

Judicial (1899) Department.

ORDINARY PRINTED.

G.O., Nos 1717-1718

DATED 25-10-99

INDEXED.

[Despatch Abstract.]

Official Assignee's establishment

Requesting the Govt of India
to admit the members of the — to the
privileges of contributing for pensions from
General Revenues in the same manner as
officers in local fund employ.

PRINTED IN G.O. dated

9-1-1900 No. 14

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
X 5414/28 - 14 9-1-00							

Government (1899) of Madras. JUDICIAL.

Recd. } 1899. Enclosures
Regd. } Spare copies

G.O., No. 1717, 25th October 1899.

OCTOBER.

Official Assignee's Establishment.

Requesting the Government of India to admit the members of the — to the privileges of contributing for pensions from General Revenue in the same manner as officers in Local Fund employ.

GOVERNMENT OF MADRAS.

READ—again the following paper:—
G.O., MIS. No. 366, Judicial, dated 1st March 1899.
T. HESKETH BIGGS.

G.O., Mis. No. 366, Judicial, dated 1st March 1899.

G.O., Mis. No. 366, Judicial, dated 1st March 1899.
Read—the following letter from T. HESKETH BIGGS, Esq., Accountant-General,
 to the Chief Secretary to Government, dated Fort St. George, 7th January
 1899, No. I.A.E.—4-C:—
 1120, dated the 15th of July 1898, directing that

1899, No. I.A.E.—4-C:—

With reference to G.O., No. 1100, dated the 15th of July 1898, directing that the payment of the monthly contribution of Rs. 110, hitherto made from the General Revenues towards the cost of the Official Assignee's establishment, should be discontinued after August 1898, I have the honour to point out that no orders have been passed regarding the pensionary rights of the members of that establishment. Their services up to July 1898 having been paid from the General Revenues qualified for pension. But their subsequent service cannot be admitted towards pension as it is paid from the "Office charges fund."

Order—Mis. No. 366, Judicial, dated 1st March 1899.

The foregoing letter from the Accountant-General will be communicated to the Honourable the Judges of the High Court, who will be requested to favour Government with information as to the arrangements which they consider desirable to make regarding the pensionary rights of the members of the Official Assignee's establishment. If the Honourable the Judges desire that the pensions should remain upon their present footing, and are willing to make the necessary contribution from the "Office charges fund," His Excellency the Governor in Council will be prepared to move the Government of India to admit, as a special case, the members of the Official Assignee's establishment to the privilege of contributing for a pension, placing them in a position similar, in this respect, to Local Fund employés. Failing this arrangement His Excellency the Governor in Council proposes formally to abolish the offices under Government recently held by the members of the Official Assignee's establishment, granting where necessary compensation pensions, and leaving the persons concerned to make their own arrangements with the High Court regarding their future employment.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Honourable the Chief Justice (with C.L.).

READ—also the following paper:—

From A. L. HANNAY, Esq., I.C.S., Registrar of the High Court of Judicature,
Madras, to the Chief Secretary to Government, dated 24th July 1899,
B.O.C. No. M. 664.

With reference to G.O., Mis. No. 366, Judicial, dated 1st March 1899, communicating letter, No. I.A.E.—4-C, dated 7th January 1899, from the Accountant-General, Madras, regarding the pensionary rights of the members of the Official Assignee's

establishment, I have the honour to state that the Honourable the Judges consider it desirable that the members of that establishment should be admitted to the privilege of contributing for a pension in the same way as Local Fund employes; the Honourable the Judges agree to a proposal of the Official Assignee that the necessary contributions should be made from the fund known as the "Official Assignee's Office charges fund."

ORDER—No. 1717, Judicial, dated 25th October 1899.

The Government of India will be addressed.

[Here enter letter, No. 1718, Judicial, dated 25th October 1899.]

(True Extract.)

G. STOKES,
Chief Secretary.

[illegible]

Government {1899} of Madras.
JUDICIAL.

Recd.

Enclosures

Regd.

} 1899.

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Letter, No. 1718, 25th October 1899.

OCTOBER.

Official Assignee's Establishment.

Requesting to admit the members of the — to the privileges of contributing for pensions from General Revenues in the same manner as officers in Local Fund employ.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to refer to the correspondence ending with Mr. Thornton's letter, No. 1092, dated 13th August 1896, regarding the upkeep of the Official Assignee's establishment in this Presidency.

2. The High Court having agreed to act upon the view expressed by the Government of India in Mr. Hewett's letter, No. 484, dated 28th March 1895, that the Official Assignee's Office charges could properly be met out of the interest on unclaimed dividends in the hands of the Official Assignee, rules were framed authorising the formation with this interest of a fund to be called the "Office charges fund." This Government thereupon withdrew the contribution previously paid from Provincial funds towards the cost of the establishment in question.

3. Subsequently the Accountant-General brought to notice the fact that the members of the Official Assignee's staff being no longer paid from Provincial funds had ceased to be Government servants. Their service was therefore no longer pensionable. His Excellency the Governor in Council thereupon consulted the High Court as to the arrangements which should be made for the future regarding the grant of pensions to the members of the Official Assignee's establishment. The High Court, in reply, recommends that the members of the establishment should, as a special case, be admitted to the privilege of contributing for a pension in the same manner as officers in Local Fund employ, the pensionary contribution being paid from the "Office charges fund." His Excellency the Governor in Council concurs in the High Court's proposal. The only alternative to this course would be to abolish the appointments of the whole of the members of the existing establishment, paying them compensation pension and leaving them to make their own arrangements with the High Court as regards the future. Such a step would entail unnecessary expense, and I am therefore to request that the Government of India may be moved to admit the members of the Official Assignee's establishment to the privilege of contributing for pensions from General Revenues in a manner similar to that prescribed in article 863, Civil Service Regulations.

4. I am to add that the Accountant-General has suggested a doubt whether the payment of pension contributions is a legitimate charge on the "Office Charges Fund." His Excellency the Governor in Council is of opinion that no legal objection exists to the payment of the contribution direct from that fund; but in order to avoid all difficulties in the matter, he considers that it would be convenient, if the

Government of India accept the proposal now made, that the High Court should raise the pay of each member of the Official Assignee's establishment by the amount which will in each case be required as a pension contribution, leaving the amount of the contribution to be recovered from the clerks in such manner as may be found most convenient.

I have the honour to be,
Sir,

Your most obedient servant,

FORT ST. GEORGE,
25th October 1899.

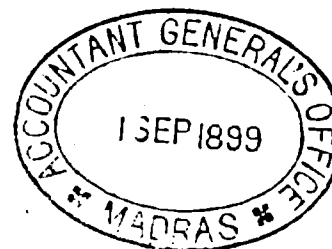
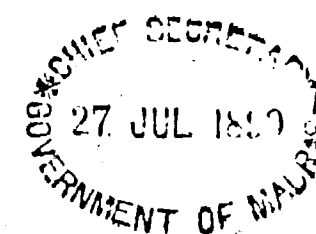
G. STOKES,
Chief Secretary.

Ed. G. M. Thamburamy,

Judicial (1899.) Department.

CURRENT No. 3071

To A. J. C. for
of opinion. AT 20 8 99



From

The Registrar,
High Court of Judicature,
Madras.

In Orders

It is not clear whether the sanction
of the S. G. O. is necessary to the admission
of the existing members of the Official
Assignees establishment to the privilege
of contributing for pension
as proposed. The Pension Dept.
may perhaps be consulted on the
point.

Ref. on Cur. No. 664

Dated 23rd. July 1899.

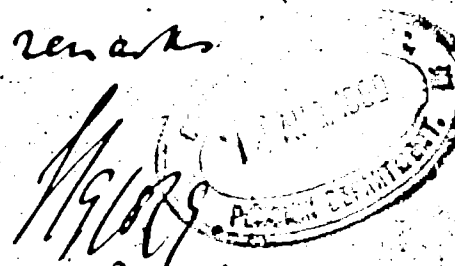
Received } 27 July 1899
Registered }
Enclosures
Spare copies

SUBJECT.

Stating that the Honourable
the Judges consider it desirable
that the members of the Official
Assignees establishment should be
placed in the position of local
fund employees in respect of their
pension and that the necessary con-
tribution should be made from the
"Official Assignee's charges fund."

To Pension Dept. (no). for
favour of remarks

No 2030710-8-99



BACK PAPERS.

G.O.	No.	Department.	Date.
366	1-3	27	14

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 98

Pension Department.

IL.

This is for Pension Dept.

It has been sent to the
addressed here

U. O. Memo



There is no rule which
allows Government servants,
whose Government appointments
are abolished, but continued
by a non Government Agency
to contribute for pension, so that
Government of India sanction
is necessary.

It is not clear that pension
contributions are a legitimate charge
on the "Office Charges Fund"
of the Official Assignee.

G.O. U. O. No 47 of 25-9-99

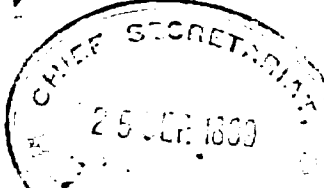
16-9-99.

To Judicial Dept. with reference to U.O.
reference No. 2030 of 10-8-99.

10/11/99

25/9/99

25-9-99



The Chief Secretary to Government
Judicial Department

d. 1. 3. 99

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 to the High Court
 in this way *James*
 3-10-99

2. The High Court having agreed to
 act upon the view expressed by the
in Mr. Bevan's letter no 484 d. 20/3/95
 Govt. of India that the Official
 Assignee's Office charges could pro-
 perly be met out of the interest
 unpaid

unclaimed dividends in the hands of the Official Assignee, rules were framed authorizing the formation with this interest of a fund to be called the "Office charges fund." The Govt. thereupon withdrew the contribution previously paid from Provincial funds towards the cost of the establishment in question.

3. Subsequently the Accountant-General brought to notice the fact that the ^{members of the} Official Assignee's staff being no longer paid from Provincial funds had ceased to be Govt. servants. Their service was therefore no longer pensionable. H.E. the Governor in Council thereupon consulted the High Court as to the arrangement which should be made for the future, regarding the grant of pensions to the members of the Official Assignee's establishment. The High Court in reply recommends that the members of the establishment should, as a special case, be admitted to the privilege of contributing for a pension in the same manner as officers in Local Fund employ, the pensioning contribution being paid from the "Office charges fund." H.E. the Governor in Council concurs in the High Court's proposal. The ^{to this course} only alternative would be to abolish the appointments of the whole of the members of the existing establishment, paying them compensation pension and leaving them to make their own arrangements in the High Court as regards the future.

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Such a step would entail unnecessary expense, and I am therefore to request that the Govt. of India may be moved to admit the members of the Official Assignee's establishment to the privilege of contributing for pensions from General Revenues, in a manner similar to that prescribed in art. 363 C.S.R.

4. I am to add that, the Act General having been suggested a doubt whether the payment of pension contribution is a legitimate charge on the "Office charges fund". H.E. the Govt. in Council is of opinion that no legal objection exists to the payment of the contribution made from this fund. It is noted to not avoid all difficulties in the matter he considers that it would be ~~rather~~ convenient, if the Govt of India except the proposal was made, that the High Court should raise the pay of each member of the Official Assignee's staff by the amount which will be needed to be repaid as a pension contribution, leaving the ^{amount} ~~payment~~ of the contribution to be ~~made~~ ^{paid} by the member himself.

Mr.
28/9/19

W. Russell

Handwritten text in Arabic script, likely a translation or transcription of a document. The text is arranged in several lines, with some words appearing to be in a different script or dialect. The handwriting is cursive and somewhat faded.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No. 152

DATED

CURRENT No.

*Print as marked and
send signatures*

25/10

[Handwritten mark]

REF TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITO.

PAPER NOT FOR USE, BEING MEANT FOR DESPATCH
BY ORIGINAL.

- A = Print in full
- B = Not to be printed
- C = Print abstract
- D = Print best of only