

(1) Number of pages 152
(2) Date of repair 30-4-87
(3) Initials of the Referencer low

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public Works DEPARTMENT

G.O. No.	1036-37 W.	Press.
B.P. No.		Mis.
Dated	22-4-1881	190

Not to be folded or roughly handled

Suddalore
7th November 1880

Refund
of

103

The Secretary to Government
Public Works Department
Madras.

Sir

1- I beg most respectfully to request
you will do me the favor to lay before
His Grace the Governor, the Duke of
Buckingham and Chandos, the follow-
ing circumstances connected with
a grievance for which I seek
redress.

2- In the reductions of the Public
Works Department at the end of 1879,
I was in G.O. 86 of the 28th January
1880 granted a Compensation Paise
of Rs 166-10-8, and a Bonus of
Rs 7,800 under the Resolution of

of the Government of India No
2079 dated 31st July 1879. I
continued to draw this pension
till May last, or for a period
of 5 months, when the Accountant
General suddenly stopped it, and
informed me the Government of
India had recently ruled that
officers who had retired under the
provisions of the resolution above
quoted would not be allowed to
draw pension while in Local Fund
Employ.

The stoppage of my pension has
placed me in a very embarrassing
position involving most serious hard-
ship.

In accepting service under the
Local Fund Board of South Arcot
I fully calculated on my Pension,
especially as the Government of Madras

Madras in November last year
had ruled that the retired Officer¹⁰³⁶
may take service under Local
Boards, and draw Pension in as
to Local Fund Salaries.

5 The Local Fund Salary and my
Pension together just amounted to
about what I was drawing in the
D. P. W. 8 years ago, and considerably
short of what I was drawing when
I retired. I was just however able
to live and bear the expenses of
the education of my children, and
the loss of my pension now simply
reduces me to a position bordering on
beggary.

I was in hopes however that
was some mistake in stopping the
Pension, and that it was due to a
misapprehension on the part of the

Government of India which would
explained and set right by the
Government, but I have just been
in possession of G O Military
Department No 5062 of 10. August/80 not read
which it would seem that the Copy called
Government of India insist on
enforcing their order to stop the
pension of retired officers in Local
Fund employ, and not only this, but
the Local Fund Salaries are to be
diminished by a sum equal to 6
percent of the Bonus.

The letter of the Secretary to Govern-
ment of India Public Works Depart-
ment No 1281 G dated 21 June 1880 would
seem to apply to the men employed
by Local Fund Boards in the execution
of Government works with Government
money made over to Local Fund Boards
for expenditure, and not to the officers

officers employed on works executed
from purely Local Funds, and as a
10367
matter of fact I for one am employed
on purely Local Fund works, and
not on works executed by the Board
from Government money: as I understand
from the President Local Fund Board
we have no Government money contri-
-buted towards Local Funds of the
District. I am therefore, correctly,
a private servant of the Board, doing
the work required of me by the Board
on the best terms we can come to, in
fact it is I respectfully submit, a
private contract with which the
Government are not immediately
concerned. I was appointed by the
President and am not aware that
the sanction of Government was obtained
or required to the selection.
I submit therefore that the order

Order of the Government of India
does not apply in my case, and respect-
fully beg that the Accountant General
may be instructed to restore to me
my pension.

If on the other hand all Local
Fund money is considered to be
Government money, and the works
Government works, I would submit
that I am entitled to be dealt with
in accordance with the ruling in
para 3 of the order of the Government
of India of 10th August 1880, as a
matter of fact those who were retired
from the Department Public Works
at that time were really Surplus
Staff, who were not required, and
whom the Local Fund Boards are
by this ruling bound to employ.
Presumably on the same salaries as drawn
in the D.P.W. There was no necessity

17
Necessity therefore for retiring ¹⁰³ ~~103~~
which act we are considerable loss

No doubt it is within the competence
of Government to decide on what terms
its officers shall be allowed to accept
its gratuities and Pensions, but it is
clearly the duty of Government, in
Common justice, to make known the
terms before and not after we had
accepted the terms offered in the
Resolution of the Government of India
of 31st July 1879 which is silent in
respect to future employment, and
this silence could ~~but~~ be taken to
imply that future Public employ-
ment ~~should~~ at once bring us under
the operation of Section 107 of the
Code
Civil Pension to which we could not
object, altho' this Government has
authorized us to draw pay and Pense

ension fixing no limit.

I have no objection to Surrender
Pension and go on serving under
the Local Fund Board for a new
pension provided that my salary
is raised to that which I drew in the
D. P. W. on retirement. Otherwise it
is easy to see that a future pension
calculated on reduced salary would
not give me the pension I am now
claiming.

I must ask you to pardon me
for taking up your time, but the
question is a very serious one to me
and I respectfully request you will
bring my case before His Grace
the Governor for his favorable consideration
and disposal.

I have the honor to be
Sir
Your most obedient Servant

Wm. J. A. C. C.
Late Br. Eng. & P. W.
Madras

1036
5

10.235 4/- 30-1-80
 1642 A.M. 13.7.80
 1642 B. 8/-
 2429 8/- 21-10-80
 2430 8/- 30-1-80

P.W.D.
 10 NOV 80
 7128

Receipts of
 the Public Works
 Department
 and the
 Public Works
 Department
 of the
 Government
 of the
 Madras
 Presidency

The Secretary to
 the Government
 of the
 Madras
 Presidency
 10 NOV 80

PUBLIC WORKS DEPARTMENT.

1036
6

From Mr. R. E. Karfor, late Executive
 Engineer, P. W. D. Madras, dated 7th
 November 1880.

FOR ORDERS.

R. E. Karfor, Esq. P. W. D.
 Secy. to Govt. P. W. D.
 15th Nov 80.

Applied for 23/11
 At the P. W. D.
 order referred to
 the Secy. to Govt.
 P. W. D. for the
 purpose of the
 order being
 made in
 L. F. Salaries
 & to the

1642 N.W. 13. 7. 80
 1642 B. N. 13. 7. 80
 2429 N. 21-10. 80
 2430 N. 21-10. 80

P.W.D.
 10 NOV 80
 7128

Receipts of
 the Secretary to
 Government
 D. P. W. Madras
 dated 21st Nov 1880
 21-10-80

C 264
 15-11-80

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From Mr. R. E. Karfor, late Executive
 Engineer, P. R. S. Madras, dated 7th
 November 1880.

FOR ORDERS.

R. E. Karfor, late P. R. S.
 Secy. to Govt. P. R. S.
 15th Nov 80

Applied for 23/11
 Get the P. R. S.
 order referred to
 the Secy. to Govt.
 P. R. S. for the
 purpose of the
 order being
 issued in
 the name of
 the Secy. to Govt.
 P. R. S.

FOR ORDERS

No. Knudsen
The collector of Northbrook

With reference to your Secretary's
Deputy's letter No 349 dated the 8th March,
1880, I have the honor to state that
the deduction from Mr. Parson's salary
at 6 per cent per annum on the amount
of Bonus of Rupees 5400 drawn by
him should be made monthly and
not annually, and that the amount
of such deduction may be shown
in your accounts for the present
under a new detail head "6 per cent,
on Bonus paid to Public Works officers
under ~~the~~ Receipts minor head contri-
-bution &c subject to future adjust-
ment should the abolition of the
deduction under that head not be
approved of by the Comptroller
General, to whom a reference on the
subject has been made. The

The Bonus of Rupees 180 sanctioned
to V. Masilamani Mudaliar in G.O.
No 264 dated the 30th March 1880 was
paid to him on the understanding
that he should refund the amount
in the event of his obtaining re-
employment under Government.
As it is clear from the letter
under reply that the individual
is employed as clerk in the local
Fund Engineers' office at North
Arcot, I request that endeavours
may be made to recover the sum
advanced from the above named
person.

I have &c
Sd/- Lt. Col. Palmer
Offg. Asst. Commr.
for Asst. General

(True copy)

L. S. Whitfield
President



Madras
24 November 1880

From

Pt 10363

R E Hoar Esquire A.E.C.E.
Local Fund Engineer
South Arcot

To

The Secretary to Government
Public Works Department
Madras

Sir

I addressed you on the 8th Inst
on the subject of the stoppage of my
pension - it occurs to me that I have
not put my case sufficiently clearly
before you, and therefore write these
few lines in substitution of my previous
letter.

Indy. Dept.

I have received from the President
Local Fund Board a copy of G.O.
No 5062 of the 10th August in which
the Government of India have laid
down certain general principles
regarding the terms on which their

The Bonus of Rupees 180 sanctioned
to N. Masilamani Mudaliar in G. O.
No 267 dated the 30th March 1950 was
paid to him on the understanding
that he should refund the amount
in the event of his obtaining re-
employment under Government.
As it is clear from the letter
under reply that the individual
is employed as clerk in the local
Fund Engineers' office at North
Arcot, I request that no disburse-
ment may be made to recover the sum
advanced from the above named
person.

Yours truly,
Sd/- C. M. Palmer
Offg. Sd/- Acct. General
for Acct. General

(True copy)

L. S. Whitfield
President

Madalore
24 November 1950

From

R. E. Hofer Esquire A. S. C. E.
Local Fund Engineer
South Arcot

To

The Secretary to Government
Public Works Department
Madras.

Sir

I addressed you on the 8th Inst.
on the subject of the stoppage of my
pension - it occurs to me that I have
not put my case sufficiently clearly
before you, and therefore write these
few lines in substitution of my previous
letter.

I have received from the President
Local Fund Board a copy of G. O.
No. 5062 of the 10th August in which
the Government of India have laid
down certain general principles
regarding the terms on which they

Indy. Dept.

their Engineers may be transferred for
employment upon Local Funds, and
permitted to retain Pensions or Gratuity.

I have the honor to point out how these
principles will affect me individually
as it seems doubtful whether the Govern-
ment of India have realized the
extreme hardship which the retrospective
application of these principles will
 entail.

2. I need not now enlarge on the fact
that my retirement under the Resolution
of 31st July 1879 was not voluntary.
Under the terms of that Resolution
I was granted a Compensation Pension
of Rs 166-10-8 and turned adrift
to seek Service where I could. I also
received a Bonus of Rs 7,800. Subsequently
I accepted my present post to which
a salary of 500 Rs is attached.

3. The effect of the new order upon
my case may be stated thus. The

The Pension granted to me unconditionally
is stopped. My Salary which ³⁶³ I accepted
as payable in full, will be reduced
by 20 percent or to Rs 400 without my
being asked if I wish to go on qualifying
for further pension. I am further required
to pay 6 percent on my gratuity, or
Rs 40 monthly, my net pay will there-
fore be reduced from Rs 666-10-8
to Rs 360

4. At the time of my retirement my
Substantive Salary was 650 (but I
had been drawing Rs 800 for a year
the pay of 2nd grade Executive in which
I should have been confirmed as I
see my juniors are.) If I am to be
treated under sections 39 and ⁴⁵ 37 of the
Civil Pension Code, I humbly submit
that I should be entitled to a
personal allowance by way of
compensation for the reduction of my
salary from Rs 800 to Rs 500 instead

instead of this I am subjected to a further reduction of Rs 140, without compensation.

5 But I further submit, and this is the point on which I most rely, that I have not been transferred to Service paid from Local Funds. I was as already stated turned adrift to seek service where I could, and the fact of my reappointment under the Local Fund Board ought not in any case to place me in a worse position than if I had been reemployed under Government. Employment under Local Fund Boards either is to be reckoned as Service under Government, or it is not. If it is not, I cannot see why I should be interfered with any further. If it is, I claim to be treated just as if I had obtained reemployment under Government.

6. In that case I should have been

been dealt with under Sections 96 and 97 Civil Pension Code and be allowed to retain my pension in addition to my pay, as well as the Bonus or Gratuity unless I desired to go on Commencing my former service which I do not. I should then have drawn $500 + 150$ giving up Rs 16 out of my pension so as not to exceed my former salary i.e. if the pay of my Substantive appointment only is reckoned.

7 I have therefore the honor to request that my case may be brought to the notice of the Government of India, and that they may be moved to sanction

Either

(1) The grant of a personal allowance to compensate me for the reduction of my salary or (2) That under Sections 96 and 97 Civil Pension Code I may be allowed to draw Rs 150 out of my

86
My Pension being up my claim to
reckon my former service, and that
in the same condition no deduction be
made on account of my gratuity. or
3) That I be left alone with the Pension
He awarded me and considered to have
further claim on my government.
(4) That I may be reinstated in my
proper position in the U.S. P. W. which
I only resigned under protest and in
consequence of a distinct intimation
that I "must go although His
Grace would prefer that my retire-
ment should not needlessly bear the
appearance of compulsion".

I have the honor to be
Sir
Your most obedient Servt

Alfred A. M. J. C.
Local Fund Engineer

1636
12

No. 2493

FROM

THE SUPERINTENDENT OF WORKS

GODAVARI DISTRICT

TO

THE CHIEF ENGINEER

Enclos. 2

P. W. Dept.
FOR IRRIGATION

Dowlaisheram, 26 November 1880.

Sept 30th

SIR,

Copy of letter No 2108
dated 26 October 1880
to the Examiner of
P. W. Accounts
1 Examiner's Reply
No 9878 dated
18 November 1880.
In original.
(to be returned
2

With reference to the correspondence marginally noted, I have in accordance with the suggestion made in Para 2 of the Examiner's letter to ask, for orders whether employment under Local Funds is to be considered as coming within the meaning of "permanent re-employment" in "No 2109 W. dated 7th September 1880 General Establishment" which accompanied G.O. No 30 B. dated 7th September 1880.

I have the honor to be
Sir

Yours most obedient Servant

C. D. D. D.

Superintendent of Works
Godavari

Compd. S.H.

From, I. M. C. 7747
The Superintendent of Works
Godavari.
To, The Chief Engineer
Public Works Dept.

Dated 26 November 1880
Received 7/11/80

No 2493
Encls. Three

Local Funds - Employ-
ment in - Requests to be
informed whether this - is
permanent -

1036
12

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

TO THE SUPERINTENDENT OF WORKS,
GODAVARI.

NO. 98/80 MADRAS, 11 NOVEMBER 1880.

SIR,

IN REPLY TO YOUR LETTER NO. 2108 DATED 27TH. OCTOBER
1880. I HAVE THE HONOR TO STATE THAT THE QUESTION AS TO
WHETHER THE LOCAL FUND EMPLOYEES ARE TO BE CONSIDERED
ON THE PERMANENT ESTABLISHMENT OR OTHERWISE, HAS BEEN
REFERRED FOR THE ORDERS OF GOVERNMENT, BUT NO DEFINITE
REPLY HAS, AS YET, BEEN RECEIVED.

2. I WOULD SUGGEST THEREFORE YOUR ADDRESSING GOVERN-
MENT ON THE SUBJECT.

I HAVE ETC. ETC.

D. H. Trail

MAJOR R. E.
OFFG. EXAMINER P.W. ACCOUNTS.

JW 7747/80

Enclosed in letter
No 22493 dated 26th
November 1880 from
the Superintendent
of North Godavari

Extracts from the Minutes
of Proceedings of the Local Fund Board
of the District Circle passed at their
special meeting held on Friday the
16th November 1880.

Present.

1. W. S. Whiteside Esquire President
2. J. A. Majoribanks Esquire President
3. Captain D. Mc Al Campbell R. E.
4. G. Sreenivasa Mudaliar General
5. Narasimha Rao Garu

Read letter from Mr. Parsick
the Local Fund District Engineer
dated 12th August 1880 stating
that no deduction should be made
from his salary in account of the
bonus already drawn by him for
retirement from his former Government
Employ as required by the Accountant
General.

Read also the G. O. dated 16 August
1880 No 5062 and other correspondence
on the subject.

The

The Board, after careful
consideration of these papers,
feel constrained to place upon
record their opinion that, under
present circumstances, they
cannot legally carry out the
instructions conveyed to them
by the Accountant General in
his letter dated 16th Instant
No 4164. This Board would agree
ment with Mr. Parsick, who was
not then in public employment,
and who was residing in the
Bombay Presidency, an agreement
to take office as their District
Engineer receiving a monthly
Salary of 500 Rupees, with the
usual travelling allowances.
Mr. Parsick now claims the ful-
fillment of that contract by
this Board, and he protests against
any deduction from his salary
under the orders of the Accountant
General unless it is enforced by

by the decree of a civil court,
and in this view of the case the
Board consider that Mr. Parsick
is perfectly right. The Bonus,
the refund of which has now been
claimed by Government was paid
to Mr. Parsick when he quitted the
Public Service without any warning
that it would be liable to any future
orders as regards repayment
or payment of interest, and this
Board agreed with him that he
should serve in this District
without any reference to such
claims upon him: and it is assumed
that these claims were not put
forward by Government until
some months after he had taken
Service under this Board. Mr.
Parsick has warned the Board
that if any deduction is made
from his salary, on account of
this claim of Government, it will
amount to breach of contract
on the part of this Board rendering
the

16286
18

the President liable to a suit for
a damages under section 7 of the
Madras Local Funds Act. And
the Board, as at present advised,
consider that, in the event of such
a suit being filed, they would
have no valid defence to make.
They therefore most respectfully
request that the Government
will be pleased to reconsider this
most important question. If,
after such reconsideration,
the Government direct this Board
to carry out the instructions
conveyed to them thro' the Accountant
General the Board will, of course,
comply, and the understanding is
that the Government will be
prepared to indemnify the Board
from the pecuniary losses that may
be incurred by it in subsequent
legal proceedings.

True Copy

L. P. Whitfield

President

In Feb. 4. 6-81

J. W. C. No 7505

Recd 26/1/80

No 2108

From

To

Supt of Works Office G.D.
Dowlaisbarum 27/1/80

The Superintendent of Works
Godavari

The Examiner

P. W. Accounts

Nachos

Sir,

With reference to your letter No 813.5 of the 13th Instant I have the honor to request the favor of being informed whether employment under Local Funds comes within the meaning of the words "Government Service" in the letter under reference.

I have &c &c.

Yr. Obedt. Servant

Supt. of Works G.D.

(True Copy)

G. J. Walsh

Superintendent of Works G.D.

Compd. S.H.

No 7747/80

1006
20

Ecdosia in alth
No 2493 doh 26th
November 20 from
the Dept of Works
Gadawai

No 1405

Respectable Executive Engineer's
Office, North West Local
Fund P. W. D.
dated Dinsdag 12th July 1880

10th / 21st
Sir,

The Executive Engineer,
Local Fund Roads,
North West

The President

Local Fund Road
North West.

Sir,

Referring to your No 1130 of
the 18th instant I have the honor
to observe that when I accepted
service under the North West Local
Fund Roads at a salary of Rs 500 on
per annum no mention was
made of any future deductions
from such salary, nor did I consent
to abide by any rules that the Local
or any other Government might
think fit to issue afterwards.

2. I accept what I considered to
be private employment, and I would
like to invite your attention to
the fact that up to the end of Aug.
last, or thereabouts, all retired Local
Fund Engineers were drawing their
pensions in addition to their salaries.

Yr

Enclosed in a letter
from the Executive
Local Fund Roads
North West to the
Secretary to the Local
Fund of 26 Aug.
1880 No 448.

Local Fund No 99237
/ 10

3. It was not till the beginning of June that any order was issued regarding the stoppage of pensions, yet my pension was stopped from the end of January, and I am now called on to pay 6 per cent on my loan from the date of my appointment, i.e. from the 22nd of February.

4. These measures are I have to submit contrary to both the spirit and letter of the resolution under which I retired, but with this the North Area Local Fund Board have of course no concern; yet I fail to see on what principle my pension for twenty one days in February has been stopped.

5. All the circumstances of the case considered I have to submit that no deductions can be made from my salary except by the order of a Civil Court, but it is I suppose within the power of the Local Fund Board to sanction, without deducting it, from my salary, the amount now claimed by the Accountant General.

6. I do not having
The claim now made on my salary

of such claim would I have to urge amount to breach of contract, and this being the case, heavy damages can be recovered by me, if the Local Fund Board compel me to throw up my Appointment.

7. Hoping that this matter may receive the further consideration of the North Area Local Fund Board.

I have &c,

Sgt C.A. Parsick B.C.

Executive Engineer S.H.D.
North Area

(True copy)

L. P. Whitfield

President.

AM

1036
23

Seaboard in a letter
from the President
Local Hist. Bldg
North Ave. & the
Secretary to the Bldg
of Records of 26
Inventories 1850 & 448

Seaboard 99257
per

In final: 46/81

C. No. 7128.

W. H. S. remarks
thereon.

1036
25

1036
25

It is not quite
clear from Mr. Hays's
letter that the
commander General
has issued any such
order as that supposed
by the A.M. The
uncluding words
of para 6 of the
letter are apparently
undoubtedly. These
scarcely bear such
interpretation. When
the military order,
which has been
applied for, comes
in, it will probably
throw some light
on the subject.

R.S.
23-11.

R.S.

Enclosure in a letter
from the President
Local June 13-9
North West &
the boundary to the
Board of Housing
26. November 1870
No 448-

Enclosure 29/12/80

1036
25

Better wait till the
the 2. order comes - It
is evident that the
H. M. has misinterpreted
me & - All the work
says on this point is
that he ^{learns} ~~seems~~ that
the ~~same~~ ^{same} ~~revision~~ is to
be reduced as stated,
not that it is actually
less than -

DyW S
File has been
completed. It will
be seen that the
letters of the Govt of India
on the subject have
not been brought out
record in the usual
way, and acted on
in this Dept.

Please see Mr. Thorpe's
revised Petition

C. R.

Lucy M. M. 99258

26. 1870
448-

Feb. (1881) DEPARTMENT.

(d7 - 8 Feb.)

From

to of tea.

No.

Dated

Reed.

11

13

No.

SUBJECT.

Attachment of
the American
franchise

1873 1815

Maritime
to the U.S. for
Lifeline
J. Davidson
Chil

1026
26

Encl. (1881) DEPARTMENT.

(L. F. - Estab.)

From

B. of Lea.

No. 24 (Encl.)

Dated 11.
Recd. 13.

No.

SUBJECT.

Detachment of
patrol of certain
officers, lately in
the P.W.D.

+ Mr. Milne
Watkins.

P 30. A 74

Transferred
to the P.W.D. for
disposal. J. Vanden
Chapman

No. 69 9.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL

All communications
should be addressed
to the Secretary.

Print

To,

The Secretary to the Government of Madras,
Public Works Department.

Fort William 19th January 1881.

Sir,

I am directed to forward a
memorial addressed to His Excellency the
Governor General by Mr. E. A. Parsick
Executive Engineer to the North Arcot Local
Fund Boards, asking to be allowed to
draw his pension in addition to his
salary. I am to request that Mr.
Parsick may be informed that the
Government of India declines to modify
the ruling under which the Accountant
General of Madras has acted.

I

35
I have the honor to be,
Sir,

your most Obedt servant,
J. N. C. 397

W. Sampson

Under Secy. to the Govt of India.

Document accompanying

1 Memorial from Mr. E. A. Parsick

d/ 1st November 1880.

Subject

Mr. Parsick's Pension

Madura Collector's Office

Madura

8 February 1881.

No. 27

From,

The Collector of
Madura.

To,

The Chief Secretary to Government
Madras.

Sir,

I have the honor to refer
for the orders of Government Copies
of correspondence between the
Accountant General and me on the
subject of deductions from the salaries
of Officers lately in the D.P.W., but
now employed by the Local Fund
Board. The Government of India
has ordered these deductions to
be made, and the doubt raised by me
is as to the legality of this order. The
Contract made by the Officers concerned
with the Local Fund Board was for a
certain salary; and it is doubtful whether
the Government of India, having declared
itself a creditor of these Officers, is in a
position to compel restitution of a very
dubious

1. Letter from the Treasury
By: Collector to the Acc^t
General, no 16 dated 16 January
1881.
2. Letter from the Accountant
General, no 380 dated 29th
January 1881.
3. Collector's letter to the Acc^t
General, no 16 dated 1st
February 1881.
4. Letter from the Acc^t
General, no 380 dated
2nd February 1881.

deductions debt by deductions from the salary promised by the Local Fund Board.

2. It is highly probable that the Officers concerned will at once sue the Local Fund Board for the salary withheld; and the inconvenience will then arise which Act ~~XXIII~~ of 1871 (Pensions) was among other things designed to avoid. For the Court will have to consider whether the claim advanced by the Government of India on account of payments of pension which it now seeks to recover is a valid one or not.

3. I do not think it at all probable that a Court would hold that a Local Fund Board is justified in breaching its contract on the plea of an order from the Government of India.

4. The questions that are thus likely to arise are of some importance, and this must be my excuse for troubling the Government with this reference.

5. I am of course ready to make any deductions required from the salaries of these officers if Government

so desire.

1036/29 86

I have the honor to be
Sir,

Your most Obedt^h Servant.

Wilton

Collector.

Compt
K.R.H.

Ind. 0801 / Sept.

(Russian)

From
R.D.

The Collector of
Madras

To
The Chief Secretary
to Government
Madras

No. 27

Dated 8th } February 1881
Received 11 }

Enclosures (X) 5

No. 343

Subject

Submitting for the
orders of Government
the accompanying for-
respondence on the sub-
ject of making deductions
from the Salaries of
retired D. P. W. Officers
employed under Local
Fund Boards.

No. 289

Received &
the L. H. Dept. in which
the matter is understood
to be under consideration
Chief Secretary

12th/01

11/2/01

746

To the Chief Engineer
Public Works Department
Chennai

From the Local Fund Engineer
Mamulapattin Circle
Beywada

Dated Feb 14th 1881
Enclosure 1 memorial

Sir

I have the honor to forward herewith
a memorial to the Secretary of State
for India in Council which I beg
may be transmitted through the usual
channel -

I believe the rules prescribe that I
should forward this document first
to you, but if otherwise, and you
will kindly return it, I will myself
despatch it

I have the honor to be

Sir,

Your obedient servant

F. Bricknell

S.W.C. No 1206

Feb. 1.

Received 25th February 1881

C. A. W.

Shall be in
in triplicate
and I think
ought to be
from the Chief
Secy in the
Finance Dept

AMH

24/2/81

no. 2417

Revenue Dept

Proceedings of the Board of Revenue

Dated 9th March 1881

Read the following letter from W. S. Foster Esq
President L. F. Bours, Godavari District to
Chief Secy, Secretary to the Board of
Revenue, Madras, dated Gernada 11th Feb.
-margin No 9

Mr P. H. Brown who was ap-
pointed Local Fund Engineer of the Gernada
Circle, under the sanction conveyed in
G.O. dated December 27th, 1879 is one of
those Engineers that retired under the
resolution of the Government of India
No 2079 dated July 31st, 1879

Under instructions from the
Accountant General, in his letter No 3610
dated Oct. 21st, 1880 the payment of

Mr Brown's pension has been stopped,
and he has been asked either to refund
his bonus or to allow himself to be charged
interest on it at 6 per cent per annum.

In consequence of this Mr Brown now asks
that his pay may be revised to Rs 600.

The Local Fund Board took this letter
into their consideration at their meeting
of the 4th Instant and resolved to ask
Government to reconsider their order. The
following is the resolution they passed.

"Resolved the Board observe that they
were called on by Government a year ago
to make their own arrangements for
carrying out the engineering works
of the Circle and in doing so they were

obliged to advertise for the services of

when they did this

they went into the open market in the
Capacity of a company or private person
and they now think that it is very
hard that they should be put to a
disadvantage by their employment
being of a quasi public nature. The
Board admit the hardship of Mr Brown's
case - that he should find himself
without any fault on his part in receipt
of a salary 135 Rs less than he expected
when he accepted employment under
them."

"The Board resolve to refer the
matter to Government and request that the
ruling, by which they are put in an
unfavorable position in obtaining the
services of officers to carry out their
engineering works will be reconsidered"

I do trust that the Board will
be able to urge the withdrawal of the
retrenchment.

I certainly did not suppose when I appointed Mr Brown, that his pension would be stopped, if he accepted his present post, and I think that, if his pension is withdrawn, he is entitled to some remuneration from the Local Fund Board in consequence of the mistake that has been made in reference to our position. I suppose I may take it for granted that the pension would not have been stopped, if Mr Brown had been employed by a private person or Company and it seems hard that the Local Fund Board should be in a worse position than a private Board. I believe that in all other matters service under the Local Fund Board is distinct from that under Government.

-ment. If
-work.

received

no pecuniary aid from Government towards either the pay or pensions of their establishment and I do not therefore see why Government should require us to pay our officers extra for the service they have formerly done under them.

It is quite certain that we cannot obtain the same class of officers at the same pay as private persons can, if service under us entails forfeiture of the pension they were previously in receipt of; and if we pay a higher salary on account of this forfeiture it follows that we are actually paying at least a part of the pension they have earned in Government service.

Submitted for the orders of Government.

(True Copy Extract)

Chiburi

Subsecretary

To

The Chief Secretary to Govt. F. D.

x d. 11
R.

1036
33

18/2/80 No 348
 27/12/77 No 2496 ol.
 19/8/79 No 1581.
 N No 457
 24-1-81.

Fincl. 1881 Septt.
 /L. No. Messing
 - P. H. C. No 2615
 1881.

Proceedings of the Board of Revenue.

C/D.
 MAR 21

1036-377

No 779-
 Transferred to the
 Public Works Department
 where the subject is
 understood to be
 under disposal
 Dated 27/4/1881
 27/4/1881

Dated 9th
 Despatched 9th
 Received 10th } March 1881
 Recd: 2 May/81

Mis. No. 2447

No: 601

SUBJECT.

Submitting for the orders
 of Govt. letter from the Presd.
 L & B. Lodamuri requesting
 a reconsideration of L. O. No.
 which the pensions of retired
 P. Engineers that have
 been under L. O. No.

Printed No. 23
 Revenue Department.

Proceedings of the Board of Revenue
 Dated 11 January 1881.

Read the following letter from the President
 Local Fund Board N. Arcot to the Secretary to the
 Board of Revenue, Madras dated Chittoor 26 Novr
 1880 No 448.

With reference to L.O. No 1603 of 21st August
 1880 & D communicated with Board Miscellaneous
 No 11796 of 26 October last. I have the honor to
 submit for the consideration & orders of
 Government copy of a letter received by me
 from Mr. Parsick, dated 22nd Instant No 1405 in
 which he objects to the deduction from his pay
 for service under the Local Fund Board of
 this District, at the rate of 6 per cent on the
 bonus of Rs. 5400 granted to him on his
 retirement from the Government Service, and
 a copy of the resolution of the Chittoor Board
 passed thereon.

2. It will be observed from the above
 resolution that after very careful considera-
 -tion of all the correspondence connected
 with the Subject, the Chittoor Circle Board
 are of opinion that, under present circum-
 -stances, they cannot legally carry out

24
The instructions conveyed to them by the Accountant General in his letter dated 16 instant N^o 4164. The Board made with Mr Parsick who was not then in public employment and who was residing in the Bombay Presidency an agreement to take office as their District Engineer receiving a monthly salary of Rs 500 with the usual travelling allowances. Mr Parsick now claims the fulfilment of that contract by the Board, and protests against any deduction from his salary, unless such deduction is made under the orders of a civil court, and the Board are strongly of opinion that Mr Parsick is right in the arguments he has put forward. The Bonus, the refund of which has now been claimed by Government was, it must be remembered, paid to Mr Parsick, when he quitted the public service, without any notice or warning that it was granted liable to any future order as regards refund or payment of interest thereon, and he accepted service with the Board on the distinct

understanding that he should receive a certain fixed salary from them, without reference to any claims that might be subsequently made against him; and it is observed that these claims were not put forward by Government until some months after he had actually taken service under this Board. Mr Parsick has warned the Board that, if any deduction is made from his salary on account of their claim of Government, he will regard it as a breach of contract on the part of this Board, rendering the President liable to a suit for damages under Section VII of the Madras Local Funds Act IV of 1871; and the Board considers that in the event of such a suit being filed they would find it difficult successfully to defend their action. They therefore, with all deference, most respectfully beg that the Government will be pleased to reconsider the matter, and favour them with explicit instructions. If the

P12
Government are finally of opinion that
the claim against Mr Parsick can be
enforced, simply on the order of the
Government of India, and in the absence
of any Decree of Court. The Local Fund
Board are prepared to obey forthwith
the instructions communicated to them
through the Accountant General, but in the
event of a suit being filed against them
they would rely upon the Government to in-
demnify them from subsequent pecuniary
loss.

Submitted for the orders of
Government with reference to the papers
communicated to the Board in the Finan-
cial Department G. O. 21st August last
No. 1603.

(True copy & Extract)

L. G. C.
Secretary.

The Chief Secretary to Govt. I. O. S.
with 3 enclosures to be returned.

P17
Revenue Depart

Proceedings of the Board of Revenue, dated
11th January 1881.

Read the following letter from the President,
Local Fund Board, Tinnevely District, to
the Secretary to the Board of Revenue, dated
22nd December 1880, No. 173:—

I have the honor to bring to the
notice of the Board that I have just
received instructions from the Account-
ant General to recover the gratuity grant-
ed to certain officials lately employed
in the department of Public Works and
now in the service of the Local Fund Board
of this District by monthly instalments
of 6 Per Cent. The result of this would
be that the Local Fund Engineer's pay
would be reduced to Rupees 116 and that
of

Watkins (Supervisor) to Rupees 6
seem; and it appears to me that I
have no right to reduce the salaries allowed
by the Local Fund Boards without the consent
of both the Contracting parties.

2. When the order of the Government
of India was received, I assumed that
it could not be made applicable to
officers holding appointments under the
Local Fund Boards because Local Fund
money is not, as I understand it, Govern-
ment money, nor is service under Local
Fund Boards, in any proper sense of the term,
Government Service.

3. All the Contracts with the
Engineering Staff in this District were
under reference to Government,
but I cannot say

819
out the instructions of the Accountant
General without rendering myself liable to
suits for breach of contract from which the
orders of Government would not protect me.

4. The fact is that if the gratuity,
granted, I apprehend, as Compensation for
summary removal from service is to be
recovered, the officers named above must
resign and face back upon their D. P. R.
pensions and bonuses. They cannot live
for 17 or 18 months on Rupees 116 and 6 a
month respectively, and the case of an-
other Supervisor is not much better.

5. There is another question as to
the pensionary contributions which might
as well be settled at the same time.
The Government of India appear to con-
sider that such contributions should be

be paid by the Boards engaging ~~the~~ members of the old D. P. H., and the Boards certainly could not deduct the amount from the salaries of their employees without a distinct breach of Contract. But the Board of this Circle expressly resolved that the salaries granted should be gross salaries, and that they would not be chargeable with any pensionary contribution. The Local Fund Engineer in this District at any rate took up the appointment on the understanding that he was not to be compelled to subscribe towards a pension, (which he might never enjoy on account of the greater uncertainty of local fund service) and it would be clearly ^{be} illegal to make him do so now.

6. In these circumstances I have the honor to request that the instructions of the Accountant General may be withdrawn, or that time may be allowed

so that I may engage a fresh staff. I need hardly point out how much Local Funds suffer from such constant changes and such uncertainty in the terms of service under the Boards just in the height of the working season.

Read also the following letter from the same Officer, dated 24th December 1880, No 178: —

In continuation of my letter, No 173, dated 22nd Instant, I have the honor to forward copy of Resolution No 20, dated 15th Instant, of the Local Fund Board of the Tinnevely Circle as to the resignation of Mr. Milne, Local Fund Engineer of this District.

Submitted for the information and orders of Government in continuation of Board's Proceedings dated 11th January 1881, No 23.

(True Copies & Extracts)

L. Gibbon.

of Sub-Secretary

Ref. P. H. H. H.

To the Chief Secretary to Govt. F.D. S
with one Encl: in No 10756 of 1880 to be returned.

P20
to paid by the Board engaging the mem-
bers of the old D. P. H., and the Boards
certainly could not deduct the amount
from the salaries of their employees without
a distinct breach of Contract. But the
Board of this Circle expressly resolved that
the salaries granted should be gross
salaries, and that they would not be
chargeable with any pensionary contribution.
The Local Fund Engineer in this District
at any rate took up the appointment
on the understanding that he was not to
be compelled to subscribe towards a pen-
sion, (which he might never enjoy on ac-
count of the greater uncertainty of Local Fund
service) and it would be clearly illegal
to make him do so now.

6. In these circumstances I have
the honor to request that the instructions
of the Accountant General may be with-
drawn, and that the same may be allowed.

1037/8 P21
so that I may engage a fresh staff. I need
hardly point out how much Local Funds
suffer from such constant changes and such
uncertainty in the terms of service under the
Board just in the height of the working season.

Read also the following letter from the same
Office, dated 24th December 1880, No 178:—

In continuation of my letter, No 173,
dated 22nd Instant, I have the honor to
forward copy of Resolution No 20, dated
15th Instant, of the Local Fund Board
of the Trinnevelly Circle as to the resignation
of Mr Milne, Local Fund Engineer of this
District.

Submitted for the information and orders
of Government in continuation of Board's Proceedings
dated 11th January 1881, No 23.

(True Copies & Extracts)

L. J. J. J.

of Sub-Secretary

Chief Secretary

To The Chief Secretary to Govt. F.D.
with an Encl. in No 10756 of 1880 to be returned.

1036
39

Extract from the Proceedings of the
Local Fund Board of the Tinnevely
Circle Dated 15 December 1880.

Present

1. Mr. Locke Esquire Vice President.
2. The Revd. J. Adameon, Lawyer, Punalur.
3. The Revd. H. W. Harcourt, Palamcottah.
4. J. W. Martin Esquire Executive Engineer
Tinnevely Division.
5. Mr. R. A. Annasami Mudaliar, Auzhal.
6. " S. Jeyendasan Pillai, Auzhal, Palamcottah.
Native Surgeon.
7. " Muthusami Pillai, Auzhal, District
Court, Pudukottai, Sivilliputtur.
8. " Ramakrishnaiyar, Auzhal.
Sivakumtham.
9. " Venkatramaiyar, Auzhal, off
Sankaranainarkoil.
10. " Subbaya Pillai, Auzhal of Tinnevely.
11. " Sumarasami Naik, Auzhal, off
Samanatham.

20. Read letter from the District
Engineer dated 4th Instant resigning
his appointment as he would get
only a very little under the terms
of G.O. No 5062 dated 10th August 1880.
Read also the Government

Proceedings of the
Board of Revenue

Dated 11th January 1881
Daya 11 " " "

Subscribing for notice of
the letter from President
L.P. M.D. Tinnevely etc, re-
garding recovery of the funds
transferred to officials lately
employed in P.W.D., and was
in the absence of L.P. M.D. of the
etc

Order above referred to the President's
Memo on the subject.

The Board consider
Mr Milne's case a very hard one
& he has their sympathy, but they
cannot admit that he has any claim
on them for compensation if he has
to resign his appointment as there
has been no breach of faith on their
part. The whole question however
of Mr Milne's present position and
his future prospects is of such a
delicate nature that they do not
feel competent to pass any resolution
thereon, and therefore resolve to refer
his case for the orders of Government
through the Board of Revenue.

(True Extract)

J. Cunningham
Pres. Bd.

1836
A1

Submitting for review of Board's
letter from President, L. F. 1882,
N. Street St, regarding becoming
of the terms granted to the
Parsons, L. F. Engineers, on
the retirement from Board's service.

enb

President of the
Board of Finance
Madras 11th January 1881
Dug 11/1

Pr 930/11

Dy: Collector's Office,
Madras
14th January 1881

N^o 4-

From

The Treasury Dy: Collector
Madras.

To,

The Accountant General,
Madras.

Sir,

With reference to your circular
N^o XII of 14th December 1880, I
have the honor to request to be
informed on what accounts, from
what date & from whose salaries,
the interest at 6 per cent on the
bonus therein referred to, is to be
realized.

I have &c
(Signed) J. Ram Rao
Dy: Collector

(True copy)
J. Ram Rao,
Dy Collector.

by
8/11

Enclosure No. 1

From
The Treasury Dept.
Madras

To
The Accountant Genl.
Madras

No. 4

Dated 14th January 1881

Enclosures (u)

Subject

Requesting to be
informed in what
accounts, from what
date and from whose
salaries the deductions
of 6 percent should be
made.

See Financial 343/81

No. 149
22

Post St. George
29th January 1881

From
The Accountant Genl.

List of men retired under the terms of G. S. Revenue
- time dated 31st July 1879 and obtained re-employment
under the Local Fund Board in Madras District.

Name	Amount	Amount of Retirement	Designation of office in which re- employed	Month
W. L. Harrington	416 10 8	1879	Local Fund engineer	500 0 0
T. Chinnayyan Pillai	2 10 8	1879	Deputy P. W. Engineer	50 0 0
T. Sundaram Sastri	1 5 4	1879	Deputy P. W. Engineer	50 0 0
M. Chinnaiah Pillai	18 7 6	1879	Deputy P. W. Engineer	50 0 0

3. The deductions should be
made

(True copy) & Remitted
By Collector

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Enclosure No 1

From
The Treasury Dept
Madras

Fort St. George
29th January 1881

No 142
22

1036/144
From
The Accountant General
Madras

To
The collector of Madras

Sir,

With reference to your Treasury Deputy's letter No 4 dated the 14th January 1881, I have the honor to annex a list of officers who retired under the resolution of the Government of India No 2079 dated 31st July 1879 and who are expected to draw their pensions from your Treasury, and to request that the deductions authorised in this office circular No 7211 dated the 14th December 1880 may be made from their Salaries.

2. Similar deductions should also be made from the Salaries of such officers who might appear to you to have retired from Service in the P. W. Department under the resolution quoted above, and whose names might ^{have} been omitted from the list for want of information of their re-employment.

3. The deductions should be made

1st initial 34.3/81

made from ...
ment

I have etc, etc.

(Signed) H. Kene

Assistant Accountant General
for Accountant General.

(True copy)

L. Kene

Dy Collector.

Recd 4

18/11/19

Compd M.

1028
125

Encls No (2)

From
The Accountant General
Madras

To The Collector of
Madras

No. I.H.D.
22

Dated 29 January 1881

Encls - (1)

Stating the deductions should be made from the Salaries of the men mentioned in the accompanying list and that they should be made from the date of their re-employment under L.F. Board.

1 Mil: 34 2/5

No. 16.

Collector's office,
Madras
Dated 1st February 1881

From,

H. J. Stokes Esq.
Collector of Madras

To,

The Accountant General,
Madras.

Sir,

With reference to your letter No. I.H.D.
22 dated 29th January 1881 in which you request me to make certain deductions from the salaries of Mr. Hanington and other officers now in the employment of the Local Fund Board, I have the honor to observe that these officers have been employed by the Local Fund Board on a certain salary, and that I doubt if this salary can be legally reduced by order of Govt. It appears to me that to make the deductions as requested might expose the Local Fund Board to an action. I have therefore the honor to request that

that you will obtain the instructions
of Government on this point.

I have &c
(Signed) H. J. Stokes
Collector

(True copy)
L. Remond
Dy. Collector.

1036
47

copied by
SM

Enclosure No 3.

From
The Collector of
Madras

To
The Accountant
General Madras

Dated 1 February 1881

Subject

Requesting to
obtain the instructions
of Government as to
making deductions from
the salaries of Mr. Hanning
etc

In file 343/81

Pension Deptth Fort Saint George
Accountant General's Office
4 February 1881

No 142
28

From
The Accountant General,
Madras,

To The Collector of
Madras

Sir,

In reply to your letter
No 16 dated the 1st February 1881,
I have the honor to inform you
that the question of Local Fund
Officers drawing their pensions while
in Local Fund employ has been
much discussed between the Madras
Government and the Government
of India, and that the Govern-
ment of India have finally
decided that Public Works Officers
who are now employed under local
funds shall not draw their
pensions while so employed.

2. Such Officers have also
been ordered to refund by instal-
ments the gratuities which have
been paid to them, and it is

directed that these instalments
are to be deducted from their
monthly local fund salary.

3. The Government of India
have repeated these instructions and
have ~~insisted~~ promptly ^{directed} that
they shall be carried out at once.

4. I must therefore warn you
that you have no option in the
matter, and that you are bound
to make the deductions as directed
in my previous letter.

encl
H. G. 1/88

5. If you do not do so, you
will make yourself personally
responsible for the amount, and
if on the next monthly bill coming
in, I find that the deductions have
not been made, I shall at once inform
both the Madras Government and
the Government of India of the
fact.

I have the honor to be,
Sir,
your obedient servant.

Signed A. Cottrell Tupp

Offg. Accountant General

(True Copy) L. R. R. R. R.

By Collector.

Enclosure No. 4

From
The ~~Actg~~ General
Madras

To The Collector
of Madras

No.
142
28

Dated 4 February 1881

Informing
that the question of
making deductions has
been decided by the Govt.
of India and that
therefore he is bound
to carry out the instruc-
tions conveyed in his
letter referred to in the

Int. Mail: 34 3/81

No. 241.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th February 1881.

Read the following letter from B. STEPHENS, Esq., Local Fund Engineer, Coimbatore Circle, to the President of the Local Fund Board, Coimbatore Circle, dated 20th December 1880, No. 142 :—

With reference to Resolution (copy enclosed) No. 10 of the Proceedings of the Local Fund Board, Coimbatore Circle, dated 27th November 1880, I beg to remark that being one of those who retired from the Public Works Department, I would like some portions of the Government of India letter, No. 1,281-G, dated 21st June 1880, to be made clear, before coming to a conclusion as to which of the two courses therein referred to, it would be to my advantage to adopt.

2. In paragraph 4 of the above letter it states that the pension sanctioned to officers who retired from the Public Works Department will not be paid during their employment under Local Fund Boards, but that it will be given after they have finally abandoned all public employment in India; in the same way the bonus received by the above officers is also to be refunded. The question that requires explaining is, will the bonus also be given back after they have finally abandoned all public employment? This is a very important point, because a person employed under a Local Fund Board is liable to be turned out at any time; it may be that a few months after refunding his bonus, his services may be dispensed with by the Local Fund Board; is he for a few months' service to give up all hopes of getting back a large bonus that by the orders of Government he refunded? This certainly would be unjust.

3. Government states that while employed by Local Fund Boards, we are Government servants and must therefore give up our pension and bonus; but what guarantee have we that, like other Government servants, we will receive the protection and support of Government in times of difficulty and difference? We are now at the mercy of Local Fund Boards; in what way can we look for the protection and support of Government should we find ourselves unjustly treated? Being called Government servants and having to pay dearly for it, I think it is necessary to know in what position we stand in reference to Government, for it seems that we have now two masters, that is, the Government and the Local Fund Board.

4. In conclusion, I have the honor to request information in regard to the fifth paragraph of the above letter. In this paragraph, it states that the gratuity must be refunded, or "his salary must be diminished by a sum equal to 6 per cent. on the gratuity;" does this mean 6 per cent. per annum as interest, or 6 per cent. per mensem as part-payments towards the gratuity?

5. I beg you will please refer the above points or send on this letter to Government for consideration and for such information as they may think fit to give.

ENCLOSURE No. 1.—Extract from Proceedings of Local Fund Board.

No. 1.

SUBMITTED through the Board of Revenue for the consideration and orders of Government.

The questions for decision are—

- (1.) Whether the bonus granted to a Department of Public Works officer on reduction under the recent revision of establishment, refund of which has been ordered by the Government of India in the case of officers re-employed under Local Fund Boards, is to be like a suspended pension again granted when the officers shall finally cease to serve under such Boards or under Government in any other way.

It is remarked that a pension is for past service, while a bonus is compensation for reasonably anticipated future service that has been unexpectedly cut short. In this view only that part of the refunded bonus that might be in excess of salary drawn during the period of employment under a Local Fund Board could be reasonably claimed.

(2.) Whether the to-be-refunded 6 per cent. of the gratuity is on *monthly* salary or is in the nature of *annual* interest on the amount of the gratuity.

I think there can be little doubt that what is meant is a monthly refund by deduction from salary of 6 per cent. of the bonus paid.

COIMBATORE,
19th January 1881.

(Signed) F. E. K. WEDDERBURN,
for President.

SUBMITTED for the orders of Government.

2. The Board infer from a recent Government Order that the question of withdrawing from Local Fund Engineers and others the pensions and gratuities granted upon their retirement from the Public Works Department has been referred for the further consideration of the Government of India, and Government may be disposed to allow this reference to remain undisposed of pending final orders from the Supreme Government.

3. The Board are of course not competent to interpret with authority the orders of the Government of India, but as they understand the Proceedings* under reference, the grant of both bonus and pension is *suspended* during re-employment under Local Fund Boards, and the charge of 6 per cent. is on account of interest on bonus if retained and not an instalment towards repayment thereof. This seems to be the meaning of the Proceedings in regard to officers who do not elect to surrender their pension "and go on serving for a new pension under the Local Boards," but it seems open to doubt whether officers who do so elect to serve for further pension would still be entitled to receive the gratuity at the end of their service.

(A true Copy and Extract.)

E. H. V. S.
Acting Sub-Secretary.

To the Chief Secretary to Government, with original enclosure to be returned.
Copy to the President of the Local Fund Board, Coimbatore Circle.

Exd. A. Grubert.

1036
51

42

10 Oct 1192

1881. Sep 6.
Board of Revenue,
MADRAS.

To

THE CHIEF SECY. TO GOVT.

R.D.

24 FEB 81

Dated February 11th.

Printed th.

Received

Received 25/2/81

PROCEEDINGS, 11TH FEBRUARY 1881, No. 241

23/2/81

356

FEBRUARY.
No. 241.

No: 457

Bonus — granted to a Department of Public Works officer on reduction under the recent revision of establishment, refund of which has been ordered by the Government of India in the case of officers re-employed under Local Fund Boards. — Submitting for the orders of Government endorsement from Collector of Coimbatore forwarding letter from the Local Fund Engineer of district requesting information on certain points in connection with the —

Transferred to
the Public Works Department.
24/2/81

43

Extract from Proceedings of the Local Fund Board for Coimbatore held at a meeting held on Saturday the 27th November 1880.

Present

W. Wilson Esquire President
Surgon Major G.E. Whetton Civil Surgeon
F.H. Hauman Esquire Assistant Collector
J. Hauman Esquire Executive Engineer Coimbatore Division
Mr R. S. Rangachariar Avergat
C. Venkatesian Avergat
C. Narasimhan Do
Auditor Sait Do
Karanaparam Sani Shethiar Asst.
J. Raghiah Chetty Asst. Secy.

10 Proceedings of the Board of Revenue. Mis. No. 1003 dated 26th October 1880, Communicating G.O. No 1603 of 21st August 1880 regarding the employment by Local Fund Boards of officers of the Public Works Department and of those who have retired from the service on pension.

Such D.P.W. employees as may now be in the employ of the Local Fund Board will be called upon to state with reference to para 10 of the Government of India letter No 1003 dated 21st June 1880 recorded in

the foregoing G. O. which of the two courses
indicated they elect to take.

/ True Extract /

Encl
No. 1192/81

W. A. Reddick
for President

Encl

1881.
See a letter from the
President L. F. 1881
- from the Chief
Secy of the
Board of Revenue
Madras No. 1 dated
19 January 1881.
Encl. No. 18
L. F. 457/81

No. 91.

Visagapatam
Dated 8th February 1881

Wm. J.

The Local Fund Engineer,
Visagapatam Circle.

Has the honor to request that
the L. F. Engineer will be so good
as to state whether he has received
any gratuity from Government, and
if so the amount thereof; and also
the amount of pension, if any, he is
now drawing.

2. In para 5 of G. O. No 5062 dated
10th August 1880, (Communicated
to him on the 10th December 1880) it
was directed that if an officer
re-employed by the Local Fund Board
had received any gratuity, he must
either refund it, or his salary must
be

be, diminished by a sum equal to
6 per cent on the gratuity. The
Engraver is ^{therefore} requested to state
in case he has received any gratuity
whether he will refund it; or whether
he prefers to have his salary diminished
as provided out in the above para
with retrospective effect from 10th
August 1880.

With regard to any pension he may
be drawing, he will be good enough
to state (1) whether he elects to
surrender the pension and go on
serving for a new pension; or (2)
whether he will refund what
pension he has already received
leaving his employment in the service
of the Local Fund Board and
forgo the pension till after he has
finally abandoned all public
employment in India.

Signed J. H. Atkinson
for President of F. Bd.

(True Copy)

J. H. Atkinson
President of F. Bd.

1881

Department

Enclosure I

See a letter from the
President of the Local
Fund Board, Vizagapatam
No: 191 dated 19th March
1881.

Mr 1559/11

Copy of the President's
letter No. 91 dated 8th
February 1881 to the
Local Fund Engineer

2405/11

Mr 1559/11

Camp Kottavalea
11th February 1881.

No 399.

From

The Local Fund Engineer
Vizagapatam District.

To

The President Local Fund Board
Vizagapatam Circle.

Sir

In reply to your No 91 dated
the 8th Instant, I have the honour
to state that I have received a gratui-
ty of Rs 3,600 and am in receipt
of a pension of Rs 75 per annum as
a retired Conductor.

2. I am doubtful if G.O. No 5062
of August 10th, 1880 refers to my case,
in as much as I was not required to
retire from the P.W. Department and
the G.O. above quoted seems to refer
only to such officers. The small pension
I enjoy is a retiring pension earned
for long service as a Warrant Officer

and I am entitled to enjoy it entirely independent of the Order referred to.

3. The gratuity however is different. I am inclined to think that Government may be disposed to allow me the benefit of this in consideration of the small pension I now draw, which is very much less than I would obtain if I were invalided, and from my foregoing a larger pension and resigning further chances of promotion as a warrant officer.

4. If this view of the case be accepted, my position will remain exactly as it is now. I shall retain the gratuity continue to draw my military pension and my service under the Local Fund Board Count towards a free pension under the Uncovenanted Service rules.

5. If my position is to be affected by the Order quoted, I am prepared to refund at once all the pensions I have drawn, on consideration of the order granting my retirement being cancelled and being reinstated in the position.

position occupied as a Warrant Officer, before it was published. In this case I could only continue in Local Fund service by the P.W. Department placing my services at the disposal of the Local Fund Board. This is provided for in the P.W. Code.

6. Another arrangement is that I can refund all the pension already drawn foregoing my position altogether as a Warrant Officer, retire altogether from the P.W. Department on condition that my service in the P.W. Department shall reckon towards a Civil pension from the date of joining the Civil Engineering College viz: September 1st 1857. I shall then continue to occupy my present situation in the Local Fund service and refund the gratuity received. This is the arrangement which I would prefer, it is the simplest, it is equitable and shall

a,

Be glad if it is sanctioned.

I have seen.

/Sd/ Charles Sutor
Local Fund Engineer

/True Copy/
J. H. Fauti
President Local Fund Board
Visagapatam Circle.

C.S.
H.C.

No 134.

Local Fund Department.

Station. Visagapatam.

Dated 22^d February 1881.

Despd. 24th

Received.

Enclosures.

To

The Local Fund Engineer
Visagapatam Circle.

Reference. Air Letter No 277 dated
11th Feb. 1881.

The Local Fund Engineer is re-
quested to report when and under
what circumstances he retired from
the Department of Public Works;
and also to state clearly in what
his retirement from the Department
differs from that of other officers
retired at the same time.

/Sd/ J. C. Atkinson
Agent Comm for President
Local Fund Board.

(True Copy).

J. H. Fauti
President Local Fund Board.

1881

Department

Enclosure III.

In a letter from the
President, Local Fund
Board, Vizagapatam
No 191 dated 19 March

1881.

Mr 2559/61
3

Copy of President's
Letter 134 dated 22^d
February 1881

2405/81.

du. Incl: 922/11

No 417.

Camp Vizagapatam.

Date 28th February 1881.

From.

The Local Fund Engineer
Vizagapatam District.

To

The President Local Fund Board.
Vizagapatam Circle.

Sir,

In reply to your No 134 dated the
22^d Instant, I have the honour to state
that I retired from the P.W. Depart-
ment on the 7th of February 1880.

2. I retired from the P.W. Department
because I put faith in the Government
notification holding out in documents
to retire.

3. My retirement differs from that
of others who left at the same time, in
this, that my retirement was voluntary
whereas others were retired Compulsa-
rily.

4. I have said in para 2 of No 399

that I am doubtful if G.O. 5062 of
August 10th refers to my call for further case?
reason that the retiring pension I
now draw is guaranteed to me for
military service under the Queen's
Regulations. I have accepted a
small pension in conformity with
Government Resolution No 2077
dated 31st July 1877. If that pension
is withheld I expect to be reinstated
in the position I then occupied in
the Military Department, for no
further service under the Local Fund
Board, no matter how long it may
be, will entitle me to a higher pension
moreover by accepting a retiring pension
for length of military service. I
have debarred myself from further
promotion and have foregone all
claim to an invalid pension which
is much better.

5. I trust I have made it plain
that I am differently circumstanced
from any Covenanted or Uncovenanted

13/5
Engineer who left the ^{MD} Department
where I did. The former would not
be entitled to any pension whatever
under the U.C. Rules without a
medical certificate certifying to
inability for further service
whereas if I retired under a medical
certificate I would obtain a much
higher pension than what I now
draw.

6. The only fair solution of the question
is the proposition contained in the
concluding para of my No 399 of
February 11th, and I respectfully re-
quest you will be good enough
to recommend that proposition to the
proper authorities.

I have &c.

/s/ Charles Seton
Local Fund Engineer

Bisagapatam Circle.

(True Copy)

S. H. S. S.
President of Board.

1881

Departments

Enclosure IV

In a letter from the
President of the Local
Fund Board, Vizagapatam
No: 191 dated 19th
March 1881 Mr. W. J. P.

Sub M^{rs} 21/15/81
Loop of the Local Fund
Engineer's letter No 47
dated 28 February 1881

20/3/81

In Lnd. 922/81

102
10

1881

Department

Essex Road, 11

In a letter from the
President, Local
Fund Board, Vizagapatnam
No: 191 dated 19th
March 1881.

Am 1559/81

Copy of Local
Fund Engineer's letter
No 397 dated 11 February,
1881

2415/81

En Incl: 922/81

Tham

R. E. Moffat Esquire A. B. C. Co.
late Mr Engineer S. P. W.

To

The Secretary to Government

S. P. W.

Madras

Sir,

I have the honor to request you will be
so good as to submit to Mr Moffat's
Secretary of State for India the accompany-
ing memorial from me prepared in
triplicate, touching on the subject of
the retention of my pension and refund
of Bonus which has been enforced
by the orders of the Government of
India.

I was asked by the Madras Govern-
ment to resign my position in the
S. P. W. and certain inducements were
offered me to do so, believing in the
representations made I reluctantly
accepted them as I had really no
alternative but to do so. Having
therefore

therefore fulfilled that condition and
taken that step I am entitled upon
every principle of law and justice to
expect that the Government will
fulfil its engagement. But as the
Government of India refuse to do so,
I have no other course left but to
appeal to the Secretary of State for
protection against the injustice and
hardship I am now subjected to in
consequence of the arbitrary proceedings
of the Government of India.

I have the honor to be
Sir,
Your most obedient servant

M. J. Singh.

Siddhadas }
28th March 1880 }

1036
62

P. W. C. No 2044

From

R. G. Mather Esquire
A. J. C. B.
Lake Lea. Langman. P. W.

To

The Secretary to Government
P. W.
Madras.

Dated 28th }
Recd 31 } March 1881
2-2 in triplicate
Subject

Submitting in triplicate
a memorial to the
address of Mr. Mather
Secretary of State for
India.

B.C. 114.
C. 1-4. 12-4-6.

1038/13

Read the following:—

Letter from R. G. Mather Esq.
Lake Lea. Esq. P. W. Dept. of 28th
March 1881.

FOR ORDERS.

Col. Mather
Coloured Mo.
Secy to Gov. P. W. Dept.

As soon as
letter is in Department
Ad. send on all
these documents
this P. W. Dept.
of L. M.

R.S.

B. 4

Local Fluid Engineer's Office

Madura Circle

Madura 11th April
1881

From,

The Local Fluid Engineer
Madura Circle

To,

The Chief Engineer and
Secretary to Government P.W.D.
Madras.

Sir,

I have the honor to forward
herewith in triplicate my memorial to
the Secretary of State for India which
I request may be forwarded with the
letter which, if I am not in error,
the Government of Madras are sending
to the above office.

I have the honor to be

Yours most obedt. servt.

W. Harrington

Local Fluid Engineer
Madura Circle

4 @ Hind Dept. 12 1581
19th Aug 1881

L. M. Cho. 2304

Recd. 14th Apr 81

E. 1.

25.6.

Sent to copy - 16-4-81

No 5

Local Hind Engineer's Office
Madura Circle, Madura
13th April 1881

From

The Local Hind Engineer,
Madura Circle.

Sir,

The Chief Engineer and
Secretary to Government
P. W. D. Madras

Sir,

At the request of M.
Chinnasawmy Pillay an ex overseer of
the Public Works Department and
now Local Hind Overseer Madura
Circle, Madura District I have the
honor to forward his memorial to
the Secretary of State which he
begs may be forwarded with other
Petitions of the same character.

I have the honor to be
Sir,
Your Most Obedt Servt.

W. Harrington

Local Hind Engineer
Madura Circle

Encls. 1
Memorial in
triplicate

Pro. 2606 of 81

Recd 16th April.

Sent to Doty on the 16th April/81.

0
C.A. 15. income
transmission of
view of
file

P. W. DEPARTMENT.

Read the following:—

From the Local Land Engineer, Madras
Circle, No. 4, dated 11th April 1881.

Do. Do. 5, of 13th April/81.

FOR ORDERS.

It is proposed
to dispose of these
two Memorials in
connection with
others of the same
kind.

C. A. Lawrence
Collector

Sey. to Government
P. B. S.

FOR ORDERS.

Am W. Madleston

Rev. 25/11

3696

CURRENT No. 9223

Proceedings of the Board of Revenue

Dated 7 April 1881

Read the following.
No 191.

From J. H. Garstin Esquire C.S.I.
President Local Fund Board
Vizagapatnam Circle

To C. A. Galton Esquire
Secretary to the Board of
Revenue,
Madras

Sir,
Referring to G.O. of 10th August
1880 No 5062 Military Department,
I have the honor to enclose copies
of the correspondence noted
in the margin and to request
that the Government may be
asked to decide what is Mr. Seton's
position with reference to the
Resolution of the Government

- A- President's letter No 91 of 8-2-81 to the L.F. Engineer
- B- L.F. Engineer's letter No 399 of 11-2-81 to the President
- C- President's letter No 134 of 22-2-81 to the L.F. Engineer
- D- L.F. Engineer's letter No 417 of 28-2-81 to the President

Said
Read with the
Memo. R.F.

Cir 18/4 O.L.B. 12.

of India of the 31st July 1879
No 2079 (Pensions and gratuities)

2. Is he to refuse his gratuity
or pension, or both, or neither.
and in the case of his having
to refuse either or both will
he revert to the position of
a warrant officer or will
he be a civil or military
D. I. W. employe?

3. An early answer is parti-
cularly requested.

Local Fund Board's
office,
Vijayapatnam.
Dated 19 March 1881

I have the
Cdy J. H. G. Austin
President L. F. Board

Submitted for the orders
of Government.

(True copy & Extract)

Chibor.

By Secretary

To
Chief Secretary to Govt.
with original inclosures & return

1036
68

READ the following:—

Instrument Financial Dept.
No 693 of 13th April 1881 on Prop. No of Revenue
Ins No 3696 of 7th April 1881.

FOR ORDERS.

Mr. Seton's case
may perhaps be
disposed of in
connection with
those of other local
fund business now
being referred for the
decision of the
Home Government.
C. A. Stanley
Clerk Mr.
of Secy for P. W. Dept.

Understand that
the Mr. Seton's case
is under consideration
of the P. W. Dept.
under the Govt. of
India Resolution
of 31-7-79 No 2079 (Pensions
& gratuities).

1881. / Dept.
Proceedings of the Board of Revenue.
R. D.
1 APL 81

Dated 7 April 1881
Despatched
Received

Mis. No. 3696

CURRENT No. 922.

SUBJECT.

Submitting for the
orders of Govt. letter from
President L. P. Board Nagasakia
requesting to be informed
that Mr. Seton's (L. P. Engineer)
position is with reference
to the Govt. of India Resolution
of 31-7-79 No 2079 (Pensions
& gratuities).

Refered

NOTE—This paper should
be returned with reply, and
should not be marked in
any way by the
receiving office. 15 at 101

13 April 1881

12/4/81

Referred to the
Public Works Dept.
- sent.

J. Davies

Chief Secretary

FOR ORDERS.

of July 1877 by which he
became entitled to and
drew on special honors.

His case differ from
those of civil members
of the Dept only in the
circumstances that his
pension is payable by
the Military Dept at
military rates.

Att

19-11-81

It is to be understood
that the cases
separate from the
other but don't
know whether the pension
(as a rule) apply
to civil pension.

ME
23/4

SW
Disposal of
with other cases
S. J. P.
25/4

Ob. S. G. Cir. 1874
paid 20/4. Paid 25-4

1006/2

From
 The Mail Dept.
 No 693
 Dated 13th April 1888

On final
From Mr R.G. Korpor 8^y November 1880
— " — 8^y 26["] 76["] 90["]
From the P.W. Sodavari — by 249^y 8^y 26["] Nov^r 1880
Surt. from the Finl Dept by 73 & 73 Jan'y 1881.
— " — 74 & — 90["]
— " — 89 & 79["] —
From the Govt. of India — " 88 & 12 Feb'r 1881
Surt. from the Finl Dept. 388 & 24["] —
— " — 8^y 14["] Feb'r 1881.
From Mr F. Brickwell 8^y 2nd March 1881
" R.G. Korpor 8^y 11 April 1881.
" W.L. Harrington 8^y 13["] " "
" " 8^y 13["] April 1881
Surt. from Finl Dept by 693 & 127 April 1881
" 779^y Ordered that the
are present at

appeals & representations
received with the Foreign
Correspondence be for-
warded to His Serene
Highness

152
State, through the Govt.
of India.

H.S. No 1037 W & 220 ap/81

No 1037 W & 222 ap/81
to the Secy to the Govt. of India.

Sir,

In continuation
of my letter No 1034 W &
22nd April 1881, I am directed
to forward, for transmission
to His Secy of State for
India, the accompanying
despatch from this Govt.
giving cover to appeals
& representations against
the recent orders of the
Govt of India, under
which officers of the
P.W. Dept, who were
granted compensation
pensions

To the Finl. Dept, for
coming to the Local Fund
Office concerned
- S.W. Government
- Secy P.W. -

135-81

153

pensions & bonuses under
Resolution No 2079 & 312
July 1879, & subsequently
took employment under
Local Fund Boards, have
been deprived of those pensions
& directed to refund the
gratuities.

Dead

10-5-81

14/1

and the 5th of June
1811 & 1812 at the
Court of Sessions
and the 1st of June
1813 at the Court of
Sessions

How he did
the Court

Memorial from
his Honor

Issued
2/19

Q. 126

No 28 of 10 May 1811 P. 11. D
20

The M^r. Noble
the Secy of State
for India.

My Lord Marquis

We have the
honor to transmit
a memorial from
Mr. A. R. for for lately
an Executive Engineer
in our P. H. Dept. and
now employed as Local
Land Engineer in the
South Arcot District
appealing against
the orders of the Govt
of India under which
he has been deprived
of his pension, and
directed to refund
the bonus granted
to him on retirement.

Yours

From the service under the operation of the Govt of India's resolution No 2079 of 31 July 1879

2. In our despatch No 27 of 10 May 1881 we have fully expressed our opinion as to the validity of the claims of this officer and others similarly situated, and in forwarding this memorial we desire to invite your Lordship's special attention to the legal opinion attached thereto which is that of one of the leading members of the Madras Bar.

3. Your Lordship will perceive that this

this opinion is almost identical with that already expressed by us. It is in substance that Local Fund employment is not state employment and that if it were, the pensioners would be still entitled to the privileges granted by the Civil Pension Code, that their moral claim is incontestable, and cannot be legally enforced only because the claim of pensions is specially barred by statute.

4. With the memorial above mentioned we forward copies of

of the memorials de-
tailed in the mar-
gin addressed to
ourselves by officers
situated similarly
as Mr. Norfor, which
we consider it de-
sirable that your
Landships should
see.

5. Other memorials as per margin, addressed
to your Lordship &
since received are
also forwarded
herewith.

L
11/4

From Mr. R.B. Harper, L. 2. 1000
From Mr. S.A. Purcell
L. 2. 1000
-- Mr. Hulme 10. 7. 1000
-- Mr. Wootton, 10. 7. 1000
-- Mr. Smith, 10. 7. 1000
-- Mr. Selton L. 2. 1000
(File 1036 10/22/49)

Mr. Bishop
Local and 1000
Mr. Hamilton, 1000
Mr. 1000
Mr. 1000
Mr. 1000
Mr. 1000

deposited the 10/22/49
5 memorials + 1000
22nd April 1000
10/3

FOR ORDERS

Am. W. Anderton

Mr. W. W. W.

Am. W. W.

See over until
Letter to England
has been dispatched

Am. W. W.
Am. W. W.

1036
76

Recd.
7.1.4. 1036

397. 330 4. 40

Gobt. of (1881) Madras
PUBLIC WORKS.

To

Dated

Issued

Recd.

Encl.

1036
G. O., 22 April 1881, No. 1037

Nos.

The Appeals & representations
from Officers of the P. & B. Dept.,
who retired from the service
under the terms of 3rd Reg.
No. 2079 of 31 July 1879
& subsequently obtained em-
ployment under Local Fund
Bonds, ordered to be forwarded
to the Secy of State through
the Secy. S/N — ^{22/4} N

Forwards for transmission
to the Secy of State for India
the accompanying despatch
giving cases of Appeals & re-
presentations against the
orders of the Secy.