

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 46

Press
~~Mis.~~

Dated 26 / 1858.

Not to be folded or roughly handled

No. 16. From F. LUSHINGTON, Esq., Civil Auditor; to T. PYCROFT, Esq., Chief Secretary to Government, Marine Department, dated 19th January 1858, No. 485.

SIR,

With reference to Extract Minutes of Consultation of the 11th Instant, No. 19, calling for a further report as to Captain Biden's eligibility to a Pension under the Rules, I have the honor to observe, that in my letter of the 24th Ultimo, I referred to certain facts in opposition to the opinion expressed by me in a previous letter, dated 10th August 1855, that the Pension Rules were not applicable to the case of Uncovenanted Officers who receive their appointment direct from Government. This objection being removed, it was left with Government to decide whether the case of Captain Biden should be disposed of under the Uncovenanted Service Pension Rules. The Government however before passing final Orders are desirous of obtaining a further report from me on this subject, and I beg therefore to state, that in a recent Despatch to the local

Government, dated 11th March* No. 7 of 1857,

* Recorded in Extract Minutes of Consultation of para: 13, the Court of Directors declare that the the 3rd June 1857, No. 651, Judicial Department. Pension Rules "have been carefully considered

and ought to embrace all cases deserving the

liberality of the Government," and that the Government ought to be sparing in their recommendations for Pensions beyond the Rules:—from which it would seem that the Pension Rules ought to be made to include all cases which require to be liberally treated; and I would further request attention to the views of the Court of Directors, as expressed in para: 2 of their Financial

Despatch to the Government of India, dated

† Recorded in Extract Minutes of Consultation 30th May, No. 14 of 1854† referring to the of 16th October 1855, No. 293, Public (Se- case of Surveyors. "We see no reason, parate) Department. "however, for continuing a nominal restriction

"upon the admission of this highly deserving

"class of Public Servants to share in the benefits which we have so widely extended to the Uncovenanted Service, and we therefore sanction their being included in the List appended to the "Pension Rules of 1831." But I beg to remark, that in a return from the Government of India, forwarded to this Office for revision with Extract Minutes of Consultation of the 2nd February 1857, No. 153, Public Department, of the number and grades of Uncovenanted Servants throughout India drawing more than 10 Rupees a month, who are now excluded from the operation of the Pension Rules of 4th January 1831, and which I re-transmitted to Government with my letter of the 19th March 1857, No. 3076. "Masters Attendant and Assistants," appear, and hence I presume these grades are held by the Government of India to be ineligible to a retiring provision under the Pension Rules. I beg however to draw attention to the circumstance that although in this return of the Government of India, which is dated 9th January 1857, the grade of *Post Master* is held to be excluded from the benefit of the Rules, yet in their Proceedings of the 18th October 1855, they grant a Pension under the Rules to Captain Morphett, late Post Master of Madras. As the Government of India, however, stated, that they contemplated submitting to the Court of Directors a proposition to place the Pension Rules on a footing more in accordance with the present state of the Uncovenanted Service, it is likely that this scheme is now engaging the attention of the Home Government, and may be sanctioned by the time that Captain Biden formally applies for Pension. I beg however to suggest a reference to the Government of India on the subject, should the Government entertain any doubts as to their competency to dispose of Captain Biden's claim under the Rules.

Fort Saint George, Marine Consultation, 26th January 1858.

2. Captain Biden's service eligible to Pension in the Civil Department, is stated to be 18½ years, which is below the minimum period of service required to qualify for Pension, *viz.* 20 years, but considering the arduous nature of the duties of Master Attendant, the Government may perhaps be inclined to recommend the application to his case of the consideration extended to certain Judicial and Educational Officers of permitting them to retire on a Pension when incapacitated by illness after a service of 15 years. Captain Biden's service in the Commercial Navy is not susceptible of verification by the Records of the Audit Office, as the bills of the Officers of the Commercial Navy do not appear to have come under the Audit of the Civil Auditor of Madras. The Authorities at Bombay may perhaps be able to verify this portion of Captain Biden's service and to state how cases like his are treated.

(Signed) F. LUSHINGTON,
Civil Auditor.

No. 17.

ORDER THEREON, No. 46; dated 26th January 1858.

In the above letter the Civil Auditor, in reference to Extract Minutes Consultation, 11th Instant, submits further observations in regard to Captain Biden's eligibility to Pension.

2. Mr. F. Lushington remarks, para: 2, that in a recent Despatch to the Local Government, dated 11th March, No. 7 of 1857, para: 13, the Court of Directors declare that the Pension Rules "have been carefully considered and ought to embrace all cases deserving the liberality of the Government," and that the Court have in a letter to the Government of India, Financial Department, 30th May 1854, No. 14, when authorizing the admission of Surveyors to Pension thus expressed themselves. "We see no reason for continuing a *nominal restriction* upon the admission of this highly deserving class of Public Servants to share in the benefits which we have so widely extended to the Uncovenanted Service."

3. On the other hand, in a Return from the Government of India, forwarded to the Audit Office for revision with Extract Minutes Consultation of the 2nd February 1857, No. 153, Public Department, of the number and grades of Uncovenanted Servants throughout India drawing more than 10 Rupees a month who are now excluded from the operation of the Pension Rules of 4th January 1831, "*Masters Attendant and Assistants*" appear, whence it might be presumed that these grades were held by the Government of India, to be ineligible to a retiring provision under the Pension Rules. But again Post Masters appear in the same return as not eligible to Pension, whereas the Government of India, in their Proceedings of 18th October 1855, had granted a Pension under the Rules to Captain Morphet, late Post Master of Madras.

4. As however the Government of India stated that they contemplated submitting to the Court of Directors a proposition to place the Pension Rules on a footing more in accordance with the present state of the Uncovenanted Service, it is likely, Mr. Lushington thinks, that this scheme is now engaging the attention of the Home Government and may be sanctioned by the time that Captain Biden formally applies for Pension.

5. With regard to Captain Biden's Service as Master Attendant or 18½ years, that, the Civil Auditor observes, is below the minimum period of Service required to qualify for Pension, *viz.*, 20 years, but considering the arduous nature of the duties of Master Attendant, the Government may perhaps be inclined to recommend the application to his case of the consideration extended to certain Judicial and Educational Officers of permitting them to retire on a Pension when incapacitated by illness after a Service of 15 years.

Fort Saint George, Marine Consultation, 26th January 1858.

6. On a careful consideration of the above report and of the previous one on the same subject under date 24th Ultimo, No. 440, it appears to the Government that the title of Masters Attendant to Pension under the Rules is at least doubtful, and that it would not be competent to this Government as the Regulations now stand, to admit an Officer of that class to the benefit of a Pension without reference to higher Authority. It seems too that, supposing such title to be conceded, the period of Captain Biden's Service is not sufficient to qualify him for Pension under the ordinary Rules. His case therefore must, the Government think, be treated as exceptional, and they resolve, as already intimated, to bring it specially under the notice of the Honorable the Court of Directors; and adverting to Captain Biden's long Service and great merits, the zeal and energy with which he has for so many years discharged the duties of his important and laborious Office, his devotion to the public Service and high character, strongly to urge upon the Court that a liberal provision may be made for him. The Court will be requested to favor the Madras Government with early orders on this application, as the state of Captain Biden's health renders it desirable that he should be relieved from his present duties as soon as convenient.

Exd. J. A. Wilson.

Marine Department

No 446

Extract from the Minutes of Consultation

Dated 26th January 1838

Read the following letter
from the Civil Auditor,

There enter 19th January 1838
No 485

In the above letter
the Civil Auditor, in reference
to Extract Min. Cons. 11th instant,
submits further observations
in regard to Captain Biden's
eligibility to Pension.

2. Mr. F. Lushington
remarks P. 2 that in a recent
Despatch to the local Govern-
ments, dated 11th March, No 7 of
1837, Para 13, the Court of Directors
declare that the Pension Rules
"have been carefully considered
and ought to embrace all cases
deserving the liberality of the
Government," and that the Court
have in a letter to the Govt.

of India Financial Dept.
30th May 1854, No. 14, when author-
izing the admission of
Surgeons to Pension thus
expressed themselves. "We see
"no reason for continuing a
"nominal restriction upon
"the admission of this highly
"deserving class of Public
"Servants to share in the bene-
"fits which we have so widely
"extended to the Encovenanted
"Service."

3 On the other hand,
in a return from the Govt of
India, forwarded to the office
for revision with let. Minis-
ters of the 2^d February 1857,
No. 153, Public Department, of
the number and grades of
Encovenanted Servants through-
out India drawing more
than 10 Rupees a month who
are now excluded from the
operation of the Pensions
Rules of 1st January 1831, -
"Masters Attendants and
Assistants"

"Assistants" appear, whence
it might be presumed that
these grades ^{were} held by the
Government of India to be
ineligible to a retiring provi-
sion under the Pension Rules.
But again Post Masters appear
in the same return as not eligi-
ble to Pension, whereas the
Govt of India in their Proceed-
ings of 18th October 1855 had
granted a Pension under the
Rules to Captain Morphet late
Post Master of Madras.

4. As however the Govt
of India stated that they
contemplated submitting to
the Court of Directors a propo-
sition to place the Pension
Rules on a footing more in
accordance with the present
state of the Encovenanted
Service, it is likely that the
Scheme is now engaging the
attention of the Home Govern-
ment and may be sanctioned
by the time that Captain Peden
formally

formally applies for pension.

5. With regards to Captain Biden's service as Master Attendant or $18\frac{1}{2}$ years, that, the Civil Auditor observes, is below the minimum period of service required to qualify for pension viz: 20 years, but considering the arduous nature of the duties of Master Attendant, the Government may perhaps be inclined to recommend the application to his case of the consideration extended to certain Judicial and Educational Officers of permitting them to retire on a pension when incapacitated by illness after a service of 15 years.

6. On a careful consideration of the above report and of the previous one on the same subject under date 24th Ultimo, A. S. 140, it appears to

to the Government that the title of Master Attendant to pension under the Rules is at least doubtful, and that it would not be consistent to this Government as the Regulations now stand, to admit an Officer of that class to the benefit of a pension without reference to higher authority. It seems too that supposing such title to be conceded, the period of Captain Biden's service is not sufficient to qualify him for pension under the ordinary Rules. His case therefore must, the Government think, be treated as exceptional, and they resolve, as already intimated, to bring it specially under the notice of the Honorable the Court of Directors, and directing to Captain Biden's long service and great merits, the zeal, energy and

with
for

with ~~for~~ which he has for so
many years discharged the
duties of his important and
laborious Office, his devotion
to the public service and a
high character, strongly to
urge upon the Court that a
liberal provision may be
made for him. The Court
will be requested to favor
the Shadrach Government with
early orders on this application,
as the state of Captain Riden's
health renders it desirable
that he should be relieved
from his present duties as
soon as convenient.

J.P.

To the Civil Auditor, Dispt 28th
" Marine Board, with ENC. 19 Dispt 28th
previous papers

McDermott

Rev Geo: 26th Jan^y 1858
Marine 1858 & 1859

o. 18. 18. 18.

Extraordinary

of the Marine 1858

Marine 1858 to 1859
Jan^y 26th 27th 28th 29th 30th
of 1858

Passing observations on
the further Report of the
Civil Service relative
to the Captain of the ship
to Pension

16-17
18-19-20

