Archives I -10,006—16-8 77.

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D. DEPARTMENT

G.O. No. / B.P. No. 2463-~~A~~-(W) Press. / Mis.

Dated 25-10-1880 ~~197~~.

Not to be folded or roughly handled

A. Mani

21/63

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

25th October 1880, No. 2,463-A W.

General.
Establishment.

Read the following paper:—

No. 113-A. From Major D. H. TRAIL, R.E., Officiating Examiner, Public Works Accounts, to the Secretary to Government, Public Works Department, dated Madras, 17th August 1880, No. 86 W.

I HAVE the honor to forward herewith copy of letter No. 2,628, dated 26th July 1880, received from the Executive Engineer, Tanjore Division, and, with reference to paragraph 2 thereof, to respectfully solicit the orders of Government on the question raised by that officer, as to whether the lascars who belonged to the Permanent Establishment prior to the reorganization of September 1878, but who were transferred to the Petty Establishment under orders of Government, No. 3,674 W., dated 18th September 1878, are to be considered as members of the Permanent Establishment, and allowed the benefits of the Civil Pension Code, while serving on the Petty Establishment.

2. From previous orders of Government, contained in G.O., Pension Department, No. 631, dated 19th November 1877, (copy attached,) it will be observed that the Petty Establishment of this Presidency has hitherto been held to be on a temporary footing only.

3. The favor of very early orders are solicited.

From the Executive Engineer, Tanjore Division, to the Examiner of Public Works Accounts, Madras, dated 26th July 1880, No. 2,628.

WITH reference to paragraph 2 of your No. 306 S.E. 3rd, dated 12th July 1880, I have the honor to inform you that there is only one application not yet submitted, and that is in behalf of office subordinate Purushottama Naidoo, lately transferred to the Local Fund Board with the Local Fund Overseers, and this application will be forwarded in a week to the Superintending Engineer.

2. I take this opportunity to inquire if the lascars, who are now classed as belonging to Petty Establishment, and who formerly belonged to the office establishment, are not entitled to any remuneration in the shape of gratuity or pension for services rendered by them before their pay was charged to "Petty Establishment."

No. 113-B. ORDER THEREON, 25th October 1880, No. 2,463-A W.

PENDING receipt of orders from the Government of India, who will be addressed on the subject, the lascars mentioned in the Examiner's letter will be considered members of the Permanent Establishment, and entitled to the benefits of the Civil Pension Code.

(Here enter No. 2,463-B W., dated 25th October 1880.)

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the Examiner of Public Works Accounts.

Exd. S. T. Austin.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1880} Madras.

PUBLIC WORKS.

To

THE EXAMINER OF PUBLIC WORKS
ACCOUNTS.

Dated October, 25th.

Issued

Recd. *Encl.*

G. O., 25th October 1880, No. 2,463-A W.

OCTOBER.
Nos. 113-A—113-B.

Petty Establishment.—Stating that lascars of the — who formerly belonged to the office establishment will be considered as members of the Permanent Establishment and entitled to the benefit of the Civil Pension Code.

81

2463/2

FROM MAJOR D.H.TRAIL R.E.
OFFG. EXAMINER P.W.ACCOUNTS,
MADRAS.

TO THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT.

NO. 86 W MADRAS, 17th AUGUST 1880.

SIR,

I HAVE THE HONOR TO FORWARD HEREWITH COPY OF LETTER NO.2628 DATED 26TH.JULY 1880 RECEIVED FROM THE EXECUTIVE ENGINEER TANJORE DIVISION, AND WITH REFERENCE TO PARA 8 THEREOF, TO RESPECTFULLY SOLICIT THE ORDERS OF GOVERNMENT ON THE QUESTION RAISED BY THAT OFFICER AS TO WHETHER THE LASCARS WHO BELONGED TO THE PERMANENT ESTABLISHMENT PRIOR TO THE REORGANIZATION OF SEPTEMBER 1878, BUT WHO WERE TRANSFERRED TO THE PETTY ESTABLISHMENT UNDER ORDERS OF GOVERNMENT NO.3674 W.DATED 18TH.SEPTEMBER 1878 ARE TO BE CONSIDERED AS MEMBERS OF THE PERMANENT ESTABLISHMENT AND ALLOWED THE BENEFITS OF THE CIVIL PENSION CODE WHILE SERVING ON THE PETTY ESTABLISHMENT.

2. FROM PREVIOUS ORDERS OF GOVERNMENT, CONTAINED IN G.O.PENSION DEPARTMENT NO.631 DATED 19TH.NOVEMBER 1877 (COPY ATTACHED) IT WILL BE OBSERVED THAT PETTY ESTABLISHMENT OF THIS PRESIDENCY HAS HITHERTO BEEN HELD TO BE ON A

TEMPORARY

TEMPORARY FOOTING ONLY.

2. THE FAVOR OF VERY EARLY ORDERS ARE SOLICITED.

I HAVE THE HONOR TO BE,

SIR,

YOUR MOST OBEDIENT SERVANT.

H. Marry.

FOR OFFG. EXAMINER P.W. ACCOUNTS.

w4 16/18

P.W.D
18 80
No. 5213

FROM THE EXAMINER P.W.ACCOUNTS,
MADRAS.

TO THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT.

NO. 86W.

DATED 17 AUGUST 1880.

RECD. 18

Eo (Pen) 507 – 19-9-77.
Orig: Eo. 1299 – 12-5-71.
— 2634 – 16-9-74.
70 – 14-1-76.
Eo. 18-9-78 – 3674.W.
Orig. Eo. 1786.W. 26.11.77.

ENCLOSURES.2.

LASCARS PETTY ESTABLISHMENT.

ENQUIRES WHETHER - ARE ENTITLED TO PENSION AND GRATUITY.

Cir 23.10-80. ~~Pd~~ 25.10-80
O.L. Shut 51 Oct
O. ~~8-9~~-80 again 12-10-80. 27-10-80.

COPY OF LETTER FROM THE EXECUTIVE ENGINEER, TANJORE DIVISION TO THE EXAMINER P.W.ACCOUNTS, MADRAS, NO.2628 DATED 26TH, JULY 1880.

WITH REFERENCE TO PARA 2 OF YOUR NO.306 S.E.3RD. DATED 12TH, JULY 1880, I HAVE THE HONOR TO INFORM YOU THAT THAT THERE IS ONLY ONE APPLICATION NOT YET SUBMITTED, AND THAT IS IN BEHALF OF OFFICE SUBORDINATE PUROSHOTTAMA NAIDOO, LATELY TRANSFERRED TO THE LOCAL FUND BOARD WITH THE LOCAL FUND OVERSEERS, AND THIS APPLICATION WILL BE FORWARDED IN A WEEK TO THE SUPERINTENDING ENGINEER.

2. I TAKE THIS OPPORTUNITY TO ENQUIRE IF THE LASCARS, WHO ARE NOW CLASSED AS BELONGING TO PETTY ESTABLISHMENT, AND WHO FORMERLY BELONGED TO THE OFFICE ESTABLISHMENT, ARE NOT ENTITLED TO ANY REMUNERATION IN THE SHAPE OF GRATUITY OR PENSION FOR SERVICES RENDERED BY THEM BEFORE THEIR PAY WAS CHARGED TO "PETTY ESTABLISHMENT".

(TRUE COPY)

W. T. Jackson

SUPT. CORRESPONDENCE BRANCH.

P.W.D.
18AUG80
No. 5213
2

2823

Government of Madras
Pension Department
19th November 1877 - No. 631
Pension

2863/5

Read the following paper:-

From E. J. Sinkinson Esqre Officiating Secretary to the Government of India, Financial Department, to the Chief Secretary to Government, dated Simla 31st October 1877, No. 4105.

I am directed to acknowledge the receipt in the Public Works Department of your letter No. 507 dated 19th September 1877, and enclosures, regarding the claims of members of the Imperial Petty Establishment of the Public Works Department to pension under the Uncovenanted Service Rules.

2. With your letter in the Pension Department No. 84, dated 31st January 1876, you forwarded, for confirmation by the Government of India, the Proceedings of the Government of Madras in the Public Works Department, No. 70, dated 14th January 1876, admitting members of the Imperial Petty Establishment of that Department to the benefit of pensions under the provisions of the Civil Pension Code; and in my letter, No. 2260, dated 24th April 1876, the Government of India inquired whether the Government of Madras desired to make a change in the rules or merely to explain existing rules. You now state

in

in reply that no change in the provisions of the Civil Pension Code was solicited. The Government of India understand therefore that they are not required to pass any orders on your letter No. 84 of the 31st January 1876, and as it appears from the papers forwarded with your letter under reply that the Petty Establishments of the Public Works Department are on a temporary footing, and the Government of Madras are not at present in a position to settle the constitution of the Lower Subordinate Establishment of the department, it is presumed that the Proceedings of the Government of Madras in the Public Works Department of the 14th January 1876, referred to above, should be considered as cancelled.

P.W.D.
18 AUG 80
No. 5213

Copy forwarded to the Public Works Department, with reference to its endorsement No. 1511 E. G. dated 12th October 1877.

Order thereon 19th November 1877 – No. 631.

Communicated to the Public Works Department with reference to the G. Os. in that department, dated 14th January 1876, No. 70, and 5th June 1876, No. 1403.

(True Extract)

(Sgd.)
Under Secy. to Govt.

(True Copy)

W. J. [illegible]

Supdt. Correspondence Branch

2463/6

Note

Letter from the Examiner, P. W. Accounts, No. 86 W, dated 17th August 1880.

24/3 PW

In this letter the Examiner, P. W. Accounts requests the orders of Government as to whether the lascars who belonged to the permanent establishment prior to the re-organization of 1878, but who were transferred to the Petty Establishment under the orders of Government No. 3674 W, dated 18th September 1878, are to be be considered as members of the permanent establishment, and allowed the benefits of the Civil Pension Code while serving on the Petty Establishment.

2. The position of the Petty Establishment of the Department has formed the subject of some correspondence with the Government of India, and there has been much doubt as to whether they are to be regarded as permanent pensionable establishments, or only as temporary establishments

3. In para 3 of their letter recorded with Abs No. 2634 dated 16th September 1874, the Government of India incidentally referred to the Petty Establishment as among those for whom Service Registers should be maintained.

4. With reference to this, the Examiner, P. W. Accounts pointed* out that in the Madras Presidency it had been the practice to regard members of the Petty Establishment as having no claim to pension or gratuity,

* Letter No. 6810 dated 30th Octr/74.

in fact as belonging to the *Temporary* Establishment. But the Government in their order on this letter, No. 70 dated 14th January 1876, ruled that members of the Imperial Petty Establishment are, in accordance with the provision of the Civil Pension Code, entitled to pensions. Service Registers for these men were accordingly ordered to be kept.

5. It will however be seen from the correspondence quoted in the margin that these orders were regarded as *ultra vires* by the Govt. of India, and the Madras Govt. subsequently cancelled them - vide G.O. 1786 W. dated 26th November 1877.

× Govt. of India letter No. 2260 dated 24th April 1876 (P.W. G.O. 1403 W. of 5th June/76)
Govt. of India letter No. 4105 dated 31st October 1877 (P.W. G.O. 1786 W. of 26th Novr/77).

6. The present position of the question therefore seems to be that members of the P.W. Petty Establishment are on a temporary footing only, and are not entitled to pensions.

7. A draft order

for

in this sense is accordingly put up.

R.S.
6.7.

W

I send up the above, as it will be of use as a statement of the facts, but I am entirely unable to concur in the conclusions drawn—

The decision of the Government of India, as contained in their letter (Financial Department) No 4105 of 3rd October 1877 was avowedly based on the fact that the "Petty establishments of the P.W.D. were

C/H.

on a temporary footing", and that this was the fact was inferred from "the papers forwarded" with this Government's letter in the Pension Department No 507 of 17th September 1877, to which the above letter of the G. of I. was a reply—

On reading "the papers forwarded" with the above letter it becomes evident that the practice of considering these men's ~~as~~ service as temporary was not approved or connived in of the Madras Government but was merely the practice of the Examiner's Office, based, as far as can be judged upon no authority whatever, and most certainly not approved (vide G.O. No 70 of 14th January 1876) by the Madras Government.

The Government of India appear to have been misled by the manner in which the papers forwarded with No 507 of 17th Feb. 1877 were submitted.

It is for the Government to decide whether or not the persons concerning whom the present reference is made are entitled to pension or gratuity but the papers above mentioned cannot be considered as settling the question.

D 8.9

C/H.

W

C

It is stated in the accompanying note of the 8th inst. by the Dr. W that the decision of the G of I to class our Petty Estabt. as non-pensionable rests upon merely the practice of your Office which as he says was based so far as can be judged upon no sufficient authority and if this turns out to be the case it is clear that the G of I decision has been without a complete knowledge of the facts.

As the matter is one of considerable importance to a number of men employed within this department I should wish you to examine the point carefully and trace if possible the authority on which

your Office acted as
Jailing in this I should
beg ~~to recommend~~
~~that~~ the requisite action
be taken to remove the [illegible]
of the G of I [illegible]

10/9/80

No. 649 of 11.10.80
Enc. 8.

TO W.

THE QUESTION OF THE CONSTITUTION OF THE PETTY ESTABLISHMENT IN THIS PRESIDENCY APPEARS TO HAVE BEEN FIRST RAISED WHEN THE ORDERS OF THE GOVERNMENT OF INDIA WERE RECEIVED ON THE SUBJECT OF SERVICE BOOKS. IN THESE ORDERS COMMUNICATED WITH G.O. NO. 2534 OF 16TH. SEPTEMBER 1874, MEMBERS OF THE PETTY ESTABLISHMENT ARE REFERRED TO AMONG THOSE FOR WHOM SERVICE BOOKS SHOULD BE MAINTAINED.

2. THE PETTY ESTABLISHMENT IN THIS PRESIDENCY WAS UP TO THAT DATE (SEPT. 1874) A NON-CONSTITUTED BODY I.E., THEY WERE NOT REGULATED BY ANY SANCTIONED SCALE FOR EITHER THE PRESIDENCY OR FOR RANGES OR DISTRICTS, BUT WERE PROVIDED FOR IN BUDGETS IN LUMP SUMS ACCORDING TO THE REQUIREMENTS OF THE SEVERAL DISTRICTS AND RANGES (PRESENT CIRCLES AND DIVISIONS) WITHIN WHICH DISTRICT AND SUPERINTENDING ENGINEERS HAD POWER TO ALTER THE DISTRIBUTION AT PLEASURE.

3. UNDER THESE CIRCUMSTANCES THE PETTY ESTABLISHMENT WAS CLASSED AS TEMPORARY, AND AS SUCH WERE CONSIDERED AS OUTSIDE OF THE PROVISIONS OF THE CIVIL PENSION CODE.

4. WHEN THE NEW ORDERS ANENT THE SERVICE BOOKS WERE RECEIVED, THE QUESTION AS TO THE CONSTITUTION OF THIS BODY OF MEN, WAS AT ONCE TAKEN UP BY THIS OFFICE AND GOVERNMENT WAS ADDRESSED ON THE SUBJECT IN LETTER NO. 6810 DATED 30TH. OCTOBER 1874, AND IT WAS THEN POINTED OUT (VIDE PARA 3) THAT THE PROVISIONS OF THE CIVIL PENSION CODE APPEARED APPLICABLE TO THIS CLASS OF SERVANTS IN THIS PRESIDENCY.

5. IN THEIR ORDER NO. 70 DATED 14TH. JANUARY 1876, GOVERNMENT ADMITTED THIS ESTABLISHMENT TO THE ADVANTAGES

OF THE CIVIL PENSION CODE AND DIRECTED SERVICE BOOKS TO BE MAINTAINED ON THEIR BEHALF, AND WHEN THIS DECISION WAS QUESTIONED BY THE GOVERNMENT OF INDIA IN THEIR NO.2260 DATED 24TH. APRIL 1876, THE MADRAS GOVERNMENT ORDERED THE CASE TO BE RECORDED WITH A REMARK THAT 'NO CHANGE IN EXISTING RULES IS DESIRED', VIDE G.O.NO.1403 DATED 5TH. JUNE 1876.

6. ON RECEIPT OF THIS LAST ORDER, THE CONSTITUTION OF THIS ESTABLISHMENT BEING MORE DOUBTFUL THAN EVER, GOVERNMENT WAS AGAIN ADDRESSED IN THIS OFFICE LETTER NO.100.W.DATED 7TH. JULY 1876 WITH A FULL AND COMPLETE RECAPITULATION OF THE FACTS OF THE CASE, AND DETAILING THE MEASURES TO BE ADOPTED BY GOVERNMENT IN ORDER TO CONSTITUTE THE ESTABLISHMENT AS PERMANENT. WHAT ACTION WAS TAKEN ON THIS LETTER DOES NOT APPEAR TO HAVE BEEN COMMUNICATED TO THIS OFFICE.

Vide letter to India in Pension Dept No. 507A/17 Sep 77 -

This is the letter to which I take exception as not giving a correct statement of the case -

7. THE LAST COMMUNICATION ON THE SUBJECT RECEIVED IN THIS OFFICE WAS THE FORMAL CANCELLATION BY THE MADRAS GOVERNMENT OF THE ORIGINAL G.O. ADMITTING THE PETTY ESTABLISHMENT TO THE BENEFITS OF THE CIVIL PENSION CODE, VIDE G.O.NO.1786.M. OF 25TH. NOVEMBER 1877. THIS LAST ORDER WAS PASSED ON A LETTER RECEIVED FROM THE GOVERNMENT OF INDIA ON THE SUBJECT NO.4105 DATED 31ST. OCTOBER 1877.

ORIGINAL PAPERS RETURNED.

H.C.
11/10 FOR OFFG.C.

11/10

11/10

D. W

Please see the above with reference to your previous note

13-10-10

W

This does not seem to advance matters - C's note is a mere precis of the previous history of the question and does not touch the real point for consideration, which is whether or not this Government should ask India to reconsider their decision that these men are not entitled to pension –

My view is that these men, although (as correctly stated in C's note) "considered" by his office as "temporary" were really permanent public servants and should receive the benefits of the C. P. C. –

The immediate question for decision is the order to be passed on C's letter No 86 W. of 17th August 1880 –

L 19.10

No 2463 AW

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 25th Octr/80

Read the following:—

From

The Examiner P. W. Accts (No 86 W d/ 17th Augt 1880)

Pending receipt of orders from the Govt of India, who will be addressed on the subject, the lascars mentioned in the Examiner's letter will be considered members of the permanent establishment, and entitled to the benefits of the Civil Pension Code.

Exr P. W. Accounts. S

H. E. No 2463 BW d/25 Octr/80

copies .. C – 6
4 & 9 .. 7
file .. 21

desp.d 25/10/80.
34 copies

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

Sir,

In forwarding the marginally noted Pro: for the information of the Govt. of India, I am directed to request that the Governor General in Council may be moved to reconsider the order conveyed in Mr. Sinkinson's letter No. 4105 of the 31st Augt. 1877, Financial Dept.

2. It is to be regretted that the matter was not more clearly placed before the Govt. of India in the first instance, as the tenor of the correspondence forwarded with Mr. Master's letter of the 17th Septr. 1877

No.

No. 507, was such as to
lead to the inference
that the Petty Establt.
of the Madras Publi
Works Dept. was on a tem
porary footing, and ther
fore precluded by the
rules of the Civil Pensio
Code from reckoning the
service for pension.

3. As stated by the
Offg. Controller of P.W.
Accounts in his letter
of the 13th of Octr. 1874,
No. 6810, (recorded with
G.O. of the 14th Jany 1876,
No. 70), there was no reaso
for not extending the
provisions of the Civil
Pension Code to men of
the classes enumerated
in para: 9, chapter I
of the Govt. of India
P.W. Code, provided

that their service was continuous.

4. Previous, however, to the date of the letter above mentioned, the Controller's office had, without obtaining the sanction of this Govt., regarded the whole of the Petty Estabt. as temporary; a view which is not held to be valid, as, in the order marginally× noted, a sanctioned scale for each district, distinguishing clearly between the temporary and Petty Estabts., was laid down.

× G.O. No. 1299 d/ 12th May/71

5. The Pro: of this Govt. No. 70 of the 14th of Jany, 1876, which, as it now appears, was cancelled under a misapprehension, on receipt

of Mr. Sinkinson's letter, was therefore correct in principle, and should in the opinion of His Grace the Governor in Council be upheld.

6. The case which has immediately given rise to this reference is slightly different. Prior to the reorganization of the estabt., the men in question were on the office establishment, their service therefore being pensionable, but having been on that occasion transferred to the Petty Estabt., they have, owing to the above mentioned misapprehension, been shut out from the

benefits of the Pension Code.

7. There can, in the opinion of this Govt, be no doubt as to the equity of considering that the service for pension of these lascars has been continuous; and in anticipation of the approval of the Govt of India orders have been issued accordingly.

22.10.80

28/2

21/10 Desd to Fort William with copy of G O Nos. 70 of 14-1-76.

G & 9 - 7 12 May/71
Office - 21 no 1299

For W. Huddleston

1007

Vevub.

Dyd For permanent. R B 27/10

Dun

Ari 23-10-80. Retd 25-10-80.
O. L. Sheet 57 Octr

12/2/03

5213.

Govt. of (1879) Madras.

PUBLIC WORKS.

To

Dated

Issued

Recd. Encl.

G. O. 25th Octr 1880 No. 2463 W.

Nos. 113 to 1138

On the subject of the Petty Estabt of the P.W. Deptt being treated as Permanent and entitled to the benefits of the Civil Pension Code

Petty Estabt:

Stating that Lascars of the — who formerly belonged to the Office Estabt will be considered as members of the Permanent Estabt and entitled to the benefits of the C.P. Code

4/N