Archives 1—10,006—6-10-78.

(1) Number of pages 36

(2) Date of repair oct 1986

(3) Initials of the Referencer Land

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public Works DEPARTMENT

G.O. No. / B.P. No.	4653-74 W	Press. / Mis.
Dated	7-12-1978	197

B2

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

7th December 1878, No. 4,653 W.

General.
Establishment.

Read the following paper :—

No. 74. Endorsement of the Superintending Engineer, Second Circle, dated Bellary, 13th November 1878, No. 251.

From W. B. LEGGATT, Esq., A.I.C.E., Executive Engineer, Bellary Division, to the Superintending Engineer, Second Circle, dated Bellary, 11th November 1878, No. 125.

I HAVE the honor to enclose an extract marked A from my Service Register as supplied by the Examiner of Public Works Accounts, showing that my services in the department from 7th December 1863 to 23rd May 1864 (5 months and 17 days) does not as a matter of course count as service towards pension.

2. I beg also to enclose another extract marked B from information supplied me by the Examiner of Public Works Accounts showing that under Section 48 A of the Civil Pension Code the Government of India may allow that service to count as service towards pension; and I shall feel greatly obliged if you would kindly place my case, through the Examiner of Public Works Accounts, before His Grace the Governor and Council with a view to the Government of India being moved by them to permit me to reckon the time referred to as service towards pension.

3. In explanation of my case I beg to state that without any fault of my own and without any notice my services were dispensed with on the 13th July 1863, on reduction of establishment, after a service of $8\frac{1}{2}$ years; and that after a period of 4 months and 23 days, during which time I was without employment, or means of subsistence, I was re-employed in the department on the 7th of December 1863 as Acting First Assistant Engineer in room of Major Prendergast, v.c.

4. I served in that acting appointment till the 24th May 1864, and was then brought on the permanent strength of the department as an Assistant Engineer, Third Grade.

5. When I lost my appointment in the department I was permanent Assistant Engineer, Second Grade, and was acting First Assistant District Engineer, *vice* Major Beckly, drawing under the rules the full pay of the appointment.

6. The Examiner of Public Works Accounts has struck out of my service towards pension the abovenamed period from 7th December 1863 to 23rd May 1864, while acting for Major Prendergast, on the grounds that when I was re-appointed it was not to a substantive appointment, and that therefore the rules of the service do not admit of my counting it without special sanction of the Government of India under Section 48 of the Civil Pension Code.

7. I beg to point out the great hardship of my case, for Government deprived me of my substantive appointment which I had held for 8½ years. Moreover, I was re-admitted to the same department, and served the Government equally as well in the acting appointment as I had previously, and have since done, in my substantive appointment.

8. In addition to the above I beg to point out that I have served the State for nearly 24 years, and that I already lose under the new pension rules as service towards pension 4½ years of the time that I have served the Government previous to the age of 22. I hope that these facts also will be taken into consideration in support of the indulgence I solicit.

9. I beg that His Grace the Governor and Council will kindly take my case into early consideration.

A.

THE following statement gives *per contra* the periods excluded from Mr. W. B. Leggatt's service as shown by him and the Audit Registers on record in the Office of the Examiner of Public Works Accounts, Madras :—

Particulars.	As per Mr. Leggatt's Statement.	As per Audit Register on record in the Office of the Examiner of Public Works Accounts.
	Y. M. D.	Y. M. D.
Out of employ from 14th July to 6th December 1863 ...	0 4 23	0 4 23
Acting appointment from 7th December 1863 to 23rd May 1864.	0 5 16	0 5 17

(Signed) G. BROWN,
28th August 1878. Dy. Examiner of Public Works Accounts.

(True Extract.)

BELLARY,
11th November 1878. (Signed) W. LEGGATT,
Executive Engineer, Bellary Division.

(True Extract.)

13th November 1878. (Signed) H. L. PRENDERGAST, Lt.-Col., R.E.,
Superintending Engineer, Second Circle.

B.

THE period of 4 months and 23 days Mr. Leggatt was unemployed can under no circumstances count for pension.

The other period may, if the Government of India so order it, count under Section 48 A of the Civil Pension Code.

(Signed) G. BROWN,
28th August 1878. Dy. Examiner of Public Works Accounts.

(True Extract.)

(Signed) W. LEGGATT,
Executive Engineer, Bellary Division.

(True Extract.)

13th November 1878. (Signed) H. L. PRENDERGAST, Lt.-Col., R.E.,
Superintending Engineer, Second Circle.

SUBMITTED to the Chief Engineer with the recommendation that the Government may take a favorable view of Mr. Leggatt's application to be allowed to reckon the period of 5 months 17 days towards pension.

(Signed) H. L. PRENDERGAST, Lt.-Col., R.E.,
Superintending Engineer, Second Circle.

No. 75. ORDER THEREON, 7th December 1878, No. 4,653 W.

ORDERED that the Government of India be addressed.

(Here enter No. 4,654 W, dated 7th December 1878.)

(True Extract.)

Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, Second Circle.

Exd. C. Howarth.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

The SUPERINTENDING ENGINEER,
SECOND CIRCLE.

Dated December 7th.

Issued

Rec'd.

G. O., 7th December 1878, No. 4,653 W.

DECEMBER.

Nos. 74-75.

Mr. W. B. Leggatt, Executive Engineer.
—Application from — to be allowed to count certain period as service towards pension or gratuity, forwarded for the consideration of the Government of India.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 4,654 W.

No. 76.

FROM

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department.

SIR,—I am directed to forward an application* from Mr. W. B. Leggatt, Executive Engineer in the Madras Public Works Department, to be allowed to count as service towards pension or gratuity the period between the 7th December 1863 and the 23rd May 1864. Under the pension rules that period cannot be counted, as the class in which Mr. Leggatt was eventually permanently graded was not that in which he acted.

*G.O., No. 4,653 W, dated 7th December 1878.

2. But as it was from no fault of his own that Mr. Leggatt was thrown out of employ, and as he received no gratuity at that time, the Governor in Council considers that it would be an act of grace to allow him to count for service the period of five months and seventeen days during which he was holding acting appointments under Government.

I have the honor to be,

Sir,

Your most obedient servant,

Colonel, R.E.,
Secretary to Govt., P.W.D.

FORT ST. GEORGE,
7th December 1878.

Exd. C. Howarth.
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated December 7th.

Issued

Read. Encl.

G. O., 7th December 1878, No. 1,654 W.

DECEMBER.

No. 76.

FORWARDING an application from Mr. W. B. Legrait, Executive Engineer, to be allowed to count certain period as service towards pension or gratuity.

Does the
time I asked for
Major H. H. D. Orm
-dergraat V.C during
his absence on
leave on private
affairs viz from
27th November 1863
the date on which
I was gazetted to
to 24th May 1864, the
date on which I
was confirmed
in my appointment,
count as service
towards pension?
if so please name
the rule under
which it counts!

H. B

The appointment
I held on the room
of Major Orandergraat
(Permanent 1st A.S.E.
Engineer) although
an

an acting appo=
=intment to me
at the time; it
became a special
-permanent one
afterwards on the
24th May 1864. I pre=
=sume therefore
that I am entitled
to count as service
towards pension
under Clause
I, II or III section
19 Chapter V of
the Civil pension
Code: and if I am
not mistaken
that service would
count towards
pension, of
however temporary
a nature my
appointment
in Burma has
been, as Major
Quartermaster
did not count
service

service towards
pension at that
time in the Civil
Department, because
as a matter of
course he counted
it in the Military
Department. Please
see section VI Chapter
III of the Civil pension
Code -
Independently of
this supposing
my appointment
in Burma should
be considered a
temporary one
I claim that
even then I am
entitled to count
that service towards
pension because
I was placed in
it by the Govt=
=not as a first
appointment
but as a re-admission
to

to the service in which I had held a substantive appointment for 8 years previously. Clause or section 15 Chapter IV of the Civil Pension Code also section 51 Chapter XI of that Code

I received no confirmation pension or gratuity but was re-entered & time & dismissed

Does not the time during which I remained out of employment through no fault of my own, but in consequence of reduction of Establishment, from 13th July to 27 November 1863 count as service towards pension? if so please name the rule under which it counts.

R. B

I feel certain that there is a rule which entitles an Officer to count a break of continuity of service towards pension to the extent of 1 year but I cannot remember the rule. Do it in page 79 Civil pension Code under the heading "rules regarding service" para III? The break in my continuity of service was for a period of only 4 months and 10 days

Qr

13

7

Qn III

How much pension have I found in up to date towards pension under the new rules ?

Qn IV

How much pension have I found in up to date towards pension under the old rules ?

What would be my pension under the new rules.

What would be my pension under the old rules

How much furlough am I entitled to and at what rate of pay if I should elect to go on furlough on the old rules ?

How much furlough am I entitled to and at what rate of pay if I elect to go on furlough on the new rules ?

How much furlough am I entitled to and at what rate of pay if I should elect to go on furlough on the old rules ?

M.

JCF

8

His Ler of parentage
has passed through so
as intended.

W.H.
D.W.
15.11.70

From 12866

The Supdg. Engineer
2d Circle.

To

The Chief Engineer
NWD

Dated 13th November 1870.
Recd. 15

No 251.

Mr W B Leggatt
Executive Engineer

Forwarding Copy of a Letter
from — and recommending
for the favourable view of
his application the allowance
to reckon the period of 5 Yrs
17 days towards Pension.

To C

ON VERIFYING THE SERVICES OF MR.
W.B.LEGGATT IT IS OBSERVED THAT HE WAS
THROWN OUT OF EMPLOY ON THE 14TH. JULY
1863 ON THE REDUCTION OF ESTABLISHMENT
CONSEQUENT ON THE RE-ORGANIZATION OF
THE PUBLIC WORKS DEPARTMENT THAT TOOK
PLACE IN THAT YEAR.

MR.LEGGATT WAS REAPPOINTED TO THE
DEPARTMENT AS ACTING ASST. ENGR. IST.
CLASS ON A SALARY OF RS.250 PER MENSEM
ON THE 7TH. DECEMBER 1863, AND HELD THE
FOLLOWING ACTING APPOINTMENTS UNTIL THE
24TH. MAY 1864 WHEN HE WAS BROUGHT ON THE
PERMANENT STRENGTH OF THE DEPARTMENT AS
A SPECIAL ASST. ENGINEER 3RD. CLASS.

Establishment's Appointment.	Rly.	acting allowance.	From	To	Period.	Remarks
					Years. Months. Days.	
To Asst. Engr. Manchester.	0	250	7th Dec. 63	11th Decr.	-	11
Do. 2d Do. Do.	0	150	12th Dec. 63	30th June 64	-	19
Do. 2d Do. Do.	0	250	6th Jan. 64	3rd Decr.	2	25
Do. 1st Do. Do.	0	250	4th July 64	23rd Decr.	1	23
				Total	5	17

FROM SEC. 10 RULE I OF THE CIVIL PENSION CODE IT WILL BE OBSERVED THAT SERVICE IN AN OFFICE WHICH THOUGH AT FIRST CREATED EXPERIMENTALLY OR TEMPORARILY, EVENTUALLY BECOMES PERMANENT, QUALIFIES. BUT THIS RULE DOES NOT APPLY TO THE CASE OF AN OFFICER WHO IS ENTERTAINED TEMPORARILY IN ONE APPOINTMENT, AND IS, AFTERWARDS TRANSFERRED TO ANOTHER SUBSTANTIVE APPOINTMENT.

MR. LEGGATT WAS AN ACTING ASST. ENGR. IST. CLASS AND WAS PERMANENTLY GRADED AS A SPECIAL ASST. ENGINEER OF THE 3RD. CLASS. THE PERIOD FROM 7TH. DECEMBER 1863 TO 23RD. MAY 1864 CANNOT THEREFORE UNDER THE SECTION QUOTED ABOVE BE COUNTED FOR PENSION OR GRATUITY, UNLESS THE GOVT. OF INDIA DECIDE AS A SPECIAL CASE THAT THE PERIOD SHOULD BE TREATED AS SERVICE QUALIFYING FOR PENSION.

C.

GOVT. OF MADRAS. } 187 . { P. W. DEPT.

SECRETARY.

Fort St. George, 28th Nov 1878.

OFFICE NOTE.

To C

Ld Gov. W. B. Leggatt
receive any gratuity
on Reduction of Establishment and dis-
charge.

OF 187

D. W.
28.11.78.

TO W.

MR. LEGGATT, I BELIEVE, RECEIVED
NO GRATUITY WHATEVER WHEN HIS
SERVICES WERE DISPENSED WITH ON THE
RE-ORGANIZATION OF THE P. W. ESTABT.
IN 1863.

Leg.
4/12. C.

PUBLIC WORKS DEPARTMENT.

13

Letter from the Supg Engineer Second Circle
No. 257 dated 13th Nov. 1878.
Office Note by the Examiner P. W. Accounts dd
20th Nov. 1878.

FOR ORDERS. whether Mr. Leggatt's
case shall be referred
specially to the Govt. of
India.

W. Hanson Lt Col.
for Secy. to Govt. P. W. D.

22nd Nov 1878.

Recommended.

If Mr. Leggatt receives
Gratuity on Reduction of
Establishment Discharge
he forfeits his Rights
Stated. DS

S.E.P. 22/11

FOR ORDERS.

No. 125.

Executive Engineer's Office.
Bellary 11th November 1878.

From

W. B. Leggatt, Esqr. A. I. C. E.
Executive Engineer
Bellary Division

To

The Superintending Engineer
2nd Circle
Bellary.

Sir,

I have the honor to enclose an extract marked A from my service Register as supplied by the Examiner of P. W. Accounts shewing that my services in the Department from 7th December 1863 to 23rd May 1864 (five months and seventeen days) does not as a matter of course count as service towards Pension.

2. I beg also to enclose another extract marked B from information supplied me by the Examiner P. W. Accounts shewing that under section 48 A of the Civil Pension Code the Government of India may allow that service to count as service towards Pension, and I shall feel greatly obliged if you would kindly place my

case

case through the Examiner of Public Works Accounts before His Grace the Governor and Council, with a view to the Government of India being moved by them to permit me to reckon the time referred to, as service towards Pension.

3. In explanation of my case, I beg to state that without any fault of my own, and without any notice, my services were dispensed with on the 15th July 1863, on reduction of Establishment, after a service of 8½ years; and that after a period of 4 months and 23 days, during which time I was without employment or means of subsistance, I was re-employed in the Department on the 7th of December 1863, as acting 1st Assistant Engineer in room of Major Prendergast V.C.

4. I served in that acting appointment, till the 24th May 1864, and was then brought on the permanent strength of the Department, as an Assistant Engineer 3rd Grade.

5. When I lost my appointment in the Department, I was permanent Assistant Engineer 2d Grade, and was acting 1st Assistant District Engineer vice Major Beckly, drawing under the rules the full pay of the appointment.

P.T.O.

6. The Examiner Public Works Accounts has struck out of my service towards pension, the above named period from 7th December 1863 to 23d May 1864, while acting for Major Prendergast, on the grounds that when I was re-appointed it was not to a substantive appointment and that therefore the rules of the service do not admit of my counting it without special sanction of the Government of India under section 48 of the Civil Pension Code.

7. I beg to point out the great hardship of my case, for Government deprived me of my substantive appointment which I had held for 8½ years - Moreover I was re-admitted to the same Department, and served the Government equally as well in the acting appointment as I had previously, and have since done, in my substantive appointment.

8. In addition to the above, I beg to point out that I have served the state for nearly 24 years, and that I already lose under the new Pension rules as service towards pension, 4½ years of the time that I have served the Government previous to the age of 22 - I hope that these facts also, will be taken into consideration, in support of the indulgence

I solicit.

I beg that His Grace the Governor and Council will kindly take my case into early consideration.

I have &c &c.

(Signed) W. B. Leggatt A. I. C. E.

Executive Engineer

Bellary Division.

(True Copy)

No. 257.

Submitted to the Chief Engineer with the recommendation that the Government may take a favourable view of Mr Leggatt's application, to be allowed to reckon the period of 5 months, 17 days towards Pension.

Bellary
13th November 1870.

Chas Sanders pst Lt Col R.E.
Superintending Engineer
2d Circle

Thro' Examiner
P. W. Accounts.
Madras.

A

The following statement gives per contra the periods excluded from Mr W. B. Leggatt's service as shewn by him and the Audit Registers on record in the Office of the Examiner of Public Works Accounts Madras

Particulars.	as per Mr Leggatt's statement	As per Audit Registers on record in the Office of the Examiner P.W. Accounts
Out of employ from 14th July to 8th Sept 53	" 4 23	" 4 23
Acting appointment from 7th Dec 1863 to 23d May 1864	" 5 16	" 5 16

28/8/70

(Signed) Geo. Brown
by Examiner P.W.A.

"True Extract"

Bellary
11th Nov 1870

(Signed) W. Leggatt A.I.C.E.
Executive Engr Bellary Division

True Extract
Chas Sanders pst Lt Col R.E.
13/11/70 Superg: Engr 2d Circle

14

B

The period of 4 months and 23 days Mr Leggatt was unemployed can under no circumstances count for Pension.

The other period may if the Govt of India so order it count under Section 48 A of the Civil Pension Code.

28/8/78. (Signed) Geo: Brown
by Examiner P.W. accounts.

"True Extract"
(Signed) W. Leggatt A.I.C.
Executive Engineer
S.B. Canal Division.

True Extract
Alex Saunderson A.C.S. W.R.
13/11/78. Superg Engineer
2nd Circle

No. 4653 W Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 7th Dece 1878.

Read the following :—

From,
The Supg Engineer
Second Circle
Officiate from the Exec. Dn. Ucate

} (W.E. No. 251 dy 13th Nov 78.)
dy 20th Nov 78.

Ordered that the Government of India be addressed.

W.E. No. 4654 W dy 7th Dece 78.

To
The Secy: to the Govt of India, P.W.D.

Sir,

I am directed to forward an application from Mr. W. B. Leggatt, Executive Engineer, in the Madras Public Works Department, to be allowed to count as service towards pension

* G.O. No. 4653 W dy 7th Dec 78

S.E. Second Circle
Govt of India 7/1
Dupd 20-12-78
S.E. 5/

gratuity the period between
the 4th December 1863,
and the 23rd May 1864 -
Under the Pension Rules
that period cannot be
counted, as the class in
which Mr. Leggatt was
Executively
permanently graded
was not that in which
he acted.

But as it was from
no fault of his own
that Mr. Leggatt was
thrown out of employ,
and he received no
gratuity at that time,
the Governor in Council
considers that it would
be an act of grace
to allow him to count
for service the period

7
of five months and
seventeen days during
which he was holding
acting appointments under
Government.

EDT 4/12

6 sec 3 Letters
6 — of 80 -
Disp'd - 20-12-78

Govt. of [1878] Madras.

PUBLIC WORKS.

Dated

Issued

Encl.

Encl.

G. O. 7 Dec 1878. No. 4653 / 4653 h

Nos.

Mr. A. B. Leggatt Esqr
Forwarding his Application
for ____ to be allowed to
Construct certain permanent
Bench Levels from a
Datum Bench for
the Connection of P.W.D.

Forwarded an application
from Mr. A. B. Leggatt
for ____ to be allowed to
Construct certain permanent
Bench Levels from a
Datum Bench
for gratuity.

169