

P. W. C. No 2401

Gobt. of (1882) Madras.
MILITARY.

To
THE ADJUTANT-GENERAL,
&c., &c., &c.

Dated March, 31st.

Issued

Recd. April 17th Encl.

G.O., 31st March 1882, No. 1543.

MARCH.
Nos. 416-419.

E. C. 19/4/82

Forwarding to the Secretary of State for India a memorial from Pensioned Lieutenant and Deputy Assistant Commissary J. Joyce of the Public Works Department on the subject of his pension on retirement from the service.

B No 957 Waj 19 April 1882
Recorded
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Encl. in Receipt 18.4.82

Lou/4

P. h. C. no. 2393

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

6th March 1882, No. 569 W.

General.
Establishment.

Read the following papers:—

No. 41. Memorandum from the Superintending Engineer, Second Circle, dated 21st January 1882, No. C/134.

No. 9 E.W.

No. 41-A. MEMORANDUM—IRRIGATION.

THE undersigned has the honor to forward herewith, for the sanction of the Chief Engineer, Public Works Department, an application from Captain Campbell, R.E., submitted through the Superintending Engineer, Second Circle, for an increase of the salary drawn by Lieutenant Joyce, the Superintendent of Plant and Machinery on the Sangam Project works, to Rs. 200.

2. The present salary drawn by Lieutenant Joyce is Rs. 100, as fixed in the scale sanctioned in G.O., No. 2815 W., of 12th November 1881, and Captain Campbell now explains that as Lieutenant Joyce has been offered Rs. 200 per mensem in the Godávári he could not remain at Sangam, where however his services appear very necessary, unless his salary is raised.

3. There is a question as to whether Lieutenant Joyce is entitled to draw Rs. 200 in addition to his pension, and on this point the office notes that have passed with the Examiner of Public Works Accounts, and which are herewith forwarded for perusal and return, show that the separate orders of the Government of India are required.

4. The increase, if approved, will form a charge against Provincial.

CHEPAUK,
20th February 1882.

(Signed) U. VINCENT,
for Chief Engineer for Irrigation.

To the Chief Engineer, Public Works Department.

No. 42. ORDER THEREON, 6th March 1882, No. 569 W.

THE Government sanction the salary of Lieutenant Joyce, Superintendent of Plant and Machinery on the Sangam Project, being increased to Rs. 200 per mensem as a personal rate.

2. The Superintending Engineer, Second Circle, will include the increase in the report called for in paragraph 2 of G.O., No. 2815 W., dated 12th November 1881.

3. The question whether Lieutenant Joyce can draw full pay in addition to pension will be referred to the Government of India.

(Here enter No. 570 W., dated 6th March 1882.)

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, Second Circle.

„ Chief Engineer for Irrigation.

„ Examiner, Public Works Accounts.

Exd. S. T. Austin.

Spare Copies



GENERAL.
ESTABLISHMENT.

Govt. of (1882) Madras.
PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,
SECOND CIRCLE,
&c., &c., &c.

Dated March, 6th.

Issued

Recd.

Encl.

G.O., 6th March 1882, No. 569 W.

MARCH.
Nos. 41-42.

Lieutenant Joyce, Superintendent of Plant and Machinery on the Sangam Project.—
Salary of — increased to Rs. 200 per mensem as a personal rate, and the question whether he can draw full pay in addition to his pension referred to the Government of India.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 570 W.

No. 43.

FROM

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

To

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

SIR,—WITH reference to your letter No. 1788 G., dated 14th October 1880, I am directed to state that Lieutenant and Deputy Assistant Commissary J. Joyce, who retired from the service under Government of India Resolution Nos. 322—47 G., dated 3rd February 1880, on a pension of £90 per annum, together with a bonus of Rs. 4,560, has now obtained temporary re-employment as Superintendent of Plant and Machinery on the Sangam Project on a salary of Rs. 200 per mensem, and to inquire whether he may draw this salary in addition to his pension.

2. Government of India Resolution No. 1115-1134 G., dated 24th August 1881, lays down the terms on which officers who retired under Resolution No. 2079 of the 31st July 1879 may be re-employed, but no specific instructions on the same point with regard to the Resolution of the 3rd February 1880 appear to have been issued.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

FORT ST. GEORGE,
6th March 1882.

Exd. S. T. Austin.
Spare Copies



Govt. of 1882 Madras.
PUBLIC WORKS.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated March, 6th.

Issued

Recd.

Encl.

6th March 1882, No. 570 W.

MARCH.

No. 43.

INQUIRING whether Lieutenant Joyce,
Superintendent of Plant and Machinery on
the Sangam Project, can draw full pay in
addition to his pension.

PENSION DEPARTMENT.

Refund of Bonus by Public Works Officers.

No. 439.

FROM

THE SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF FINANCE AND COMMERCE.

SIR,

I am directed to submit, for the consideration of the Government of India, the accompanying Proceedings of the Madras Government, dated 24th February 1881, No. 220.

2. It will be seen that the question raised is whether the bonuses granted to Public Works Officers can be refunded by them on their re-employment by monthly instalments. The Order of the Government of India, dated 21st June 1880, No. 1281-G, does not contemplate the refund in such a manner, but this Government are of opinion that it will remove a great hardship if such refund may be made by monthly instalments, and I am directed to urge this matter on the favorable consideration of the Government of India.

I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
10th May 1881.

Secretary to Government.

Exd. J. W. Fischer.

1881.
PENSION DEPARTMENT.

From
The Secretary to the Govt. of
Fort St. George,
To
The Secy. to the Govt. of India,
Dept. of Finance and Commerce.

Dated 10th May 1881.

Issued

Recd.

No. 439.

Enclosure.

25/34

Refund of Bonus by Public Works Officers.—
Forwarding copy of the Proceedings of Govern-
ment passing orders on the subject of the refund
by instalments of bonus by Public Works Officers
on their re-employment with the opinion of Gov-
ernment in favor of such refund by instalments.

31st May 1882, No. 1351 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 171.

READ—the following letter from A. B. SAMPSON, Esq., Under Secretary to the Government of India, Public Works Department (General), to the Secretary to the Government of Madras, Public Works Department, dated Simla, 23rd May 1882, No. 746 G.:—

In reply to your letter, No. 570 W., of 6th March 1882, I am directed to state that Lieutenant Joyce may be allowed to draw his pension, which is a Military one, in addition to his salary, on re-employment, but the bonus received by him when he retired from the Public Works Department must be treated as ordered in Public Works Department Resolution No. 1115-34 G., of 24th August 1881.

No. 172.

ORDER—dated 31st May 1882, No. 1351 W., Public Works.

Communicated to officers concerned with reference to G.O., No. 569 W., dated 6th March 1882.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., PW..D.

To the Chief Engineer for Irrigation, } with copy of G.O., No. 2343 W., dated
" Superintending Engineer, Second Circle, } 22nd September 1881.
" Examiner of Public Works Accounts.

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1882) Madras.
PUBLIC WORKS.

Dated May, 31st.

Recd.

Encl.

G.O., 31st May 1882, No. 1351 W.

MAY.
Nos. 171-172.

Lieutenant J. Joyce.

Full pay in addition to pension being drawn by —. Reply from the Government of India on the subject of —, communicated to the officers concerned.

GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

31st March 1882, No. 1543.

Pensions—Warrant Officers.

Read the following papers :—

No. 416. Memorandum from Brigadier-General GODFREY CLERK, Adjutant-General, to Colonel E. L. HANKIN, Acting Secretary to Government, Military Department; dated Kamptee, 28th February 1882, No. 5.

Submitted to Government for transmission to the Secretary of State for India with the annexed copy of a reply from this office to a memorial of the same purport addressed to the late Provincial Commander-in-Chief, to which reply His Excellency the Commander-in-Chief has nothing further to add.

From Major C. C. MORRIS, in charge of Pensioners, Rajahmundry, to the Superintendent of Pensions, Fort St. George; dated 10th January 1882, No. 14.

Has the honor to enclose a memorial to Her Majesty's Secretary of State for India received from Pensioned Lieutenant and Deputy Assistant Commissary J. Joyce, with a view to its being forwarded to His Excellency the Commander-in-Chief of the Madras Army.

Memorial of Lieutenant and Deputy Assistant Commissary JAMES JOYCE, to the Secretary of State for India, dated Sangam, 24th December 1881 (through His Excellency General Sir FREDERICK ROBERTS, V.C., K.C.B., Commander-in-Chief, Madras).

HUMBLY SHEWETH,

That by the Resolution of the Government of India, No. 2079, dated 31st July 1879, specially good terms were offered to officers in the Department of Public Works to induce them to retire, that your Memorialist applied to the Secretary to the Government of Madras in the Department of Public Works to know whether these terms were applicable to him, and received a reply, Circular No 442 (copy of which is attached and marked A), that Clauses 1 and 2, para. 5, Section 10, of Government of India Resolution abovementioned did apply to him.

2. Clauses 1 and 2 as above are to the effect that "a Military Officer who does not belong to the corps of Engineers can retire on (1) the pension of his rank, (2) a bonus of one month's pay for each year's service up to twelve years."

3. Your memorialist enlisted in the Carnatic Ordnance Artificer Corps on the 3rd of February 1844, and was appointed to the Department of Public Works on the 3rd March 1856. Your memorialist was promoted to the rank of Honorary Lieutenant and Deputy Assistant Commissary on the 1st May 1877, and to the post of Assistant Engineer, Second Grade, in the Department of Public Works on the 2nd September 1878.

4. Upon the strength of the assurance of the Secretary to the Government of Madras that your memorialist could retire, (1) on the pension of his rank, (2) that he would obtain twelve months' pay, and (3) that in the resolution in question the Government stated their inability to guarantee the retention of any man in the department on the same salary, and that no further promotions would be made, your memorialist sent in his resignation, which was accepted by Government in G.O., No. 2981, dated 5th November 1879.

5. Your memorialist was relieved of his duties in the Department of Public Works on the 22nd December 1879. He was subsequently directed by His Excellency the Commander-in-Chief to appear before a Medical Board. Why this step should be necessary your memorialist did not understand, but he was bound to obey orders, and accordingly appeared before a Medical Board, and was invalided. Upon this he found himself gazetted to his great astonishment as pensioned on the pension of a Conductor, and was refused the bonus he expected.

6. Your memorialist at the time of sending in his resignation had served within four months of the service which would have entitled him to a Deputy Assistant Commissary's pension, and if he had served two years longer could have retired on the rank of Honorary Captain and a pension of Rs. 240 a month; it was solely on the inducement held out by the Resolution of Government of India, No. 2079, dated 31st July 1879, and the assurance of the Secretary to Madras Government, Department of Public Works, that the said resolution applied to him, that he retired, otherwise he most certainly would have served at least the four months which would have entitled him to a Deputy Assistant Commissary's pension.

7. The error into which your memorialist fell is in no way to be attributed to either carelessness or ignorance on his part. He was perfectly aware that, if under the ordinary rules he then retired, he would only be entitled to the pension of a Conductor, and that, if he served four months more, he would be entitled to the pension of a Deputy Assistant Commissary, and he therefore, before sending in his resignation, took the precaution of inquiring from the head of his department, the Secretary to Madras Government in the Department of Public Works, and upon his assurance that he would obtain the pension of his rank and a bonus, that he sent in his resignation; he was at the time quite capable of continuing his duties for the few months necessary to qualify for the higher pension, although he found no difficulty in passing a Medical Invaliding Committee after a total service of thirty-six years.

8. Your memorialist would submit that his is a case in which your Lordship may make an exception to the existing rules. Your memorialist had no intention of retiring under the ordinary rules, it was simply because after every possible inquiry, and the assurance of the Secretary to the Madras Government he was certain of obtaining the superior pension that he retired, when he did, and it is hard to make him suffer, because the Secretary to the Madras Government was wrong in his views! Your memorialist should either have been permitted to serve the few months necessary to entitle him to the higher pension as he requested, or, as a special case, the higher pension should have been granted to him.

9. Your memorialist would further call your Lordship's attention to the following facts:—Your memorialist, after giving over charge of his work on the 21st December 1879, received orders from His Excellency the Commander-in-Chief to appear before a Medical Board, which he did on the 13th January 1880, and was in G.O.G., dated 10th February 1880, pensioned from 5th February 1880 on Rs. 100 a month. From the 22nd December 1879 up to the 5th February 1880, the date from which he was pensioned, he drew his salary as an effective, pensioned on the pension of a Conductor, viz., £90 a year, or Rs. 75 (?) a month, and the difference between this sum and Rs. 100, which was formerly gazetted as his pension, and which he accordingly drew from February to November 1880, is now being deducted from his pension; but this is not all, although formerly gazetted as pensioned from the 5th February 1880, your memorialist is now re-gazetted as being pensioned from the 22nd December 1879, before the date even of his appearing before the Invaliding Committee, and the difference of his effective pay and pension is also now being stopped from his pension.

10. The Government of India in their Circular, No. 17, dated Simla, 27th September 1881, have published a revised scale of pension for Warrant Officers of Her Majesty's Indian Army by these rules after the following periods of service, viz.:—

24 years, of which 16 years in the Department of Public Works.					
26 do. do. 14 do.	do.	do.	do.	do.	do.
28 do. do. 12 do.	do.	do.	do.	do.	do.
Deputy Commissaries receive £216 in England, Rs. 200 in India.					
Assistant do. do.	£144	do.	Rs. 140	do.	
Deputy Asst. do. do.	£108	do.	Rs. 100	do.	
Conductors do. do.	£ 90	do.	Rs. 85	do.	
Sub-Conductors do. do.	£ 72	do.	Rs. 70	do.	

Your memorialist's service was thirty-six years, of which twenty-four were in the Department of Public Works, and his pension is £90 a year, or Rs. 75 a month in India; of which amount he now receives Rs. 49 a month, as he is under stoppages as mentioned in para. 9.

11. Your memorialist having now submitted his case as briefly as possible to your Lordship, he prays that your Lordship will take it into his consideration, and that he may be granted either—

- (1) The pension of his rank on retirement of Deputy Assistant Commissary, and a bonus of twelve months' pay, under the provisions of Resolution of Government of India No. 2079, 31st July 1879, or

- (2) That he be permitted to serve the four months which remain to entitle him to the pension of a Deputy Assistant Commissary, or, if the opinion of the Medical Committee be considered an insuperable bar to this proposition,
- (3) That, as a special case, he be granted the pension of a Deputy Assistant Commissary, or
- (4) That he may be permitted to come under the provisions of the Revised Pension Rules for Warrant Officers as published in Government of India Circular, No. 17, Public Works, dated Simla, 27th September 1881, and finally that as the several errors by which he was wrongly gazetted was in no way to your memorialist, that the stoppages from his small pension may be discontinued, and the amount already stopped may be refunded to him.

For which act of justice your memorialist will, as in duty bound, ever pray.

From Lieutenant J. JOYCE, Assistant Engineer, to Colonel W. CHRYSTIE, R.E., Superintending Engineer, First Circle (through G. T. WALCH, Esq., Executive Engineer), dated Dowlaishweram, 1st October 1879, No. 158.

With reference to the Resolution of Government of India, No. 2079, dated 31st July 1879, published in the *Fort St. George Gazette* of 19th August 1879, and to a subsequent notification, dated 2nd September 1879, I have the honor to request that you will be kind enough to let me know whether the above notification effects me, and if so I trust you would kindly admit me as a volunteer for retirement, having served twenty-three years in the department.

A.

No. 442.

P.W.D. CIRCULAR.

The Superintending Engineer, First Circle, is requested to inform Lieutenant and Deputy Assistant Commissary J. Joyce, that Clauses 1 and 2 of para. 5, Section 10, of Government of India Resolution of 31st July 1879, are applicable to him, and that he has the option of retiring under these terms, and to inquire whether it is his intention so to retire.

Such report should be made immediately.

OOTACAMUND,
23rd October 1879.

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Government.

No. 1666.

Copy forwarded to the Executive Engineer in charge of Government Workshops, Dowlaishweram, who will be good enough to call upon Lieutenant and Deputy Assistant Commissary J. Joyce to state whether it is his intention to retire under the terms alluded to.

(By Order.)

DOWLAISHWERAM,
29th October 1879.

(Signed) B. H. YOUNG, Asst. Engr.,
Assistant to the Superintending Engineer.

From Lieutenant J. JOYCE, Assistant Engineer, to the Superintending Engineer, First Circle, dated Dowlaishweram, 29th October 1879, No. 183 (through the Executive Engineer in charge Government Workshops).

With reference to your endorsement No. 1666 of this day's date on a copy of Circular No. 442 of the 23rd instant, from Secretary to Government, I have the honor to state that I am quite willing to retire under the terms therein mentioned, and to request you will be kind enough to take the necessary steps to relieve me of my duties at your earliest convenience.

Proceedings of the Madras Government in the Public Works Department, dated 25th November 1879, No. 2981-W.

Read the following letter from the Superintending Engineer, First Circle, No. 1722-G.D, dated 4th November 1879.

The Government accept the resignation of Lieutenant and Deputy Commissary J. Joyce, with reference to the resolution of the Government of India, No. 2079, dated 31st July 1879.

2. The Superintending Engineer will take steps for relieving him of his duties at the earliest date convenient.

(True Extract.)

(Signed) J. PENNYCUICK, Major, R.F.,
Ag. Under Secy. to Govt., P.W.D.

No. 2829.

Transferred for disposal to the Adjutant-General, Fort St. George.

FORT ST. GEORGE, 17th January 1882. (Signed) J. W. CLELAND-HENDERSON, Lieut.-Col.,
Acting Supt. of Pensions.

Copy of memorandum from the Adjutant-General, to Lieutenant and Deputy Assistant Commissary J. JOYCE, Rajahmundry; dated 15th July 1881, No. 490.

The undersigned has the honor to inform Pensioned Deputy Assistant Commissary Joyce that his memorial of the 30th May last has been carefully considered by the Provincial Commander-in-Chief, who directs that Mr. Joyce be informed that it is opposed to the principles of the service for a Warrant Officer who has been declared by a Medical Board to be unfit for further service to be brought on the effective establishment again.

2. Mr. Joyce was pensioned on the pension he was entitled to by length of service. As he belonged to the Corps of Ordnance Artificers, it was necessary under regulations for Mr. Joyce to have served three years in the rank of Deputy Assistant Commissary to entitle him to the pension of that rank.

3. The pension of Warrant Officers in India is paid in Indian currency, and the regulations on the subject do not provide for any exception.

4. Mr. Joyce having been relieved of his duties in the Public Works Department on the 22nd December 1879, was correctly placed on the Retired List from the day following.

5. The passage money to and from Waltair claimed by Mr. Joyce, being in the Provincial Commander-in-Chief's opinion, a civil charge, Mr. Joyce should apparently prefer this claim to the Public Works Department.

No. 1216.

Referred to the Public Works Department for any remark memorialist's statements may appear to call for.

(By Order.)

FORT ST. GEORGE, 14th March 1882. (Signed) E. L. HANKIN, Colonel,
Ag. Secretary to Government.

No. 417. Memorandum from Colonel R.H. SANKEY, R.E., Secretary to Government, Public Works Department, to Colonel E. L. HANKIN, Acting Secretary to Government, Military Department, Fort St. George; dated 22nd March 1882, No. 690-C.

In returning the papers referred under Military Department endorsement, No. 1216, dated 14th March 1882, the undersigned has the honor to observe that it is difficult to understand what Mr. Joyce has now to complain of.

2. When it was found in 1880 that Mr. Joyce's service only entitled him to the pension of a Conductor, and that the special bonus of twelve months' pay could not be drawn in conjunction with an invalid pension, his case was laid before the Government of India, who, on the representations of this Government, gave him the option of resigning his invalid pension and retiring on the ordinary pension of a

* Proceedings of Government (Public Works Department), No. 2523 A W. of 3rd November 1880.

G.O.G. No. 755, dated 4th November 1880.

Deputy Assistant Commissary, with a bonus of twelve months' pay. Mr. Joyce voluntarily* accepted this option, and a satisfactory solution of his alleged grievances was believed to have been arrived at. His statement in his present memorial that he was finally pensioned on the ordinary pension of a Conductor is of course incorrect.

3. Mr. Joyce's case having thus already been fully considered and disposed of by the Government of India, it does not appear to this department that anything more can be done for him.

4. The antedating of his retirement from the 5th February 1880 to 23rd December 1879 can doubtless be explained in the Military Department.

5. The other points in the memorial do not appear to call for remark in this office.

No. 418.

ORDER THEREON, 31st March 1882, No. 1543.

Forwarded to the Secretary of State for India.

(True Extract.)

For Ag. Secretary to Government,
Mily. Dept.

To the Adjutant-General.
" Public Works Department.
" Controller of Military Accounts.

Exd. E. C. Shunker.

P. W. C. No 2401

Gobt. of [1882] Madras.
MILITARY.

To
THE ADJUTANT-GENERAL,
&c., &c., &c.

Dated March, 31st.

Issued

Recd. April 17th Encl.

G.O., 31st March 1882, No. 1543.

S.S.C.

MARCH.
Nos. 416-419.

P. W. C. 19/4/82

Forwarding to the Secretary of State for India a memorial from Pensioned Lieutenant and Deputy Assistant Commissary J. Joyce of the Public Works Department on the subject of his pension on retirement from the service.

B No 957 W of 19 April 1882
Recorded

Encl. in Receipt 18.4.82

FOR WHAT PURPOSE.

Date taken out.

Department.

C. No.

Year.

Initials of clerk taking the paper or of attender.

Date returned.

Initials of attender.

1

with receipt kept

Lou/4