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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	23	(W)	Press
B.P. No.			Mis.
Dated	14.1.		1876

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
14th January 1876.*

No. 162. Read the following Proceedings of the Court of Wards, dated 18th December 1875, No. 3,375:—

Read the following letter from C. SANNIAH, Sub-Divisional Writer, to G. VENKATA ROW PANTULUGAR, Supervisor, Kimedy Sub-Division, dated Chicacole, 28th September 1875:—

I BEG respectfully to bring the following to your favorable consideration.

2. You are aware that in the Proceedings contained in G. O., No. 1,009, dated 18th April 1874, the Department of Public Works of the Kimedy Estate was converted a Sub-division of the Chicacole Range, instead of being an independent establishment as hitherto, and under this circumstance, I do not know whether my past service in the estate will be received towards pension.

3. I have completed a service of 15 years and 1½ months in the estate (exclusive of a temporary employment filled for about 2½ years) up to 1st July 1874, the date on which the Kimedy Public Works were amalgamated with the Chicacole Range.

4. I have not paid any contribution towards pension to Government, nor do I think that any one in the same establishment has done so before.

5. I can adduce several instances of men employed in the estate having been awarded either with a pension or gratuity, though they have not paid any contribution.

6. An Ooriya Sheristadar, named Radacrustnapat Naick, received a pension equal to a third of his pay, when his services under the manager were dispensed with; a dresser, named Potunur Iyannah, employed in the dispensary supported by the estate, had also received a pension of 6 Rupees per month; and to a third man, named Valugula Appiah, a Gumastah in the Forest Department, was granted a gratuity of 140 Rupees for a service of seven years: *vide* Court's Proceedings, No. 6,587, dated 22nd September 1874.

7. Such being the case, I beg to request that you will be so good as to apply to the proper authorities to grant me the privilege of reckoning my previous service in the estate along with the present one towards pension.

8. Having served already in the estate for about 17½ years, I am not now likely to serve sufficiently long so as to entitle myself for a pension from the Government.

9. Should the authorities refuse to acknowledge my service in the estate, I am sure that in the event of my retiring from the department, I shall receive a very small remuneration, and the consequence will be, that in my old age, I and my large family will have to suffer the miseries of poverty, though I have actually served long enough to obtain an adequate pension on retirement.

—
No. 39.

SUBMITTED to the Secretary to Government, Public Works Department, Fort Saint George (through the Controller of Public Works Accounts, Fort Saint George) for the favorable consideration of Government.

BERHAMPORE,
12th October 1875.

(Signed) H. SMALLEY, Major, R.E.,
Offg. District Engineer, Ganjam.

*Proceedings of the Madras Government, Public Works Department,
14th January 1876.*

No. 125-W.

THE establishment employed on the Kimedy Estate is chargeable directly to the estate and not to the General Revenues of India. Members of the Public Works establishment, whose salaries are chargeable to the estate, are not therefore Public servants within the meaning of the Civil Pension Code, and their service does not count towards pension.

2. Section 31 of the Civil Pension Code may be quoted on the point—
“Service paid from funds which Government holds only as a trustee does not qualify.”

“Examples.—Estates under the Court of Wards, attached estates.” Under this section, the services of C. Samiah at the present time do not count towards the receipt of a pension or gratuity from Government any more than they did previous to the transfer of the Kimedy Estate to the Public Works Department.

3. In the cases cited by C. Samiah in paragraphs 4 and 5 of his application, it is evident that the gratuities were made from the funds of the estate and not from the Government Revenues. These cases cited, therefore, however strong the grounds they may afford for applying to the Court of Wards for a gratuity from the funds of the estates, afford not the slightest ground for the grant of a gratuity from Government.

4. The real issue in this case appears to me as follows:—
What are the conditions of service of the Public Works establishment employed on the Kimedy Estate?

Have they a claim to pension or gratuity from the funds of the estate in the same way as a public servant of Government has on the General Revenues?

5. As it is only fair that every servant should know the conditions of his service, I would suggest the papers being referred to the Court of Wards for an authoritative decision of the question.

FORT ST. GEORGE,
4th November 1875.

(Signed) L. CONWAY GORDON,
Controller of P. W. Accounts.

No. 260.

REFERRED to the Court of Wards for an expression of opinion.

FORT ST. GEORGE,
8th November 1875.

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government, P. W. D.

SERVICE under the Court of Wards does not count for pension from Government, except in the case of public servants transferred to service under the Court, who are permitted to count such service on payment of the pensionary contribution prescribed by Section 35 of the Pension Code. The Court believe that this condition is clearly understood by all subordinates in their employ. If any members of the Kimedy Public Works establishment were transferred from service under Government, their service under the Court of Wards should be treated as qualifying, on payment of the prescribed pensionary contribution in arrears. It does not appear that pensionary contribution has ever been paid by

*Proceedings of the Madras Government, Public Works Department,
14th January 1876.*

any member of the establishment. The Collector will report whether any members of the establishment were transferred from service under Government, and, if so, on what dates, and why the contribution has not been paid. The establishment, though borne on the Public Works list, is supernumerary, and, being paid from estate funds, service does not qualify under Section 31 of the Pension Code. Petitioner has therefore no greater claim to pension from Government than he had before the transfer of the establishment to the control of the Public Works Department.

2. The Court do not grant pensions or gratuities for service in estates under their charge, except in very exceptional cases, and then only as a matter of grace. The Court are unwilling to burden an estate with heavy charges on account of retiring allowances, which, even if granted, would terminate with the period of wardship, unless the proprietor chose to continue them. Accordingly, retiring allowances are granted but rarely, for long and approved service, chiefly in the form of gratuities, the Court's special sanction being required.

3. The Court take this opportunity of enquiring whether the special sanction of Government must be obtained whenever the services of a public servant are required by the Court for employment on any estate under management. Section 34 of the Pension Code prescribes that the transfer must be made “under the general or special sanction of the Government of India.” General sanction has hitherto been assumed, and transfers have been made, in communication with the head of the department, without the formal sanction of Government in each case being obtained: there does not appear to be any ruling on the point, and it is not expedient that the validity of such transfers should be open to question.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 163.

ORDER THEREON, 14th January 1876, No. 83.

ESTABLISHMENT, No. 16-A.

COMMUNICATED to the District Engineer, Ganjam, and to the Controller of Public Works Accounts.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the District Engineer, Ganjam.

„ Controller of Public Works Accounts.

Exd. A. Raitt.

Spare Copies

20.

J. Tunka & Son, Antelope
Supervisor, Nevada
Sub Division

Sir,

I beg respectfully to bring
the following to your favorable
consideration.

You are aware that in the
Proceedings contained in C. O.
No. 1009 dated 18th April 1874 the
D. R. Tr. of the Nevada Estate
was converted a Sub Division
of the Cheacole Range, instead
of being an independent Estab-
lishment as hitherto, and
under this circumstance I do
not know whether my past
service in the Estate will be
reckoned towards pension.

I have completed a
service of 18 years and 1/2 month
in

in the Estate (exclusive of a temporary employment lasted for about $2\frac{1}{2}$ years) up to 1st July 1874 the date on which the United Public Works were amalgamated with the Cheesale Range.

I have not paid any Contribution towards Pension to Government nor do I think that any one in the same Establishment has done so before.

I can adduce several instances of men, employed in the Estate, having been awarded either with a pension or gratuity though they have not paid any Contribution.

An Oriya Aristocrat named Radamusthapatnaick, received a pension equal to a third of his pay, when his service is under-

under the Manager who dis-
posed with, a duffer named
Potner Sannab, employed in
the Dispurah supported by the
Estate, had also received a pension
of 5 Rupees per month and to a
third man named Taligula
Sriah a goonastah in the
Forest Department was granted
a gratuity of 140 Rupees for a
service of 7 years vide Court's
Proceedings No: 658 dated 22nd
September 1874.

Such being the case I
trust is, request that you will
be so good as to apply to the
proper authorities to grant me
the privilege of reckoning my
previous service in the Estate
along with the present one
towards pension.

Having served already in
the Estate for about $17\frac{1}{2}$ years
I am not now likely to serve
Sufficiently

Sufficiently low to as to put
myself for a review from the
Government.

Should the authorities
refuse to acknowledge my
service in the State I am sure
that in the event of my retiring
from the department I shall
receive a very small remunera-
tion, and the consequence will
be, that in my old age I and
my large family will have to
suffer the miseries of poverty,
though I have actually toiled
long enough to obtain an ade-
quate pension on retirement.

I beg to remain
Yours most obedt
servt
J. C. Samiala
Sub. Secy. to Secy.
Camp Beaulieu
28th Sept 75
True copy

e f.

39

Submitted to the Secretary
to Government / Public Works
Department Fort St George
through the Controller of
Public Works Department
Fort St George for the favor-
able consideration of Govern-
ment.

M. M. M. Major R. E.
District Engineer
Pondicherry

Camp Beaulieu
12th October 75

N^o 125W.

The establishment employed on the
Shimshy Estate is chargeable directly
to the Estate and not to the General
Revenues of India. Members of the
Public

Public Works Establishment...
whose salaries are chargeable to the
Estate are not therefore Public Servants
within the meaning of the Civil Pension
Code and their service does not count
towards pension.

2. Section 31 of the Civil Pension Code may be quoted on the point—
"Service paid from funds which Government holds only as a trustee, does not qualify—
"Example: Pension for service in the United States Army, which is paid from the United States Treasury, does not qualify."

Examples - Estates under the Court of

From
The District Engineer
Gaulain District
to the Secretary & Comptroller
of the N. H. & G.
(The Comptroller of
the N. H. Accounts -)
Dated - 12th Dec 1895.
Refd 15th Dec 1895.



of Wards-attached Estates." Under this Section the services of C. Ammiuk at the present time do not count towards the receipt of a pension or gratuity from Government any more than they did previous to the transfer of Kennedy Estate to the Public Works Department.

3. In the cases cited by A. Samuels in paras 4 and 5 of his application, it is admitted that the gratuities were paid from the funds of the Estate and not from the Government Exchequer. These cases cited therefore, however strong the grounds they may afford for applying to the Court of Wards for a gratuity from the funds of the Estate afford not the slightest ground for the grant of a gratuity from Government.

4. The real issue in this case appears to me as follows.

What are the conditions of service

service of the Public Works Estab-
lishment employed on the Kennedy
Estate?

Have they a claim to pension or
gratuity from the funds of the
Estate in the same way as a public
servant of Government has on the
General Revenues?

5. As it is only fair that every
servant should know the condi-
tions of his service, I would suggest
the papers being referred to the Comptroller
of Wards for an authoritative decision
of the question.

Fort St George
1st Nov 1875

Sloman-Jordan

Controller of P.W. Accts
R.P.

305 Sept 76 No 121-122
 26 Aug 76 636-637
 12 do 76 33-34
 30 June 76 642
 30 do 76 640-641
 18 Oct 76 207-208

P. W. 1895 Sept.
 No: 7105

No 260

Referred to the
 Court of Wards for
 an expression of
 opinion.

Lane

The Comr of P.W.A.

Dated 4th Nov. 1895.
 Recd. 5th Nov. 1895.

No: 125 W.

C. M. Mather Major Genl. Rtd.
 Secy. to Govt.
 P.W. D.

Fort George
 8th Nov. 1895

Received 11th Nov.
 Entered & Returned 18th Nov. 1895

H. M. Mather

As Secretary

No 162-163

Referred.
 G.O. No. 83. 11.1.76

No 162-163

No 207-208 18/11/76

C. M. Mather - 17

Dispt 24.1.76

No 162-163

P.W. 1875. Sept
 Court of Wards,
 MADRAS.
 No 212

PROCEEDINGS, 18TH DECEMBER 1875, No. 3,375.

Disp 11 Jan 1876

Encl.

Received 12 Jan 1876

DECEMBER.

No. 3,375.

Public Works Establishment—employed in
 Kimey Estate under charge of Court of Wards,
 in Ganjam District.—Submitting to Govern-
 ment Court's views as to what are the conditions
 of service of — and whether they have a claim
 to pension or gratuity from estate for enquir-
 ing whether sanction of Government must be
 obtained whenever the services of a public
 servant are required by Court, and reporting
 Collector to report on certain points relating to
 the subject.

11th Nov

Govt. of 1876

PUBLIC WORKS.

To

Dated

Issued

Recd.

Recd.

G. O. 11

1876, 15

Nos.

69 63

Handwritten notes and signatures, including "J. H. ..."