

7-2-379/00

Pension (1896) Department.

ORDINARY MS.

G.O., No. 1114

DATED 18-11-96.

[Despatch Abstract.]

Granting a sup^r pension of Rs 22-8-0 p^m to T. Vijayarajava Pillai, late
Head Clerk. In Collector's Office, N. Arcot Dt. in lieu of that sanctioned in G.O. 598
13.7.96.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	598	Pension	13.7.96				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[P. G.]
21
300-7-8-96.

C. No. 119/6.

Pension Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O. 598 Pen. 8/13-7-96.
READ the following paper

From the Collr. of N. Arcot — dated 25. Oct. — 1896, No. 3202

Order. 18. Nov. 1896 N^o 1114.

From the Collector's letter read above, ^{appears} ~~it is observed~~ that in Jan^y 1877 the applicant was not dismissed from the service but only reduced ~~from the 2^d Vannanalar clerkship~~ ^{to a lower appointment}, that his reduction took place while he was on leave, and that prior to the expiry of his leave he was promoted by the same Collector who originally punished him. In the circumstances, the Govt. is of opinion that there was no break in the applicant's service, and is accordingly pleased to grant him a Superannuation Pension of ^{payable at the North Arcot District} Rs 22-8-0 p.m. in consideration of his qualifying superior service of 25 years, 7 months & 4 days under arts. 502 and 518 (6) of the C.S.R., in lieu of ^{the pension of Rs 8-11-6 p.m.} that sanctioned in G.O. N^o 598 Pension, 8/13-7-96.

(from orders)
17.11.96 17.11.96 17.11.96

To
The A. G.
— Collr. N. Arcot.

The Honble Mr. Grose, C.E.

PENSION DEPARTMENT.

C. No. 1196

From The Collector of N. Arcot.

Dated 25th October 1896, No. 3202.

FOR ORDERS.

In para 2 of G.O. No 598, Pension, 8/13th July 1896, the Collector of N. Arcot was requested to report fully the circumstances under which one Vijayaraghava Pillai was dismissed in 1877 and subsequently given an acting appointment. The Collr in reply says that the man "was not dismissed but only reduced, that the grounds of reduction are not ascertainable, that the reduction took place while the applicant was on leave, that no order of reduction was apparently communicated to him, and that prior to the expiry of his leave he was promoted by the same Collector who punished him originally." He also forwards a petition from the applicant and says that the grounds assigned by the applicant for not preferring an appeal are not without force. He accordingly recommends that the case may be considered favourably and that the break in the applicant's service may be condoned by Govt. under art. 465 (ii) C.S.R. The Collector also states that four contemporaries of the man were examined and that they all unanimously say that

C. 12/11.
A. 14/11

that he was not dismissed but only reduced in 1877, and that the Dt. Gazette and Pay Abstracts are the only records available.

Orders are solicited as to whether, in the circumstances stated, condonation may be allowed: If allowed, the applicant will be eligible for a pension of Rs 22-8-0 p.m.

Submitted that condonation may be made & full pension granted

7.11.96
11/11/96

I submit condonation is not necessary but a declaration that there was no break.

11/11/96

Yes - there was no break in service. He may have the full pension.

12/11/96

Pension Revenue (1896) Department.

CURRENT No. 1196/781



From The Collector of North Arcot

No. 3202 of 96
is an

Dated 25th October 1896

Received 29th

Registered 29th

Enclosures 2

Spare copies —

SUBJECT

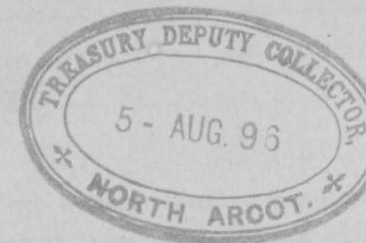
Reporting about the reduction of J. Vijayaraghavan Pillai, late Head Clerk and quarters of collector's office from the post of the 2^d Ver. clerk and recommending that the break in his service may be condoned.

BACK PAPERS.

G.O.	No.	Department.	Date.
80	598	Pension	13-7-96.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Chittoor, 5th August 1896.

To

THE COLLECTOR OF
North Arcot.

through M. R. Ry. T. N. Ramachandra Aiyer Avergal, B. A.,
Deputy Collector in charge of Treasury.

HONORED SIR,

As I fear that my case for superannuation Pension has not been fully and fairly represented to Government, I beg leave now to submit the facts of my deplorable case, for its favorable and deliberate consideration.

2. I put in 34 years service under Government. Of this, 4 years in situations not eligible for Pension as the same related to the temporary establishment of the Income tax commission, Madras. The recognised service recommended by the Collector as eligible for Pension under the Rules is 25 years and odd.

3. After a service of 5 years and 6 months in the offices of the late Board of Examiners and Board of Revenue, I joined this District on the 31st May 1872, as Magisterial Clerk on Rupees 60, in the Collector's office and continued as such till the 22nd January 1877. When, I applied for 3 months leave on urgent private affairs which was accordingly granted. This was extended to a further period of 18 months from time to time. During the currency of the above long leave and while I was at Madras for about 9 months, it appears, that the then Collector transferred me on the 1st November 1877 to the Account Department as an Accountant on Rs. 30 not for any proved guilt nor on justifiable grounds for presuming guilt but merely on an imaginary belief of some guilt which had no existence. The Collector's order referred to above runs thus:—

“T. Vijayaraghavah Pillai, 2nd Vernacular Clerk of this office, to act as “English Accountant on Rs. 30, vice V. Subba Rao, who has forfeited his claim to “the appointment. Vijayaraghavah Pillai will join his new appointment on the “expiration of his leave” (Vide District Gazette, Page 277, dated 16th November 1877).

4. The Government, it appears, is of opinion that the period of my service between the date of transfer from my substantive appointment to that of Head Clerk in the Assistant Collector's Office, viz, 1st November 1877 to 23rd January 1879 forms a break in my service and that this cannot be condoned in the absence of fuller explanation of the circumstances under which the transfer occurred.

5. I respectfully submit that, the wording of the order transferring me to Account branch as an Accountant from my substantive appointment of 2nd Vernacular Clerk, appears to me, to mean that the appointment of Accountant was not an acting one as the order itself says “Vice V. Subba Row” (in whose place I was appointed) “who has forfeited his claim to the appointment”. Thus it would appear

that the Accountant's place in which I was put was a *permanently vacant appointment*, the former incumbent of the place having forfeited his claim therefor. It further appears to me that the misapprehension of the fact arose from an inaccurate and incomplete entry in the Service Register as Acting Accountant without reference to the subsequent clause vice Subba Row who has forfeited his claim to the appointment.

6. Further I respectfully submit that, under the above circumstances, I had a permanent *lien* on the appointment and the words *to act* are, I think, only a clerical error for *to be*. The fact that I was the *permanent Accountant* would also be clear by the following notification published in the District Gazette, under date 17th May 1877.

"T. Vijaya Raghavah Pillai, 4th English Accountant on Rs. 30, has been granted an extension of leave for 6 months on forfeiture of full pay in continuation of his former leave on the substitute already employed." (Vide District Gazette, Page 122, dated 17th May 1878). It would appear that, in case I was only an acting and not permanent Accountant, the order would be T. Vijaya Raghavah Pillai, *acting English Accountant*, has been granted extension of leave of six months.

7. From the above facts, it would appear, that the then Collector, while I was on leave at Madras, for reasons not known to me, appears to have reduced me from Rs. 60 to the post of English Accountant on Rs. 30, and the order instead of being specific and clear was drafted and passed in an imperfect and perfunctory manner that T. Vijaya Raghavah Pillai, 2nd Vernacular Clerk, *to act* as English Accountant on Rs. 30 which appointment was *permanently vacant*.

8. I declare that I had not been dismissed from the service as the Government seems to think that I was, for in that case I should not have been appointed again in a Government service, if, with reference to any misconduct on my part, the Collector had dismissed me previously and passed proceedings, as required by the Government orders on the subject. Again, the same officer who reduced me would not have promoted me as Huzur English Record-Keeper on Rs. 60 in case he had previously dismissed me for any misconduct.

9. I declare that, so far as I know, there is not any proceedings except the bear order transferring me from the post of 2nd Vernacular Clerk to that of Accountant which is termed in the order as "Acting" by which alone the Government seems to be under the impression that I was dismissed. As submitted above, the word acting in the order cannot be any other than a purely clerical error in passing the order, as the later order granting me extension of leave does not designate me as *Acting Accountant* but says "T. Vijaya Raghavah Pillai, 4th English Accountant," which means that I was the *permanent Accountant*. I again beg to submit, as stated in my affidavit filed before the Treasury Deputy Collector, that the order reducing me when I was on leave for the post of Acting Accountant was not communicated to me at all.

10. I beg that the Registers maintained in the Huzur, may be caused to be examined carefully and the fact ascertained whether my statement is correct or not. I joined my appointment only as Acting Record-Keeper, as directed by the Collector, before the leave expired and as such I did not prefer an appeal, because no proceedings recorded against me as regards my reduction, as required by Government order, and because I was given an appointment on the same pay of Rs. 60 which I originally held and because I had to serve under the same officer.

11. Under these circumstances, I respectfully beg that your honor will be pleased to note that I have not been "dismissed" but that I had only been reduced from the 2nd Vernacular Clerk's appointment to that of the English Accountant's place on Rs. 30 which was then a *permanently vacant appointment* and this is not, I beg to submit, a break in my service, as seems to be the impression of Government. I earnestly pray that my most unfortunate case may be favorably and clearly represented to Government.

I beg to remain,

Honored Sir,

Your Most Obedient Servant,

T. Vijaya Raghavah Pillai
Late 2nd Clerk, H. Z. Quarter
Deputy Collector's office.

Encl. B
Page 18 dated 26th January 1877. A. H. G. G. G.
Gazette

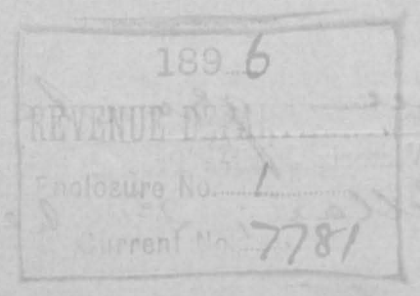
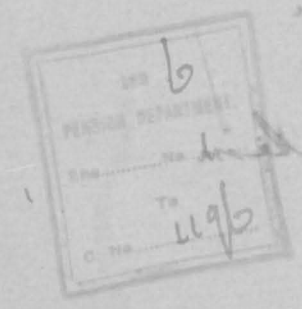
(1) T. Vijayaraghava Pillai, 2nd vernacular clerk, Collector's office, has been granted leave of absence for three months on forfeit leave of full pay from 23rd January 1877.

Page 103 dated 4th May 1877 A. H. G. G. G.
Gazette

(2) The leave of absence for 3 months on forfeit leave of full pay granted to Vijayaraghava Pillai, 2nd vernacular clerk, Collector's office, from 23rd January last published in the 18th Gazette page 18, has been extended to a further period of one month, on the substitute already appointed from the date on which the above leave expires.

P. 134 dated 1st June 1877 A. H. G. G. G.

(3) The leave of absence granted to T. Vijayaraghava Pillai, 2nd vernacular clerk and published at page 103 for



for 1877 of the District Gazette, has been extended to a further period of 3 months.

B. 231 dated 21st September 1877

The leave of absence granted to J. Vijayaragava Pillai, 2nd Vernacular clerk and published at page 134 of the District Gazette for 1877 has been extended to a further period of 3 months.

Page 277 dated 16th November 1877. A. District Gazette

J. Vijayaragava Pillai, 2nd Vernacular clerk of this Office, to act as English Accountant on Rupees 30, vice

V. Subbia Rao who has forfeited his claim to the appointment.

Vijayaragava Pillai will join his new appointment on the expiration of leave.

Page 296 dated 30th November 1877 A. District Gazette

The leave of absence granted to

to Vijayaragava Pillai, 2nd English Accountant of this Office and published at page 231 of the District Gazette dated 21st September 1877, is extended to a further period of 6 months.

Page 122 dated 17th May 1878 A. District Gazette

J. Vijayaragava Pillai, 4th English Accountant on Rupees 30, has been granted an extension of leave for 6 months on forfeiture of full pay in continuation of his former leave on the substitute already employed.

Page 308 dated 29th November 1878 A. District Gazette

Vijayaragava Pillai, to act as English Record Keeper in the Revenue Office at Chittoor

(True Extract)

Handwritten signature
District Officer

Handwritten mark

DISPATCHED
27 OCT 99

No 3201
obau
North Arcot Collector's office
Chittoor 25 October 1896

From

G. H. Wynne Esquire
Collector of
North Arcot

To

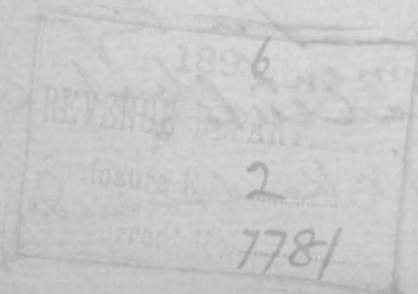
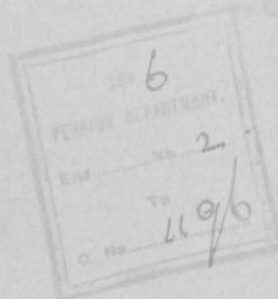
The Secretary to the Government
of Madras
Revenue department

Sir,

With reference to Government
Order No 598, Revenue department, dated
the 13th July '96, I have the honor to state
that the following four contemporaries of
J. Vijayaraghava Pillai were examined:—

- 1 A. V. Kondasami Mudaliar, pensioned
English Mad clerk Collector's office North Arcot
- 2 Mr D. Pariva, Record keeper Collector's
office
- 3 Id. Veerasamiar pensioned clerk
Collector's office
- 4 B. Greenirasa Chavvar — do

All the four unite in saying that J.
Vijayaraghava Pillai was not dismissed
as observed by Government, but was
only reduced. MRRy A. V. Kondasami Mudaliar
further



further states that, as far as he could remember, no order of reduction was passed, and therefore, no copy of it was given to Vijayaraghava Pillai.

2. The applicant has also put in a printed petition addressed to ^{me} ^{Enclosure A}, in which he alleges that he was not dismissed but only reduced for reasons not known to him, and that he was not furnished with a copy of order of reduction. He further states that he did not prefer an appeal because (1) no proceedings were ^{recorded by} passed against him. (2) he was given an appointment on the same pay of Rs 60 which he drew originally, and (3) he had to serve under the same officer.

3. As already reported to the Accountant-General, the original papers on the subject of reduction are not forthcoming in the Muzur records. The only records available for reference are

- (a) the District Gazette
- (b) the pay abstracts and leave statements

The portions of the District Gazette bearing in the matter are extracted in

in a separate sheet (Enclosure B). From these extracts, it will be seen that the applicant was granted leave on loss of pay for 22 months, from 23rd January 1877, and that while he was on leave, he was, on the 1st November 1877, reduced and made to act as English Accountant on Rs 30, but was subsequently promoted, and made to act as English Record Keeper on Rs 60, i.e., on the same pay as that of the appointment held by him prior to his reduction. As to whether the applicant was appointed to act as English Accountant, or to be English Accountant, the Gazette extracts are not consistent. The applicant was designated as English Accountant in the memo published at page 122, dated 17th May 1878, of the District Gazette, while in the memo published at page 296, dated 30th November 1877, he was designated as acting English Accountant. The entries in the leave

leave statements, too, do not serve to clear up this point. In the leave statements attached to the Muzar pay abstracts for November & December, 1877, Vijaya-
nagara Billai is shown as Ag English Accountant, in those of January & February 78, and Sub pro tem English accountant, in those of March 78 to September 78, as English Accountant; in that of October 78 as sub pro tem English accountant; and in that for November 78 as English accountant. But one thing is clear, namely, that the applicant was before the expiry of his leave, promoted to Rs 60 by the same Collector (Mr. White side) who first reduced him to Rs 30, and this may, I think, be taken as a proof that the applicant's fault, if any, was not of a very serious nature.

4 From the foregoing facts, it would appear that the applicant was not
dismissed

dismissed but only reduced, that the grounds of reduction are not ascertainable, that the reduction took place while the applicant was on leave, that no order of reduction was apparently communicated to him, and that prior to the expiry of his leave, he was promoted by the same Collector who punished him originally. The grounds assigned by the applicant for his not preferring an appeal, are not without force. In these circumstances, I beg to recommend that the applicant's case be considered favourably and the break in his service condoned under article 465(ii) of the Civil Service Regulations.

I have the honor to be,
Sir,

Yours Most obedient servant.

For Collector

DESPATCHED
22 OCT 96

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

READ G.O., No. 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

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