

the establishment of the P.W.D. on
the 1st January following

Public Works (1896) Department.

G.O., No. 1810 W

DATED 18 June 96.

[Despatch Abstract.]

Government officers: Resolution of the
Government of India regarding the
eligibility of — Compulsory transfer
to appointments paid by local funds, to
pension or gratuity, Communicated
to the officers concerned.

GENERAL.
ESTABLISHMENT.

Gobt. of {1896} Madras.
PUBLIC WORKS.

Dated June, 18th.

Recd.

Encl.

G.O. No. 1810 W., 18th June 1896.

JUNE.

Government Officers

Resolution of the Government of India forwarding extract from the despatch from the Secretary of State stating that — compulsorily transferred to appointments paid by Local Funds and subsequently dismissed therefrom are not entitled to pension or gratuity, but that Local Governments are, however, empowered in certain circumstances to grant compassionate allowance, communicated to the officers concerned.

No. 1810 W., 18th JUNE 1896.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following paper :—

From G. H. D. WALKER, Esq., Under Secretary to the Government of India, Public Works Department (General), to the Joint Secretary to the Government of Madras, Public Works Department, dated Simla, 18th May 1896, No. 1235 G.

The Governments of Madras and Bombay, Public Works Department, General and Railway Branches.
The Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor-General for Rajputana, Central India and Baluchistan.
The Accountant-General, Public Works Department.
The Director-General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow, and Assam.
The Director-General of Telegraphs.

The following is forwarded to the Local Governments, Administrations and officers noted in the margin, for information.

ENCLOSURE.

Resolution by the Government of India, Finance and Commerce Department, dated Calcutta, 19th February 1896, No. 819 P.

Read—

Extract, paragraphs 1 to 3, of Despatch from Her Majesty's Secretary of State for India, dated 19th December 1895, No. 227 (Financial).

I have considered in Council your Excellency's letter of the 6th of November, No. 321, in which, with reference to the case of * * * the question is raised whether a servant of the Government compulsorily transferred to an appointment paid by a Local Fund, and subsequently dismissed therefrom, should be granted any pension or gratuity in respect of the pensionable service which he rendered while in the employment of the Government.

2. There is no appeal from the action of the President of the Local Board in such a case, and therefore a servant of the Board, when dismissed, loses all claim to pension in respect of the service paid from the Local Fund. It seems hard, however, that the decision of such an authority, which may have been formed hastily or from imperfect information, should operate to prevent the dismissed servant from receiving any allowance of a pensionary character, in respect of approved service rendered by him to the Government.

3. It appears to me that such a case should be considered as if the servant of the Government had been removed without transfer to a permanent position. He should not have any claim to pension or gratuity, except in so far as the Government may be disposed to award it; but if, with such information as is accessible regarding his service under the Government and subsequently under the Local Fund authority, there is reason to think that the man deserves some compassionate allowance, it should be open to the Local Government to award such an amount as it thinks fit, not exceeding that which could have been granted as a compensation pension on the termination of the service under the Government. Probably, it is desirable that the allowance should be rather less than the maximum compensation pension admissible under rule, in order to mark the compassionate nature of the grant; but this is a matter which may be left to the discretion of the Local Government on each occasion.

Ordered, that the above extract be forwarded to the several departments of the Government of India, to all * Local Governments and Administrations, to the Comptroller and Auditor General, and to all Accountants-General and Comptrollers, for information.

* Except Madras.

ORDER—No. 1810 W., dated 18th June 1896.

Communicated to the officers concerned.

(True Extract.)

Under Secy. to Govt., P.W.D.

To Superintending Engineers.
 " the Consulting Architect to Government.
 " Lieutenant-Colonel Smart, R.E.
 " the Chief Engineer for Irrigation.
 " the Examiner, Public Works Accounts.
 " the Local and Municipal Department.

Exd. T. K. Narayana Aiyangar.
 Spare Copies

respect of the service paid from the Local Fund. It seems hard, however, that the decision of such an authority, which may have been formed hastily or from imperfect information, should operate to prevent the dismissed servant from receiving any allowance of a pensionary character, in respect of approved service rendered by him to the Government.

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ORDERED, that the above extract be forwarded to the several Departments of the Government of India, to all* Local Governments and Administrations, to the Comptroller and Auditor General, and to all Accountants General and Comptrollers, for information.

* Except Madras.

There is no particular reason. As a matter of fact, the ruling was given by the P.W. Dept. of the Govt. of India standing in the order to the contrary in the P.W. Dept. of Madras.

Communicated to the officers concerned.

1696.

DISPATCH
1- JUL. 96

S. Lingar.
 C.A.
 Lieut. Col. Smart R.E.
 Chief Engineer for Irrigation
 Local & Municipal Dept.

G. C. Press, Simla.—No. 290 P. W. D.—22-5-96—322.

To The Secretary to the Government of Madras
 Public Works Department
 2/6 2/8/6

No. 1235 G.
GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

Government officers compulsorily transferred to appointments paid by Local Funds and subsequently dismissed therefrom are not entitled to pension or gratuity, but Local Governments are, however, empowered in certain circumstances to grant compassionate allowance.

Simla, the 18th May 1896.

The Governments of Madras and Bombay, Public Works Department, General and Railway Branches.
The Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Rajputana, Central India, and Baluchistan.
The Accountant General, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow and Assam.
The Director General of Telegraphs.

The following is forwarded to the Local Governments, Administrations and officers noted in the margin, for information.

By order,

G. H. Walker

Under Secy. to the Govt. of India.

No. 819 P., dated Calcutta, the 19th February 1896.

RESOLUTION—By the Government of India, Finance and Commerce Department.

Read—

Extract, paragraphs 1 to 3 of Despatch from Her Majesty's Secretary of State for India, No. 227 (Financial), dated 19th December 1895.

1. I have considered in Council Your Excellency's letter of the 6th of November No. 321, in which, with reference to the case of * * * the question is raised whether a servant of the Government compulsorily transferred to an appointment paid by a Local Fund, and subsequently dismissed therefrom, should be granted any pension or gratuity in respect of the pensionable service which he rendered while in the employment of the Government.

2. There is no appeal from the action of the President of the Local Board in such a case, and therefore a servant of the Board, when dismissed, loses all claim to pension or

18/05/96
It seems to me that there must be some reason for excluding Madras from the list of the Govt. of India in P.W. & Coorg. to the note of January 1896. I am not sure that the Govt. of India is not the proper authority to make the ruling applicable to the Presidency or not.

W
14/6/96
The ruling is applicable to Madras. Having been forwarded by the Govt. of India. The Department through which it comes is of no consequence. The Accountant General, Madras, must have got the ruling direct from the Financial Dept. of the Govt. of India.

It looks as if some Clerk in the Govt. of India Secretariat has bungled. Endorsements of this kind are usually left to Clerks. as a matter of routine.
N.F.
11/6/96