

W W Huddleston

1 Clemens Road Vepery.
13th January 1881.
To The Chief Engineer Secretary to Government
Public Works Department
Madras.

Sir, In submitting the enclosed
Memorial to the Government of India
to be forwarded by this Government
I have the honor to solicit you to
be so good as to forward it in
the usual manner.

I have the honor to be
Sir
Your most obedient servant
The Engineer Captain

I have no doubt
 that the committee
 will be able to
 do all that is
 required of them
 and I am sure
 that they will
 do it in the most
 efficient manner
 possible. I am
 sure that they
 will be able to
 do all that is
 required of them
 and I am sure
 that they will
 do it in the most
 efficient manner
 possible.

I don't see how we
 can make any decision
 in favor of the claim
 if indeed it is so very
 clear except that I don't
 want the money in
 add. & invalid funding
 on the ground that he
 thought he got it &
 that Col. Hinds felt
 the same way.

But if an invalid
 certificate means anything
 I presume it means that
 the certificate holder is
 unfit for work. If this
 is correct we can't
 listen to claims based
 on the contrary argument.

Hon. W. H. Hurdstone

For order

In submitting this
 memorial for Capt.
 Smith there is thus
 amount of hardships
 that he appears to
 have gone up before the
 Medical Board for
 his invalid ~~for~~ cer-
 tificate fully satis-
 fied in his own mind
 that he had claims
 in the 12 months bonus
 in addition to the
 \$240 per annum

I am whole definitely
 arose from the fact of I am
 clearly intimating
 that such terms and
 will be granted the
 Union Resolution passed
 Jan. 10. 14 Feb. 1880
 No 35-24 (August)

We had no
knowledge of the
terms, and consequently
when referred to an-
-swered merely in the
terms of the first order
we received which
in fact left the matter
undecided.

It would however
appear that Colonel
Prendergast was
not sufficiently cautious
and did express a
general opinion to
Capt. Duntz that
the bonus would be
admitted in addition
to pension, and
as this coupled
with the forced
retirement on the part
of this Office seems
to have satisfied

him that he could
claim the bonus.

Captain Duntz over-
looks the fact that
the Government had a
perfect right of this
own motion to send
him before a medical
Committee, in which
case the result would
presumably be the
same as that now
complained of by
him.

I am sorry that
there should have
been even the slightest
misapprehension
but an invalid cer-
-tificate having been
presented there is no
withdrawal.

The petition cannot
presume so in to
the fact of I but I shall
wish to know what
is forwarded it.

The Govt. will
desire to submit
any remarks

Atte

21/1/87

No 239 W

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 28th Jan/87

Read the following:—

Memorial from Captain and
Deputy Commissary J. Smithers. } H.C.

Ordered that the
Memorial be forwarded to
the Government of India.

To,

Captain J. Smithers.

Desked
31-1-87.

(H.C. No 240 W d/28 Jan/87)

To,

The Secretary to the
Govt. of India, P.W.D.

Sir,

I am directed to forward
for submission to the Govt.
of India, the accompanying
Memorial from Captain and
Deputy Commissary J. Smithers,
late of the P.W. Dept.

C.M.

appealing against a decision of the Government under which his claim to be allowed a bonus in addition to the invalid pension of his rank was negatived.

2. Captain Spither appeared before a Medical Board, prior to the promulgation in this Presidency of Govt of India Resolution No 322-47 G of 3rd February 1880, fully satisfied in his own mind apparently that he had claims on the bonus of 12 months salary in addition to the invalid pension of Rspees 240 per mensem. He now urges that had he known he had no such

claim, he would not have retired but have continued on the active list, for which he professes to be still competent.

3. He however quite overlooks the fact that the Government had a perfect right of their own motion to send him before a Medical Board, in which case the result would presumably have been the same as that now complained of by him. If a Medical Certificate, such as that granted to Captain Spither, means anything, it means that

app the holder is unfit for
of further work, and this
where having been certified, the
allow Government cannot see how
to claims based on a contrary
his argument can be listened

2. to.

befo 4. The Right Hon'ble
to the Governor ^{in Council} is therefore
Pres unable to make any
Reso recommendation in favor
3rd of the Memorialist.

par 5. Copy of the previous
app decision of this Government * G.O. No. 2864 of
clan on the case is herewith
12, transmitted.
to

11 December 1880.

Att

25/1/81

1312864N 311 Dec 30

Pr. 1489W + 240N
928 gary/n

322 1323 1824