1. Number of pages 64
2. Date of repair. 8-5-36
3. Initials of Referencer

M.R.O. 1—32,400—22-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	882	Press Mis.
Dated	2-10-	1883

Not to be folded or roughly handled

2ND OCTOBER 1883, No. 882, PENSION.

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

READ—again G.O., dated 31st March 1883, No. 276, Pension.

READ—also the following papers :—

Endorsement of the Public Works Department, dated Madras, 6th August 1883, No. 1465-C :—

ABSTRACT.—Forwarding papers regarding the claims of N. Manickavasagam Pillay to be readmitted to the pension granted to him on his retirement in March 1880.

No. 54.

OFFICIAL MEMORANDUM.

With reference to his endorsement, No. 347 S. E. 4th, dated 27th July 1883, to the Chief Engineer, Department of Public Works, the undersigned is directed to request the Examiner, Public Works Accounts, to report exactly what Manickavasagam Pillay's position was, and by whom and when he was declared to have been temporarily employed, though in a permanent vacancy.

(Signed) J. D. REES,
Acting Under Secy. to Govt.

26th August 1883.

To the Examiner of Public Works Accounts, with papers to be returned.

From D. C. GORDON, Esq., Examiner of Public Works Accounts, to the Acting Secretary to Government, Pension Department, dated Madras, 15th September 1883, No. 457-X.

With reference to your official memorandum, No. 54, dated 26th August 1883, the following particulars are appended as regards the status of N. Manickavasagam Pillay, late an overseer, second grade, prior to the resignation of his appointment in the Public Works Department.

N. Manickavasagam Pillay, an overseer, second grade, retired from 4th March 1880 under Government of India Resolution, No. 2079, dated 31st July 1879, and was granted a compensation pension of Rs. 14-13-8 per mensem together with a bonus of Rs. 800—*vide* G.O., Pension Department, No. 276, dated 31st March 1880.

Shortly afterwards he was reappointed * to the department as a permanent overseer, second grade. The pension has, it is believed, been withheld from date of re-employment, but the bonus has only been partly recovered—*vide* this office letter, No. 352-P, dated 15th February 1883 (copy herewith with extract from statement accompanying).

---

* Chief Engineer's (Public Works Department) memorandum, No. 1766, dated 21st July 1880 (copy herewith).

But subsequently the Government of India directed in Resolution, No. 1115—1134 G, dated 24th August 1881—see also G.O., Public Works Department, No. 2343 W., dated 22nd September 1881, copy herewith—that no upper subordinate who was compulsorily retired should be re-employed otherwise than *temporarily*, and on a reference being made as regards Manickavasagam Pillay, the Government of India decided * that he could be reappointed only on a temporary footing. He was therefore considered as temporary employed against a permanent appointment.

2. The enclosures are herewith returned.

---

* *Vide* G.O., No. 3109 W., dated 14th December 1881, copy herewith.

ORDER—dated 2nd October 1883, No. 882, Pension.

The Government of India having ruled that Manickavasagam Pillay's re-employment was of a temporary nature, he is entitled to his pension of Rs. 14-13-8 under clause 3, paragraph 2, of the Government of India Resolution of the 24th August 1881, No. 1115—1134-G.

Sep 1881
343 W.

2. The Examiner of Public Works Accounts will report, with reference to clause 5 of the resolution quoted, whether, in his opinion, the refund of the special gratuity should be completed.

(True Extract.)

Acting Under Secy. to Govt.

To the Accountant-General.
" Examiner of Public Works Accounts.
" Public Works Department.
" Superintending Engineer, Fourth Circle.
" Collector of Coimbatore.

Exd. T. O'Connor.

Govt. of {1883} Madras.

PENSION.

Press

Please strike off & send up this proof of [illegible] along with [illegible] [illegible] 13/10

Issued

Recd. Encl.

G.O., 2nd October 1883, No. 882.

OCTOBER.

Pension.

Declaring N. Manickavasagam Pillay to be entitled to the revival of his — Rs. 14-13-8 granted in 1880, and requesting the Examiner of Public Works Accounts to report whether the refund of the special gratuity received by him should be completed.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

22nd September 1881, No. 2,343 W.

General.
Establishment.

Read the following paper :—

No. 154. Proceedings of the Government of India, Public Works Department, (General,) dated Simla, 24th August 1881, No. 1,115—1,134 G.

Terms on which officers of the Public Works Department who retired on the special terms of 1879 *may be re-employed in the service of Government.*

Read again—

Resolution in the Department of Finance and Commerce, No. 2,079, dated 31st July 1879.

Read also—

Letter from the Government of Madras in the Pension Department, No. 439, dated 10th May 1881.

RESOLUTION.—The Government of Madras has reported that an Overseer who retired under the terms of the Resolution of 1879 read again in the preamble has been re-appointed to the Public Works Department, with the view of obtaining orders as to the mode in which the special gratuity received by him under paragraph 5, Section II, Clause 5, of that Resolution, should be recovered.

2. The Governor General in Council has considered it necessary to decide on what terms, generally, officers who retired under the terms of that resolution may be re-employed in the service of Government, and is pleased to direct the issue of the following orders :—

(1) Under orders from the Secretary of State no European may be permanently appointed to the Engineer Establishment, except officers of Royal Engineers, without His Lordship's previous sanction. There is no objection, however, to the temporary re-employment of an officer so pensioned to fill a vacancy.

(2) No Upper Subordinate or Accountant who was compulsorily retired, whether actually, or virtually by being warned to send in his resignation, may be re-employed otherwise than temporarily. Officers of these classes who retired voluntarily may be permanently re-appointed to fill vacancies at the discretion of the authorities empowered to make such appointments.

(3) The pensions of persons temporarily re-employed shall merge into their salaries. If an officer has capitalised his pension, a sum equal to the monthly pension on which the capitalised amount was calculated must be deducted from his monthly salary.

X (4) In the case of persons permanently re-employed, the pension already drawn need not be refunded, and they may continue to draw it up to the date of their re-appointment. But their pension must lapse absolutely, and any officer re-appointed must be given to understand clearly that he has nothing more to do with his special pension. But his whole pensionable service may count towards a new pension under the ordinary rules, the interruption in his service being condoned.

(5) All persons re-employed, whether permanently or temporarily, must either refund the special gratuities received by them under paragraph 5, Section II, Clause 5, of the Resolution of 31st July 1879, in one sum, or equal deductions must be made from their monthly salaries aggregating in a year 5 per cent. per annum on their gratuities.

(6) These orders do not apply to the cases of persons re-employed by Local Fund Boards or Municipalities, regarding whom separate orders have been issued.

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioner, Central Provinces.
,, ,, British Burmah.
,, ,, Assam.
,, ,, Coorg.
The Resident, Hyderabad.
The Agent to the Governor-General for Central India.
,, ,, ,, ,, Rajputana.
,, ,, ,, ,, Beluchistan.
The Accountant-General, Public Works Department.
The Inspector-General of Military Works.
The Director-General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.

ORDER. — Ordered, that this Resolution be communicated to the Local Governments, Administrations and officers noted in the margin for information and guidance; and to the Department of Finance and Commerce for information.

(Signed) A. B. SAMPSON,
Under Secy. to the Govt. of India.

No. 155. ORDER THEREON, 22nd September 1881, No. 2,343 W.

COMMUNICATED to the Pension Department and the Examiner of Public Works Accounts and the instructions of the Government of India noted for guidance.

(True Extract.)

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

To the Pension Department.
,, Examiner of Public Works Accounts.

Exd. S. T. Austin.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1881) Madras.

PUBLIC WORKS.

To

THE PENSION DEPARTMENT,
&c., &c., &c.

Dated September, 22nd.

Issued

Recd.

Encl.

G. O., 22nd September 1881, No. 2,343 W.

SEPTEMBER.
Nos. 154-155.

Re-employment of officers in the Government service who retired on the special terms of 1879.—Resolution of the Government of India relative to the —, communicated to the Pension Department and the Examiner of Public Works Accounts.

Order:: 13th October/81 No. 1062.

Communicated to the
Finl. Dept. & to the Acct. Genl.
(Sd.) J.B.A.
(—) C.G.M.

Pen. Department

Fort Saint Geo
Accountant-Genera
19 April,

No. I.A.D/94

From
H. F. Clogstoun Esqre
Accountant-General,
To the Government of Ma

To
The Collector of Coimbatore

Sir,

With reference to the Endorsement by your
Treasury Deputy, No. 7, dated the 10th Inst. t
Enquiring whether the pension of A. Manikavasagam
can be paid or not, I have the honor to state that
it would appear from information furnished by
the Examiner of Public works accounts, that
subsequent to his being pensioned, Manicka
Pillay was reemployed in a permanent app
:ment in Government service and entirely c
to draw his pension in order that he might c
his past with his future service in view to se
for a new pension.

2 Under these circumstances his claim to his Origina
pension must be held to have lapsed and his resignati
of the service has not given him any claim to a
pension.

I have the
Sir
Your most obedie
Sd/ H. F. Clogsto
Accountant-Ge

6 SEP 83
19 JUL
INER P. W. AC

ue Copy} No 61

forwarded to Manickavasa-
m Pillay Late overseer D.P.W for
formation with reference to his petition
d 5. April 1883.

mbatore
24 April /83}

Dy Director

G.O. 2
6368/83

In No 898
1079

(1.)

Public Works Department
Proceedings of the Madras Governm
Read the following

From the Government of India dated 6th December 1881 No 1514.C

In reply to your letter No 2868 W of 16th Ultimo I am directed to state, that N. Manickavasagam Pillay, Overseer 2nd Grade who retired under the Reduction Resolution of 1879 can only be reappointed to the Upper Subordinate Establishment on a temporary footing.

I have &c.

(Signed) — Sampson
Under Secy: to the Government of India

Order thereon No 3109W dated 14th December 1881.

Communicated to the Superintending Engineer 4th Circle for information and guidance.

(True Extract)

(Signed) Ross Thomson Lt Col: R.E.
Ag. Under Secy: to Government
P.W.D

No $\frac{346}{C.S.}$

True Copy Communicated to the Executive Engineer Coimbatore Division for information and communication with Overseer N. Manickavasagam Pillai.

Under this order no repayment of gratuity is necessary and his service will not in future count for pension.

(Signed) H. K. Mead Lieut-Col. R.E.
Supg: Engineer 4th Circle

Coimbatore
17th December 1881

ENCLOSURE 347 19 JUL 83 EXAMINER P. W. ACCOUNTS

No. 791

True Copy / Communicated to Overseer N. Manickavasagam Pillai for information.

(Signed) J. P. Davidson
Executive Engineer

21st December 1881.

P.W. 3 / 6368/72

In a No 898 / 1079

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(2)

No. 575 of 1881/82.

IV. Circle Coimbatore Division List of Disallowances from the Salary Bill for January 1882.

Name & Rank	Amount disallowed	Reason of Disallowance	Explanation by Executive and Superintending Engineer
×		×	×
C) N. Manickavasagam Pillay Overseer 2nd grade Reduction noted on 1st Page of Bill for January/82 6 per cent on Bonus of Rs. 800-0-0 = Rs. 4-0-0		C) From the revised orders regarding the reemployment of thrown out men as contained in G.O. No. 2343. W. of 22nd September/81. (Copy herewith) N. Manickavasagam Pillay should be requested to temporarily relinquish the pension of Rs. 14-13-8. sanctioned to him in G.O. No. 276 of 31st March/80 and to refund his Special Bonus of Rs. 800-0-0 either in one sum or in equal deductions from his present Salary of a sum equal to the aggregate of 5 percent	

EXAMINER
No 3117
6 SEP 83

per annum on his
gratuity i.e to a
deduction of Rs: 40 — ,,
per mensem.
(Signed) D. C. Gordon
Examiner - P.W. a/c

C.L. 8. 2. 82

347 Ew
19 JUL 83

No. 95.

R.Wa 4
6388/

True Extract forwarded to Overseer N. Manickavasagam Pillai who will report whether he would refund the bonus at once or in monthly instalment of Rs: 40 — ,, — .

Coimbatore
11th February /82

(Signed) J. P. Davidson
Executive Engineer

Im. No. 898
/079

Coimbatore
9th May 1882

To

J. P. Davidson Esquire
Executive Engineer

Sir,

With reference to G. O. No. 3109 W dated 14th December 81, embodying the Resolution of the Government of India dated 6th December 81 No. 1514 G, informing that I can be reappointed only on a temporary footing and in reply to your Memo No. 177 of the 20th Ultimo I beg to bring the following facts for your favourable consideration and obliging submission to Government through the Superintending Engineer for a Review of their order.

2. I was first entertained in the D.P.W. in April 1861 and by March 1880 completed a service of 19 years without any break in the interval - While I was thus a permanent and long standing Overseer I was all on a sudden put in possession of your office Circular No. 411/13 of 12th February 1880 which for the very first time informed me of the

promulgation of the Reduction Resolution of the Government of India of 1879 - The moment I received it I had put in even before learning fully the terms of the said Resolution, a voluntary resignation believing that such a procedure would secure for me a pension which the Government may be pleased to grant me in consideration of my long service and a good appointment in the L. F. Dt or elsewhere which many of my superiors had just then promised, but of which I thought I would be deprived if I were thrown out of employment in the then contemplated general Reduction. The Government were graciously pleased to accept it and to grant* me a Bonus of Rs 800 and a Compensation pension of Rs 14-13-8. I was thereupon relieved on the 4th March 1880, but before long i.e. so early as 5th July 1880 there happened a vacancy by the death of Mr. Venkatasawmy Naidu a permanent Overseer, and on apply=ing for it, I was reinstated in the De=partment and appointed permanently vice the said deceased Overseer - I was further directed to consider the said bonus and pension as cancelled and to pay an interest of 6 per Cent on the bonus already paid to me - In obedience to these instructions I have acted up to date viz. I have not drawn any portion of my pension and have been duly paying to Government the said interest. -

* Vide G.O. No 276 dated 31st March 80.

3. In the above Circumstances I was under the natural presumption that I was brought back into the department permanently and was therefore surprised to peruse the order in question, especially when no reason was assigned for treating my footing as a temporary one and when all the Communications that had passed on the subject between the Chief Engineer and the local and imperial Governments were kept out of my sight - Even reading the order under Reference in the light of the Resolutions of the Government of India conveyed in the local G.O. No 2343 W dated 22nd September 1881, the latest order on the subject which may be quoted as an authority I cannot Conceive how my present Service

can be treated as temporary—For it is clearly and distinctly laid down in Clause 2, Rule 2, para 2, of the above that, officers who retired voluntarily may be permanently re-appointed to fill vacancies &ca"

To enjoy the benefit of this clause four and only four conditions should be satisfied vizt 1st There must have been a voluntary retirement, 2d a permanent re-appointment, 3d a vacancy, 4th should have been made by a competent authority— now I humbly beg to submit that my case fully satisfies all these four conditions— 1st, That there has been a voluntary retirement will be seen from the fact that the moment I became cognizant of the said Reduction Resolution through your office Circular No 11/13 of the 12th Feb: 80, whereby I was asked to report "if I was desirous of voluntarily retiring", I submitted as aforesaid an application for voluntary retirement and adhered to it (Vide my letter No dated 27th Feb. 1880) even when hopes of my further retention in the Deptt were held out to me by the Chief Engineer in his Memo No 545 of Feb: 80 and that the other 3 conditions have been satisfied will be clear from the following extract

"The following permanent appointment is made by the Chief Engineer in his memo No 1766 dated 21st July 80. N. M. P. to be overseer 2d grade with effect from 5th July 80 Vice M. Venkataswamy Naidu deceased

"The bonus and monthly pension awarded to this Overseer are of course cancelled"—

Further, I think it would not be out of place here to add that my case does not fall in the 1st Clause of the above rule which runs thus—"No upper subordinate who was compulsorily retired whether actually or virtually by being warned to send in his resignation may be re-employed otherwise than temporarily"; for I was never compulsorily retired either actually in as much as I was not thrown out of employment or virtually in as much as I was not given any notice to put in my resignation as is generally done in such cases— From the foregoing it is quite evident that my re-entertainment cannot under any light be treated otherwise than permanent and that the Govt would not have passed the order in question had they been aware of the voluntary nature of my Retirement &c

4- Again if my Re-instatement were regarded as temporary I would be more miserable than what I would be without such a Reinstatement — For Contemporaneous with my Reappointment in the D. P. W. I was offered by the L. F. Engineer the post of a Supervisor on a salary of Rs 120 per mensem with promises of speedy promotion which I declined under a sanguine hope that my Continuity in this Department would Confer on me an early promotion and a full pension ere long. But, if on the other hand had I accepted that offer I would have been much better off by this time just like many of my colleagues who by entering the L. F. Deptt as soon as they were thrown out from this Department now fill such lucrative posts as Assistant Engineers and the like and enjoy in addition the Compassionate pension and bonus which had been granted to them by Government —

5- I should for these Reasons strongly urge on you to Recommend even should there be any order prejudicial to my interest, my hard case to the benign Consideration and favourable disposal of Government, giving due Regard to the lengthy Service I have Completed which amounts to 21 years up to date and to the honesty and faithfulness with which I have served the Government all along and to my unblemished Conduct and Character which have given entire satisfaction to all my superiors as is borne out by the accompanying testimonials and to have my re-appointment treated as a permanent footing under the provisions of Clause 2 of the said Rule 2. If such a Concession be granted to me I need hardly observe that it would be one of the greatest boons that the Government can Confer on me as I can thereby hope in a few years more to get a full pension which may enable to spend my days happily in my Retired life, but, which I cannot hope to enjoy with the paltry monthly allowance of Rs 14-13-8 which has Recently been granted by Government

I beg to remain &c

(Signed) N. Manickavasagam
Overseer D. P. W.

(True Copy)

EXAMINER
No 8114
6 SEP 83
ENCL

ENCLOSURE
347 Stg
19 JUL 83
EXAMINER P. W. ACCOUNTS

P. W. 5
6368/83

L. No 898
1879

(4.) No. 144/C.I. 29th May 1882

From

The Supg. Engineer 4th Circle

To

The Executive Engineer
Coimbatore Division

His letter No. 135 dated 24th Instant

Overseer Manickavasagam Pillai's Petition will be forwarded to the Chief Engineer should he again request it, but the Supg. Engineer considers that it is useless to do so as his case has been in the enclosed extract of Chief Engineer Memo: No. 1010 C dated 8th May para 1 fully decided.

2. In Chief Engineer's Memo: No. 545 forwarded with this office endorsement No. 249/C dated 20th February 1880 this Overseer was told that in all probability he would have to retire, his services were only retained as a temporary measure, this he declined to accept as he thought the the best thing for him to do was to be retained and therefore this was done.

This being the case the Supg. Engineer considers he was virtually warned to send in his resignation and therefore was compulsorily retired.

(Signed) H. R. Mead ~~Lieut~~ Lt Col
Supg: Engineer 4th Circle

No. 1010 C. 8th May 1882

Letter from the Superintending Engineer 4th Circle No. 159 dated 28th April 1882.

EXAMINER
No. 4[illegible]
[illegible] SEP 83

ENCLOSURE
347 Sy.
19 JUL 83
EXAMINER P. W. ACCOUNTS

Memorandum

The case of M. Manickavasagam Pillai was fully reported to the Government of India in this Office letter No. 2868 W dated 16th November 1881 and the decision returned was that embodied in G. O. No. 3109 W dated 14th December 1881. The Chief Engineer does not consider it desirable to reopen the matter.

P.W.D. 6/6368/13

× × ×

(Signed) Ross Thompson Lieut: Col. R.E.
Ag: Dy Chief Engineer
for Irrigation.

(True Extract)

No. 333

Forwarded to Overseer Manickavasagam Pillai for information.

(Signed) J. P. Davidson
Executive Engineer

Coimbatore
2nd June 1882 }

L. No. 898
174

(5.) No. 26.

Coimbatore
14th August 1882.

To,
J. P. Davidson Esqre
Executive Engineer
Coimbatore Division

Sir.

As the Superintending Engineer in his No. 144/C.S. of 29th May last, communicated to me with your Endorsement No. 333 dated 2nd June decided that it would be of no use to try to get myself permanently appointed in the P.W.D. I most respectfully beg leave to request you will be pleased to relieve me from my charge if I be eventually posted as Supervisor by the President Local Funds in this District as there are two vacancies in that grade.

2 I ascertained from the Local Fund Engineer that the Board are disposed to take me in their Department if I get your permission. I had to make this enquiry as I once refused their offer when it was made to me after I reentered this Department on the understanding that my appointment was

permanent.

As it is now decided that my Services in this Department cannot count towards pension, nor, promotion and as there is chance of my getting an increase of pay in the Local Funds I beg you will be pleased to accede to my humble request

I beg to remain
Sir
Your most obedient servant
(Signed) N. Manickavasagam
Overseer D. P. W.

G.O. No 166 M
11-7-83

6W-7
6366/83

No 551.

Overseer Manickavasagam Pillay is permitted to apply for an appointment under the Local Fund Board.

(Signed) J. P. Davidson
Executive Engineer

15-8-82.

In No 898
1078

---

11 JUL 83
P. W. D.

6 SEP 83

6W
6366/83

Satthiamangalam
26th June 1883.

To
The Superintending Engineer
4th Circle

Sir,

In forwarding the accompanying communication from the Accountant General to the Government of Madras under date the 19th April/83. No $\frac{I.A.D}{94}$ deciding that my claim to the pension for my services in the P. W. D. was lapsed, I most respectfully beg leave to state that this decision was arrived at by the misrepresentation of the Examiner of P. W. accounts, to the effect that, subsequent to my pension I was re-employed in a permanent appointment in Government service and entirely ceased to draw my pension in order that I might combine my past with my future service, in view to serving for a new pension -

2. The above statement was not at all based upon what actually* took place. I am at a loss to understand how the Examiner came to the above conclusion.

3. It is needless for me to point out that I was compelled to leave the P.W. Department simply because, I did not succeed in my attempts to secure a permanent appointment as it was decided by Government of India that I cannot be reemployed otherwise than temporarily Vide Rule 2 para 2 of the Resolution of Government of India recorded in G.O. No. 2343 of 22d of September 1881.

4. I may also add that my efforts to get myself permanently reemployed though strongly backed up by the Divisional officer (Mr. J. P. Davidson) and the Superintending Engineer (Coll. Mead R.E.) were fruitless. Vide Chief Engr's No. 1810 C dated 8th May 1882. "The case of Manickavasagom Pillai was fully reported to the Government of India in this office letter No. 2868 W of 16th November/81, and the decision returned was that embodied in G.O. No. 3109 W dated 14th December 1881. The Chief Engineer does not consider it desirable to reopen the matter".

* Vide copies of correspondence. Enclosures 1 to 5.

5. Under these circumstances I humbly beg your goodness will take such steps as you deem proper so that I may get my hard earned pension in the Public Works Department. For which act of indulgence I shall ever be grateful to you.

I beg to remain
Sir,
Your most obedient servant
Manickavasagom
Late overseer P.W.D.

EXAMINER P. W. ACCOUNTS 19 JUL [illegible]

No. 291/W.

Forwarded to the Chief Engineer, P.W.D. thro' the Examiner of P. W. Accounts.

The Chief Engineer, in Memo: No: 1766, dated 21st July 1880, reappointed N. Manikavasagum Pillay as Overseer 2d grade, but in G. O. No. 3109 W, dated 14th December 1881, a further order was passed that "Manikavasagum Pillay, who retired under the Resolution of 1879, can only be re appointed to the Upper Subordinate Establishment on a temporary footing".

2. As many, if not all, Upper subordinates who retired under the same Resolution of the Government of India have taken up appointments in the Local Fund Establishments, and continue to draw their pensions, it seems hard that Manikavasagum should not be allowed to do the same. The only difference between his case and theirs is that they were, at the time of the reductions, recommended for posts under Local Fund Boards while his services were retained

retained on the permanent strength of the Department for a time, with a warning that he would "probably have to retire", subsequently he was thrown out of employ

3. The Accountant General's decision however that his claim to his original pension has lapsed is based on an incorrect statement of the Examiner, that "Manikavasagum was reemployed in a permanent appointment in Government Service", which is not the case for G. O. No: 3109 of 14th December 1881, cancelled the appointment of July 1880.

4. It seems clear that Manikavasagum has a fair ground of complaint. He was not informed definitely that his services would be dispensed with; then when they were dispensed with, a pension was granted him; then he was reentertained as he supposed permanently; next and finally he was told his appointment was temporary, and he thereupon joined the Local Fund Establishment.

5. Owing to the want of decision on the part of the Officers with whom he had to deal,

Manikavasagum did not go over to Local Funds at the time of the reduction; and if he had done so, he would now have been drawing his pension in addition to his pay of Local Fund Supervisor.

6. Manikavasagum's case appears a particularly hard one, also, because at the time he was first relieved, he had completed 19 years' service.

Coimbatore
17 July 1883

L. Beatty Colonel, R.E.,
Supg. Engineer, 4th Circle.

To

The Chief Engineer,
P. W. D.

EXAMINER
NR 011x
6 SEP 83
ENG.

ENCLOSURE
347
19 JUL 83
EXAMINER P. W. ACCOUNTS

EXAMINER No 3111 6 SEP 83 P.W. ACCOUNTS

P.W.C. W. 6368

Endorsement No. 347 S.E 4th D/ ~~26th~~ 27th July 1883.

Forwarded to the Chief Engineer P.W. Deptt. for favr of disposal.

N. Manickavasagam Pillay having been compulsorily retired under the Resolution of the Government of India in the Department of Finance and Commerce No. 2079 D/31st July/79 (vide letter from Superintending Engineer 4th Circle No. 454 D/25th Octr./81 communicated with Chief Engineer's Endorsement No. 2527 D/1st November/81), ~~has been~~ was reappointed to the Department in a permanent vacancy but only on a temporary footing with reference to the Resolution of the Government of India communicated with G.O. No. 2343 W D/22nd September/81, vide also Government of India letter communicated with G.O. No. 3109 W D/14th December/81 - He resigned his appointment in the Public Works Department and has apparently accepted an appointment under the Local Fund Board.

J. C. Gordon

Examiner P.W. Accts

Madras 27/7

EP.

27/7

Ems ~~6~~ 7

Read 30/7/83

G.O. No. 882 of 83

In No. 898

1274

Read again G.O. of 31 Mar 83, No. 276 1 abstract

Read also the following papers:—

P.W.D.

No. 1465 C

Madras 6th August/83

Endorsement by the Examiner P.W. Accounts No. 347 S.E. 4th dated 27th July 1883.

Referred to the Pension Departmt. for consideration.

N. Manickavasagam Pillay, an Overseer, 2nd grade, retired in March 1880 under the provisions of Government of India Resolution No. 2079, dated 31st July 1879, and in July 1880 he was permanently reappointed to the Department in the same grade. Subsequently however, on its being pointed out that his discharge in March 1880 was virtually compulsory, his reappointment was declared, under instructions from the Govt. of India, to be only temporary with

refce.

reference to G. O. 2343 L dated 22d Sept/81.

In October 1882 he was permitted to resign his temporary appointment for employment under the Local Fund Board Coimbatore and he now claims to be readmitted to the pension granted to him on his retirement in March 1880.

(By Order)

C. Arwen
Major R.E.
Under Secy: to Govt. P.W.D.

Wy

To
The Pension Department
with papers in original.

Eg. Ind

In No 179

811

G.O. No 276 d/ 31-3-80.
—— 220/21, d/ 24-2-81.

G.O.

The pension of the applicant lapsed absolutely on his re-entertainment & cannot revive on his resignation of the post in which he was re-entertained to accept service under the Local Fund Board.

24/8/83.

There is no doubt that he was in fact permanently re-entertained as the D.P.W. say in their Endorst. — The case is similar to that of Mr. Crawley lately decided by G.O. 718 d/18-8-83

In faith, he was not perma- nently re-entertained though in a perm[illegible] vacancy. [illegible] should be got to state exactly what his footing was, & when declared to [illegible] been temporarily employed, his perman[illegible]

Pension 1883.

Public Works Department.

No. 898

No. 1465-C
Dated
Despatched 6th } August /83
Received 7th —

Is not this the same as Mr. Crawley's case?
Put up [illegible] please

Subject.

Abstract.—

Forwarding papers regarding the claims of N. Manickavasagam Pillay to be readmitted to the pension granted to him on his retirement in March 1880 —

The Hon. [illegible]

2P

21

O.C. No. 54.

With reference to his Endorst. No: 347. S.E. 4th d/ 27th July 1883 to the Chief Engineer O.P.W. the undersigned is directed to request the Exr. P. Works Accts. to report exactly what Manikavasam Pillay's position was, & by which he was declared to have been temporarily employed, though in a permanent vacancy. It appears he was not permanently re-entertained though in a permanent vacancy.

26/viii/83.

To The Examiner of P.W. Accts.,
with papers to be returned.

Note Exr. P.W. Accts. & Acct. Genl. reported he was permanently re-employed & this Govt. so reported to India Govt. who said it was irregular as he had been compulsorily retired

No. 276 d/ 31-3-80.

O.M. to Exr. P.W. Accts.

[illegible]

Public. Works. Department.

Proceedings of the Madras Government.

Under date the.

Read the following.

From the Government of India dated 6th Decr. 1881. No. 1514. G.

In reply to your letter No. 2868. W. of 16th ultimo, I am directed to state that: A. Manickavasagum. Pillai. Overseer 2nd Grade, who retired under the Reduction Resolution of 1879, can only be reappointed to the Upper Subordinate. Establishment on a temporary footing.

I have &c.

(Sd). Sampson.

Under. Secy. to the Govt. of India

Order thereon No. 3109. W. d/ 14th Decr. 181.

Communicated to the Superintending Engineer 4th Circle for.

for information and guidance.

(True Extract)

(Sd) Ross. Thompson. Lieutt. Colonel.
Under. Secy. to Govt. P. W. D.

To.
The Examiner. P. W. Accounts.

True Copy

J.E. Sutton
Supdt Correspondence Branch

E.P. 14/9

In No 1078

No 1115–1134 G.
Government of India.
P. W. Department.
General
Dated Simla, August 24, 1881.

Terms on which Officers of the P. W. Department who retired on the Special terms of 1879 may be re-employed in the Service of Government.

Read again—

Resolution in the Deptt. of Finance and Commerce, No 2079, d/ 31st July 1879.

Read also—

Letter from the Government of Madras in the Pension Department, No 439, d/ 10th May 1881.

Resolution.—The Government of Madras has reported that an Overseer who retired under the terms of the Resolution of 1879 read again in the preamble has been reappointed to the P. W. Department, with the view of obtaining orders as to the mode in which the special gratuity received by him under paragraph 5, section II, Clause 5, of that Resolution, should be recovered.

2. The Governor General in Council

has considered it necessary to decide on what terms, generally, Officers who retired under the terms of that Resolution may be re-employed in the service of Government, and is pleased to direct the issue of the following orders.

(1) Under orders from the Secretary of State no European may be permanently appointed to the Engineer Establishment, except Officers of Royal Engineers, without His Lordship's previous sanction. There is no objection however, to the temporary reemployment of an Officer so pensioned to fill a vacancy.

(2) No Upper Subordinate or Accountant who was compulsorily retired, whether actually, or virtually by being warned to send in his Resignation, may be reemployed otherwise than temporarily. Officers of these classes who retired voluntarily may be permanently reappointed to fill vacancies at the discretion of the authorities empowered to make such appointments.

(3) The pensions of persons temporarily reemployed shall merge into their salaries. If an officer has capitalised his pension, a sum equal to the monthly pension on which the capitalised amount was calculated must be deducted from his monthly salary.

(4). In the case of persons permanently reemployed, the pensio already drawn need not be refunded, and they may continue to draw it up to the date of their reappointment. But their pension must lapse absolutely, and any officer reappointed must be given to understand clearly that he has nothing more to do with his special pension. But his whole pensionable service may count towards a new pension under the ordinary rules, the interruption in his service being condoned.

(5) All persons reemployed, whether permanently or temporarily, must either refund the special gratuities received by them under paragraph 5, Section II, clause 5, of the Resolution of 31

31st July 1872 in one sum, or equal deductions must be made from their monthly salaries aggregating in a year 5 per cent per annum on their gratuities.

(b) These orders do not apply to the cases of persons reemployed by Local Fund Boards or Municipalities, regarding whom separate orders have been issued.

The Governments of Madras, Bombay, North Western Provinces and Oudh, and the Punjab, in the P. W. Department.
The Chief Commissioner, Central Provinces
Do Do British Burmah
Do Do Assam
Do Do Coorg
The Resident, Hyderabad
The Agent to the Governor General for Central India
Do Do Rajputana
Do Do Beluchistan
The Accountant General P. W. Deptt
The Inspector General of Military works
The Director General of Railways
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.

Order. Ordered, that this Resolution be communicated to the Local Governments, Administrations and officers noted in the margin for information and guidance; and to the Department of Finance and Commerce for information.

(Sd) A. B. Sampson,
Under Secy. to the Govt. of India

No. 165. Order thereon, 22nd Septr/81, No. 2343 W.
Communicated to the Pension Deptt and the Examiner of P. W. Accts and the instructions of the Govt. of India noted for guidance.

(True Extract)

(Sd) J. Pennycuick Major
Under Secy to Govt. P. W. D.

(True copy)

J. C. Patton

Names	Rank held previous to retirement	Pay drawn per mensem previous to retirement	Retiring allowance granted			Reappointment to the Department		Whether retired voluntarily or Compulsorily	Remarks
			Pension		Bonus i.e. special gratuity	Date	Rank and Salary on which appointed		
			Amount	Date from which to have effect					
× × ×									× × ×
× × ×									× × ×
V. Manickavasagam Pillay	Overseer 2nd Grade	80	R. a. p. 14. 13. 8	1st March 1880 forenoon	800	21st July/80 forenoon	Overseer 2nd Grade at 80	Compulsorily	Had ceased to draw his pension A sum of Rs 172. 6. 2 was recovered up 9th October/92 towards the Special gratu on which latter date the Overseer resigned his appointmen
× × ×									× × × ×

(True Extract)

J. C. Patton
Supdt. Correspondence Branch
14/9

E.P. 14/9.

Copy of letter from the Examiner. P.W. Accounts Madras to the Accountant General Madras No. 352 C. D/15th February 1883.

With reference to the accompanying copy of letter from the Government of India P.W. Department No. 1464 G D/30th October/82 to the address of the Accountant General P.W. Department received with that offices' Endorsement No. 780 E of the 6th November 1882, and with reference to G.O. Pension Department No. 1243 D/ 15th December/82, I have the honor to forward herewith a statement showing the names of all Officers and Subordinates retired under the terms of the Resolution of the Government of India in the Department of Finance and Commerce No. 2079 D/ 31st July 1879, who have been reappointed to the Department, and the action taken by this Office in each case in regard to the recovery of pensions and special gratuities granted to them

2. In the cases of Messrs. Crawley

and Manickavasagam Pillay, only a portion of their special gratuities as shewn in the statement has been recovered. No further recoveries on this account can be made by this office, Manickavasagam Pillay having resigned his appointment and the services of Mr J. Crawley having been dispensed with by the Chief Engineer

(True Copy)

G. E. Patton
Supdt Correspondence Branch

13/9

E.P. 14/9

No 1766

Memorandum

From the Superintending Engineer Second Circle
No 168. dated 14th July 1880

1 The following Permanent appointment is made

2 N. Manickavasagam Pillay, to be overseer II Grade, with effect from 5th July 1880, vice M. Vencatasawmy Naidu deceased.

3 The Superintending Engineer will further arrange with the Examiner with reference to the subject contained in para 4 of his letter under reply.

(By order)

21st July 1880
Sd/ J. Pennycuick RE.
Dy Chief Engineer

Copy of above forwarded to the Examiner P.W. accounts for information.

(By order)

J. Pennycuick RE
Major RE
Dy Chief Engineer

(True Copy)

G. E. Patton
Supdt Correspondence Branch

13/9/83

E.P. 14/9

No. 4574

From

THE EXAMINER,
PUBLIC WORKS ACCOUNTS,
MADRAS,

To

The Secretary to Government,

Pension Department.
Madras, 15 September 1883.

Sir,

With reference to your official memo No. 54 dated 26th. August 1883 the following particulars are appended as regards the status of N. Manickavasagam Pillay late an Overseer 2nd. Grade prior to the resignation of his appointment in the P. W. Department.

N. Manickavasagam Pillay an Overseer 2nd. Grade retired from 4th. March 1880 under Government of India Resolution No. 2079 dated 31st. July 1879 and was granted a compensation pension of Rs. 14-13-8 per mensem together with a bonus of Rs. 800/ vide G. O. Pension Department No. 276 dated 31st. March 1880.

Shortly afterwards he was reappointed[*] to the Department as a permanent Overseer 2nd. Grade. The pension has, it is believed, been withheld from date of reemployment, but the bonus has only been partly recovered vide this Office letter No. 352 P. dated 15th. February 1883 (copy herewith with extract from statement accompanying).

But subsequently the Government of India directed in Resolution No. 1115-1134 G. dated 24th. August 1881 see also G. O. P. W. Department No. 2343 W. dated 22nd. September 1881 copy herewith, that no Upper Subordinate who was compulsorily retired should be reemployed otherwise than temporarily, and on a reference being made as regards Manickavasagam Pillay the Government of India decided* that he could be reappointed only on a temporary footing. He was therefore considered as temporary employed against a permanent appointment.

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[*] Chief Engineer's (P. W. Department) memo No. 1766 dated 21st. July 1880 (Copy herewith).

* Vide G.O. No. 3109 W. dated 14th. December 1881, copy herewith.

2. The enclosures are herewith returned.

I have the honor to be,

Sir,

Your Most Obedient Servant.

Examiner P. W. Accounts.

48

Pension 1883 Department

No. 1079

G.O. there 2d Octr/83 No. 881

~~The applicants~~

The Govt. of India having ruled that Manikavasagam Pillai's re-employment was of a temporary nature ~~only~~, he is entitled to his pension of Rs: 14.13.8 under Cl: 3 para 2 of the Govt. of India Resolution of the 24th Aug: 1881 No: 1115-1134 G. ~~when~~ and under Cl: 5 para 2 of the same Resolution ~~he has~~ must be called on to complete the refunded of the special gratuity of Rs: 800 which he received when his services were dispensed with less any amount 24/9/83

The Exr. of Public works Acct. to report with reference to cl: 5 of the Resolution quoted whether in his opinion the refund of the special gratuity should be completed

To the Acct. Genl.
-- Examr. of P.W. Accts.
-- P. Wd. Depst.
-- Supg. Engr. 4th Circle
-- Collr. of Coimbatore

HCS

WKP 18-10-83

From,

The Examiner P.W. Accounts,

Madras.

To,

The Secretary to Government,

Pension Department.

No. 457X

Dated 15 September 1883.

Recd. 17th " "

Enclos. 14

a

N. Manickyasagam Pillay late Overseer 2nd. Grade. Giving certain information regarding------

From orders

With acc order

Pension No. 898 & 1079

31

From The Examiner P.W. Accounts

Dated 15th Sept. 1883.

FOR ORDERS.

Resln. Govt. of India 31st July 1879

The applicant retired on D.P.W. reductions was permanently re-appointed to the Depart. of Public works.

G.O. 6th Decr 1881 No: 1514 G.
G.O. 3109W. of 14th Decr 1881

But the Govt. of India pointed out that as he had ~~been~~ virtually been compulsorily retired, his re-appointment could only be temporary.

Para 2 (2 & 3) of Resolution in G.O. 22 Sept 1881 No: 2343W.

He was therefore considered to be temporarily employed in a permanent vacancy. In fact he was permanently re-employed though not considered to be so.

× See G.O. 9th August 1883 No: 718.

× If permanently re-employed his pension lapses. Perhaps advantage may be taken of the order of the Govt. of India to hold he was temporarily re-employed & to give him back his pension on full refund of "bonus but it is submitted that his pension did in fact lapse & that he is not entitled to get it back under rules. 21/9/83.

His appointment was declared to be temporary only Rs: 14.13.8
[illegible] Rs: 800
back his pension

Procdg No: 1079 + 898

FOR ORDERS.

The Hon: Mr. Sullivan

G.O. No. 882 of 83

[*Despatch*]

BACK PAPER, No. of 1883.

FURTHER PAPER, No. of 1883.

READ AGAIN Order of Government, dated 31st March 1883, No. 276 ~~Miscellaneous.~~ Press

ENCLOSURES.

CURRENT No. 898 - P.
O.m. No. 54 - A.
C.No. 1079 - A.

~~STATEMENT WITH DITTO.~~

ORDER, &c. OF GOVERNMENT—A.

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(not paged.)

20 c
But proof solicited before the copies are struck off—

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Letter
Collection

N.B.—
A = Print in full.
B = Not to be printed.

PRESS.

Pensn. DEPARTMENT.

G.O. DATED 2d Octr ~~September~~/83

No. 882

40/20 18 12-83

Pro: 1285 of 83

First copy sent to Press. 2/10

Returned for signature.

Despatched in print.

[Despatch Abstract.]

Pension

Declaring ~~Stating that~~ N. Manickavasagam Pillai ~~h~~is entitled to the revival of his — Rs 14-13-8 granted in 1880. & requesting the Examr of P.W. Accounts to report whether the refund of the Special gratuity recd by him should be completed.