

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	905	Press
		~~Mis.~~
	71-73	
Dated	11.6.1862	49

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
11th June 1862.

Read the following papers :—

No. 71. From the Honorable E. DRUMMOND, Officiating Secretary to the Government of India, Financial Department; to the Chief Secretary to the Government of Madras, dated Fort William, Council Chamber, the 23th April 1862, No. 3,148.

Financial Department.

On the 22nd July 1861, the Officiating Civil Paymaster at Madras re-submitted for decision,

Somasoondra Pillai, late Head Gomashita in the Court of the District Moonsiff of Cuddalore. Pensioned on the 2nd March 1858 on Rupees 4 per mensem.
Mutassami Mudali, late Head Gomashita in the Salem District Moonsiff's Court. Pensioned on the 2nd March 1858 on Rupees 5-4-0 per mensem.
Oisapragasa Pillai, late Head Gomashita in the Chellumbaram District Moonsiff's Court. Pensioned 23rd May 1859 on Rupees 4 per mensem.

with reference to the cases noted in the margin, the question whether persons employed by public Officers, such as Moonsiffs and Deputy Collectors, who draw a fixed monthly allowance for writers with the detailed distribution of which the Government does not interfere, are entitled to pensions under the rules.

2. In reply, the Civil Paymaster was informed that it is contrary to rule to grant pensions to such persons, and he was requested to report by what authority pensions were sanctioned in the cases cited above.

3. The Civil Paymaster now forwards copies of the Orders passed by the Madras Government, sanctioning the grant of the three pensions referred to, and, as these pensions do not appear to have been given under the authority of the Government of India, I am desired to point out that the Orders passed by the Madras Government were not in accordance with rule, and to request that pensions in such cases may not be granted in future.

No. 72. Proceedings of Government in the Revenue Department, dated 26th May 1862, No. 1,174.

Communicating the Order passed in that Department relative to the advisability of admitting servants on the Establishments of the Deputy Collectors to pensions and gratuities under the established rules in common with all the other servants of Government.

(Vide Proceedings Revenue Department, dated 26th May 1862, Nos. 492 and 493.)

No. 73. ORDER THEREON, 11th June 1862, No. 905.

Ordered that the Honorable Mr. Drummond's letter lie over pending the result of the reference made to the Sudder Court in Proceedings 23rd April last, No. 631.

2. The rule in question it is observed, does not apply to the establishments of Deputy Collectors, as shown in the Proceedings in the Revenue Department recorded above.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Madras Government in the Judicial Department : —

Referring for consideration in the Revenue Department the question of granting Pension to servants on the establishment of the Deputy Collectors. } (Here enter 23rd April 1862, No. 631.)

ORDER THEREON, 26th May 1862, No. 1,174.

1. The Governor in Council observes that in this Presidency Deputy Collectors have never drawn a monthly allowance for the maintenance of their establishments. When the Government first proposed the appointment of Deputy Collectors, it was stated that the cost of their establishment would average 60 Rupees monthly for each Deputy Collector. This, however, was only intended as a guide in estimating the probable expense of the proposed scheme, and in the same letter the Government requested that the number and pay of the members of these establishments "should be left undefined for the present," the total amount of Rupees 3,600 per mensem entered in the tabular statement not being exceeded.
2. When the appointment of Deputy Collectors was sanctioned the establishments were fixed both as to numbers and salaries, and since then they have been revised by Mr. Pelly.
3. The Deputy Collectors' office servants have thus, from the first, been employed on exactly the same conditions as all other servants in the Revenue Department, and the Deputy Collectors cannot alter their numbers or rates of pay. They are in all respects the servants of Government, and receive pay directly from Government.
4. It is clear, therefore, that the ruling of the Government of India, forwarded by the Officiating Civil Auditor, does not apply to servants on the establishment of a Deputy Collector in this Presidency, and that such servants are certainly entitled to pensions and gratuities under the established rules in common with all other servants on the Collectorate establishments. And the Governor in Council considers it advantageous for the public service that the establishments of Deputy Collectors should continue in their present position in these respects. There is in fact no satisfactory reason why a clerk in a Deputy Collector's should be differently treated from one in an Assistant Collector's office, or why a Deputy Collector should receive an office allowance to be at his unfettered disposal while a Collector is tied down to a prescribed establishment. The duties entrusted to Deputy Collectors are of a highly important character, and it is very necessary therefore that the employment of their subordinates should be under due regulation, that these subordinates should be the servants of the Government, and that the encouragement to rectitude of conduct, which the certainty of support in their old age affords, should not be withdrawn.
5. The Governor in Council further remarks that, if their privileges as to pension and gratuity were withdrawn, it would be necessary to increase their salaries, which were fixed on the understanding that they should enjoy these privileges and are as moderate as possible.

(True Extract.)

Secretary to Government.

To the Board of Revenue.

„ Civil Paymaster.

„ Public Department.

Exd. S. T. Augustin.

Proceedings of the Madras Govt.
 Read letter from the
 Govt. of India — Enter 28 April '62 N^o 3148.
 Read also Pros: 23 May '62 N^o 1174 Rev. Dept.

Order — 11 June 1862 No 905.

Ordered that the Honble Mr. Drummond's letter lie over pending the result of the reference made to the Sudder Court in Pros: 23 April last N^o 331.

2. The rule in question it is observed, does not apply to the establishments of Deputy Collectors, as shown in the Pros: in the Rev. Dept. recorded above.

The Sudder Court.
 " Civil Paymaster.
 " Rev. Dept.

Sept 12th 1862

S. O. No 905
 Judicial 1862 Sept-
 Pros: of Govt in the
 Rev. Dept 11/4.

of 26th May 1862
 of 10th June 1862.

No 1117

Copy the order passed
 in that Dept & relative
 to the advisability of
 admitting remuneration
 the set to of the by letters
 to Messrs. Messrs. Messrs.
 under the established rule
 in connection with all the
 other demands of Govt.

then demands of Govt

Pro 20 April Oct 62.
Ser 891-

dit of 20 June.

that pensions in such cases may not be granted in future

71 @ 73

Received 1862 Q114th
Pro of me N.
N^o 1507.

From the Offg. Secy
to the Govt. of India
Encl^d

Dated 28th Apr^l 1862.
Received 24th May

N^o 1035 N^o 3148.

With refer to order passed by this Govt. sanctioning the grant of pensions to certain individuals who were employed under Brit. Moonsiff in states, that as these pensions do not appear to have been given under the authority of the Govt. of India, he is desired to point out that the orders passed by the Govt. were not in accordance with the rule; and requests With an Order.