5-2-09

5-2-09

27-2-08 ✓
5-2-09 ✓
12-2-09 ✓

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 340 M.

DATED 9-3-99

INDEXED.

[Despatch Abstract.]

Pension

Stating with remark that Dewan Bahadur Ramaswami Chettiyar is not entitled to any larger pension than that already granted to him in G.O. No. 412 M, dated 21st Feb. 1898.

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. 3414/16

4468

ACCOUNTANT GENERAL'S OFFICE MADRAS 17 DEC 98

UNDER SECY TO GOVT PUBLIC ETC DEPT 16 NOV 98

From

THE PRESIDENT,

Municipal Commission,
Madras.

No. 1398 dy 16-12-98
~~Order~~

G. No. 809

Referred to the Accountant-General for remarks.

Dated 4th November 1898.

Received

H Tremenheere
Secretary to Govt.

Registered

Enclosures Two.

V.R. 13/12/98

Spare copies

SUBJECT.

Submitting to Government the Memorial from Diwan Bahadur P. Ramaraconay Chettiar Late Rev: officer together with an extract from the proceedings of a meeting of the Commissioners, Confirmed by the Commissioners, Strongly urging upon Government to exercise the power they undoubtedly possess and condone the want of service in view of the Memorialists long and exemplary service.

To

The Accountant General.

K.R. 24/11

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Encl(1) to G.No: 809

Extract referred to.

19. Read memorial from Dewan Bahadur P. Ramasawmy Chettiar, late Revenue Officer, Madras Municipality, dated 25th July 1898, requesting to sanction a full pension of Rs. 396-10-8 per mensem for the reasons stated in the memorial.

Dewan Bahadur P. Ramasawmy Chettiar's pension.

In granting the memorialist the full pension of Rs. 396-10-8 per mensem in their proceedings of 3rd December 1897, the Standing Committee were of opinion that they were empowered to exempt him from the operation of Article 521 (a) Civil Service Regulations. In reference to the order of Government on the Accountant-General's opinion they regretted their apparent inability to do so - Proceedings of 1st April 1898 - Should Government still adhere to their opinion, the Standing Committee would strongly urge upon Government to exercise the power they undoubtedly possess and condone the want of service in view of the memorialist's long and exemplary service.

4

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3414/M/98

Encl(2) to G.O.No: 809 5

To

THE HONORABLE

LIEUT: COL: SIR G. M. J. MOORE, Kt., C.I.E.

The President,

and

The Members,

of the Standing Committee

of the Municipal Commission for the city of

Madras.

The humble Memorial of Diwan Bahadur P. RAMASAWMY CHETTY,

Retired Revenue Officer of the Municipal Commission for the city of Madras,

References & Authorities.

Most Respectfully sheweth,

G.O.No. 107- (Pub:) dated 26/1/69.

That, by G. O. No: 107 (Public) dated 26th January 1869, under the provisions of Section 13 of the Madras Municipal Act IX of 1867, the late Mr. Benjamin Cardozo, deceased, assistant to the then President of the Commission, was granted Furlough for 20 Months (subsequently extended to 2 years) preparatory to his retirement, and Your Memorialist first appointed to act for him, and thus (in the words of article 63 of the Civil Service Regulations) "admitted into the Service" of the Commission when 34 years old- that is, 9 years later than the ordinary limit of age fixed by that article, in pursuance of the permission granted by the Government of India's Orders published in Appendix No:1 referred to in that article.

Article 63 of C.S.Regulations.

Appendix No. 1.

2. That your Memorialist entered the service by taking charge of the Office to which he was so appoint ed, on the 15th of February 1869, (on which date, by

Article 390 (b) of C.S.Regns:

virtue of Article 390 (b) of the Regulations, "his service began"), attained permanency therein on the retirment of Mr. Cardozo, on the 15th of February 1871, and, having continuously held that and various other appointments in the Commission, was retired on the 31st of March 1897, after an actual service of 28 years, 1 month and 16 days.

3. That the Honorable President was pleased, in due course, to submit his application for your Memorialist's pension to the Accountant-General of the Government of Madras, for scrutiny, and, in his letter R. No 523 dated 28th April 1897, specially recommended the grant to your Memorialist of the full pension of Rs 396-10-8 per Mensem, to which he was entitled,

R.No. 523 of 28.4.97.

Article 521 (a) of C.S.Regns:

without any forfeiture under Article 521 (a) of the Regulations on the score of age, urging as his reasons for so doing.

1stly. That the reduction contemplated by that Article did not apply to your Memorialist, because that article, introduced, as it was, on the 20th of January 1871, was not in force at the time he entered the service as abovementioned, viz, 15th February 1869, and could not, therefore, be brought to bear on his case, in view of the express ruling contained in the Right Honorable the Secretary of State's Despatch embodied in the Resolution of the Government of India, No. 4863, dated 4th December 1891, and forming foot note (2) to article 7 (a) of the Regulations, and which ruling runs as follows:-

Foot Note (2) to Article 7 (a) of C.S. Regns:

"If any case of apparent hardship arises, the "local authorities should understand that, when "the Officer applies to retire, they are not "precluded from examining into its merits and

"ascertaining, whether, in their opinion, he "has substantially suffered from the introduction "of a rule not in force at the time he entered "the service."

2ndly. That it was understood that article 521 (a) should not be applied to the Gazetted Officers of the Commission, in the face of the correspondence ending with G. O. dated 9th July 1892, No. 1197, M. L & M (including G.O.No.177 M. dated 18th February 1888, and No.1697 M. dated 14th November 1890, L & M) wherein the disadvantages accruing to such Officers under the existing Pension Rules were brought to notice by the Commissioners and recognized by Government, regard being had to the fact of those officers' first entertainment for special reasons or on special grounds of Government, invariably at an age far beyond the limit of 25, fixed by article 63 and Appendix No.1 to which it refers, and, in several instances, much above 30; and

3rdly & lastly. That the concession sought for your Memorialist was not such as could not have been enjoyed by a servant of Government.

G.Os, L & M
No.177 M of 18.2.88 C
No.1697 M of 14.11.90 D
No.1197 M of 9.7-92. E

4. That the Accountant-General, without going into the details of the Honorable President's references, whereon he grounded his recommendation for full pension, dismissed it summarily upon the mere hypotheses

F
Acct.Genls Report
No. A.D.G. of 17.5.97.
75.
P 2358 h
28-10-97

lstly. That your Memorialist's case did not appear to fall within the spirit of the Right Honorable the Secretary of State's Despatch in paragrah 3 above quoted, for the reason not that article 521 (a) was not in force at the time your Memorialist admittedly (to use the Accountant-General's own words) " e n t e r e d t h e

service" (the express terms upon which the concession was allowable under that Despatch) but that your Memorialist's qualifying service did not begin until the 15th of January 1871,-26 days later; and

2ndly. That the intention of G .O.No. 1197 M. dated 9th July 1892 above adverted to, seemed to be that the pensions of the Gazetted Officers of the Commission should be regulated under the Civil Service Regulations as in ordinary cases and, passing over in silence the 3rd and last point urged by the Honorable President, proposed a less sum of Rs 327.4.0 per Mensem for your Memorialist's pension.

5. That Government, to whom the Accountant-General submitted such his Report for orders, were pleased to transfer same by G.O.No.2358 M.Mis. dated 28th October 1897 L & M for disposal in accordance with the Civil Service Regulations, by the Standing Committee, as the sole competent authority, by section 80 of the City of Madras Municipal Act now extant, vested with absolute power to dispose of applications for pensions and gratuities of Municipal Officers and servants.

6. That, in their Proceedings of the 3rd of December 1897, the Standing Committee were pleased to sanction the full pension of Rs 396.IO.8 per mensem, so recommended by the Honorable President as aforesaid, replying for the purpose in abstract upon article 465-A alone of the Regulations as sufficient authority; and that your Memorialist accordingly drew such pension from April 1897 to March 1898, whereafter he was intercepted by G.O.Nos.412 M. dated 21st February 1898 L & M, wherein, upon the advice of the Accountant-

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G.O.No.2358 M.
of 28.IO.97.

Section 80 of
M.M. Act.

H

S.C.Pro:
3.12.97

Article 465 A.
of C.S.Regns:

I

G.O.No.412
M d/ 21.2.98

General, exception was taken to the applicability of Article 465 A to your Memoriolist's case, and the question referred back to the Standing Committee for reconsideration.

I

7. That unfortunately, led by the last mentioned G.O., and, in the absence of the fuller information, references, authorities and explanations herein afforded and without further investigation, the Standing Committee recorded, in their proceedings of 1st April 1898, the following resolution, viz:- "The Standing "Committee regret that it is apparently out of their "power to grant the increased pension:" whereupon, the reduced sum of Rs 327.4.0 so proposed by the Accountant-General as aforesaid was offered to your Memorialist as having been fixed by Government in G.O.No. 671 M. Mis. dated 29.3.98, reviewing the Municipal Budget for 1898/99, in lieu of Rs 396.10.8, accompanied by a suggestion for refund of the difference already drawn by him as aforesaid between those sums.

S.C. Pro:
of 1.4.98.
in po. 1098.M
17-6-98

K

J

G.O.No. 671 M
of 29.3.98
G.No.11 of
6.4.98

8. That your Memorialist, therefore, takes this opportunity of availing himself of the liberty granted to him by the Honorable President to make any further reference he might wish to make after the disposal of his papers by the Standing Committee, and submits as follows.

R. No. 4719 of
10.11.97

H

9. That the Standing Committee's Resolution of the 3rd of December 1897 granting the Memorialist the higher pension of Rs 396.10.8 per mensem, was substantially within the four corners of the Civil Service Regulations and also within the discretion, believed to have been exercised by Government under the same Regulations as regards their own servants, and was final and conclusive, and that no claim could

consequently lie for refund of payments made absolute
ly and unconditionally under such resolution, and that
even if such claim lay, the Standing Committee could,
by virtue of article 1004 (a) of the Regulations
hereinafter in paragraph 14 particularly referred to,
recommend its being waived.

10. That the first of the theories propounded by the
Accountant-General (vide para. 4 supra) that, to be
entitled to the benefit of the Right Honorable the
Secretary of State's Despatch above adverted to, your
Memorialist should have been in qualifying service at
the time Article 521 (a) was introduced, would be
permissible, did that article stand by itself unfett-
ered, it being patent on the face of the article
that the forfeiture imposed thereby should apply at
once to cases such as that of your Memorialist (in as
much as his qualifying service began after the 20th
January 1871 - the date of the introduction of that
article), which fact naturally and necessarily implies
that those in qualifying service at the time of the in
-troduction would absolutely escape such forfeiture.
In that case, the Accountant-General's interpretation
of the Right Honorable the Secretary of State's Despatch
above referred to, would be unintelligible, if not
absurd. Reading the article by the Light of the
Despatch, it is clear that the words "at the time
"he entered the service" occurring in the above mention
-ed Despatch, meant specially the time when the service
(not necessarily qualifying service) of an officer
began under article 390 (b)- that is to-say, the time
when he took charge of the office to which he was
first appointed, and which, in your Memorialist's
case, was the 15th of February 1869. It will be
further observed that, throughout the Civil Service

Regulations, the word "service" is distinguished as "qualifying" or "pensionable" wherever necessary, and this will justify the belief that the Right Honorable the Secretary of State would have used the term "qualifying service" or "pensionable service" in his said Despatch, if any other than simple service had been intended.

11. That, moreover, article 521 (a) applying, as it expressly does, to a "Superannuation pension, or an "invalid pension granted on account of incapacity "for further service due to old age or natural decay "from advancing years" cannot and ought not to govern your Memorialist's case, as he was not retired on those grounds or under any of the other conditions of article 503 (a) worked within the discretion it suggests; for,

Article 503 (a) of C.S. Regns.

(a) he was not aware of any "statement of the reasons "for enforcing it," against him having been "placed on "record by the local Government or other competent "authority", as required by the same article, so as to have given him a chance of rebutting it;

(b) nor, as far as your Memorialist understood, were Government pleased to heed the instructions contained in the Right Honorable the Secretary of State's Despatch No 87; dated 8th August 1872, forming the 1st foot note to that self-same article, and which are in the words following; viz: "I trust that the various "Governments and Administrations will always be dis- "posed to extend to this Rule a very liberal interpre "tation, and that the State may in no case be deprived "of the valuable experience of really efficient "Native Officers by the untimely exercise of the "powers of Compulsory retirement on pension";

503(a)

(c) nor was the Rule observed that it is laid down by the Government of India in their Revenue Order No31 F

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8.

dated 3rd September 1877, forming foot note (2) to
the same article, and which runs as follows: "His
Honor the President in Council thinks it desirable
"to state that not only does article 503 of these
"Regulations not require the compulsory retirement
"of any efficient officer of whatever age but that
"though the article authorizes the Local authorities
"at their discretion, to presume that an officer is
"inefficient at 55 years of age conditionally and at
"60 years of age, absolutely, yet the whole tenor of
"the rule is that such presumption shall be exercised
"with careful consideration both for the individual
"who would suffer by being deprived of his appointment
"while capable of discharging its duties and for the
"finances of the country, which would suffer were
"officers still efficient, prematurely thrown upon the
"pension List,"-
but that, on the contrary, and in spite of the strong
recommendation for your Memorialist's retention in the
service for a further period of 2 years, made at
their Special Meeting held on the 12th February 1896,
by the unanimous voice of the Commissioners, than
whom there was no more competent authority to testify
to his unimpaired efficiency, the termination of his
service was brought about under circumstances upon
which it is unnecessary herein to dilate, and that, if
further evidence were needed of your Memorialist's
continued efficiency, he would, with your permission,
quote (among others) no less an authority than one of
the Honorable Judges of the High Court of Judicature
at Madras, who had had opportunities of watching your
Memorialist's capabilities in matters judicially com-
mitted to him since his retirement, and who, so late
as the 21st May 1898, recorded as follows "It must be
"exceedingly gratifying to you to feel that your life

L

Proc: of Sp Meetg.
of Comrs of
12.2.96.
mf 0.428m
14-3-98

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"Work has been so valuable and so highly appreciated, "though I do not, by any means, consider that it is "finished- You have, I hope and believe, many years " yet before you in which you can be of use to your "fellows and an honour to yourself and your Native "Town".

12. That, should the facts, circumstances and references brought to light by para 3 supra, not warrant the implied understanding that, for the reasons therein shown, article 521 (a), like article 63, should not apply to the Gazetted Officers of the Commission, and therefore, to your Memorialist, he would refer to para 4 of the Government of India's ruling, Finance Department - No. 2065 dated 15th July 1871 (embodied in appendix No. 1 referred to in Article 63) which, alluding to article 521 (a) as the Rule of 20th January 1871, reads as follows- "In regard to this Rule, "it should be re-marked that it imposes no specified "disadvantage as regards pension; but only prevents "the undue advantage which the persons to whom it "applies would otherwise obtain by being permitted to "earn a full pension by a service of less than thirty "years". This ruling is conclusive on the point, taking into consideration that your Memorialist served out the full term of 25 years (substituted for 30 years under the New Rule. Article 518) and was in no way responsible either for his admission into the service, for special reasons or on special grounds better known to Government than to your Memorialist, at a later age than the restricted age of 25 years, or for his premature retirement while still efficient.

Article 518 of C.S. Regns.

F

13. That the second proposition of the Accountant-General, that your Memorialist should be made to pay the penalty prescribed by article 521 (a) because,

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by reason of his having, at the time of his retirement exceeded the full term of 25 years, by 1 year 1 month and 16 days, the condonations of qualifying service provided for by Article 465 A ofthe Regulations, could not apply to his case, was in effect repugnant to the letter and spirit of the Government of India's ruling in their Finance Department No. 2065 dated 15th July 1871 (quoted in the last paragraph) which, under similar circumstances to those of your Memorialist, specially renders such penalty void.

14. That, in condoning the insignificant gap in the Memorialist's qualifying service, of but 26 days, between the 20th of January 1871, the date of the promulgation of Article 521 (a), (or 15 days between the 31st of January 1871, when the same was first published in the Fort Saint George Gazette) and the 15th of February 1871, when your Memorialist's qualifying service commenced, for the purpose of precluding the operation of that article in his case in consideration of his meritorious services throughout his whole career, as evidenced by the voluminous records noted in the Schedule hereto, the Standing committee were within the wide powers conferred by article 1004 (a) of the Regulations to grant in "special cases any in-"dulgence not provided by the Rules."

Fort St.Geo.Gaz. of31.1.1871.p.179

+ on page 16.

Article 1004 (a) of C.S. Regns.

15. That, referring more closely to article 465 A, your Memorialist would point out that, if he had retired, as, under the option given him by article 508 of the Regulations, he was prepared to do, on the 31st of March 1895, his qualifying service would then have been short of the full term of 25 years, by 10 months and 15 days; that he would have been entitled to a condonation of such deficiency under article 465 A (2) (a) which, in such case, would admit of a year of his previous non-qualifying service being added

Article 508 of C.S. Regns.

to his actual qualifying service and thereby his qualifying service dated from the 15th of February 1870, when article 521 (a) had no existence, to count for full pension; that it was within the powers of the Standing Committee on his retirement in 1897, in the exercise of the authority contained in article 1004 (a) (and your Memorialist contends that the same should have been availed of by the Standing Committee, seeing that it was manifestly their intention to grant the full pension) to have treated your Memorialist's qualifying service, which commenced on the 15th of February 1871, as at an end on the 31st of March 1895 and thus to have placed him on the same footing as if he retired then, instead of complying with the wish

President's D. O. of 12 March 1895

of the Honorable President that he should continue in service, and that it would be hardly gracious and was obviously not anticipated by either the Hon. President himself or the Standing Committee that, in return for the loyalty he evinced by continuing to serve, in accordance with the Hon. President's wish, as long after the 31st of March 1895 as Government were pleased to retain his services, there should be imposed upon him, for no fault of his own, the very penalty from which immunity was contemplated, in such cases, by the Government of India's said ruling in their Financial Department No. 2065 dated 15th July 1871 and quoted in paragraph 12 supra.

16. That the circumstances in the last preceding para: mentioned, and the facts

(1) that your Memorialist had already substantially suffered

(a) by his compulsory retirement while still efficient

(b) as likewise by Government, notwithstanding their

repeated recognition of the value of his services, and in the teeth of the oft repeated recommendations of successive Presidents and Commissioners having, from time to time, been pleased to withhold, in quite an unusual manner, their sanction to his attaining the Maximum Salary of Rs. 1,000 Rupees specially provided for him by legislation (he having been confined to Rs. 500 a month for the first 10 years, to Rs. 700 for the next 13 years and to Rs 800 and no more for the last 5 years, of his service) and

(2) that the upwards of 28 years' service he had rendered to the Commission was of special advantage to it, in that, (among other things) during the whole period, he had availed himself of but 10 months privilege (and no other, casual not excepted) leave, were themselves ample justification for the Standing Committee determining your Memorialist's case as they did at first, which determination was in pursuance of the Right Honorable the Secretary of State's said despatch embodied in note (2) to article 7 (a) of the Regulations terminating in the words following:- "If "after comparing the advantages secured to the Officer "by the altered rules with any disadvantages incidentally involved, they find that he has, on the whole, "substantially suffered, the point may be taken into "consideration in determining whether some compen- "sation ought not to be granted in the particular "instance".

17. That your Memorialist is informed and believes the same to be true, that, in the exercise of the extraordinary powers given under article 1004 (a), Government have been pleased to exempt from the operation of article 521 (a) some of their own Officers, amongst whom those named in the table below are con-

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spicuous,- for, the circumstances under which the con-
-cessions were made to them compare by no means favor-
-ably with those with which your Memorialist's case
abounds, as the Statistics given therein will prove,
and that, it was competent for the Standing Committee
under the same powers, to grant to your Memorialist
even higher pension than Rs.396-10-8 per mensem, if
they considered he merited it.

The table above referred to

Serial Order	Name and Occupation	Date of Birth			Date of entry into non qualifying Service			Age at entry	Date of introduction of Article 521 (a) of C.S. Regns			Date of commencement of qualifying Service			Date of retirement			Total qualifying Service in yrs
1	Your Memorialist	7	6	34	15	2	69	34	20	1	71	15	2	71	31	3	97	20
2	Dr. Gustave Oppert late Professor of Sanskrit Presidency College.	30	7	36	14	11	72	36	20	1	71	14	11	72	30	4	93	
3	Mr. C. Powell late Inspector of Salt & Abkari Rev:				7	8	80 (2 Services)	42	20	1	71	17	11	80	30	4	94	
4	Mr. C. D. Rowland late Agent for Government Contts. & Personal Assist. to the Presidency Port Officer	14	12	24	6	5	70	45	20	1	71	27	10	75	31	12	88	

(NOT CONTINUOUS)

13. That, having shewn, as your Memorialist believes satisfactorily, that on all, or any one or more of, the grounds above urged, the Standing Committee's Resolution of the 3rd of December 1897 was as sound in principle as it was in strict accordance with the Civil Service Regulations, to which their attention was specially drawn by Government for adherence, no-

(11)

Memorialist recapitulates

Para: (1) That he was admitted into the service on 26th January 1869.

(2) That he entered the service on 15th February 1869, and was confirmed on 15th February 1871 and retired on 31st March 1897.

(3) That the President recommended a pension of Rs.396-10-8.

(4) That the Accountant-General overruled same and fixed Rs.327-4-0 instead.

(5) That Government referred the question for disposal by the Standing Committee.

(6) That the Standing Committee sanctioned the higher pension, while Government, taking exception thereto, referred the question back to the Standing Committee for reconsideration.

(7) That the Standing Committee thereupon recorded a vote of regret and that, as a consequence, the President intimated to your Memorialist that he was to receive only the reduced sum of Rs.---327-4-0 and called upon him to refund what he had drawn in excess of that amount.

(8) That, with the permission of the President, your Memorialist appeals against this intimation and claim.

(9) That the Standing Committee's decision granting the higher pension was within the Civil Service Regulations and final and conclusive, that no claim for refund could lie and that, if it lay, it could be waived.

(10) That the Accountant-General's construction of the Secretary of State's Despatch attached to article 7 (a) affecting article 521 (a) was erroneous and unintelligible.

(11)

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(11) That article 521 (a) was inapplicable to your Memorialist.

(12) That Gazetted Officers of the Commission were, and, therefore, your Memorialist was, ex--empt from the operation of article 521 (a)—

(13) That the Accountant-General's proposition as to the inapplicability of article 465 A to the Memorialist's case, was repugnant to the ruling of the Government of India.

(14) That it was within the powers of article 1004 (a) for the Standing Committee to have con--doned the insignificant gap of 26 (or 15) days in the Memorialist's qualifying service.

(15) That it was competent for the Standing Com--mittee, under article 1004 (a), to have treated the Memorialist's service hypothetically and thus brought it within the exact wording of article - 465 A (2) (a).

(16) That the circumstances referred to were in themselves ample justification for the Standing Committee's first Resolution, in view of the -- Secretary of State's Despatch attached to article 7 (a) and

(17) That, under the powers contained in articles 1004 (a), Government have made similar concessions to their own servants under less favorable circums--stances than those of your Memorialist, and that it was competent for the Standing Committee to -- have granted to your Memorialist even a higher -- pension.

AND HUMBLY PRAYS, that, under all the cir--cumstances of his case, and in the exercise of their powers under the Civil Service Re--gulations above cited and dwelt upon, the Standing Committee will be pleased to ----- sanction

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sanction the full pension of Rs.396-10-8 per mensem from the 1st of April 1897.

And your Memorialist, as in duty bound will ever pray.

M a d r a s, 25" July 1898.) /Sd/ P.Ramasawmy Chetty.

Schedule referred to in para 14.

Not available published at page 527 of the Fort St George Gazette of 19-10-69

Para 23 of Municipal Administration Report for 1868.

Proceedings of General Meeting of Commissioners of 25th September 1869.

G.O. 180. Public 16-2-70. N President's Minute of 19th January 1870 C. No.9.

O Para: 40 of Municipal Administration Report for 1869.

in G.O. 849. Public 9-7-70. P President's letter to Government of 30th June 1870, G. No. 251.

Q Municipal Administration Report for 1871/72.

T ----------do----------for 1875/76. (Last para:)

not traceable President's Minute of 20th September 1877, G.No.657.

These are merely the annual reports of the Revenue officer for those years & contain no Commendations of the Memorialist R Folio 14 of Municipal Administration Report for ----- 1876/77.

S Folio 10 of----------do----------for 1877/78.

B' Folio 2 of----------do----------for 1878.

in G.O. 1749. Fin 10-9-79. U President's letter to Govt: of 20th August 1879,---- G. No. 645.

in G.O. 69-A. Lgt 23-8-82. Z -----do----------of 15th September 1881 No.478 (Para.5.) 37

V G. O. of 31st December 1884, No. 3012 Mis.

W President's letter to Govt. of 11th January 1886.

in G.O. 55. Fin 21-1-86. G. No.662.

in G.O. 434. Fin 23-3-91. X Resolution of General Meeting of Commissioners of 9th January 1891.

do C' President's letter to Govt. of 16th January 1891, G. No. 459.

G.O.

X G. O. of 23rd March 1891 No. 434 M. Mis.

Para 11 of Inspector of Local Funds Report of 15th June 1892. No. L. F. D. 230.

A' G. O. of 3rd August 1892, No. 1277 M. Mis.

D' Proceedings of General Meeting of Commissioners of 5th September 1892.

----------do----------of 29th March 1897.

President's Minute of 31st March 1897.

Not traceable in the Collectorate.

in G.O. 1878.m 14-11-92

in G.O. 1225.m 17-5-97 E'

Not Communicated.

/True copy/

Lt.- Col.,
President, Munl. Commn.

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Genl. Dept.
13.

G. No. 809

MUNICIPALITY OF MADRAS,
General Department,
Madras, 4th November 1898.

From

The Hon: LIEUT.-COL. SIR GEORGE MOORE, KT., C. I. E.,
President, Municipal Commission.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3414 M6

To

The Secretary to Government,
Local and Municipal Department,
Fort Saint George.

SIR,

Enclosures
2

I have the honour to submit for the orders of Government the enclosed copy of Memorial submitted by Dewan Bahadur P. Ramasawmy Chettiar, late Revenue Officer, together with an extract from the Proceedings of a Meeting of the Standing Committee held on 7th October 1898, which were confirmed by the Commissioners at their General Meeting held on 31st October 1898.

I have the honour to be,

Sir,

Your most obedient servant.

Geo Moore Lieut. Col.

President, Munl. Commn.

3414/M/98

Local & Munl. (1899) Department.

CURRENT No. 339M

From The Accountant-General
Madras

ASSTT SECY TO GOVT
29 JAN 1899
MUNL EDL & LEG DEPT

Order

No. 1A.1
601

Dated 27th January 1899

Received

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SUBJECT.

Forwarding with remarks the reference from Government regarding the claim of Mr. Ramasawmychetty for exemption from Article 52(A) C. T. R.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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Pension Department.

Fort St. George,
Accountant-General's Office,
No. 9.a.E 27th January 1899.
601

From

T. HESKETH BIGGS ESQ.
ACCOUNTANT-GENERAL to the
GOVERNMENT OF MADRAS,

LOCAL & MUNICIPAL DEPT.
RECEIVED No. 339 m

To

The Secretary to Government,
Local and Municipal Department.

Sir,

With reference to your endorsement No. 1398, dated the 16th of December 1898, referring to me for remarks letter No. 809, dated 4th November 1898 from the President Municipal Commission, Madras, submitting a memorial from Dewan Bahadur P.Ramasamy Chettiar, late Revenue Officer of the Madras Municipality praying for the grant of a pension of Rs 396-10-8 per mensem, I have the honour to report as follows:-

Info 2358.m 28-10-97 F

2. In the report submitted to Government upon the application for pension on behalf of Mr. Ramasamy Chettiar, it was certified that a superannuation pension not exceeding Rs.327-4-0 a month was admissible to him under the Civil Service Regulations. But on the report being communicated, the Municipal standing Committee sanctioned the grant to him of a pension of Rs.396-10-8 with the observation that under article 465 A of the Civil Service Regulations, qualifying service from 1st January 1871 might be granted and that such a grant would render article 521 (a) of the Regulations inoperative in the present case. The grant of the pension was irregular and this office pointed out the irregularity to Government, which in its order No. 412M, dated 21st.February 1898 requested the President to move the standing Committee

Proceedings of the Committee 8/3-12-97 H

I

to reconsider its sanction. The Standing Committee thereupon withdrew its sanction and granted to Mr. Ramasamy Chettiar a reduced pension of Rs. 327-4-0 a month as certified by this Office. Mr. Ramasamy Chettiar appeals against this grant urging the following as the grounds for this appeal.

1st. As he entered the service under the Municipality on the 15th February 1869 and was confirmed in his appointment on the 15th February 1871, the reduction prescribed in article 521 (a) of the Civil Service Regulations should not be applied to his case.

2nd. Even granting that his qualifying service commenced subsequent to 20th January 1871, the above article should not be applied to him as he was a Gazetted Officer of the Municipal Commission G.O. No. 1197, dated 9th July 1892.

3rd The Concession sought for was not such as could not have been enjoyed by a Government Officer.

4th If it is still held that the higher rate of pension is inadmissible under the ordinary rules, he requests that the Standing Committee may be authorized to grant it under article 1004 (a) of the Civil Service Regulations.

4. With reference to the 1st point I have the honour to state this has already been considered by Government before passing G.O. No.412 M.Mis., dated 21st February 1898 and reference is solicited to this Office report No.A.D.J./75, dated 17th May 1897.

5. With regard to the 2nd point I have to invite the attention of Government to the Order quoted by Mr. Ramasamy Chettiar Viz. G.O. No.1197, dated 9th July 1892, from which it will be seen that Government did not approve of the recommendation made by the Standing Committee but decided that Gazetted Officers of the Madras Municipality should be granted pensions under the rules contained in the Civil Service Regulations.

6. As regards the 4th point I have to observe that in the case of an Officer of Government the sanction of the Secretary of State is necessary for the grant of a pension in excess of the amount admissible under the Civil Service Regulations. In the case of Municipal pensioners the Local Government apparently takes the place of the Secretary of State.

7. The whole drift of the Memorial touching as it does on many

points is that by some means or other the operation of article 521 (a) may in the Memorialist's case be obviated. As far as article 521 (a) is concerned he has no case as that article states that "if the Officers qualifying services began after the 20th January 1871 &c." But Mr. Ramasamy Chettiar's qualifying service began on the 16th February 1871 that is after the 20th January 1871 and he was superannuated. Therefore article 521 (a) applies to him. Under the rules laid down in the Civil Service Regulations he is therefore only entitled to a pension of Rs. 327-4-0-already granted to him.

8. If the rules will not allow of his being granted the pension that article 521 (a) reduces, the Memorialist asks that his case may be dealt with under article 1005 of Civil Service Regulations. Reference is solicited to appendix 7 of the Civil Service Regulations. The Secretary of State lays down that only in cases of very exceptional and distinguished service pensions in excess of what the Regulations allow would be granted " Mere length of service however faithfully performed, is not I consider in itself a sufficient ground for exceptional reward". It is for Government to decide whether in the case of Dewan Bahadur Ramasamy Chettiar his services were so exceptional and distinguished as to allow of his being granted a pension in excess of that allowed by the rules. The papers received with your Memorandum under reply are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

Accountant-General.

To

THE HONORABLE

LIEUT: COL: SIR G. H. J. MOORE, Kt., C.I.E.

The President,

and

The Members,

of the Standing Committee

of the Municipal Commission for the city of

Madras.

The Humble Memorial of Diwan Bahadur P. RAMASAWMY CHETTY,

Retired Revenue Officer of the Municipal Commission for the city of Madras,

References & Authorities.

Most Respectfully sheweth,

G.O. No. 107-(Pub:) dated 26/1/69.

That, by G. O. No: 107 (Public) dated 26th January 1869, under the provisions of Section 13 of the Madras Municipal Act IX of 1867, the late Mr. Benjamin Cardozo, deceased, Assistant to the then President of the Commission, was granted Furlough for 20 Months (subsequently extended to 2 years) preparatory to his retirement, and Your Memorialist first appointed to act for him, and thus (in the words of article 63 of the Civil Service Regulations) "admitted into the Service" of the Commission when 34 years old-that is, 9 years later than the ordinary limit of age fixed by that article, in pursuance of the permission granted by the Government of India's Orders published in Appendix No:1 referred to in that article.

Article 63 of C.S.Regulations.

Appendix No. 1.

2. That your Memorialist entered the service by taking charge of the Office to which he was ed, on the 15th of February 1869, (on which

Article 390 (b) of C.S. Regns:

virtue of Article 390 (b) of the Regulations, "his service began"), attained permanency therein on the retirement of Mr. Cardozo, on the 15th of February 1871, and, having continuously held that and various other appointments in the Commission, was retired on the 31st of March 1897, after an actual service of 28 years, 1 Month and 16 days.

3. That the Honorable President was pleased, in due course, to submit his application for your Memorialist's pension to the Accountant-General of the Government of Madras, for scrutiny, and, in his letter R. No 523 dated 28th April 1897, specially recommended the grant to your Memorialist of the full pension of Rs 396-10-8 per Mensem, to which he was entitled, without any forfeiture under Article 521 (a) of the Regulations on the score of age, urging as his reasons for so doing.

R.No. 523 of 28.4.97.

Article 521 (a) of C.S.Regns:

Istly. That the reduction contemplated by that Article did not apply to your Memorialist, because that article, introduced, as it was, on the 20th of January 1871, was not in force at the time he entered the service as abovementioned, viz, 15th February 1869, and could not, therefore, be brought to bear on his case, in view of the express ruling contained in the Right Honorable the Secretary of State's Despatch embodied in the Resolution of the Government of India, No. 4863, dated 4th December 1891, and forming foot note (2) to article 7 (a) of the Regulations, and which ruling runs as follows:

Foot Note (2) to Article 7 (a) of C.S.Regns:

"If any case of apparent hardship arises, the "local authorities should understand that, when "the Officer applies to retire, they are not "precluded from examining into its merits

"ascertaining, whether, in their opinion, he "has substantially suffered from the introduction "of a rule not in force at the time he entered "the service."

2ndly. That it was understood that article 521 (a) should not be applied to the Gazetted Officers of the Commission, in the face of the correspondence ending with G. O. dated 9th July 1892, No. 1197, M. L & M (including G.O.No.177 M. dated 18th February 1888, and No. 1697 M. dated 14th November 1890 L & M) wherein the disadvantages accruing to such Officers under the existing Pension Rules were brought to notice by the Commissioners and recognized by Government, regard being had to the fact of those Officers' first entertainment for special reasons or on special grounds of Government, invariably at an age far beyond the limit of 25, fixed by article 63 and Appendix No.1 to which it refers, and, in several instances, much above 30; and

3rdly & lastly. That the concession sought for your Memorialist was not such as could not have been enjoyed by a servant of Government.

G.Os, L & M
No. 177 M of18.2.88
No.1697 Mof 14.11.90.
No.1197 M of 9.7.92.

4. That the Accountant-General, without going into the details of the Honorable President's references, Acct.Genls Report whereon he grounded his recommendation for full pen-
No.A.D.Gof17.5.97 sion, dismissed it summarily upon the mere hypotheses
75.

lstly. That your Memorialist's case did not appear to fall within the spirit of the Right Honorable the Secretary of State's Despatch in paragraph 3 above quoted, for the reason not that article 521 (a) was not in force at the time your Memorialist admittedly (to use the Accountant-General's own words)"entered the

General, exception was taken to the applicability of Article 465 A to your Memorialist's case, and the question referred back to the Standing Committee for reconsideration.

7. That unfortunately, led by the last mentioned G.O., and, in the absence of the fuller information, references, authorities and explanations herein afforded and without further investigation, the Standing Committee recorded, in their Proceedings of 1st April 1898, the following Resolution, viz:- "The Standing "Committee regret that it is apparently out of their "power to grant the increased pension:" whereupon, the reduced sum of Rs 327.4.0 so proposed by the Accountant-General as aforesaid was offered to your Memorialist as having been fixed by Government in G.O.No. 671 M. Mis. dated 29.3.98, reviewing the Municipal Budget for 1898/99, in lieu of Rs 396.10.8, accompanied by a suggestion for refund of the difference already drawn by him as aforesaid between those sums.

S.C. Pro: of 1.4.98.

G.O.No. 671 M of 29.3.98

G. No.11 of 6.4.98

8. That your Memorialist, therefore, takes this opportunity of availing himself of the liberty granted to him by the Honorable President to make any further reference he might wish to make after the disposal of his papers by the Standing Committee, and submits as follows.

R. No. 4319 of 10.11.97

9. That the Standing Committee's Resolution of the 3rd of December 1897 granting the Memorialist the higher pension of Rs 396.10.8 per mensem, was substantially within the four corners of the Civil Service Regulations and also within the discretion, believed to have been exercised by Government under the same Regulations as regards their own Servants, and was final and conclusive, and that no claim could

consequently lie for refund of payments made absolutely and unconditionally under such resolution, and that even if such claim lay, the Standing Committee could, by virtue of article 1004 (a) of the Regulations hereinafter in paragraph 14 particularly referred to, recommend its being waived.

10. That the first of the theories propounded by the Accountant-General (vide para. 4 supra) that, to be entitled to the benefit of the Right Honorable the Secretary of State's Despatch above adverted to, your Memorialist should have been in qualifying service at the time Article 521 (a) was introduced, would be permissible, did that article stand by itself unfettered, it being patent on the face of the article that the forfeiture imposed thereby should apply at once to cases such as that of your Memorialist (in as much as his qualifying service began after the 20th January 1871 - the date of the introduction of that article), which fact naturally and necessarily implies that those in qualifying service at the time of the introduction would absolutely escape such forfeiture. In that case, the Accountant-General's interpretation of the Right Honorable the Secretary of State's Despatch above referred to, would be unintelligible, if not absurd. Reading the article by the light of the Despatch, it is clear that the words "at the time "he entered the service" occurring in the above mentioned Despatch meant specially the time when the service (not necessarily qualifying service) of an Officer began under article 390 (b)- that is to say, the time when he took charge of the office to which he was first appointed, and which, in your Memorialist's case, was the 15th of February 1869. It will be further observed that, throughout the Civil Service

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Regulations, the word "service" is distinguished as "qualifying" or "pensionable" wherever necessary; and this will justify the belief that the Right Honorable the Secretary of State would have used the term "qualifying service" or "pensionable service" in his said Despatch, if any other than simple service had been intended.

11. That, moreover, article 521 (a) applying, as it expressly does, to a "Superannuation pension, or an "invalid pension granted on account of incapacity "for further service due to old age or natural decay "from advancing years" cannot and ought not to govern your Memorialist's case, as he was not retired on those grounds or under any of the other conditions of article 503 (a) worked with the discretion it suggests; for,

Article 503 (a) of C.S. Regns.

(a) he was not aware of any "statement of the reasons "for enforcing it," against him having been "placed on "record by the local Government or other competent "authority", as required by the same article, so as to have given him a chance of rebutting it;

(b) nor, as far as your Memorialist understood, were Government pleased to heed the instructions contained in the Right Honorable the Secretary of State's Despatch No 87; dated 8th August 1872, forming the 1st foot note to that self-same article, and which are in the words following; viz; "I trust that the various "Governments and Administrations will always be dis-"posed to extend to this Rule a very liberal interpre-"tation, and that the State may in no case be deprived "of the valuable experience of really efficient "Native Officers by the untimely exercise of the "powers of Compulsory retirement on pension";

(c) nor was the Rule observed that is laid down by the Government of India in their Revenue Order No 31 F

dated 3rd September 1877, forming foot note (2) to the same article, and which runs as follows: "His "Honor the President in Council thinks it desirable "to state that not only does article 503 of these "Regulations not require the compulsory retirement "of any efficient Officer of whatever age but that, "though the article authorizes the Local authorities, "at their discretion, to presume that an officer is "inefficient at 55 years of age conditionally and at "60 years of age, absolutely, yet the whole tenor of "the rule is that such presumption shall be exercised "with careful consideration both for the individual "who would suffer by being deprived of his appointment "while capable of discharging its duties and for the "finances of the country, which would suffer were "officers still efficient prematurely thrown upon the "pension List," -

but that, on the contrary, and in spite of the strong recommendation for your Memorialist's retention in the service for a further period of 2 years, made at their Speical Meeting held on the 12th February 1896, by the unanimous voice of the Commissioners, than whom there was no more competent authority to testify to his unimpaired efficiency, the termination of his service was brought about under circumstances upon which it is unnecessary herein to dilate, and that, if further evidence were needed of your Memorialist's continued efficiency, he would, with your permission, quote (among others) no less an authority than one of the Honorable Judges of the High Court of Judicature at Madras, who has had opportunities of watching your Memorialist's capabilities in matters Judicially committed to him since his retirement, and who, so late as the 21st May 1898, recorded as follows "It must be "exceedingly gratifying to you to feel that your life'

Proc: of Sp Meetg. of Comrs. of 12.2.96.

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"Work has been so valuable and so highly appreciated, "though I do not, by any means, consider that it is "finished- You have, I hope and believe, many years "yet before you in which you can be of use to your "fellows and an honor to yourself and your Native Town"

12. That, should the facts, circumstances and references brought to light by para 3 supra, not warrant the implied understanding that, for the reasons therein shown, article 521 (a), like article 63, should not apply to the Gazetted Officers of the Commission, and therefore, to your Memorialist, he would refer to para 4 of the Government of India's ruling, Finance Department - No. 2065 dated 15th July 1871 (embodied in appendix No. 1 referred to in Article 63) which, alluding to article 521 (a) as the Rule of 20th January 1871, reads as follows- "In regard to this Rule, "it should be re-marked that it imposes no specified "disadvantage as regards pension; but only prevents "the undue advantage which the persons to whom it "applies would otherwise obtain by being permitted to "earn a full pension by a service of less than thirty "years". This ruling is conclusive on the point, taking into consideration that your Memorialist served out the full term of 25 years (substituted for 30 years under the New Rule. Article 518) and was in no way responsible either for his admission into the service, for special reasons or on special grounds better known to Government than to your Memorialist, at a later age than the restricted age of 25 years, or for his premature retirement while still efficient.

Article 518 of C.S. Regns.

13. That the second proposition of the Accountant-General, that your Memorialist should be made to pay the penalty prescribed by article 521 (a) because, by reason of his having, at the time of his retirement,

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exceeded the full term of 25 years, by 1 year 1 month and 16 days, the condonations of qualifying service provided for by Article 465 A of the Regulations, could not apply to his case, was in effect repugnant to the letter and spirit of the Government of India's ruling in their Finance Department No. 2065 dated 15th July 1871 (quoted in the last paragraph) which, under similar circumstances to those of your Memorialist, specially renders such penalty void.

14. That, in condoning the insignificant gap in the Memorialist's qualifying service, of but 26 days between the 20th of January 1871, the date of the promulgation of Article 521 (a), (or 15 days between the 31st of January 1871, when the same was first published in the Fort Saint George Gazette) and the 15th of February 1871, when your Memorialist's qualifying service commenced, for the purpose of precluding the operation of that article in his case in consideration of his meritorious services throughout his whole career, as evidenced by the voluminous records noted in the Schedule hereto, the Standing Committee were within the wide powers conferred by article 1004 (a) of the Regulations to grant in "special cases any in-"dulgence not provided by the Rules."

Fort St.Geo.Gaz. of31.1.1871.p.179

Article 1004 (a) of C.S. Regns.

15. That, referring more closely to article 465 A your Memorialist would point out that, if he had retired, as, under the option given him by article 508 of the Regulations, he was prepared to do, on the 31st of March 1895, his qualifying service would then have been short of the full term of 25 years, by 10 months and 15 days; that he would have been entitled to a condonation of such deficiency under article 465 A (2) (a) which, in such case, would admit of a year of his previous non-qualifying service being

Article 508 of C.S. Regns.

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added to his actual qualifying service and thereby his qualifying service dated from the 15th of February 1870, when article 521 (a) had no existence, to count for full pension; that it was within the powers of the Standing Committee on his retirement in 1897, in the exercise of the authority contained in article 1004 (a) (and your Memorialist contends that the same should have been availed of by the Standing Committee, seeing that it was manifestly their intention to grant the full pension) to have treated your Memorialist's qualifying service, which commenced on the 15th of February 1871, as at an end on the 31st of March 1895 and thus to have placed him on the same footing as if he retired then, instead of complying with the wish of the Honorable President that he should continue in service, and that it would be hardly gracious and was obviously not anticipated by either the Hon. President himself or the Standing Committee that, in return for the loyalty he evinced by continuing to serve, in accordance with the Hon. President's wish, as long after the 31st of March 1895 as Government were pleased to retain his services, there should be imposed upon him, for no fault of his own, the very penalty from which immunity was contemplated, in such cases, by the Government of India's said ruling in their Financial Department No 2065 dated 15th July 1871 and quoted in paragraph 12 supra.

President's D. O of 12 March 1895

16. That the circumstances in the last preceding para: mentioned, and the facts

(1) that your Memorialist had already substantially suffered

(a) by his compulsory retirement while still efficient

(b) as likewise by Government, notwithstanding their

repeated recognition of the value of his services, and in the teeth of the oft repeated recommendations of successive Presidents and Commissioners having, from time to time, been pleased to withhold, in quite an unusual manner, their sanction to his attaining the Maximum Salary of Rs 1,000 Rupees specially provided for him by legislation (he having been confined to Rs 500 a month for the first 10 years, to Rs 700 for the next 13 years and to Rs 800 and no more for the last 5 years of his service) and

(2) that the upwards of 28 years service he had rendered to the Commission was of special advantage to it, in that, (among other things) during the whole period, he had availed himself of but 10 months privilege (and no other, casual not excepted) leave, were themselves ample justification for the Standing Committee determining your Memorialist's case as they did at first, which determination was in pursuance of the Right Honorable the Secretary of State's said despatch embodied in note (2) to article 7 (a) of the Regulations terminating in the words following:-

"If after comparing the advantages secured to the "officer by the altered rules with any disadvantages "incidentally involved, they find that he has, on the "whole, substantially suffered, the point may be taken "into consideration in determining whether some com- "pensation ought not to be granted in the particular "instance."

17. That your Memorialist is informed and believes the same to be true, that, in the exercise of the extraordinary powers given under article 1004 (a), Government have been pleased to exempt from the operation of article 521 (a) some of their own Officers, amongst whom those named in the table below are con-

spicuous,- for, the circumstances under which the concessions were made to them compare by no means favorably with those with which your Memorialist's case abounds, as the Statistics given therein will prove, and that, it was competent for the Standing Committee, under the same powers, to grant to your Memorialist even higher pension than Rs 396.10.8 per mensem, if they considered he merited it.

The table above referred to

Serial No.	Name & Occupation	Date of Birth			Date of entry into Non-qualifying Service			Age last birthday	Date of authorization of Article 521 (a) C.S. Regs.			Date of Commencement of qualifying Service			Date of Retirement			Total qualifying Service in Years
1	Your Memorialist	7	6	34	15	2	69	34	20	1	71	15	2	71	31	3	97	26
2	Dr Gustav Oppert. Late Professor of Sanskrit Presidency College.	30	7	36	14	11	72	36	20	1	71	14	11	72	30	4	93	20
3	Mr. C. Powell Late Inspector of Salt & Abkari Rev:				7 (2 services)	8	30	42	20	1	71	17	11	80	30	4	94	13.
4	Mr. C. H. Rowland Late Agent for Government Consts. & Personal Assist. to the Presidency Port Officer.	14	12	24	6 (not continuous)	5	70	45	20	1	71	27	10	75	31	12	88	13.

18. That, having shewn, as your Memorialist believes satisfactorily, that on all, or any one or more of, the grounds above urged, the Standing Committee's Resolution of the 3rd of December 1897 was as sound in principle as it was in strict accordance with the

Civil Service Regulations, to which their attention was specially drawn by Government for adherence, your Memorialist recapitulates

Para: (1) That he was admitted into the service on 26th January 1869.

(2) That he entered the service on 15th February 1869, and was confirmed on 15th February 1871 and retired on 31st March 1897.

(3) That the President recommended a pension of Rs 396.10.8.

(4) That the Accountant-General overruled same and fixed Rs 327.4.0 instead.

(5) That Government referred the question for disposal by the Standing Committee.

(6) That the Standing Committee sanctioned the higher pension, while Government, taking exception thereto, referred the question back to the Standing Committee for reconsideration.

(7) That the Standing Committee thereupon recorded a Vote of regret and that, as a consequence, the President intimated to your Memorialist that he was to receive only the reduced sum of Rs 327.4. and called upon him to refund what he had drawn in excess of that amount.

(8) That, with the permission of the President, your Memorialist appeals against this intimation and claim.

(9) That the Standing Committee's decision granting the higher pension was within the Civil Service Regulations and final and conclusive, that no claim for refund could lie and that, if it lay, it could be waived.

(10) That the Accountant-General's construction of the Secretary of State's Despatch attached to

article 7 (a) affecting article 521 (a) was erroneous and unintelligible.

(11) That article 521 (a) was inapplicable to your Memorialist.

(12) that Gazetted Officers of the Commission were, and, therefore, your Memorialist was, exempt from the operation of article 521 (a).

(13) That the Accountant-General's proposition as to the inapplicability of article 465 A to the Memorialist's case, was repugnant to the ruling of the Government of India.

(14) That it was within the powers of article 1004 (a) for the Standing Committee to have condoned the insignificant gap of 26 (or 15) days in the Memorialist's qualifying service.

(15) That it was competent for the Standing Committee, under article 1004 (a), to have treated the Memorialist's service hypothetically and thus brought it within the exact wording of article 465 A (2) (a).

(16) That the circumstances referred to were in themselves ample justification for the Standing Committee's first Resolution, in view of the Secretary of State's Despatch attached to article 7 (a) and

(17) That, under the powers contained in article 1004 (a), Government have made similar concession to their own servants under less favorable circumstances than those of your Memorialist, and that it was competent for the Standing Committee to have granted to your Memorialist even a higher pension.

And humbly prays, that, under all the circumstances of his case, and in the

Exercise of their powers under the Civil service Regulations above cited and dwoltedupon, the Standing Committee will be pleased to sanction the full pension of Rs 396.10.8 per Mensem from the 1st of April 1897.

And your Memorialist, as in duty bound, will pray.

Madras, 25th July, 1898. V. Ramasawmy Chetty.

Schedule referred to in para 14.

Para 23 of Municipal Administration Report for 1868.

Proceedings of General Meeting of Commissioners of 25th September 1869.

President's Minute of 19th January 1870 G. No. 9

Para: 40 of Municipal Administration Report for 1869.

President's letter to Government of 30th June 1870 G. No. 251.

Municipal Administration Report for 1871/72.

----------do--------for 1875/76. (Last para:)

President's Minute of 20th September 1877 G. No. 657.

Folio 14 of Municipal Administration Report for 1876/77.

Folio 10 of ----------do--------for 1877/78

Folio 2 of ----------do--------for 1878.

President's letter to Govt: of 20th August 1879 G. No. 645.

Do ------- of 15th September 1881 No. 473 (Para 5).

G. O. of 31st December 1884 No. 3012 Mis.

President's letter to Govt of 11th January 1886

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17. 79

G. No. 662.

Resolution of General Meeting of Commissioners of 9th January 1891.

President's letter to Govt of 16th January 1891 G.No. 459.

G. O. of 23rd March 1891 No 434 M. Mis.

Para 11 of Inspector of Local Funds Report of 15th June 1892. No L.F.D 230

G. O. of 3rd August 1892 No 1277 M. Mis.

Proceedings of General Meeting of Commissioners of 5th September 1892.

--------do-------- of 29th March 1897.

President's Minute of 31st March 1897.

Petn 1877

Dated 25th July 1898

From

Diwan Bahadur P. Ra,
masawmy Chetty

To

The President and Members
of the Standing Committee
of the Municipal Commission
for the City of Madras

Memorial.

Despatched 29th July 1898

Transferred to
the Secy. to Govt.
Rev.
MA 12.1.99

SECRETARY TO GOVERNMENT
12 JAN. 1899
LOCAL & MUNICIPAL DEPARTMENT

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G. 7
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250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. Nos. 3414 of 1898 and 339 of 1899.

SUBJECT.

Application of M.R.Ry P. Ramaswami Chettiyar, late Revenue Officer of the Madras Municipality for increased pension.

FOR ORDERS.

M.M.

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I

The facts of the case are fu
and clearly summarized in the Ac-
countant General's letter. As stated b
him, M.R.Ry Ramaswami Chettiyar
does not appear to be entitled, under
the Civil Service Regulations, to any
pension in excess of that already san
-tioned to him, viz. Rs 327-4-0 — Vide
G.O. No 412-M, dated 21st February 1898.

The question for consideration the
fore is, whether his services ~~as Revenue~~
~~officer~~ in the Madras Municipality
were so exceptional and distinguis
ed as to bring his case within the
purview of the Secretary of State's d
patch referred to in paragraph 8 o
the Accountant General's letter, an
to merit the grant of a pension i
excess of that allowed by the Civil

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Service Regulations. Attention is invited to the references quoted by him in pages 16 and 17 of his memorial.

A short history of his services is given in the note for orders in G.O. No 358. M, dated 28th October 1897. Flag Y,

V.R
7/12/99

Place put up a draft note thereon the records

MRRy Ramaswami Chettiyar retired from the service of the Municipality on the 31st March 1897. Only one administration report has been received since his retirement and in reviewing it, the Government observed as follows regarding the collection of taxes:—

"The collections under the principal taxes improved generally and were good, except in the case of the arrears under the tax on vehicles and animals, under which, however, more than one-half of the demand was written off as irrecoverable. It is creditable to the executive that the total receipts from taxation, amounting to Rs 10,28,358, were the largest on

O, Vide para. 2 of fo. 2200 M
17-12-98.

O, para 6.

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"record in the past ten years."

In 1897-98, 91·3 per cent of the current demand and 83·7 per cent of the arrears were collected, while the corresponding figures for 1896-97, were 85·7 per cent and 70·2 per cent and in its review of the administration report for the latter year, the Government remarked as follows:—

"Under the taxes on arts, vehicles, "animals and carts and tolls, the collections continued to be on the whole "good; but under the tax on buildings "and lands and under the water- "and lighting- taxes, they declined "and were not satisfactory. The "existence of a large balance under "the taxes last named is, however, "explained to be due to the late "date at which the demand for the "second division was finally settled.

" × × × × × × × ×

3. A statement showing the total current and arrear collections during the ten years ending 31st March 1898, is also appended.

Vide para 6 of fo 2252 M
20-12-97.

Q,

* Vide para 19 of the President's report for 1896-97.

W,

On 4-5 of Flag Y, Mr. Forbes noted that 327-4-0 was a very liberal pension, & the Hon. Sir H. Bliss agreed.

I must say I think so, & that the Chettiar's services were not such as to merit a pension in excess of that allowed by the C.S.R. Sir H. Bliss saw no ground for the Municipal Council to ask for more

11.3.99

V.R
1/3/99

P.T.O.

(last page of same ref.)

Statement showing the collections of the taxes in the Madras Municipality during the ten years ending 1897-98.

	Current Demand	Current Collections		Arrear Collections.	
		Amount	Percentage of collections to demand.	Amount	Percentage of collections to demand.
		Rs.		Rs	
1888-89		723.912	95.1	15035	36.0
1889-1890		734.484	95.6	12.793	37.2
1890-91		733,748	92.5	10.793	40.1
1891-92		715.822	73.3	30.716	84.1
1892-93		789.480	88.1	124.438	80.1
1893-94	926765	777347	83.9	83.390	85.7
1894-95	944845	867538	91.8	129948	79.9
1895-96	951973	890843	93.6	63.138	70.2
1896-97	980149	839.619	85.7	40.720	83.7
1897-98	995.113	908.879	91.3	119.479	

@ Excludes income from tobacco duties which were not levied in the remaining years.

[L. & M.]
250—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

...read in proceedings:—

Re pension enhanced pension to Dewan Bahadur Ramaswamy Chetty

Again G.O., No. dated 189 .

Again G.O, No. dated 189 .

Current No. 3414 M of 1898, dated 4th November 98, from the Presidt Munl C

" " 339 M " 1899, " 27th January 99, " the Accountant G

" " " 189 , " , "

Misc

ORDER. No. 340 Jud. 8/1/1899

The Government Considers that Dewan Bahadur Ramaswamy Chettiyar is not entitled under the Civil Service Regulations to any larger pension than that which already been passed in G.O. No. 412 M. dated 21st February 1899 and that his services have not been of such exceptional merit as to justify a pension in excess of the allowed by the rules.

By order,

[illegible]

To The President, Munl Commrs, Madras
" Accountant General.
Ords—13/8/99

13/8/99 1/3/99

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189

G.O., No. DATED

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