

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1374

Press
Mis.

- 242 -

Dated 22. 8. 1962 19

7/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
22nd August 1862.*

No. 242. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 22nd August 1862, No. 1,374.

I am directed to request that the Government of India may be moved to reconsider their recent ruling that servants on the establishment of a Sudder Ameen or a District Moonsiff, are not entitled to either pension or gratuity on retirement from the public service.

2. Hitherto they have usually been admitted to pension, but in June 1861, this was objected to by the Civil Paymaster, who quoted an Extract from a letter from the Government of India of the 21st May 1861, No. 6,347, paragraph 2, which runs thus:

"Persons employed by Public Officers (such as Moonsiffs and Deputy Collectors) who draw a fixed monthly allowance for works, with the detailed distribution of which the Government does not interfere, do not receive pay directly from Government, and cannot, therefore, be held to be entitled either to pension or gratuity."

3. The actual position of the Sudder Ameen and District Moonsiff's Establishments, is thus described in a Memorandum, 4th July 1861, from the late Sudder Court:

"District Moonsiffs and Moofy Sudder Ameen draw a fixed monthly sum for their Establishments, to be appropriated with the sanction of the Zillah Judges, in such manner as may contribute most to their efficiency; the appointment and removal of servants on their Establishments being vested in the Zillah Judges, and the Government does not interfere in the disbursement of the authorized allowance, or in the rates of pay, &c., for each servant entertained."

4. This Memorandum was communicated to the Civil Paymaster, and he was requested to make a further reference to the Government of India. He did so, and was informed in reply, 20th January 1862, that servants on District Moonsiff's Establishments are not entitled to pension.

5. I am desired to state that, in the opinion of the Governor in Council, the Establishments of the District Moonsiffs of this Presidency should not be placed in the condition above adverted to. There appears to be no reason why a fixed Establishment should not be assigned to every District Moonsiff, as it is to every Talook Tahsildar. In this opinion the late Sudder Court entirely concur, and they have submitted as per

3 Goomastahs, one on Rupees 20, one on 14, two at 11 each, and five at 10	Rupees	166
2 Peons on 5	"	10
1 Mamljee and Sweepst	"	4
	Rupees	120

margin, a scale of Establishments according to the revised rate recently sanctioned for a District Moonsiff's Court, viz., Rupees 120 a month.

6. The Government have sanctioned the adoption of this scale from the 1st proximo. I am to submit that a system which leaves the arrangement of the servants in these Judicial Establishments to vary according to the discretion of the several Zillah Judges, and, still more, which, on that ground, debars them from pension is very objectionable. There appears no reason why they should not be admitted to pension just as much as Moonshees or Goomastahs in a Talook Cutcherry. It has lately been an object to improve the condition of the District Moonsiffs' Courts. No greater incentive can be afforded to good conduct on the part of Native servants than the prospect of being able to retire on a pension when incapacitated for further labor. The great advantage of being able to hold out this inducement enables the Government to secure service on lower terms than they would otherwise have to offer, and gives them a strong hold over their servants whilst in their employment. The system of giving this class of servants pensions has as before explained been the rule in this Presidency, and the withdrawal as now proposed of this privilege will entirely neutralize the good hoped by Government to be effected by the recent increase of the salaries of the District Moonsiffs themselves and of the aggregate pay of their Establishment.

7. In reference therefore to your letter, 28th April, No. 3,148, requesting that in such cases, pensions may not be granted in future, I am to solicit that this prohibition may be removed, and pensions and gratuities be permitted to be granted as heretofore to servants on the Establishments of District Moonsiffs and of the late Sudder Ameen. With regard to these latter I am to state that the Office of Sudder Ameen has just been altogether abolished, although some few

2. Hitherto they have usual
by

Proceedings of the Madras Government, Judicial Department,
22nd August 1862.

of the former Sudder Ameen have been retained as additional District Moonsiffs to clear off arrears in some Zillahs where they were very heavy.

8. In regard to Deputy Collectors' Establishments, I am to forward a copy of the Proceedings of Government in the Revenue Department, of the 26th May last, No. 1,174.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartlodge.

Put in Moukhar's
addition in ink
and show me the
fine proof man
the letter has been
put in test
J.P.

Judicial.

3x

No. 1374.

Govt. of India.

Financial Dept.

Sir

I am directed to re-quest that the Govt. of India may be moved to reconsider their present ruling that servants on the establishment of a Sudder Ameen or District Moonsiff, are not entitled to either pension or gratuity on retirement from the public service.

2. Hitherto they have usual
by

usually been admitted to pensions, but in June '51, this was objected to by the Civil Paymaster, who quoted an Extract from a letter from the Govt. of India of the 21st May '51, No. 6347, para 2, which runs thus:-

"Persons employed by Public Officers (such as Moonsiffs & Deputy Collectors) who draw a fixed monthly allowance for works, with the detailed distribution of which the Govt. does not interfere, do not receive pay directly from Govt., & cannot, therefore,

therefore, be held to be entitled either to pension or gratuity."

3. The actual position of the Sudder Ameen & District Moonsiffs & Establishments, is thus described in a Memorandum, 4th July '51, from the Sudder Court:-

"District Moonsiffs & Moofly Sudder Ameen draw a fixed monthly sum from their establishments, to be appropriated with the sanction of the Zillah Judges, in such manner as may contribute most to their efficiency."

efficiency; the appointment & removal of servants on their establishments being vested in the Nillah Judges, & the Govt. does not interfere in the disbursement of the authorised allowance, or in the rates of pay, &c., for each servant entertained?

4. This Memorandum was communicated to the Civil Paymaster. He was requested to make a further reference to the Govt. of India. He did so, & was informed in reply 29th Jan'y. '62, that servants

5x
servants on District allowances establishments are not entitled to pension.

5. I am desired to state that, in the opinion of the Governor in Council, the establishments of the District Allowances of this Presidency should not be placed in the condition above adverted to. There appears to be no reason why a fixed establishment should not be assigned to every District Allowance, as it is to every Talook Tahsildar. In this opinion the Sudder Court entirely

9 Gomastahs, one on R^o 20, one
on 14, two at 11 each, & five on
10 ————— 106
2 Peons on 8 ————— 10
1 Chakraborty & five peons — 4

R^o 120.

entirely concur, & they
have submitted a bill
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according to the revised
rate recently sanctioned
for a District Allow-
siffs Court, viz. R^o 120
a month.

I am to submit that the
Govt. have sanc-
tioned the adoption
of this scale from the
1st Dec. 1857. A system which
leaves left the arrangement
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Judicial establishments
to vary according to
the discretion of the se-
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still more, which, on
that ground, debar-
red them from pension

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ment enables the Govt.
to secure service on lower
terms

lower terms than they would otherwise have to offer, & gives them a strong hold over their servants whilst in their employment. District Commissioners Courts will never be what they should be, & altho' the salaries of the District Commissioners themselves & the aggregate pay of their establishment ~~has~~ been raised, if this distinction exists.

The system of giving this class of servants pensions has as before explained been the rule in this Presidency and the withdrawal as now proposed of this privilege will entirely neutralize

In reference, therefore, to your letter, 28 April, No 3148, requesting that

The good hoped in pensions by Government to be that such cases may not be granted in future, I am to solicit that this prohibition may be removed, & pensions & gratuities be permitted to be granted as heretofore to servants on the establishments of District Commissioners & of the late Superintendent Amiens. Mr. Elgar to the latter I am to state that the Officer has

just been altogether abolished, altho' some few of the former Superintendent Amiens have been retained as additional District Commissioners in some of the stations where they are very heavy

8. In regard to Deputy Collectors' establishments, I am to forward a copy of the Pros. of Govt. in the Rev. Dept. of the 26 May last No 1174.

Fort St. George, 22nd Aug 1862

J.P. [Signature]

Charles C. Smith
Approved 1862. Department.

No. 1374

PROCEEDINGS OF GOVERNMENT.

Dated 22^d August 1862.
O. H. A. 2142. O. H. A. 2142.
— 40960. 25. 10. 1862.

abolishing the demand of
the supreme Court for the
grant of persons and
gratuitous to the servants
in the Detachments of
District Provisions and
Distributions.