

(1) Number of pages. _____

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MADRAS RECORD OFFICE

Government of Madras

Public works. DEPARTMENT

G.O. No.	1489	Press
B.P. No.		Mis:
59.60		
Dated	4. 6.	1873

Not to be folded or roughly handled

140

*Proceedings of the Madras Government, Public Works Department,
4th June 1873.*

No. 59. Read the following Petition from Mr. J. SMITH, Mechanical Engineer,
through Public Department :—

Transferring a petition from Mr. Smith, Mechanical Engineer, praying for payment of } (Here enter 18th April 1873.)
arrears of pension due to him.

No. 60. ORDER THEREON, 4th June 1873, No. 1,489.

ESTABLISHMENT, No. 9.

Mr. SMITH appears to have completed his ten years' service for a pension of 2s. 6d. a day on the 13th January 1867, for a couple of years previous to which time he had been serving as Mechanical Engineer of the Lawrence Asylum Works at Ootacamund. In that service he remained till the 31st March 1870, when his services were dispensed with in consequence of reduction of establishment, and he received a gratuity of Rupees 1,298-7-0 in addition to the above pension from that date. Since September 1870 he has been employed in the Military Department as Engineer in charge of the Ulsoor Water Works at Bangalore.

2. The Officiating Accountant General at Bombay in report recorded with G. O., No. 497, of 9th December 1870, objected to his drawing pension from the expiration of his ten years' service on three grounds: 1st, because he did not retire at the time, but being then in civil employ remained continuously in such employ; 2ndly, because the order permitting pay and pension to be drawn together did not come into operation till the 24th October 1863; 3rdly, because Government of India Order, No. 1,582, of 30th June 1869, ruled that re-employment of good service pensioners was conditional on the previous sanction of the Government of India being obtained.

3. Reference is made to the Pension Department for authoritative decision of the case, with remark that the first objection is set aside by the report from the Accountant General of Bombay, recorded with G. O., No. 1,254, of 27th April 1867, which distinctly lays down that Mr. Smith's personal attendance to receive his pension at Bombay might be dispensed with and his pension granted by the Madras Government from 13th January 1867. Moreover, that the Government of India Order, No. 1,582, of 30th June 1869, does not appear to have had retrospective effect. Consequently it would appear that whether Mr. Smith is entitled to draw pension from the 13th January 1867 or from the 24th October 1868 must depend entirely upon whether the Government of India Order of that latter date has retrospective effect or not.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Pension Department.

" Military
" Controller of Public Works Accounts.
" District Engineer, Bangalore.

Exd. S. T. Austin.

reference to the government

To

32

The Right Honorable Lord Hobart
Governor in Council of
Fort Saint George

The Humble Petition of John Smith
Mechanical Engineer Nelson Water Works
Bangalore.

Sheweth

That your Petitioner was formerly
a 1st Class Engineer in Her Majesty's late Indian
Navy, and according to the terms of his Covenant
was entitled to a Pension* of 2-6 a day on
completion of 10 years Service.

* True Copy of
Regulations attached

That your Petitioner completed the
required period of Service on 13th January 1867,
but prior to such completion of Service, and
consequent on the reduction of the Indian Navy
Establishment, Petitioner's Services were transferred
to the Public Works Department of the Madras
Government.

That your Petitioner still continues
in that Department, drawing pay in the ~~military~~
Department, and pension in the Marine Department,
but the payment of the latter commenced on 31st
March 1870, instead of from 13th January 1867.

That on reference to the Government

of Bombay, for the arrears of pension due to your Petitioner, the Officiating Accountant General to the Government of Bombay, in a report No 225 dated 15th November 1870, which is recorded in Proceedings of Government No 497 dated 9th December 1870, stated that the payment of Pension, in addition to pay, was contingent on Petitioner's transfer to the Civil Department, receiving the sanction of the Government of India.

That as this sanction does not appear to have been ever sought or obtained, and as your Petitioner, has thereby been deprived of what is due to him under the terms of his Covenant, your Petitioner prays that the required sanction may be obtained to enable him to draw arrears of pension from 13th January 1867, to 31st March 1870, (being a period of 1172 days at 2 sh 6 d a day) amounting to Rs 1465.

And your Petitioner as in duty bound shall ever pray.

J. Smith

Bangalore
18th April 1873 }

Transferred with one
Enclosure to the
Chief Secretary
to Government for
Mr George.

(By order)

Grindley
21st April
1873

A. Woodroffe
Private Secretary

Transferred to
J. P. W.
L. Hudson

P. W. 1873 Depart.
Pm: of Govt for Pm
No 2523.

From.

J. Smith Esq.

Mechanical Eng.

Bangalore.

Dated 18th April 1873.

Recd 23rd April 1873.

Encl. 1. Transferring
a petition from Mr.
Smith, Mechanical
Eng. praying for
payment of arrears
of Pension due to
him -

No 1489-4th Dec 1873.

1059

Resp. to Comm 24/4/73

No 1489.
Pm. of the Madras Govt.

Read the following:

Petition from Mr. Mechanical Engineer Smith
thru Public Dept. No 18 April 73

Mr. Smith appears
to have completed his 10
years service for a Pension
of 2⁵/₆ a day on the 13th
January 1867; for a couple
of years previous to which
time he had been serving
as Mechanical Engineer
of the Lawrence Asylum
works at Cochinamund.
In that service he re-
mained till the 31st March
1870 when his services were
dispensed with in conse-
quence of reduction of
establishment and he

of he received a gratuity
to Gen of Rs. 1298-7-0 in addition
a to the above Pension
who from that date - Since
No September 1870 he has
the been employed in the
to Military Department
by as Engineer in charge
a of the Levee Water
a Works at Bangalore.

The Offl Accountant
General at Bombay
in Report recorded with
G.O. No 497 of 9th Decr 1870
objected to his drawing
pension from the repi-
-ration of his 10 years
Service on three grounds
1st because he did not
retire

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retire at the time, but
being then in Civil employ
remained continuous.
- by in such employ - 2nd
because the order permit-
-ting Pay and Pension to
be drawn together did
not come into operation
till the 24th October 1868.
3rd because Govern-
-ment of India Order
No 1582 of 30th June 1869
ruled that re-employ-
-ment of good service
pensioners was condition-
-al on the previous sanc-
-tion of the Government
of India being obtained.
Reference is made

to the Pension Department
for authoritative decision
of the case; with remark
that the 1st objection
is set aside by the
Report from the Ac-
-countant General of
Bombay recorded with
G.O. No. 1254 of 27 April
1867 which distinctly
lays down that Mr.
Smith's personal at-
-tendance to receive
his Pension at Bombay
might be dispensed
with and his pension
granted by the Madras
Government from 13th
January

January 1867 - moreover
that the Gov^t of India
Order No. 1582 of 30th
June 1869 does not
appear to have had
retrospective effect -
Consequently it would
appear that whether
Mr Smith is entitled
to draw Pension from
the 13th January 1867 or
from the 24th October
1868 must depend en-
-tirely upon whether the
Government of India
Order of that latter
date has retrospective
effect

effect or not -

GNW

in South

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K

1159-60.

2 Service Dept ✓

10 July Dept ✓

5 Controlling ✓

2 D. E. Bengtson ✓

Duke 11/6/73

C/2523

Govt. of 1873 Madras.

PUBLIC WORKS.

To The Pension Dept.

Dated

Recd.

Encl. /

G. O. 4th June 1873. No. 1489.

No. 59160

Mr. Mechanical Eng. Smith.

Passing orders on petition
from Mr. Smith praying
for payment of arrears
of pension due to him.