

22-1-19

14.12.11

11-2-18

11.3.19

7-11-19

Marine (1899) Department.

G.O., No. 745 Marine

DATED 8th Aug 1899.

[Despatch Abstract.]

Memorial from Mr C. Stalburg, late
Traffic Manager, A.T. Bd, Madras-

Informs the petitioners that His
Excellency the Governor in Council is
not prepared to reopen his case-

[illegible]

R.R.
J. J. Van

Read the following:-

Memorial from Mr. C. Stobberg, dated 16th March 1899.
U.O. note from the Pension Department, No. 257, dated 14th June 1899.

W. Stobberg

Circulated to

The Hon. the Governor
The Hon. Mr. Arundel C.S.J.
The Hon. Mr. Winterbottom

FOR ORDERS

Resubmitted to His Excellency
for orders whether the views
of Mr. Stobberg are to be
given effect to.

L. Bul
31.7.99

(4)
Yes. I am unable to pass the resolution
in this case.
A.G.H. 5.8.99

Flag R. and
G.O. 475 Mar. 11th November 1889. Flag B.

G.O. 87 Mar. 10th March 1891.
Flag T.

The circumstances, under which
Mr. Stobberg's connection with the
Harbour Trust Board was severed,
are detailed in the papers attached to
G.O. 279 Marine, dated 22nd June 1889.
In this order the Government resolved
that they would not interfere with the
action of the Harbour Trust Board
who wished to get rid of Mr. Stobberg
on the ground of his gross insubordina-
tion and impracticable temper which
rendered him unfit for any position
of trust.
2. Mr. Stobberg was first granted
two years' furlough on condition that he
retired at the end of it.
3. On the expiration of his furlough, he
claimed to be reinstated in his appoint-
ment. This claim was disallowed. He
thereupon

thereupon submitted several appeals and finally memorialised the Secretary of State, who decided that, unless the Government of India saw an objection, Mr Stobberg should, as an act of grace, be granted a reduced pension, less in amount than what would have been admissible, if he had been eligible for an invalid or Superannuation pension. Since this period Mr Stobberg has continued to appeal to Government, who have hitherto declined to reopen his case.

4. On receipt of the Private Secretary's S/O. dated 30th March 1899, the Accountant General was referred to on the question as to whether it is now within the power of this Government to increase the pension of Rs 60 which Mr Stobberg draws. The accountant General considers that the proposed revision of the orders fixing the amount of Mr Stobberg's pension would require the sanction of the Government of India. He says "In 1892, the Government of India authorised the Government of Madras to determine the amount of the pension that should be

GO. 5500, 1/6 February 1893
Slag U.

3
be granted to Mr Stobberg. The amount was determined accordingly in 1893. To revise now the orders passed under the authority in question in 1893 seems to me to be a proceeding which was not contemplated by the Government of India, and is not covered by the authority in question. That is the reason why I reported that the orders of the Government of India would be required."

5. It may be added that Mr Stobberg is ^{quite} in error in claiming a pension on the emoluments which he drew, or expected to draw, as Traffic Manager under the Harbour Trust Board. He comes under the Civil Service Regulations and is only entitled to a pension calculated on the pay he was drawing prior to his transfer to the Harbour Trust. The same principle has been followed in the case of his successor, Mr Hutchence.

6. If, therefore, full pension were

Mr Stobberg has, it would seem, not realized this. He thinks his full pension would be Rs 116 instead of Rs 97. (See page 3 of his Memorial).

8.9.4

were granted to Mr. Stobber
it would not amount to
more than Rs 97-11-10 or 17/60ths
of Rs 345, his average emoluments
for Govt service,
but as stated above, the
Accountant General considers
that any revision of the decision
of 1893, fixing the pension at
Rs 60, would require the prior
sanctions of the Government
of India.

7. So far as can be judged,
no new circumstances have, in the
interval, been brought before
the Government which would
enable a revision of the case to
be made.

8. Mr. Stobber's services were
disputed with owing to his gross
insubordination and general in-
practicableness, and there was nothing
in his appeals which consist to
a great extent of Countercharges
against his Superiors, which can be
held to condone the offence for
which he lost his appointment.

P.S.

Read the following:—

Circulated to

FOR ORDERS

9. Apart from Mr Stobber's
unpracticable temper, which
appears to have amounted
at times almost to insanity,
he seems to have been a
deserving but ill-treated
man. The Lees of Plate suggestion
was that Mr Stobber should
be granted a reduced
pension less in amount
than what would have been
admissible, if he had been
eligible for an invalid or
superannuation pension.
The latter amount is Rs 97-11-10,
and the decision to give
Mr Stobber up to Rs 60
seems hard to meet the
views of the Lees of Plate
To avoid all appearance

I am Sir, your
Obedt Servant
J. A. H.

of hardship. I recommend
that the Govt of India
should be allowed to
increase the pension from
Rs 60 to Rs 80 with
retrospective effect

L. B. S.
17-6-94

I am inclined to think with the Secy. that it was not
the intention of the Govt of India to find the pension
pension as per the fixed rate. I understand
from Mr. 97 to Rs. 80, instead of to Rs. 60, and, I
think have made the case. In view of this, I
think it is a fair amount, and I think
that the Govt. of India should be willing to
give the pension in his favour.

I regret to find myself unable
to agree to the proposal to reopen
this case. In 1893 (No. 155
13.2.93)
Messrs Stokes & Hartman agreed that
Rs 60 out of Rs 97-11-10 was a proper
amount to give Mr. Stolberg as
pension under the Secy. of State's
despatch on Mr. Stolberg's memorial.

In letter No 379 of 28 Oct 1893
in forwarding a further memorial
from Mr. Stolberg to the Secy. of State, this Govt. said
that "after full consideration
of the case" it had decided to
grant Mr. Stolberg Rs 60; and
it declined to recommend any
of the memorialists' requests for
favourable consideration.

In his despatch No 5 of 11 Jan'y '94
Lord Kimberley wrote in reply:-
"Your Excellency makes no
recommendation in favour of
the memorialist and I see no
reason to interfere with the
decision."

In L.O. No 323
14.8.94 Lord Wenlock
wrote; "I do not see any reason
whatever for reopening the question.
It has been gone into by a whole
string of authorities, and every
point for & against him carefully
weighed, and the decision finally
come to has been approved by
the Secy. of State. Nothing
more can possibly be done for
him, even if he were ever so
deserving, which apparently
he is not."

The case has on two previous
occasions been before H.C.

who on 15/4/96 assented
to Col. MacNeill Campbell's note
that no notice should be taken
of the petition then presented.
On 24th Feb'y '97 H.E. approved
the proposal to Record a further
petition.

With ref. to H.E.'s present note
I venture to think that we cannot
now question the Secy. of S.'s instruction
to fix the pension as far below
the maximum, seeing that the
decision of this Govt. was communicated
to the Secy. of S. who on Mr. Stolberg's
further memorial, refused to
interfere.

I ~~do~~ feel strongly that it is
undrainable to interfere with the
decision of a previous Govt. and
in this case of the Secy. of S. also,
without the strongest reasons,
and as regards Mr. Stolberg I
do not think the question of the
precise amount to be deducted
from the maximum pension
is a sufficient ground for
addressing the Govt. of India
to modify the decision of 1893.

MA 26.7.99.

I think the Hon. Mr. Amundell's reasons for
refusing to reopen the case
should prevail H.E. -
28-7-99.

Home (1899) Department.

CURRENT No.

784

From

The Pension Dept.

No. 257

Dated 14-6-99

Received

Registered

Enclosures 3

Spare copies

SUBJECT.

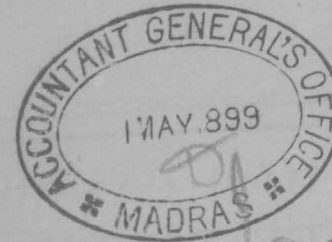
Mr. Stolberg -

Forwarded memo from the
Accountant Genl. stating that
the revision of the order fixing the
amount of the pension of
requires the sanction of the
Govt of India.

G.O.	No.	Department.	Date.
180	Eq	S. C. Rf L paper	

[$\frac{R. E.}{43.}$]
1.000-10-8-96.

CURRENT No. 314



From

The Marine Dept

Endt. No 35 2/26-4-22.

Order

Referred to the Acctt. - Genl.

No. 120 E.

for favour of remarks.

18.429

To
The A.G.
with pp. - U.O.

20/10/99

Dated 8th April 1899

Received 18th April 1898

Registered 10th

Enclosures 7

Spare copies.

SUBJECT.

Enquiring whether
this Government has power
by Rs 20/-
to increase the pension of
Mr. C. Stollberg, Lake Traffic
Manager under the Madras
Harbour Trust Board.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 1808

Government of Madras

Marine DEPARTMENT.

Madras, 8 April 1899.

OFFICE NOTE.

From

The Marine Dept.

To

The Pension Dept. u.o.

Will the Pension Dept. please say whether under the authority conveyed in Govt. of India Finance & Commerce Dept. No. P 4892 of 7.12.92 embodied in Govt. No. 55 Mar of 6.2.93 this Govt. has the power to now increase Mr. Stollberg's pension by (say) Rs 20 with retrospective effect. The inquiry is made is the question of re-opening the case is now under consideration.

[P. W. 48.
50, 24.3.98.]

With Gov. No. 55 Marine P.W.
of 6.2.93 in orig. to be ret'd.

and
5/4/99
W.

Pension Department

Un official Memorandum



The suggested revision of
the orders fixing the amount
of Mr. Stölberg's pension
would require the sanction
of the Government of India
No 50

6-5-99

ASAD
Off. A.G.

To

The Secretary to Government,
Pension Department.

ad.

Ans 22/2/99

2095 29 MAY 1899

From the Marine Dept. 2/5 April 1899 No 180 E.

" Acct. Genl. Dated 6th May - 1897, No. 50.

FOR ORDERS.

Mr. Stolberg was employed as Traffic Manager under the Madras Harbour Trust Board having been transferred thereto in October 1886 from a Govt. appointment. His services were however dispensed with by the Harbour Trust Board on account of some misconduct on his part, and he was therefore not eligible for any retiring allowance under the rules. On his memorializing the Sec^y of State on the subject, his Lordship, considering that it would be somewhat harsh to refuse to grant any pension to Mr. Stolberg after a qualifying service of 19 years, suggested that unless the Govt. saw an objection to the course, Mr. Stolberg should as an act of grace be granted a reduced pension less in amount than what would have been admissible if

[F. O.]
29. 10. 1966
107-8-16.

if he had been eligible for an Invalid or Superannua-
tion pension. In forwarding a copy of the Sec^y
of State's Despatch to this Govt, the Govt. of
India intimated that they had no objection
to the course suggested by the Sec^y of State, it
being left to the Govt. of Madras to determine
the amount of the pension. Accordingly this
Govt. fixed the amount of Mr. Stolberg's pension
at Rs 60 p.m, the maximum amount admissible
under ordinary circumstances having been Rs 97-11-10 p.m
and Mr. Stolberg was admitted to a pension of Rs 60/
in G.O 55, Marine d/o Feb^y 1893.

It appears that the question of re-open-
ing Mr. Stolberg's case is at present under considera-
tion, and the Marine Dept. inquires whether this Govt.
has the power to now increase Mr. Stolberg's pension.
The Acctt. Genl. to whom the point was referred for
remarks states that the suggested revision of the orders
fixing Mr. Stolberg's pension would require the sanc-
tion of the Govt. of India. But the Acctt. Genl.
does not assign any reason nor cite any authority
in support of the opinion held by him. It is
however respectfully submitted that as both
the Sec^y of State and the Govt. of India left
it entirely to this Govt. to fix the amount of
Mr. Stolberg's pension at some sum less than what
would ordinarily have been admissible, it appears to
be within the competence of this Govt. to increase
the amount already sanctioned provided of course
that the amount of the increased pension is still

* flag A

less than the full pension of Rs 97-11-10 p.m
admissible. Orders solicited as to whether the A.G.
may be asked to quote the rule or precedent on which
his opinion is based.

MD
17/5/93

Secy

The matter seems
to be within the scope of this
Govt

MD
25/5/93

Yes: I think the file may
go to the A.G. co.

A.G. co.

A.G. co.

Pension Department.

U. O. Memo.

In 1892 the Government of India
authorized the Government of Madras
to determine the amount of the pension
that should be granted to Mr. Stolberg.
The amount was determined accordingly
in 1893. To revise now the orders passed
under the authority in question in 1893
seems to me to be a proceeding which
was not contemplated by the Government
of India and is not covered by the
authority

Repld 58

authority in question. That is the reason
why I reported that the orders of the
Government of India would be required.
I know of no rule or precedent applicable.

N. 6.0

1-6-99

W. J. Duggan
offg. A. J.

To

The Secretary to Government,
Pension Department.

WJ

To

The Marine Dept.

No. 0 No. 257

14.6.99

WJ
12.6.99

WJ
14.6.99