

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1228	Press
		~~Mis.~~
Dated	31-7-49	867

Not to be folded or roughly handled

23/10/20

*Proceedings of the Madras Government, Judicial Department,
31st July 1867.*

No. 352. • Read the following Proceedings of the Government of India, Financial Department, dated 6th July 1867, No. 1289.

Read Despatch from the Government of India, to Her Majesty's Secretary of State for India; dated 4th March 1867, No. 68.

Our attention has recently been drawn to a reference submitted to you by the Government of Madras, the decision passed on which, unless qualified, is calculated to lead to misapprehension and to cause disappointment on an important question affecting the amount of retiring pensions allowable to Uncovenanted Servants.

2. In a Despatch from the Judicial Department, dated 12th September last, No. 13, the Government of Madras reported the grant to Mr. G. E. Cower, a Judge of the Court of Small Causes, of 12 months' sick leave to Europe, under the old rules, with the intimation that, in the event of his retirement becoming necessary after the completion of 20 years' service, a pension under those rules would be allowed, subject to confirmation by Her Majesty's Government. Attention was specially called to the detailed Proceedings on the case, and confirmation of those Proceedings solicited.

3. The Proceedings thus prominently brought forward clearly indicated the opinion of the Local Government, that the modification authorized in Sir C. Wood's Financial Despatch to the Government of Madras, of the 18th January 1865, No. 1, (and which was directly communicated to the Government of India in Sir C. Wood's Financial Despatch of the same day's date No. 12,) applied not merely to the method of reckoning the period of qualifying service, as affected by the new Uncovenanted Service Rules, but also to the reduced amounts of pension prescribed by those rules. Thus, under the new rules, the maximum amount of a pension, at the rate of one-third of salary, is fixed at £200 and £300 a year, according as the effective salary has been above or below Rupees 12,000 annually; whereas, by the old rules a pension of one-third of salary was allowable up to £400 and £500 a year, and the Local Government considered the authority conveyed in the Despatch abovementioned to extend to a restoration in certain cases of the higher maxima.

4. The decision conveyed in your Despatch to the Government of Madras, of the 15th December last, No. 101, was merely a confirmation of the leave granted to Mr. Cower; but the further point not having been challenged, the decision is susceptible of a construction favorable to the conclusion of the Government of Madras.

5. We have from the first held the view that the ruling of January 1865 was merely meant to remove the hardship imposed in certain cases of rendering a longer period of service for pension under the new, than was required under the old rules, not as in any way touching the limits of money prescribed by the new rules; and if we have apprehended the intention of Her Majesty's Government correctly, we desire that we may be favored with an assurance of it.

Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor General of India in Council; dated India Office, London, 24th May 1867, No. 193.

Financial.

I have considered in Council your Financial letter dated the 4th March last, No. 68, inquiring with reference to a Judicial letter from the Government of Madras, dated the 12th September 1866, No. 13, whether the Financial Despatch to that

Proceedings of the Madras Government, Judicial Department,

31st July 1867.

Government, dated the 18th January 1865, No. 1, had, as the Madras Government appear to infer, any reference to the limitation, in the amount of pensions, fixed by the new rules for the grant of leave of absence and pensions to Uncovenanted Servants.

2. The Despatch to the Government of Madras above referred to, replied to a letter from that Government, which forwarded a memorial from an Uncovenanted Servant, Mr. Ferrand, who represented that, having entered the service of Government at the age of sixteen years and five months, and having taken two years' sick leave under the old rules, which under those rules would count as service towards pension, Section 12 of the new rules, which states that "periods of service before the age of 22" or of absence other than "privilege and preparatory leave shall not count towards pension" virtually deprived him of the benefit of seven years and seven months service, and that, although the period of service requisite for a pension was shortened by the new rules, the application, in his case, of that Section, would compel him to serve for two years and seven months longer under the new, than under the old rules.

3. You are correct in supposing that the Financial Despatch to the Government of Madras, of the 18th January 1865, No. 1, had reference only to the period of service required for a pension; and that it did not in any way modify the limitation in the amount of pensions to which Uncovenanted Servants might be eligible on retirement or give any option of election of the old or new rules.

4. You will furnish a copy of this correspondence to the Government of Madras.

No. 1289.

Ordered that a copy of the above and of the Despatch to which it is a reply be furnished to the Government of Madras for information and guidance, with reference to its Despatch to Secretary of State, dated 12th September last, No. 13, and the Proceedings quoted therein.

(Signed) J. E. COOKE,
Asst. Secy. to the Govt. of India.

No. 353.

ORDER THEREON, 31st July 1867, No. 1228.

Ordered that the foregoing papers be communicated to the Accountant General, and to the Civil Pension Department.

(True Extract).

Acting Chief Secretary.

To the Accountant General.

31st July 1867 No. 1228.

Ordered that the foregoing papers be communicated to the Accountant General, and to the Civil Pension Department.

To the Accountant General
- - - Civil Pension Department

Comms. Sec. from Secy of State regarding the pensioning of Mr. Ferrand in the case of Mr. Cooke.

2/6/67
12/10/67

Under Secy of State
Secy. of State
31st July 1867
No. 1228

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