art. 576 C.S.R.; and accordingly ordered that the amount of pension irregularly drawn by him be written off the accounts. For orders as to whether in the case of Shaikh Hyder the Govt. cannot sanction the writing off of the pension irregularly drawn by him.

12/6/99

Ask the A.G. if any
objection to this course
14/6/99

Please see reply from the A.G.

The A.G. points out that the applicant being a superannuation pensioner is barred from being reemployed under the provisions of Art. 575 C.S.R., but suggests that his retention may be sanctioned by Govt. under Art. 278 A. of the Civil Acct. Code. All sanctions under this article issue in the Finl. Dept. and the papers on ^{it is submitted} therefore be transferred to that Dept., as was done in the case disposed of by G.O. 526 2/18-4-92, Finl.

H

Note for the Under Secy

Sir, Please see draft sent on the Docket Sheet of CN: 638.

1/1
5/2/99

3899

2.8.18

31-1-99

11/11/11

Levy

Devisim
Recd Sept

The H.M. did not pass
orders on the Levy suggestion
in his note of 16.5.58 on
page flagged XI that a
general caution should be
issued. The Fmt Dept
now again raises the
question (vide note at
foot of draft order below)
For orders whether such
action should be taken.

Wll
7/9/58

Please draft

AT

8999

Note for the Under Secy

An order to this effect has already
issued - go. No. 17 A. Pension of 10-1-50 - flagged

M.

Wll
13/9/58

Draft drawing attention to it

Wll
15/10/58

Sir, Draft submitted for approval.

Wll
21/9/58

Please give ^{in the draft the} substance of
the order referred to.

Wll
23/10/58

Sir, Addition made to the draft accordingly.

Wll
25/10/58

[8 / 24]

1,000-21-7

Financial
Political DEPARTMENT.

- (1) C. No. From the Board of Rev. (L.R.), No. 125, dated 24-2-1899.
- (2) " " " Accountant-General, " Pen. A. 68, " 7-4-1899.
- (3) " " " Do., " Pen. 137A 4047, " 15-7-1899.
- (4) " 2362 " Pension Department, " 541, " 10-8-1899.

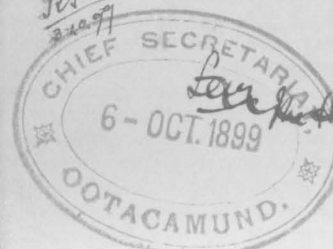
ORDER:- No. 10998/6-10-99.
Mis.

Under article 278 A of the Civil Account Code, the Government sanctions the disbursement to Hunsur Shaikh Hyder, late first grade head constable, of the amount of pension withheld from him for the period 1st January 1897 to 17th August 1897, inclusive.

To
The Acct. Genl. (1=P, 2=Q, 3=Q, 4=Q & O)
" Pension Dept. (---do.--- & O)
" Board of Rev. (L.R.) (1=Q, 2=A, 3=A, 4=Q & O)
(with testimonials ret'd.)

To The Financial Dept. U.O.

An order to this effect has already issued and the attention of all Heads of Depts. has been drawn to it vide go. 680 of 2-10-99-A.



Note. Please see the notes in Pension Dept. below and the A.G.'s. further report (flagged X/X). It is not clear whether any orders are to be issued to subordinate officers as regards the re-employment of pensioners; as suggested in the Secretary's note dated 16-3-99, but this point appears to be one for Pension Dept. which evidently does not consider such action necessary.

Pension Dept. u-o. No. 2335 of 4-20
465/86

When given for copying _____
 When copied _____
 When examined _____
 When signed _____ } 189

READ AGAIN G.O., No. _____, DATED _____
 189 _____

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF _____

STATEMENT WITH DETTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only