M.R.O. 1—29,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1612 Press ~~Mis.~~

30-31

Dated 11—12—~~19~~ 30

***Not to be folded or roughly handled***

No. 30. Extract Minutes of Consultation in the Financial Department, dated 27th November 1857, No. 759.

Communicating copy of a correspondence between this Government, and that of India, relative to the payment of gratuities to public servants. } Vide Financial Consultation, 1st December 1857, Nos. 16 and 17.

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No. 31. ORDER THEREON, No. 1612; dated 11th December 1857.

Ordered to be communicated to the authorities noted below.

Court of Sudder and Foujdaree Udalut.

Inspector of Prisons.

Commissioner of Police.

Magistrates of Police, Madras.

(Signed) T. PYCROFT,
*Chief Secretary.*

Fxd. F. Cartledge.

No. 759.

*Extract from the Minutes of Consultation under date the 27th November* 1857,

Read again the following papers

Extract from a Despatch from the Honorable the Court of Directors addressed to the Government of India in the Financial Department, No. 43 of 1857, dated 24th June, No. 3577.

Letter from, dated 19th December 1856, No. 181. *Solicit the issue of general instructions for guidance in disposing of the applications, which are submitted from time to time for the grant of Gratuities to Uncovenanted Servants who have, from various causes, been thrown out of employment.*

Para: 11. You specify six descriptions of cases in which applications for Gratuities are now frequently made to the Government by classes who are not entitled by the Rules to any fixed pensionary grant. They are as follows, viz.

1st. Servants who have been thrown out of employment by the abolition of their Offices.

2nd. Servants in grades entitling them to Pension who are disabled by sickness from completing the periods of Service prescribed in the Rules.

3rd. Servants in grades entitling them to Pension who have served a portion of their time only in such grades, the rest of their service having been spent in situations not cognizable under the Rules.

4th. Servants in grades not entitling them to Pension under the Rules, but who have become unfit for further service from old age or sickness.

5th. Persons injured while in the execution of their public duty, and thereby disabled from earning their livelihood.

6th. The families of persons killed in the execution of public duty.

12. You suggest that you may be authorized to sanction in all the above cases, the grant of Gratuities, provided that the same shall in no case exceed six months' pay.

13. When the subject of the general grant of Gratuities was brought before us in the year 1847, we objected to the proposition, because we preferred the plan of admitting to special Pensions those Servants who, though not entitled under the Rules, were nevertheless deemed deserving of consideration. The experience of the last 10 years, has, however, induced a modification of our sentiments, the special Pension cases having proved more numerous than we anticipated, and the prospect for the future in consequence of the rapidly increasing growth of the Uncovenanted Service leading us to expect a still greater augmentation of similar applications, which it might become very difficult to admit with due regard to financial considerations.

14. In now acceding to your recommendation with the modifications which follow, we rely upon your exercising due discrimination in granting the Gratuities, remembering that they are not to be given as a matter of course nor the maximum to be granted in every case in which a gratuity is considered to be deserved. We cannot consent that the maximum of six months' pay shall be granted in any case unless the individual has served with unblemished character for at least 5 years, and we desire that these gratuities may be in future invariably substituted for the special Pensions to persons not entitled, under the Rules, which have been hitherto granted.

15. We desire that you will report to us at the close of each year, the number of cases in which these gratuities have been granted with their amount, the term of service of each Individual, and the cause of his quitting the service.

16. We sanction the gratuity of six months' salary recommended by the Lieutenant Governor of Bengal in favor of Gopaul, a Native Doctor attached to the Beerbhon Jail, the papers relating to which accompanied your present letter.

Copy of the above paras : forwarded to the Government of Fort Saint George, for information and guidance.

FORT WILLIAM,
FINANCIAL DEPARTMENT,
*The 14th August* 1857.

(Signed) C. HUGH LUSHINGTON,
*Secretary to the Government of India.*

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TO THE SECRETARY TO THE GOVERNMENT OF INDIA, Financial Department, dated 30th September 1857, No. 609.

SIR,

*Financial Department,* * *No. 43 of* 1857, *dated 24th June.*

Adverting to an Extract from a Despatch* from the Honorable Court addressed to the Government of India, and forwarded by you under date the 14th August last, I am directed to point out that the payment of *Gratuities* to meritorious public Servants of a grade not entitled to *Pensions* on discharge has long been in force in this Presidency. The rules for the regulation of these grants are as per margin. They are taken from the Bombay Gazette of the 10th September 1835 and their application to Madras was approved by the Government of India in Mr. Secretary Prinsep's letter, No. 297, dated the 11th November following.

*Rules respecting Gratuities to discharged Servants.*

*I. When any public Servant is discharged, under circumstances which, in the opinion of Government, give him a claim to Gratuity, though not to Pension, it shall, in ordinary cases, be confined to a sum not exceeding 6 months' pay, at the rate of one month's pay for each year of Service. But in the event of his re-employment within 12 months, he is to refund such portion of the Gratuity, as may exceed ½ a month's pay for each month he remained unemployed.*

*II. In case of incapacity for further Service, the Gratuity may be raised by a sum not exceeding one month's pay for every 2 years of Service, commencing with the 7th and terminating with the 20th year.*

*Note.—Thus the maximum Gratuity is 13 months' salary.*

2. Under their operation, the system of awarding "Special Pensions," deprecated by the Honorable Court, has ceased to obtain in this Presidency, and all claims to the bounty of Government arising out of the first five cases referred to by the Honorable Court, are readily disposed of. The Right Honorable the Governor in Council would now desire to be informed whether they are to be considered as rescinded by the Honorable Court's Despatch to the Supreme Government, and, if so, whether the detailed Annual Statement called for in para : 15 is to be furnished to the Court direct or through the Government of India.

(Signed) E. MALTBY,
*Acting Chief Secretary.*

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Read also the following letter

From C. HUGH LUSHINGTON, Esq., Secretary to the Government of India : to the Acting Chief Secretary to the Government of Fort Saint George, dated Fort William, 30th October 1857, No. 4736.

SIR,

I am directed to acknowledge the receipt of your letter, No. 609, dated the 30th Ultimo, reporting, with reference to the recent Orders of the Hon'ble the Court of Directors on the subject of Gratuities to Uncovenanted Servants not entitled to Pension under the Rules, that the payment of Gratuities in such cases has long been in force in the Madras Presidency under certain Rules approved by this Government in 1835, and enquiring whether these rules are to be considered as rescinded by the Honorable Court's Despatch,* and, if so, whether the detailed Annual Statement called for in para : 15 of the Court's Despatch, is to be furnished to the Honorable Court direct or through this Government.

* *No. 43 of* 1857, *dated 24th June, paras :* 11 *to* 16.

2. In reply I am desired to state that the old Rules above adverted to are to be considered as rescinded by the Honorable Court's recent Orders; that it is not intended that the Gratuities should in any case be sanctioned without previous reference to this Government ; and that it will not, in consequence, be necessary for the Government of Madras to prepare an Annual Statement at all, as the information required by the Honorable Court will be forwarded from this Office direct.

(Signed) C. HUGH LUSHINGTON,
*Secretary to the Government of India.*

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Ordered to be communicated, with the correspondence to which it refers, to the Civil Pension Department, and also to the Civil Auditor and Military Auditor General, and to the Departments named in the margin.

(True Extract and Copies.)

T. PYCROFT,
*Chief Secretary.*

* *Revenue Department.*
*Public Works* „
*Judicial* „
*Military* „
*Public Department.*
*Marine* „
*Political* „
*Financial Railway* „
*Ecclesiastical* „

To
The Judicial Department

Exd. J. A. Wilson.

Entered inlet 4/12/57

Dy to Conn. 15. Dear.
Judicial 1857 Sept.r

Extract Minutes Communication in the Financial Department ——— 759.

2/27 Nov
11/6 Decr 1857.

No 2038.

Communicating copy of a Correspondence between this Govt & that of Sardinia, relative to the Government of grantees to Public Servants.

30—31

with an Order

No 1612

Colonial Office communicates to the authorities noted below:—

Court of Queen's Bench Lower Canada
Inspector of Prisons
Commissioners of Police
Magistrates of Police, Quebec

Fort St George
11th December, 1857

Communicated from the Financial Dept.t 11/12