Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

[L. & M. 2,000—28-10-97.]

Local & Munl. (1897). Department.

MISCELLANEOUS.

G.O., No. 2358 M.

DATED 28-10-97

INDEXED. CR

DESPATCHED

[Despatch Abstract.]

Pensions.

Stating in the remarks, that the amount of — payable to Dewan Bahadur P. Ramaswami Chettiyar, late Revenue Officer of the Madras Mu. Cy: must be determined in accordance with the rules contained in the Civil Service Regulations, and observing that the Standing Committee of the Madras Mul. Commission appear to be competent to dispose of his pension if he

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1897) Department.

CURRENT No. 2172 M

From

The Pension Dept.

Order

No. 444.

Dated 5/6/97.

Received 5 JUN. 1897

Registered

Enclosures 4

Spare copies. nil

SUBJECT.

Transferring to the Local & Municipal Dept., for disposal, the pension papers of Dewan Bahadur P. Ramasawmy Chettyar, late Revenue Officer Municipal Commission, Madras.

V. R. 6/6/97

R C

[illegible]

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	1197	L	8-7-72
"	1697	L L	14-11-90
"	503	M M	6-4-91
"	1612	Public	24-10-71
"	521	Public	22-4-71
"	1171	Public	14-9-70
"	109	"	26-1-69

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Government of Madras.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2172 M

PENSION DEPARTMENT.

Endorsement No. 444.

Transferred to the Local and Municipal Department for disposal.

(By Order.)

A. W. Knapp.

~~Under~~ For Secretary to Government.

FORT ST. GEORGE,
5th June 1897.

To
The Local & Municipal Dept
with papers.

Md
5/6/97

Pension 5 N° ~~6.3~~ 86

APPLICATION FOR PENSION ~~OR GRATUITY~~

1. Name of Applicant. Dewan Bahadur Pulicat Ramasawmy Chettiar.

2. Father's name. Pulicat Vengoo Chettiar

3. Race, Sect and Caste. Hindu, Vysea.

4. Residence showing Village and Pergunnah. No. 310 Thambu Chetti Street Black Town, Madras.

5. Present or last employment, including name of establishment. Revenue Officer, Municipal Commission, Madras.

6. Date of beginning of service. 15th February, 1869.

7. Date of ending of service. 31st March, 1897.

		Y.	M.	D.
8. Length of service, including interruptions	.. ..	28	1	15
of which superior	.. ..	26	1	15
inferior	.. ..	"	"	"
non-qualifying and interruptions	.. .	2	"	"

9. Class of pension or gratuity applied for, and cause of application. Superannuation Pension under Art: 562 Civil Service Regns.

10. [Average] emoluments or pay. Rs. 793. 5. 4

11. Proposed pension. " 396. 10. 8

12. Proposed gratuity.

13. Date from which pension is to commence. 1st April, 1897.

14. Place of payment. Madras.

15. Date of Applicant's birth by Christian era. † 7th June, 1834.

16. Height. 5 ft. 7½ in:

17. Marks. A circular black spot about an inch below the left nipple. A warty spot on the left forearm about an inch & a half below the elbow joint on the outer aspect. Several small black spots on the inner and upper part of each thigh. Several cicatrices - one large & others small - on the lower & inner part of the right leg.

~~18. Date~~

18. Date. 28th April, 1897.

If the application is for a compensation, pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

† (If not known exactly, must be stated on the best information or estimate.)

G. M. Moore Lt. Col.
President Muni. Commn.
SIGNATURE OF HEAD OF OFFICE.

HISTORY OF THE SERVICE (SHOWING INTERRUPTION) OF Dewan Bahadur Pulicat Ramasawmy Chettiar

Establishment.	Appointment.	Pay.	Acting allowance.	Date of beginning.	Date of ending.	Period reckoned as service.			Period not reckoned as service.			Remarks.	How verified.	Remarks by the Audit Officer.
		RS.	RS.			Y.	M.	D.	Y.	M.	D.			
Municipal Commission Madras.	Ag. Asst. to the President	-	500	16. 2. 1869	15. 2. 1871	„	„	„	2	„	„		With the Pay Bills.	Service from 16th February /69 to 15th February /71 does not count having been rendered in an acting appointment. Verified from the records of the Madras municipality.
	Assistant to the President	500	„	16. 2. 1871	12. 4. 1871	„	1	27						
	Assessor	500	„	13. 4. 71	31. 3. 77	5	11	18						
	Assessor & Collector	500	„	1. 4. 77	31. 12. 78	1	9	„						
	Vice-President Rev. Department	700	„	1. 1. 79	3. 11. 86	7	10	3						
	On privilege leave for 3 months			28. 4. 86	27. 7. 86									
	Ag. President	700	733. 6. 4	4. 11. 86	5. 12. 86	„	1	2						
	Vice-President Rev. Department	700	-	6. 12. 86	30. 4. 90	3	4	25						
	On privilege leave for 1 month			11. 8. 87	10. 9. 87									
	President in ch.	700	300. . . „	1. 5. 90	30. 6. 90	„	2	„						
	Vice-President Rev. Department	700	-	1. 7. 90	31. 3. 92	1	9	„						
	Revenue Officer	700	-	1. 4. 92	31. 7. 92	„	4	„						
	On privilege leave for 3 months			27. 6. 92	26. 9. 92									
	Revenue Officer	800	-	1. 8. 92	5. 8. 93	1	„	5						
	Ag. President	800	-	6. 8. 93	5. 9. 93	„	1	„						
	Do	800	266. 10. 8	6. 9. 93	5. 10. 93	„	1	„						
	Revenue Officer	800		6. 10. 93	31. 3. 97	3	5	25						
	On privilege leave for 3 months			3. 7. 96	2. 10. 96									
	Total period of Superior Service					26	1	15	2	„	„			

REMARKS BY HEAD OF OFFICE.

1. As to character and past conduct of Applicant.	Exemplary
2. Explanation of any suspension or degradation.	Nil
3. Regarding any gratuity or pension already received by Applicant. (*See* Chapter XXI).	Nil
4. Explanation under Article 469 so far as the Head of the Office can give it.	Nil
5. Any other remarks.	-
6. Specific opinion of Head of Office whether the service claimed is established and should be admitted or not [*See* Article 991].	The service claimed is established and should be admitted - vide column "How verified."

G. W. Moore Lt. Coll.
President, Munl. Comn., Madras.
SIGNATURE.

CERTIFICATE AND REPORT OF THE AUDIT OFFICER (1).

Certified that qualifying service in superior grades has been duly proved for 26 years 1 month and 15 days, and that a superannuation pension not exceeding Rs 327-4-„ per mensem equal to 30/60th average emoluments reduced by 7/40th is admissible under Articles 502, 518(b) and 521(a) of the Civil Service Regulations, 2nd Edition.

2. In paragraph 6 of his letter No. 523 dated the 28th April '97, enclosed, the President of the Municipal Commission raises the question whether the pension admissible to the applicant should be subject to any reduction under Article 521(a) of the Civil Service Regulations, inasmuch as no mention thereof was made in Govt. Order No. 1197 M dated 9th July '92. In that order the Govt. dealt with the two questions raised (1) as to the scale of pension that should be applied to the Gazetted officers of the Madras municipality, and (2) as to the exemption of such officers from the operation of Article 377 of the Civil Service Regulations.

But the other question as to whether or not Article 521 (a) should be applied to those officers was not raised. The intention of the order seems to be that the pensions should be regulated under the rules contained in the Civil Service Regulations, and accordingly this office has applied that article in the present case. Hence the difference between the amount of pension proposed by the President on the 1st page of the application and that certified to be admissible to the applicant in the 1st paragraph.

3. As the applicant entered the service of the Municipality before Article 521 came into force, the President contends that the applicant's case falls within the spirit of the note 2 to Article 7 of the Civil Service Regulations, under which an officer may as a special case be allowed the advantage of the rules that were in force at the time he entered the service, if Government finds that the officer is substantially a loser under the new rules. It is true that the applicant entered the service of the Municipality in 1869; but his qualifying service did not begin until 16th ~~July~~ February '71; while the rule contained in Article 521 was introduced in January '71. It would appear therefore that the President's contention is not correct.

4. The 3rd point raised by the President is whether the pension is to be sanctioned by Govt. or by the Standing Committee. Section 80 of the Madras Municipal Act I of 1884 lays down that the Standing Committee shall dispose of all applications for pensions and gratuities. Under section 37 the Govt. makes the appointment of the Revenue officers, and under amended Section 45 the Governor in Council sanctions the leave to that officer. The amended Act II of 1892 did not make any alteration in Section 80, and under the strict rule as it stands, the Standing Committee seems to be competent to dispose of the present case. But as the appointment as well as the grant of leave to the Revenue Officers are made by Govt., it seems natural that the pension should also be sanctioned by Government.

5. In accordance with Rule 3 under Article 994 (b), the attention of Government is respectfully solicited to Article 514 of the Regulations.

ADJ
75

Offg. Accountant General.

Fort Saint George
Acctt. General's Office
17 May 1897

To
The Under Secretary to Government,
Pension Department.

GOVERNMENT OF MADRAS,
19 MAY 1897
PENSION DEPARTMENT.

Form 86.

REGISTER OF SERVICES OF Dewan Bahadur P. Ramasawmy Chettiar, Revenue Officer, Municipal Commission, Madras.

Joined the Service 16th February 1869
Arrived -
Born 7th June 1834.

Station.	Substantive appointment.	Date.	Acting appointment.	Date.	Monthly Pay.						Remarks.
					Pay.			Acting allowance.			
					Rs.	A.	P.	Rs.	A.	P.	
Madras.	-	-	Assistant to the President, Municipal Commission, Madras	16. 2. 69	"	"	"	500	"	"	
	Assistant to the President, M.M.C.	16. 2. 71			500	"	"	"	"	"	
	Assessor, Municipal Commission, Madras	13. 4. 71			500	"	"	"	"	"	
	Assessor and Collector M.M.C.	1. 4. 77			500	"	"	"	"	"	
	Vice-President, Revenue department, M.M.C.	1. 1. 79			700	"	"	"	"	"	
	Privilege leave for 3 months from 28th April 1886.										
			President, M.M.C.	4. 11. 86	700	"	"	733	5	4	
	Vice-President, Revenue department, M.M.C.	6. 12. 86			700	"	"	"	"	"	
	Privilege leave for one month from 11th August 1887										
			President in charge.	1. 5. 90	700	"	"	300	"	"	
	Vice-President, Revenue Department, M.M.C.	1. 7. 90			700	"	"	"	"	"	
	Revenue Officer, M.M.C.	1. 4. 92			700	"	"	"	"	"	
	Privilege leave for 3 months from 27th June 1892										
	Revenue Officer, M.M.C.	1. 8. 92			800	"	"	"	"	"	
			President, M.M.C.	6. 8. 93	800	"	"	"	"	"	
			Do	6. 9. 93	800	"	"	266	10	8	
	Revenue Officer, M.M.C.	6. 10. 93			800	"	"	"	"	"	
	Privilege leave for 3 months from 3rd July 1896.										

[illegible] Lt. Colonel.
President, Municipal Commission
Madras

28. 4. 97

R. No. 159.
500.

R. No. 523.

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REVENUE DEPARTMENT,

Municipal Office,

Madras, 28th April 1897.

From

Lt. Colonel G. M. J. Moore, C. I. E.,
President, Municipal Commission, Madras.

To

The Accountant General
to the Government of Madras,
Fort St. George.

ACCOUNTANT GENERAL'S OFFICE
30 APR 97
MADRAS

1869

4 Enclosures.

SIR,

Adverting to your letter of the 24th Ultimo, No. J.A.E/607, Pension Department, I have the honor to forward herewith an application for pension, with a last pay certificate on behalf of M. R. R. Dewan Bahadur P. Ramasawmy Chettiar avargal, the late Revenue Officer of the Madras Municipality, who retired from the service on the 31st Ultimo.

2 Dewan Bahadur P. Ramasawmy Chettiar avargal entered the Municipal service as Acting Assistant to the President on the 16th February 1869, in the place of Mr. B. Cordozo, who was on sick leave for 2 years, vide G. O. of 26th January 1869, No. 107 and G. O. of 14th September 1870, No. 1171, Public Department.

3. On expiry of the leave, Mr. Cordozo retired from the service - vide G. O. of 22nd April 1871, No. 521 and G. O. of 24th October 1871, No. 1612 and Mr. Chettiar continued to hold the appointment up to the 12th April 1871, when

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when he was made an assessor on Rs 500 per mensem.

4. There is nothing on record to show that Mr. Chettiar was confirmed as Assistant to the President with retrospective effect from the 16th February 1871, but in view of the fact that the appointment was permanently vacant and no one else counted service in it, the period from 16th February 1871 to 12th April 1871 has been treated as qualifying.

5. It will be seen that on the date on which the qualifying service is taken to have commenced, the applicant was over 30 years of age. The question therefore arises whether the reduction contemplated by Art. 521 of the Civil Service Regulations, should be applied to the amount of pension admissible to the applicant.

6. At the time the applicant entered the service the age rules were not in force. Indeed, even at the present moment, it seems doubtful if the provisions of Art. 521 C. S. R. apply to service under the Municipality, for, in G. O. d/ 9th July 1892, No. 1197 M., the latest order on the subject. the only articles mentioned as governing the case of Municipal servants are articles 377 and 518 of the Civil Service Regulations.

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7. It may however be contended that, as the intention of Government in passing the order referred to, was to deny to Municipal servants the concession not enjoyed by Government servants, the provisions of Art. 521 C. S. R. should, by implication, be held to apply to the applicant also. But it should be remembered that the concession claimed for the applicant is not such as could not have been enjoyed by a servant of Government.

8. As was already remarked, the age rules were not in force at the time the applicant entered the service. Their operation now cuts his pension by Rs 69. 6. 8. Did he hold an analogous position under Government to the one he held under the Municipality, he would have, in the language of the Secretary of State's Despatch printed as a foot note to page 2 of the Civil Service Regulations (2nd Edition), claimed that, as "he has substantially" "suffered from the introduction of a rule" "not in force at the time he entered the" "service", some compensation be granted to him in view of the special circumstances of his particular case.

But it was in force
KH

9. Referring to the concluding para of your letter under reply, I have the honor to state that I agree with you in considering that ordinarily pension

of an Officer appointed by Government should be sanctioned by Government only, but it appears to me that, in the case of Municipal servants, the Government has delegated that power to the Standing Committee as the phraseology of section 80 of Act I of 1884, as amended by VII and II of 1884 and 1892 respectively seems to indicate.

I have the honor to be,
Sir,
Your most obedient Servant,
Lt. Col.
President, M. C.

4
2172 M 97

Pension of Diw. Bahadur P. Ramaswami Chettyar, late Rev
Madras Municipality

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 189 , No.
Current No. of 189 , dated from the
Current No. 2172 M of 1897, dated 5-6-1897 from the Pension Department.

SUBJECT.

FOR ORDERS.

The facts of the case are fully and clearly stated in the Accountant-General's report. The questions for decision are:-

(1) Whether the pension admissible to the applicant, (late Revenue Officer of the Madras Municipality) should be subject to any reductio under Article 521 (a) of the Civil Service Regulations and

(2) Whether the pension should be sanctioned by Government, or whether the Standing Committe is itself competent to sanction it

2. The second question may be taken up first, as the necessity for the consideration of the other will depend upon the decision that may be arrived a on the second. Section 80 of

the

The city of Madras Municipal Act I of 1884 lays down that the Standing Committee "shall dispose of all applications for pensions and gratuities." Section 8 of Act V of 1871 (Madras) in which provision was first made for the grant of pensions etc. to municipal servants stated that "it shall be lawful for the "Municipal Commissioners, subject to such rules as the Governor in Council shall prescribe, to grant retiring allowances and gratuities to officers and servants appointed under Madras Act IX of 1867 and such pensions and gratuities shall be paid out of the funds raised under the said Act"; and by Section 80 of Act V of 1878, the power to dispose of applications for pensions and gratuities, was delegated to the Standing Committee, which was newly constituted under that Act. This section was retained in the same form in Act I of 84, and the subsequent amending Acts VII of 1884 and II of 1892, did not make any alteration in it. In the absence therefore of any specific provision requiring the sanction of Government for the grant of pensions and gratuities it appears that the Standing Committee is itself competent to dispose of the present application. But under Sections 37 and 38 of Act I of 1884, as amended by Acts VII of 1884 and II of 1892, the appointment and dismissal of the Revenue Officer vest in His Excellency the Governor in Council and under section 45. the power to grant him leave also vests in Government, the Commissioners having only the power to recommend the grant of leave. In these circumstances therefore, the Accountant-General's view that "as the appointment and the "grant of leave to the Revenue Officer

This is only disposing of the application: it gives no power to grant or determine pensions — a matter which is regulated by the rules prescribed by the G. in C. under Sec. 48 of the Act

S.J.R.

[redacted]

Provided the disposal is in accordance with the rules made by Govt under Sec. 48

S.J.R.

[redacted]

officer are made by the Government, it seems natural that the "pension should also be sanctioned by Government" appears to be correct.

3. If this view is accepted, it will be necessary to consider the first question raised above, viz:- whether the pension admissible to the applicant should be subject to any reduction under Art 521 (a) of the Civil Service Regulations. The applicant entered the service of the Municipality on the 16th February 1869 as Acting Assistant to the President, but his qualifying service began from the 16th February 1871. As he was allowed to retire with effect from the 31st March 1897, his total qualifying service, as certified by the Accountant General, is 26 years

If the Mun. Comrs. grant a pension in accordance with the Govt. rules it does not much matter, whether the formal sanction of the Govt. is given or not. If the pension was not in accord with the rules, the Govt. wd. interfere.
G.R.

In any case this question must be considered

[redacted]

1 Month and 15 days, which entitles him to a maximum pension of $\frac{30}{60}$ths of his average emoluments (Rs 793-5-4) or Rs 396-10-8 per Mensem - vide Article 518 (b) of the Civil Service Regulations. This amount has however to be reduced by $\frac{7}{40}$ths under Article 521 (a), for, when the applicant's qualifying service began (ie) on 16th February 1871, he was nearly 37 years of age and his pension has to be reduced by "1/40th for every year "or part of a year by which his "age at the commencement of his "qualifying service exceeded thirty "years." This reduction brings his pension down to Rs 327-4-0 or Rs 69-6-8 less than what it would be if Article 521 (a) had not been applied. The President of the Municipal Commission

Madras

[redacted]

A very liberal pension
G.R.

Madras, however, states that it seems doubtful whether the provisions of Article 521 apply to municipal service under Act I of 1884, as in G.O. No. 1197 M., dated 9th July 1892, the only provisions mentioned as governing the case of municipal servants are Articles 377 and 518 of the Civil Service Regulations. He also contends that as the applicant entered the service of the Municipality before Article 521 came into force, his case falls within the spirit of note 2 to Article 7 of the Regulations, under which, "did M.R.Ry Ramasawmi Chetti hold an analogous position to the one held by him under the Municipality, he would have, in the language of the Secretary of State's Despatch therein printed, claimed that as he has substantially

D

"substantially suffered from the "introduction of a rule not in "force at the time he entered "the service, some compensation "be granted to him in view of "the special circumstances of his "particular case."

4. As regards the first of these points, it is observed that in G.O. No. 1197 M., dated 9th July 1892, the only matters dealt with were the proposals of the Commissioners to adopt a more liberal scale of pensions to the gazetted officers of the Madras Municipality and to exempt such officers from the operation of Act 377 of the Civil Service Regulations, and these proposals were disallowed by Government. No question was then raised as to the applicability or otherwise of the other provisions of the Civil

D

As no alteration was made with reference to the article in question it must be held applicable

23 8

Civil Service Regulations regarding pensions etc. to those servants, and the order does not therefore deal with this point. In the Memorandum circulated by the Standing Committee, embodying the proposals disposed of in G.O. No 1197 M., dated 9th July 1892, however, it is clearly stated that "all other conditions (of pen-"sion) will be those of the Civil "Service Regulations" and Sir Henry Stokes remarked thereon as follows:-

D

Note
The portion enclosed in brackets has been inserted by the office.

"With regard to age at entry, Article 521, will, under the last clause of the Standing Committee's memo, still apply to the proposed scale" The argument of the President based on G.O. No 1197 M., dated 9th July 1892 is therefore untenable and Article 521 of the Civil Service Regulations must be

E

| clearly

9 24

be held to govern the present case.

With reference to the second contention, the Accountant-General points out that although the applicant entered the service of the Municipality in 1869, his qualifying service did not begin until 16th February 1871, while the rule contained in Article 521 of the Civil Service Regulations came into force in January 1871. This contention of the President also therefore falls to the ground. The Government, however, in consideration of the facts that the applicant began his service under the Municipality ~~begins~~ in February 1869, that he rendered good service for a long period of over 26 years and that the operation of Article 521 reduces his pension by so large a sum as

S. F.

Note
For precedents, please see the following Pension G.Os.
F 782/31-7-93, H 1081/10-10-93, K 120/16-2-92 & L 1347 A./25-10-94

as Rs. 69-6-8 per Mensem may relax the provisions of Article 521 ~~[illegible]~~ in favour of the applicant and grant him the maximum amount of pension admissible under Article 518 (b) viz. Rs. 396-10-8 or remit a portion of the deduction (Rs. 69-6-8) which will have to be made under Article 521 (a).

V.R.
31/8/97

H.M.

The appt. of Ramaswami Chettiyar in a qualifying post dates from 16 Feby. 1871 — his appt. being that of "Assistant to the Resident" an office created by sec. 10 of Act IX of 1867 (M).
By Act V of 1871 ~~ss~~ (ss 4 & 6) the appt. under that name was abolished & for it ~~the~~ the office of ~~styled~~ "Assessor" was substituted & Ramaswami Chettiyar's style altered

accordingly.

By sec. 8 of the same Act (V of 1871), — which is to be* read with & as a part of said Act IX of 1867 — the Mun. Commrs. may grant retiring allowances to its officers & servants appointed under the Act — the grant being subject to "such rules as the G. in C. ~~may~~ shall prescribe".

*Vide s. 11

In G.O. 4 Ap. 1872 no. 420 Fin. the G. in C. under the aforesaid section prescribed "the provisions "of the Civil Pension Code as the "Rules under wh. retiring "allowances & gratuity may be "allowed by the Mun. Commrs. to "officers & servants appointed "under said Act IX of 1867".

× Flag. N.

By these Rules or rather by the Code of 1872 it was declared (Chap III s. 5) that claim to pension is governed by the rules in force at the time the officer resigns or is discharged. This is therefore a condition which binds the officer & affects the ~~calcula~~ determination of his pension

Vide discussion in the Notes with G.O. 18/2/88 no 177 M. (L & M).

× Flag. M

The Civil Pension Code of 1872 is now embodied, with the alterations made from time to time since that date, in the Civil Ser. Regulations.

Art. 521(a) of the C.S.R. therefore clearly governs the Chettyar's pension; and the Mun. Comrs. ~~are~~ cannot award any pension which is not regulated, inter alia, by that article.

In the correspondence of 887 & 1888 (vide G.O. 18/2/88 no 177 M) the question was raised as to the application of the age limitation affecting pension — but the Qn was raised only with reference to the President & Vice Presdt (vide para 17 of Col Moore's letter of 10/11/87 in G.O. ~~ibid~~ abovecited) because "the ages at wh. these persons are likely to be appointed must almost invariably greatly exceed hat at wh. persons ordinarily commence heir service & consequently the existing ension rules wd bear hardly upon hem". A reference was made to

"Flag M

to ascertain, not only with reference to the Pt. & Vice Pt. but also generally as to the other employes of the City, the views of the Comrs. as to the application of the Government rules ~~[illegible]~~ relating to age, leave &c (G.O. 14/11/90 no 1697 M).

Flag. C.

In reply the Pt. submitted two resolutions of the Commission one relative to the Pt. & Vice Pt., which need not be further referred to here, & the other relative to all other employees which ran thus — "That the rules wh.
"apply to in the case of Govt. service
"with regard to age leave servants.
"shd be applied to the other employes
"of the Commission".

This second resolution Govt. accepted — in other words the existing Rules were to stand & were not to be modified as regards those servants (G.O. 6/4/91 no. 503 M)

Flag I

Flag D

The G.O. of 9 July 92 no. 1197 M

also declined to approve, in view of there being no restriction on the commencing age of mun. servants, any better scale of pensions than that provided in the C.S.R.

Thus it appears to me clear (1) that the C.S.R. ~~[illegible]~~ ~~[illegible]~~ governs the grant ~~[illegible]~~ of pensions to ~~municipal~~ officers of the Madras Mty., & (2) that no modification of them involving a relaxation of art 521(a) has ever been approved by the Govt. The Mun. Comsrs. must deal with the application accordingly ~~[illegible]~~ ~~[illegible]~~. If any relaxation of the rules in favour of the pensioner ~~[illegible]~~ is desired by the Mun. Comsrs. they must come up to Govt. - They should be told so. ~~[illegible]~~ It is desirable to maintain the strict procedure. If & when the G.O. is sent up it can be considered on its merits.

S.P.R. 22/9/97

Draft FM

I quite agree. I don't see by the way what Govt. can do if the case arises to fly in the face of the rules ordered upon art. 521(a)

Please note on this OR

Yes - I would not say so - That wd. be but to invite them to come up, whereas I don't see any ground for their doing so

27/9/97

Pension of Diwan Bahadur P. Ramaswami chettiyar, late Rev officer, Madras Mty

[L & M.]
1 97.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., No. dated 189 .
Again G.O., No. dated 189 .
Current No. 2172 M of 1897, dated 5th June 97, from the Pension Departt.
" " " 189 , " , "
" " " 189 , " , "

Mis ORDER. No. 2358 M. mis d/28/10/97

The grant of pensions and gratuities to officers and servants of the Madras Municipality is regulated by the rules prescribed by the Governor in Council under section 48 of Act I of 1884 as amended by Acts VII of 1884 and II of 1892. The rules which have been so prescribed being those contained in the Civil Service Regulations and no modification of them involving a relaxation of article 521 (a) having ever been approved by Government, the amount of pension payable to Diwan Bahadur P. Ramaswami Chettyar ~~should~~ must be determined in accordance with these regulations.

2. As regards the question

31

referred to in para 4 of the Accountant-General's report, it is observed that the Standing Committee ~~is~~ appears to be competent to dispose of the present application, ~~provided~~ the Comtee being bound in disposing of it to abide by ~~the disposal is in accordance with~~ the rules made by Government under section 48 of the Act

(From orders)

V.R.
14/10/97

15/10

Copy of the [illegible] endorsement

To
The President, Munl Commrs Madras
" Accountant General. (with pension appn)

P1

Note

With reference to the Hon'ble Member's note enquiring what the Govt can do if the Commissioners choose to fly in the face of the rules and disregard Art 521(a), it is observed that there is no express provision in the Act corresponding to that contained in section 35 of Act IV of 1884, as amended by Act III of 1897.

32

authorizing the Government to interfere in any case in which the Commissioners contravene the provisions of the Act or of the rules prescribed thereunder. Section 64 of Act I of 1884, as amended by Acts VII of 1884 and II of 1892, lays down that "if at any time "it appears to the Governor in Council "that the Commissioners are omitting "to fulfil any duty or carry out "any work imposed upon them by "the Act, he may give notice in the "Fort Saint George Gazette that unless "the Commissioners do, within fifteen "days, show cause to his satisfaction "against such appointment, he will "appoint a special officer to inquire "and report to him the facts of "the case and to recommend what "steps such officer thinks necessary "for the purpose of fulfilling such "duty or carrying out such work."

The duty and work referred to in the above section are apparently those enumerated in section 61 and it does not appear that a disregard of the rules regulating the grant of pensions, etc, prescribed under section 48, can be brought within the purview of section 64. But having regard to the wording of section 48 which says that "the Municipal Commissioners shall subject to such rules, pay such pensions" "and gratuities out of the Municipal fund" it appears that when the grant of the pension is not in accordance with the rules, the Government can order that the rules should be strictly obeyed. If, however, the Commissioners persist in their wrong course the Government can under section 88 reduce the provision made for this purpose in the budget.

(Initialled) V.R
14-10-97

I talked the matter over with Mr H— in another connection

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N.B.—
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Memo. of calculation of average emoluments.

For 4 months from 1st April to 31st July 1892 at Rs 700 per month } 700 × 4 = Rs 2800.

For 56 months from 1st August 1892 to 31st March 1897 at Rs 800 per month } 800 × 56 = Rs 44,800

Emoluments for 60 months —— Rs 47,600.

∴ Average emoluments for 1 month —— Rs $\frac{47,600}{60}$

= Rs 793. 5. 4.

∴ Amount of Pension admissible — Rs $\frac{793.\ 5.\ 4 \times 30}{60}$

Rs 396. 10. 8

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