

15/10/00
3/3/08

[L. & M.
1,000-18-6-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1221 M

DATED 8-7-98

INDEXED.

[Despatch Abstract.]

Contribution for pension and leave allowances.

According with remark, letter from the Govt. of India
regarding the _____ payable on account of Muhammad
Sufdar Husain Sahib, Revenue officer, Madras
Municipality.

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. (1898) Department.

CURRENT No. 946 M

From The Under Secretary to the Govt. of India

Misc Order No. 1221 M. M. 27 8-7-98.

Recorded

18/6/98

2. The contribution will now be recovered for pension only at one eighth of the assumed pay, under Article 809(a)(ii) of the Civil Service Regulations.

Dated 25-2-98

Received 2-3-98

Registered

Enclosures

Spare copies.

SUBJECT.

Suggesting that the subject of the contribution for leave allowances and pension payable to Govt. on account of Muhammad Safdar Hussain Sahib who has been appointed as Revenue officer of the Madras Municipality may be reconsidered in the light of the remarks made

The President. M.C. Madras.
Accountant General.
Revenue Department.

11/7/98

BACK PAPERS.

G.O.	No.	Department.	Date.
80	2117-18	h	28-9-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

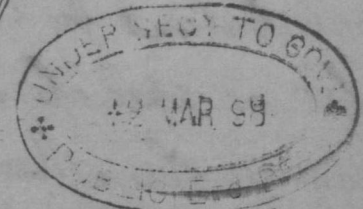
LOCAL & MUNICIPAL DEPT.

No. 970-P. 946 M

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

Calcutta, the 25th February 1898.



To

The Secretary to the Government of Madras,
Local and Municipal Department.

Sir,

I am directed to acknowledge the receipt of your letter No. 2118-M. Mis., dated 28th September 1897, on the subject of the contribution for leave allowances and pension payable to Government on account of Muhamad Safdar Husain Sahib, a Deputy Collector on Rs. 250/ a month who has been appointed under (amended) Section 37 of the City of Madras Municipal Act, as Revenue Officer of the Madras Municipality on a pay of Rs. 400/ a month.

2. In reply I am to say that the reference has apparently been made under a misapprehension as to the intention of the Section referred to. That Section imposes no responsibilities or conditions upon the Government. It merely imposes an obligation upon the Madras Municipality to meet such payments in respect of Contributions

contributions for leave allowances and pension as the rules or special orders of the Government may require the Municipality to make. The question therefore whether the Government may lend any of its officers to the Municipality and if so on what terms, so far as Government is concerned, is a question to be considered on the merits with reference to the executive orders of the Government in force for the time being and irrespective of the law which merely defines how far these conditions may be made obligatory on the Municipality.

3. I am accordingly to suggest that the matter may be reconsidered in the light of the above remarks.

I have the honour to be,
Sir,

Your most obedient servant.

M. B. Munzate.

Under Secretary to the Govt. of India.
U.S.

C. No. 746. M of 1898.

SUBJECT.

Contribution for pension and leave allowances on account of Muhammad Sufdar Hussain Sahib, Revenue Officer Madras Municipality.

FOR ORDERS.

1. H. M.
2. H. E. the Government.

I don't understand this case. If he is only to contribute for pension, how is he to get any allowance while on leave? Who pays, if he gets any?

He gets Rs 250 only as a Civil Servant, how can he get Rs 400 on leave? In service? He belongs to a fixed service & can therefore under Art 806 (iv) (1) not exceed the pay of the next higher grade, viz Rs 300. But it may be held that Rs 300 are not fixed, though they are shown in the Civil List & belong to different grades on Rs 250, 300 and so on. In that case he can only get an increase of 25% or $(250 + \frac{250}{4})$ Rs 312-8-0.

Rs
23/5/98

1. Please see Article 835 (b) of the Civil Service Regulations, which runs as follows:

"In return for the contribution prescribed in Article 809 (a) (ii) [i.e. contribution for pension and leave allowances]

The question for decision in this case is whether Muhammad Sufdar Hussain Sahib, a Deputy Collector on Rs 250, who was appointed as Revenue Officer of the Madras Municipality on Rs 400 should be required to pay

- (1) contribution for pension only under article 809 (a) (ii) of the Civil Service Regulations, as being an officer transferred to foreign service of the first kind, who does not belong to the special services mentioned in Article 806 (iii) or
- (2) Contribution for pension and leave allowances under section 37 of Act I of 1884, like an officer transferred to foreign service of the second kind, as directed

Government in G.O. No 421 M, dated 8th March 1897.

2. In the former case, the contribution will be calculated under Article 808(b)(i) on his assumed pay (i.e.) the salary of the grade of Deputy Collector in which he may be placed from time to time; but in the latter case, it will be calculated under Article 823 on the actual salary which he may be drawing from time to time from the municipality.

3. The Accountant General and this Government thought that, as a legislative enactment must be held to supersede any executive orders of the Government of India, such as are contained in the Civil Service Regulations and have not the force of law, the contribution should be levied both for pension and leave allowances on the pay actually drawn from the municipality from time to time and accordingly requested the Government of India to modify the Civil

M

"Government accepts the charge for the officer's pension only, but not for his absentee allowances, of which the British Government will thenceforth only pay its share according to the Rule of Proportions, calculated on the assumed pay referred to in Article 808(b)."

(2) It is submitted that although Muhammad Safdar Hussain's pay as Deputy Collector is only Rs 250, his salary can be fixed at Rs 400, under Article 806(i)(ii) on the ground that the duties of the Revenue officer entail unusual responsibility. The question whether Deputy Collector can be held to be graded or not, does not then affect the case.

1/28
12/6/98
17.6.98

(1) doesn't quite answer my question, but I suppose it means that the Municipality will have to pay his leave allowance - Rs 250, all right.
(2) This may pass as the A.G. has raised no objection.

The proposed order is $\therefore$ approved
18/6/98
23.6.98

It is submitted that the leave allowances of Muhammad Safdar Hussain Sahib will have to be paid by both the Government and the municipality, according to the rule of proportions under Article 835(b) of the Civil Service Regulations, and not exclusively by the municipality as supposed by the Honorable members.

bring them into harmony with the provisions of section 37 of Act I of 1884. The Government of India, however, now points out that this section merely imposes an obligation upon the municipality to meet such payments in respect of contributions for pension and leave allowances as the rules of Government may require the municipality to make, and that the question whether this Government may lend any of its officers to the municipality and if so on what terms, is one which should be considered on the merits with reference to the orders of Government in force for the time being and irrespective of the law which merely defines how far these conditions may be made obligatory on the municipality. Thus a Government servant whose services are lent to a municipality is placed at a disadvantage when compared with a private person who may be appointed to the same office in the municipality. But as

not inclined to modify the rules
it is submitted that its letter
read above may be recorded,
with a remark that the contri-
bution should be calculated
for pension only on the assumed
pay, under Article 809(a) (ii).

The draft order on the current
is submitted for approval.

V.D.
16/5/98

W. S. G.
N. S. G.

GOVERNMENT HOUSE,
OOTACAMUND.

25th May 1878.

A single copy
was sent
for Mr. + Mrs. H.

Dear Sir,

I return the accompanying
Ltr. which the Private Secretary
thinks might perhaps have been
sent up here inadvertently.

The Private Secretary says
- good's not perhaps the Hon.
Sir Henry Bliss, requires that
his questions should be answered,
& the papers returned to him.

Yours sincerely
J. M. M. M.

M. H. M. Clerk
L. & M. M. M.

When given for copying _____
When copied _____
When examined _____
When signed _____ 189.

READ AGAIN G.O., No. _____, DATED
189.

CURRENT No.

ENCLOSURES TO C. No.

OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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A = Copy in full.
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