

- (1) பக்கங்களின் எண்ணிக்கை 8
 (2) புதுக்கித் திருப்பிய நாள் 20.12.1991
 (3) ஆதரங்குறிப்பவர் சுருக்கெழுப்பம் 100

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

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MILITARY DEPARTMENT, 25TH APRIL 1892, No. 2633.

GOVERNMENT OF MADRAS.
MILITARY DEPARTMENT.

Appointments—Civil.

Read the following:—
No. 215. Extract from the Proceedings of the Government of India, Finance and Commerce Department; dated Calcutta, the 15th February 1892, No. 631.

Read—
Despatch from Her Majesty's Secretary of State for India, No. 5 (Financial), dated 7th January 1892.

Order—Ordered, that this despatch and enclosures be transferred to the Military Department for disposal.
(Signed) R. A. GAMBLE,
Under-Sery. to the Govt. of India.

From the Right Honorable the Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council; dated India Office, London, 7th January 1892, No. 5 (Financial.)

By clause 6 of the Superannuation Act of 1887, power was given to the Treasury to frame rules as to the conditions on which naval and military officers may accept civil employment under colonial and foreign Governments. A copy of the rules laid down by the Treasury will be found in Sessional paper 337 of 1887 transmitted herewith.

2. Your Excellency will observe that the rules for the employment of naval and military officers by colonial Governments (Rules 10 to 14) have hitherto not applied to the Government of India; and I now forward, for your information, a copy of a correspondence with the Treasury,* relative to the application of those rules to officers hereafter taking employment under your Government.

* Letter from Treasury, 2nd June 1891, and enclosure.
" to Treasury, 1st July 1891.
" from Treasury, 15th October 1891.
" to Treasury, 11th November 1891.
" from Treasury, 16th December 1891.
" to Treasury, 5th January 1892.

ENCLOSURES.

No. 1.

No. 8086/91.

TREASURY CHAMBERS,
2nd June 1891.

SIR,
The Lords Commissioners of Her Majesty's Treasury desire me to transmit to you, for submission to the Secretary of State for India in Council, a copy of a letter which they caused to be addressed to the Admiralty and communicated to the War Department on 27th April, proposing that legislation should be obtained for applying Rules 10 to 14 under section 6 of the Superannuation Act, 1887, to naval and military officers accepting employment under the Government of India. They at present apply only to officers employed by colonial Governments.

The rules in question are to be found in Sessional Paper 337 of 1887. I am to state that the Secretary of State for War has expressed his concurrence in the application of these rules to retired and half-pay officers of the Army employed under the Government of India.

The admiralty have not yet replied to the letter. My Lords would be glad to learn whether the Secretary of State for India in Council concurs in the proposal.

I am, &c.,

(Signed) R. E. WELBY.

The Under Secretary of State for India.

No. 10428/89.

Enclosure in above.

SIR,

You brought before the Treasury, by your letter of the 15th June 1889, the question of the commuted pension of Commander H. A. Street, R.N., who had accepted the post of Presidency Port Officer at Madras.

My Lords carefully considered the subject at the time, and they came to the conclusion—

(1) that the rules made under section 6 of the Superannuation Act of 1887 do not cover the cases of officers who, like Captain Street, have commuted pensions, and have subsequently accepted office under the Governments of British possessions; and

(2) that such cases occurring in India can only be met by further legislation, inasmuch as the Act of 1887, as applied by the Rules 10 to 14 made under the Act, excludes India.

As a Bill will probably be introduced in which provision can, if necessary, be made for such cases, my Lords desire to lay their views before your Board, and to invite, in reply, an expression of opinion from their Lordships of the Admiralty.

There has, as their Lordships of the Admiralty are aware, been of late years a modification in the general policy of Government towards pensioners obtaining re-employment under Government. Formerly a reduction was made under certain conditions in the pensions of retired public servants accepting office afresh either at home or in a British possession. So that for a man is allowed to draw his pension, but he is subjected to a reduction in the salary of the new post. But a pensioner obtaining re-employment in British possessions which are self-governing, or in colonies which do not receive aid from the Exchequer, is not subjected to reduction of salary or pension. This regulation arises out of a deliberate modification of Imperial policy.

The Superannuation Act of 1887, so far as applied by Rules 10 to 14 above mentioned, did not extend to India, because my Lords believed that arrangements between the War Office and Admiralty and the Government of India sufficiently provided for the case of an Imperial officer employed in India. But the question which has arisen with respect to Captain Street shows that further provision is necessary.

Following, therefore, the lines of the policy above described, my Lords are ready to lay it down that a retired Imperial officer, naval or military, appointed to a post in India, should draw his pension on the conditions applied by the Act and Rules of 1887 to persons similarly appointed to posts in colonies, and that such officers being allowed to draw their pensions without other modification, it is unnecessary to make special provision for the case of retired officers appointed to posts in India or the colonies, who have commuted their pensions.

My Lords have noted that the rules drawn under the Act of 1887 apply to self-governing colonies; they apply also to Crown colonies which are not aided by, or in debt to, the Imperial Government. By agreement with the Treasury, the Secretary of State considers whether a reduction should be made from the salary of an Imperial pensioner taking office in aided colonies.

As the proposed alterations in the law would exempt Captain Street from liability in respect of his commuted pension, my Lords do not think that any steps need be taken to give practical effect to the liability which at present exists, but which cannot be enforced under Rule 15.

The object in view may be attained by a clause extending Nos. 10 to 14 of the rules made under the Superannuation Act of 1887 to officers accepting employment under the Government of India. Upon this point my Lords would be glad to obtain the opinion of their Lordships of the Board of Admiralty and of the Secretary of State for War, to whom they are communicating a copy of this letter.

I am, &c.,

(Signed) R. E. WELBY.

The Secretary to the Admiralty.

No. 2.

INDIA OFFICE,
1st July 1891.

SIR,

I am directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 2nd of June, No. 8086, expressing a hope that he is willing to concur in a proposal to apply to naval and military officers accepting employment under the Government of India, Rules 10 to 14, made under section 6 of the Superannuation Act, 1887.

Before signifying his concurrence therein, Viscount Cross will be glad to have a further explanation of the manner in which the interests of the officers and those of the Government of India will be thereby affected.

It is stated in the preamble of the rules that it is a general principle adopted by Parliament that, when a person in receipt of non-effective pay accepts fresh State employment, some saving should accrue to the State, that formerly this saving was effected "by means of a reduction of the non-effective pay," and that it appears expedient in future that "such saving should be effected by reduction of the emoluments of the fresh employment instead of by reduction of the non-effective pay."

Only four instances have been brought to the notice of the Secretary of State in Council, in which the Rules of 1887 have so far been applied to military officers accepting or holding employment under the Government of India; and in all four cases a saving has been effected by the War Office reducing the non-effective pay, while the Indian revenues have been left to bear the full effective charge.

These cases are those of Major-General Sir Owen Burne, appointed a Member of the Council of India, whose non-effective pay was thereupon entirely suspended by the War Office; Major D. C. Courtney, appointed Assistant Superintendent of the India Store Depot, to whom only £100 instead of £200 was awarded on his retirement from the Army; Major-General E. W. Courtney, Professor of Surveying at the Royal Indian Engineering College, who has been allowed to receive as non-effective pay only £120 instead of £600, so long as he retains his civil employment; and Colonel D. O'Brien, R.E., Superintendent of the India Store Depot, of whose military pension of £300 the War Office have placed £50 in abeyance.

Lord Cross will be glad to learn whether in these cases the Regulations of 1887 have been applied in the manner intended, and whether his acceptance of Rules 10 to 14 as applicable to officers employed by the Indian Government would remove the apparently inequitable manner in which they operate when applied to this office.

With reference to the correspondence which occurred on the case of Major-General Courtney, I am directed to point out that regulations have now been in force for many years for the division between the British and Indian Governments of the non-effective charges of the Imperial forces; and whatever rules may be applied to determine the amount of pension to be drawn by an officer who has retired from the British Army, Lord Cross considers that its incidence on the Imperial and Indian revenues should be decided under the abovementioned regulations.

I have, &c.,

(Signed) A. GODLEY.

The Secretary of the Treasury.

No. 3.

No. 12880/91.

TREASURY CHAMBERS,
15th October 1891.

SIR,

The Lords Commissioners of Her Majesty's Treasury direct me to say, for the information of the Secretary of State for India in Council, that they have had before them your letter of the 1st July last, respecting the effect of applying Rules 10 to 14 of section 6 of the Superannuation Act of 1887 to naval and military officers accepting employment under the Government of India.

Lord Cross remarks that the preamble of the rules in question predicates the expediency of substituting a reduction of the officer's emoluments in his new employment for a reduction of his non-effective pay, and points out that this principle has not been acted upon in four specific cases of military officers now holding office under the Government of India. His Lordship therefore asks whether the Regulations of 1887 have been applied in those cases in the manner intended, and what effect the application of Rules 10 to 14 would have upon them.

I am directed to reply that abatement from the emoluments of the employment, instead of from the non-effective pay, is stated in the preamble of the rules to be, in the opinion of the Treasury, expedient, when practicable, in the case of officers accepting certain civil employments of profit.

Under Rules 10 to 14 an officer on full or half pay, taking employment under the Indian Government, will not be able to draw any pay from Imperial funds.

An officer on retired pay when taking that employment, will be able to draw his retired pay in full, unless the Admiralty or War Department see fit to order otherwise.

But an officer who retires from the army or navy whilst holding Indian employment, will be only allowed to draw so much of his retired pay as was earned by Imperial service before he took that employment, so long as he holds it.

Their Lordships will now take the four cases mentioned in your letter *seriatim*, and show what was done in each case, and what would have been done if Rules 10 to 14 had been applicable to them:—

(1) *Major-General Sir Owen Burne*.—This officer received his appointment of Member of the Council of India on 1st January 1887, *i.e.*, before the passing of the Superannuation Act, 1887. His case was therefore not dealt with under the rules of section 6 of that Act, but under article 967 of the Pay Warrant of 1884, which directs that "half-pay shall not be allowed to an officer while holding a civil situation conferred on him after the 30th June 1881."

If Rules 10 to 14 were applied to Sir Owen Burne, his half-pay would still have to be suspended under Rule 10.

As about six-sevenths of his half-pay would be recoverable from Indian funds, India is much interested in its suspension.

(2) *Major D. C. Courtney, R.E.*—This officer was appointed Assistant Superintendent of the India Store Department on 1st April, and retired from the Army on 23rd November 1887. His case was dealt with under the limitations of the Appropriation Act, 1870, and £100 per annum has been accordingly abated from his retired pay of £200 per annum, in order that his retired pay and Indian salary together may not exceed £800 per annum. The Warrants of 1884 and 1887 and Rule 15 under the Superannuation Act of 1887 alike made the limitations of the Appropriation Act of 1870 applicable to the case of Major Courtney.

If Rules 10 to 14 were applicable to his case, Major Courtney might draw the whole of his retired pay with his Indian salary under Rule 12, because he had earned the whole of it before he first took civil employment under the India Office.

India is interested in the suspension of the £100 per annum to the extent of £3-1s which would be recoverable from Indian funds.

(3) *Major-General E. W. Courtney, R.E.*—This officer had been employed on the Instructional Staff at the Royal Indian Engineering College, Coopers Hill, since 24th August 1872, and retired from the Army on 31st December 1887. He consented to the rules of the Superannuation Act, 1887, being applied to his case, and Rule 15 became applicable to him accordingly.

Under this rule the full amount of his retired pay of £600 per annum could have been issued to him had Her Majesty's pleasure to that effect been signified by the Treasury through the Secretary of State. But as £480 per annum of this retired pay had been earned whilst Major-General Courtney was serving at Coopers Hill, and would, if issued, have been in great measure recoverable from Indian funds, it was ultimately arranged that only that part which had been earned by previous Army service, *viz.*, £120 per annum, should be issued to him. None of this £120 is recoverable from India.

This is exactly the arrangement that would have been made if Rules 10 to 14 had been applicable to the case.

(4) *Lieutenant-Colonel D. O'Brien, R.E.*—This officer became Superintendent of the India Store Depot on 6th March 1889, and on 16th April 1890 retired from the Army with retired pay of £300 per annum. Under Rule 15, which was applicable to his case, he might have been allowed to draw the whole of this retired pay, but it was not considered equitable to allow him to draw more than that part which had been earned by purely military service before he accepted his Indian appointment, *viz.*, £250 per annum, none of which is recoverable from Indian funds.

This arrangement is the same as would have been made if Rules 10 to 14 had been applicable to the case.

My Lords would observe that in any case where the application of Rules 10 to 14 appears to the India Office to impose an inequitable charge on Indian funds, it would be open to your department to make a corresponding adjustment of the officer's salary, if it has not been fixed by statute, like that of a Member of Council.

I am to add that, in the event of the Secretary of State for India in Council concurring in the application of Rules 10 to 14, it might be as well to adopt a suggestion made by the Secretary of State for War that a small committee, representing the Treasury, War Office and India Office, should be appointed to consider what modifications in the wording of the rules will be necessary.

I have, &c.,

(Signed) FRANK MOWATT.

The Under Secretary of State for India.

No. 4.

F-4492.

INDIA OFFICE,
11th November 1891.

SIR,

In reply to your letter, dated the 15th ultimo, No. 12880, I am directed to inform you that the Secretary of State for India in Council will not object to the Rules numbered 10 to 14, drawn up by the Treasury under clause 6 of the Superannuation Act of 1887, being declared applicable to officers employed by the Government of India. His Lordship, as at present advised, sees no necessity for the appointment of a departmental committee to consider modifications in the rules, but he would be glad to see what is proposed before it is finally decided upon.

I am further desired to enquire whether, in consequence of this assent, the position of the four officers named in your letter will be affected, and if so, in what manner, or whether the alteration will apply only to officers who may hereafter accept employment in India or under this office.

I am, &c.,

(Signed) A. GODLEY.

The Secretary of the Treasury.

No. 5.

No. 17098/91.

TREASURY CHAMBERS,
16th December 1891.

SIR,

In reply to your letter of the 11th ultimo, the Lords Commissioners of Her Majesty's Treasury direct me to say, for the information of the Secretary of State for India in Council, that, with the concurrence of the Secretary of State for War, they propose that the application of Rules 10 to 14 of section 6 of the Superannuation Act, 1887, should be restricted to officers thereafter taking employment under the Government of India.

No alteration is proposed in the position of any one of the four officers referred to in your letter.

I have, &c.,

(Signed) R. E. WELBY.

The Under Secretary of State for India.

No. 6.

F-5335.

INDIA OFFICE,
5th January 1892.

SIR,

I am directed to acknowledge the receipt of your letter of the 16th ultimo, No. 1798/91, and to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that the Secretary of State for India in Council agrees to their Lordships' proposal that the application of Rules 10 to 14 of section 6 of the Superannuation Act, 1887, shall be restricted to officers who may hereafter take employment under the Government of India.

I have, &c.,

(Signed) HORACE WALPOLE.

The Secretary of the Treasury.

No. 886-A.

Appointments—Civil.

Copy of the foregoing forwarded to the Secretary to the Government of Madras, Military Department.

(By Order.)

FORT WILLIAM,
21st March 1892.

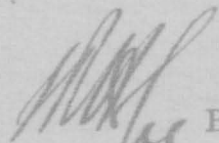
(Signed) P. J. MAITLAND,
Offg. Dy. Secy. to the Govt. of India.

No. 216.

ORDER THEREON, 25th April 1892, No. 2633.

Communicated to His Excellency the Commander-in-Chief and the departments of the Secretariat, also to the Controller of Military Accounts.

(True Extract.)



Brigdr.-Genl.,
Secretary to Government.

To the Adjutant-General.

- " Public, &c., Departments.
- " Revenue Department.
- " Public Works Department.
- " Controller of Military Accounts.

1355/4

P. W. CURRENT No. 4525

Govt. of {1892} Madras.
MILITARY.

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

Dated April, 25th.

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Issued

Recd. 28.4.92

Encl.

G.O., 25th April 1892, No. 2633.

APRIL.
Nos. 215-216.

Appointments—Civil.

Naval and Military Officers.—Correspondence from Her Majesty's Government relative to the application of the rules for the employment of — by colonial Governments to officers hereafter employed under the Government of India, communicated to His Excellency the Commander-in-Chief and departments concerned.

No. 1355 W of 29 April 1892

Recorded
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over
28.4.92

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E. V.

In 2 P.W. accd - 22/5
Gen. P.W. accd -
20th to 22/5

J.C. 3/5 - 23/5