

(1) Number of pages 1 v 35(2) Date of repair 15.7.42

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. <u>1473</u>	Press ~~Mis.~~
Dated <u>18-12-</u>	<u>1884.</u>

Not to be folded or roughly handled

From D. C. GORDON, Esq., Examiner of Public Works Accounts, to the Secretary to Government, Pension department, dated Madras, 2nd December 1884, No. 472-X.

With reference to your official memorandum, No. 71, dated the 19th November 1884, I have the honor to state that Mr. Ray was a clerk doing duty as accountant; his services were dispensed with in the general reduction of establishment in 1880, particulars regarding which are given in letter, No. 218 W., dated 28th January 1880 (copy herewith). The Government of India in their letter, No. 27-A.E., dated 12th February 1880, in reply to the above, sanctioned the grant to these men of a special bonus of three months' pay with the proviso that if hereafter re-admitted into Government service they should repay the bonus granted. In accordance with these orders, the bonus granted to him was recovered from Mr. Ray.

2. Section 183 of the Civil Pension Code is not strictly applicable to Mr. Ray's case as the bonus granted to him was under Government of India letter, No. 27-A.E., dated 12th February 1880, and not under Financial resolution, No. 2079, dated 31st July 1879, though the former was based on the latter. Copy of the original order on which section 183 of the Civil Pension Code apparently issued is herewith forwarded.

3. If Government consider that section 183 of the Civil Pension Code may with justice be made applicable to those accountants of this presidency, to whom a special concession of three months' pay was sanctioned by the Government of India, in lieu of the twelve months' bonus admissible under the Financial resolution of 31st July 1879, then, with the approval of the Government of India, the petitioner's request may be granted.

ORDER—dated 18th December 1884, No. 1473, Pension.

The Government observe that section 183 of the Civil Pension Code does not apply to cases such as that of Mr. Ray, and that his contention that the terms of the ruling of the Government of India regarding the refund of bonus by officers in his position were the same as those of the corresponding ruling, in its original form, in regard to refund of special gratuities granted to officers and upper subordinates, including graded accountants, is incorrect. Even were it possible to apply the section in such cases it is clear that it no where contemplates the *re-grant* to an officer of a bonus or gratuity which he has already refunded.

2. Mr. Ray's application is therefore rejected.

(True Extract.)

E. S. LAFFAN,
Ag. Under Secy. to Govt.

To the Examiner of Public Works Accounts.
" the Public Works department.
" the Accountant-General.
" Mr. Ray (by endorsement).

Encl. J. Wright.

Govt. of (1884) Madras.

PENSION.

Issued

Recd.

Recd.

G.O., 18th December 1884, No. 1473.

DECEMBER.

Mr. C. R. Ray.

The request of — for the refund of the special bonus received from him, negatived.

28. Encls. Two
Indorsement No. 46375
of 15 September 1884

Forwarded to the
Secretary to Government
Pension Department for
favor of orders.

2. Mr. Ray was granted
a special bonus of three
months' pay amounting
to Rs 240/- under the sanction
of the Government of India
conveyed in their letter com-
municated with G.O. No.
370 W dated 18 February
1880 copy attached. On his re-
employment in Government
Service as Clerk III Class 2.
grade of this Office, he was
required to refund the special
bonus received by him
agreeably to para 3 of the
Government of India letter
communicated with G.O.
quoted, and the same re-
covered in monthly in-
stalments of one third
salary.

3. Mr. Ray now urges
that the ruling of the Govern-
ment of India regarding
refund of bonus by Madras
Accountants was based
to accord with the corres-
ponding ruling in regard
to

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to refund of special gratuities
granted to officers and upper
subordinates including
graded accountants under
Government of India
Financial Department
Resolution No 2079 dated
31st July 1879, but that as the
latter ruling has been
modified vide Section 13
of the Civil Pension Code,
the former should also
be considered as modified,
and that Section 13 of
the Civil Pension Code
applies to his case.

D. C. Gordon

Examiner P. & A. Dept.

Madras

15/9

15/9



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To
D. C. Gordon Esq.
Examiner Public Works Accounts
Madras

Sir,
I beg most respectfully to bring to your
notice that the special bonus of three months
pay amounting to Rs 240 granted to me under
the terms of the Government of India Resolution
No 27 A.C. dated 12th February 1880 was received
from me agreeably to para 3 of the above quoted
Government of India Resolution which required
that the bonus should be refunded on reemployment
in Government Service. The circumstances under
which only three months gratuity was given
to Accountants of this Presidency instead of the
12 months admissible under Government of India
Financial Resolution No 2079 dated 31st July 1879,
are well known to you, and it is needless for me
to repeat them here. The ruling is that all
Accountants who may be reemployed in Govern-
ment Service should be required to refund the
bonus of three months' pay granted to them
was laid down by the Government of India
while the corresponding rule in the cases of
Officers, Upper Subordinates including the graded
Accountants of the Government of India required
that the bonus be granted to them under
Financial Department Resolution No 2079
dated 31st July 1879, should be refunded on
reemployment.

Yours

L N 1263

The latter ruling of the Government of India has been modified and stands at present as Section 83 of the Civil Pension Code.

The pay of my present appointment, plus the equivalent of the ordinary and special gratuities received by me do not exceed the pay of my former appointment and under the circumstances I beg to submit, I am entitled to the refund of the bonus received.

I beg most respectfully to remain

Your most Obedt Servant

Charles Wray

Actg Secy to Govt

Madras
5th September 1884

Amount due
Salary by Govt. Rs. 1000
Special Grants 200
Total 1200
Equivalent bonus of the pay of 55 months
Civil Pension Code 57 Section 83 (b) (1) (A) 1880
Pay of former appointment 50

"your letter No 11 of 18 July 1884 is approved, but all persons must take effect before 1 April and all practicals and capitals and pension be paid before that date"

P.W. Department

Proceedings of the Madras Govt.

Read letter from the Govt of India No 27 A.L. dated 12 Feb 1880.

In continuation of my telegram quoted in the margin, I am directed to state in reply to your letter No 218 W dated 28 January 1880, that the Govt of India is pleased to restrict the exemption of the present so called Accountants from passing the entrance test for appointment as Accountants provided that the Examiner is satisfied that all men so exempted are fit to carry on the duties of a Divisional Accountant and that the exemption is not extended to men drawing salaries corresponding to those of 1st and 2nd grade Accountants. Before men can be posted to either of these grades they must pass the test qualifying for promotion to Accountant 2nd grade as prescribed in Govt of India Standing Order No 1

L No 1267

2. The bonus of three months pay proposed in para 8. Clause 2. of your letter in addition to the pension for, admissible under the Civil Pension Code may be paid to accountants exempted from passing the test under the preceding para. subject to the proviso that all retirements are effected prior to 31 March, and that all bonuses, gratuities and capitalized value of pensions are disbursed in full by that date.

3. If any of the men retired under these terms are hereafter admitted into the Government Service they should repay the bonus of three months pay now sanctioned, and their future service for pension should be regulated by the rules contained in the Civil Pension Code.

Order thereon 18 Feby/80 N. 370 W

Communicated to
the Commr. P.W. Accounts
in continuation of G.O. N. 323 W
dated.

11
dated 12 February 1880.

/True Contract/

Sd Joku Runycurik
Major P. C.

Sd Under Secy to Govt
P. W. G

/True Copy/

G. E. Patton

Suplt. Correspondence

Branch

Sd

16/9

Sd
13/9



No. 71

Official Memorandum.

Fort St. George

Dated the 19th November 1884

With reference to his
 Endorsement dated 15th Sept^r.
 1884 N-4632, the Examiner
 is requested to express his
 opinion on the petitioner's
 request and to state
 clearly the circumstances
 and rules under which
 he retired. It should
 also be explained on
 what ground Resolution
 of Govt. of India dated
 31st July 1879 N-2079 and
 consequently section 183 of the
 Code is held not to apply
 to the petitioner's case.
 Copy of the original order
 on which sect. 183 is based

Ch.

P.W. Accounts, but no other change was made in their position.

4. In 1898 at the suggestion of the members of P.W. Accounts, the Madras Government proposed the absorption of the Provincial Accounts establishment into the general establishment of the Government of India, and sanction to this procedure was communicated in Government of India letter No. 1196 Gf. of 20 August 1898.

5. It then became necessary to consider on what terms the former so called "Accountants" should be permitted to join the general establishment. It was contended on the one hand that these men had no claims to any special consideration whatever, that they were in fact mere clerks and could only enter the Accounts Branch on the same terms as persons with no previous connection therewith. On the other hand it was contended that these men were de facto and de jure Accountants, that they had (in some cases for many years) been performing duties identical with those performed by the regular Accountants of other Provinces, that their competence for those duties was proved by the reports of the various Officers concerned, and that they had a claim to employment in the department.

department without being subjected to examinations introduced after their first entry into the public service.

6. Considerable discussion has taken place upon the questions thus raised, and before a final decision was arrived at, the necessity arose for considerable reductions in the establishment of the Accounts, as well as of the Executive Branch of the Department.

7. A new question was then introduced, it being contended on the one hand and denied on the other that the men in question were entitled to the special privileges granted by the Government of India Resolution No. 2079 of the 21st July 1899 to Accountants retiring in consequence of reductions of establishment.

8. After full consideration of the circumstances, the Government of Madras have arrived at the conclusion that the following course will be fair and just to the individuals concerned as well as to the public interest, and I am directed to request the consent of the Government of India thereto.

1st. That all persons who have been regularly and bona fide employed upon

upon the legitimate duties of Accountants and have conducted those duties satisfactorily as shown by the reports of the officers concerned, shall be exempted from the "Intelligence Examination" required by the Public Works Code, and shall be eligible so far as the strength of the establishment allows) to appointment as accountants in the grade corresponding to the salaries now drawn by them, subject to their passing the "Divisional Accounts" test within twelve months, and the subsequent examination for B grade accountants in due course before appointment to that grade.

2. That men fulfilling the same conditions, but for whom there is no room on the reduced establishment, shall receive a bonus of six months pay in addition to whatever bonus and pension they are entitled to under ordinary rules, in place of the twelve months pay granted by Resolution 14799 of 31st July 1899, and shall be eligible to appointment hereafter, as occasions occur, on the conditions laid down in the last para.

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7. The exact strength of the future accounts establishment is still undecided; when a decision has been arrived at upon this question, complete lists of the individuals to whom it is proposed to grant the concessions above detailed will be submitted for the information of the Government of India; in the meantime I am directed to request sanction to the principle on which these concessions are based.

Shorester,
(sd) R. H. Sankey Col. R. H.,
Secy to Govt. P. W. D.

(Same copy)

G. K. Rutter
Supt. Correspondence Branch

R. H. S.
2/11/99

21
23rd JUNE 1883, No. 1773 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following Proceedings of the Government of India in the Public Works Department (General), dated Simla, 9th June 1883, No. 833 G.:—

The following is forwarded to the Local Governments, Administrations, and Officers noted in the margin for information and guidance, in continuation of Public Works Department Resolution No. 166-88 G., dated 5th February 1883, with the remark that Section 177 (A) of the

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Government-General for Central India, Rajputana, and Biluchistan.
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.
The Director-General of Telegraphs.
The Director-in-Chief, Indo-European Telegraph.
The Director, Persian Telegraph.
The Deputy Director, Persian Gulf Telegraph.

Civil Pension Code supersedes the orders of Public Works Department Resolution No. 1115-34 G., dated 24th August 1881, only so far as they relate to the salaries to be drawn by the persons concerned on re-employment, and their pensions and gratuities; all these are now wholly governed by Sections 176, 177, and 177 (A) of the Civil Pension Code.

(Signed) G. H. W. WALKER,
Offg. Under Secy. to the Govt. of India.

To the Secretary to the Government of Madras,
Public Works Department.

ENCLOSURE.

Extract paragraphs 1 and 2 of a letter from the Accountant-General, Public Works Department, to the Joint Auditor and Examiner of Accounts, Southern Mahratta Railway, No. 294 E., dated 21st May 1883.

In reply to your letter, No. 961 E., dated 26th February 1883, I have the honor to state that Section 177, Civil Pension Code, provides that if any portion of a pension is drawn by a pensioned officer on re-employment, that portion of his pension *plus* his pay on re-employment shall not exceed the pay he drew on retirement; that is to say, his pension can only be drawn in order to make up his present aggregate emoluments to what he drew at the time of his retirement. If his new pay is equal to his old, he will draw no pension; but there is no limit to the pay that he may draw on re-employment apart from pension, for it is manifest that it was not intended to place a pensioner on re-employment in a worse position than a non-pensioner.

2. As Mr. * * * has capitalised his pension, he should, under the special provisions of Section 177 (A), Civil Pension Code, pay to Government an amount equal to the pension thus capitalised; and if he has not refunded his special gratuity, the amount thus payable to Government on account of pension should be increased by an amount equal to 5 per cent. per annum on his special gratuity. On payment of these amounts direct to Government, or on deduction of these amounts from his pay bills, the amounts deducted being credited to Government, there is no restriction, so far as the Government is concerned, on the amount of pay he may draw. It will perhaps be found most convenient to realise the same to be paid by Mr. * * * by deduction from his pay, and adjust them by credit to the Civil Department in your exchange account.

L. N. 1615

ORDER—dated 23rd June 1883, No. 1773 W., Public Works.

Communicated to officers of the Public Works Department.

(True Extract.)

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

To Superintending Engineer.
To the Chief Engineer for Irrigation.
" Consulting Engineer for Railways.
" Examiner, Public Works Accounts.
" Consulting Architect to Government.
" General Superintendent, Public Works Stores.

2 JUL 83
GENERAL
ESTABLISHMENT.

Govt. of 1883 Madras.

PUBLIC WORKS.

Dated June, 23rd.

Encl.

Encl.

G.O., 23rd June 1883, No. 1773 W.

JUNE

Pay of re-employed pensioners

Letter from the Government of India explaining rules regarding —, communicated to offices of the Public Works Department.

From,

The Examiner P.W. Accounts,

Madras.

To,

The Secretary to Government,

Pension Department.

Madras, 2nd December 1884.

No. 442X

Sir,

With reference to your official memorandum No. 71 dated the 19th. November 1884, I have the honor to state that Mr Ray was a clerk doing duty as Accountant, his services were dispensed with in the general reduction of Establishment in 1880, particulars regarding which are given in letter No. 218 W. dated 28th. January 1880, copy herewith. The Government of India in their letter No. 27 A.E. dated 13th. February 1880 in reply to the above, sanctioned the grant to these men, of a special bonus of three months' pay with the proviso that if hereafter re-admitted into Government service, they should repay the bonus granted. In accordance with these orders, the bonus granted to him was recovered from Mr Ray.

2. Section 183 of the Civil Pension Code is not strictly applicable to Mr Ray's case as the bonus granted to him was under Government of India letter No. 27 A.E. dated 13th. February 1880 and not under Financial Resolution No. 2079 dated 31st. July 1879, though the former was based on the latter

latter. Copy of the original order on which Section 183

G.O.No. 1773 W. dated 23rd. June 1883. } of the Civil
Pension Code apparently issued is herewith forwarded.

3. If Government consider that Section 183 of the Civil Pension Code may with justice be made applicable to those Accountants of this Presidency to whom a special concession of 3 months' pay was sanctioned by the Government of India, in lieu of the 12 months' bonus admissible under the Financial Resolution of 31st. July 1879, then with the approval of the Government of India, the petitioner's request may be granted.

I have the honor to be,

Sir,

Your Most Obedient Servant.

P. C. Curran

Examiner P.W. Accounts.

22/11

Page 2.

For

Madras 1884 Dec 2

N. 1685

From,

The Examiner P.W. Accounts,

Madras.

To,

The Secretary to Government,

Pension Department.

No. 472X

Dated *2nd* 2 December 1884,

Recd. *3rd*

Enclos. 2

Mr. C. R. May. Furnishing
information regarding the bonus
granted to

REVENUE DEPARTMENT.

C No. 1264 & 1265

Examiner P.W. Accounts

From

Dated

188

FOR ORDERS.

By resolution of the Govt.
of India in 2079 of 36th
July 1879 certain inducements
were held out to
Officers of the P.W. Dept.
to retire. This was followed
by letter of 7th Oct. 1879
in 2047 E.G. stating that
the concessions did not
apply to clerks, to whom
no special concessions could
be made. and this again
was followed by circular of
21st Nov. 1879 in 2620-2671
E.G. & limiting the con-
cessions to officers paid
from general revenues only.

The present petitioners
and others were in a
somewhat doubtful posi-
tion, being in fact clerks
employed on accountant's
work but not on the
graded list of account-
ants. The position of
these men was brought
to the notice of the Govt.
of India in the letter
copy of which accom-
panies the second envelope
paper. Proposals were
then submitted for

after a departmental
examination
merging such of these
men as were qualified
in the graded service
and getting rid of
the rest. It was pointed
out that a doubt existed
whether the resolution
of July 1879, under which
a bonus of 12 months
pay in addition to his
line a gratuity was granted
his application to these
men, and it was pro-
posed that in their
cases a bonus of 3
months pay only should
be granted. These
proposals were discus-
sioned in the letter, the
of which accompanied
the petition. It would
thus seem to have
been recognized that
the Resolution of July
1879 did not apply
to these men, seeing
that the concession
granted to them was
less favorable. The
same conclusion is also
pointed to by the fact
that when granted
above excluding clerks
from the operation of
the resolution. In the
letter of February 1880
sanctioning this 3 months
bonus it was ordered
that the same should
be refunded as is
employment, Accord-
ingly the petitioners have
refunded 10.

It was pointed out however,
that under 1873 of the
Pension Code officers retired
under the resolution of
July 1879 are allowed
an option in the matter
of their refunding their
12 months bonus. Under
the preceding section of 1874
an officer's share-
played pay & his pension,
if he retains the same,
must not exceed his
pay prior to retirement.
If it does, his pension
is reduced. This rule
applies to an officer retired
under the resolution, and
further, if he does not
refund his special bonus,
his pay is considered to
be greater by an amount
equal to 5% on the bonus,
and it is this higher
share & pension which
must not exceed pay
prior to retirement on
pen of forfeiture of
pension.

This rule applies of
officers retired under the
Resolution of 1879 and
not to clerks retired under
the letter of February
1880, ^{whose} ~~in which case the~~
bonus must be refunded
in all cases under the
order of the Board contained
in that letter.
The petitioners contend
that the cases are analogous
and that sec 1873 may fairly
be applied. This case, however,
is quite clear that

FOR ORDERS.

It is not so. He asserts
that originally the same
rule applied to both, re-
ferring himself to the
proposed bonus in other
cases, that this has been
modified in favor of
those retired under the
provision, and that the
same modification has
not been extended to
himself, and then closes
the subject. But
it is not the fact that
the bonus under the Provi-
sion 1879 was originally
refused to be refunded in
all cases. The original
rule is contained in the
provision read in G.O.
22nd Sept 1881 as 2393
W, in which it will be
seen the option of re-
funding or not was
allowed from the first.

Even were it possible
to apply to sec 183 (the
petitioner's case, it
must further be shown
that that section
nowhere contemplates
the re-grant to the
officer concerned of a
bonus which he has
already received and
refunded. He is to
exercise his option once
for all and cannot go
on changing his mind
at discretion. But say
intervention comes too late,
can we not do so on other grounds.

This seems better
Case H.P.
15/12

11/12
11/12

So. No. 931 dated 14-7-80.
— 940 dated 10-7-80.

68

This and case 1685.

GO. 18-12-1879/24. 14/3
The Govt. demand that
sec. 153 of the Civil Pen-
sion Code does not ap-
ply to cases such as that
of Mr. Ray, and that his
intention that the terms
of the ruling of the Govt.
of India, regarding the
refund of bonus of
Officers in his position
was the same as those
of the corresponding
ruling, in its original
form, in regard to
refund of special gra-
tuities granted to
Officers and upper
subordinates, including
graded accountants,
is incorrect. Even were
it possible to apply the
section in such cases
it is clear that it
would contemplate
the re-grant to an
Officer of a bonus or
gratuity which he
has already refunded.
(From record)

Set L

Mr. Ray's appl. is therefore
rejected

H.W.

To the Secretary of Public Works Accounts
— Public Works Department
— Accountant General
To Mr. Ray (by order) 14/3/80

(10) Pension 1879/Sept
1 Abstract

No. 1268

From

The Examiners of P. W.
Accounts

No. 463X

Dated 15

Received 17

Enclosures - two.

SUBJECT.

Abstract by Mr. Ray
Forwards a petition from
Mr. Ray, Accountant, P.W.
praying that the special
bonus recovered from
him on re-employment
may be refunded.

As embodied in the
Resolution of the Council
of the Public Works
Department, dated 14/3/80.
With order,
from the Secretary, P.W.
Department, dated 14/3/80.

PRESS.

Indian DEPARTMENT.
G.O. DATED 18-12-1873
No. 1473
1873-1-25

First copy sent to Press.

Returned for signature.

Despatched in print.

[Despatch Abstract.]

Mr. C. A. Roy

*The request of the
refunds of the special bonus
covered from him, negative*

it is not so. He asserts
that originally the same
rule applied to both, re-
quiring refund of the
graduate bonus in all
cases, that this has been
modified in favor of
those retired under the
restriction, and that the
same modification has
not been extended to
himself and thus done
through oversight. But
it is not the fact that
the bonus under the restric-
tion 1829 was originally
required to be refunded in
all cases. The original
rule is contained in the
restriction read in G.O.
22nd Sept 1881 no 2343
W, in which it will be
seen the option of re-
funding or not was
allowed from the first.

Even were it possible
to apply to sec 1835 the
petitioner's case, it
must further be observed
that that section
nowhere contemplates
the re-grant to the
officer concerned of a
bonus which he has
already received and
subsequently
refunded. He is to
exercise his option once
for all and cannot go
on changing his mind
ad infinitum. But Roy's
contention comes too late,
even were it sustainable
on other grounds.

Pension Commission
FOR ORDERS.

GO 1473
18/12/81

This case is settled
Case H.P.
15/12

11/12
18/12

So. No. 931 dated 14-9-80.
— 940 dated 10-9-80.

68

This and Enc 1685.

Order No. 18-1000/80 No. 1473

The Govt. does not see. 183. of the Civil Pension Code does not apply to cases such as that of Mr. Ray, and that his contention that the terms of the ruling of the Govt. of India regarding the refund of bonus of officers in his position were the same as those of the corresponding ruling, in its original form, in regard to refund of special gratuities granted to officers and upper subordinates, including graded accountants, is incorrect. Even were it possible to apply the section in such cases, it is clear that it nowhere contemplates the re-grant to an officer of a bonus or gratuity which he has already refunded.

(From rules)

E. L.

Mr. Ray's app. is therefore
rejected

H. L.

To the Examiner of Public Works Accounts
— Public Works Department
— Accountant General
To Mr. Ray (by Edg.) 1/10 8-1-85

[9]

Pension 1884/Sept
1 Abstract

No. 1268

From

The Examin. of P. W.
Accounts

No. 463 K

Dated 15.

Received 17.

Enclosures - Two.

abstract by petition
SUBJECT.

Forwards a petition from
Mr. Ray, Accountant, P. W.
Praying that the special
bonus received from
him on re-employment
may be refunded.

as under the circumstances
represented by the case of those
who were employed by the
Govt. With order.
from their employer by the
Resolution of July 1879.

PRESS.

Indian DEPARTMENT.
G.O. DATED *18th Dec/84*
No. *1473*
W.D. 8-1-85

First copy sent to Press.

Returned for signature.

Despatched in print.

[Despatch Abstract.]

Mr. C. A. Ray

*The request of — for the
refunds of the special bonus
received from him, negatives*