

Pension (1896) Department.

ORDINARY PRINTED.

G.O., No. 877

DATED 19-9-96

[Despatch Abstract.]

Ordering that the Memorial from Mr. T. J. O'Connell, late Head Steward, General Hospital, Madras, appealing against the orders of this Govt. in his case, be forwarded to the Govt. of India.

FORWARDING to the Government of India a memorial from Mr. T. J. O'Connell, late Head Steward, General Hospital, Madras, appealing against the orders of this Government declining to grant him a retiring allowance.

PENSION DEPARTMENT.

From

G. STOKES, Esq., B.A., I.C.S.,

Acting Secretary to the Government of Madras,

Pension Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT (JUDICIAL),

Dated Ootacamund, 19th September 1896.

SIR,

I am directed to forward the accompanying memorial from Mr. T. J. O'Connell, late Head Steward, General Hospital, Madras, appealing against the orders of this Government declining to grant him a retiring allowance.

2. Mr. O'Connell entered Government service on the 24th October 1860 as a Third-class Police Inspector on Rs. 100 per mensem in the Salem district and remained in the Police force till the 28th April 1875, when he was transferred from his appointment as First-class Inspector on Rs. 200 per mensem to the post of Head Steward in the General Hospital, Madras, on a monthly salary of Rs. 300. The latter appointment he held for less than six months and then resigned because of the onerous and difficult nature of the duties which he was called upon to discharge. He then remained without employment till April 1876, when he was appointed as Inspector on Rs. 95 per mensem in the Mysore Police force, in which he continued to serve until February 1886, when he was dismissed from the appointment of First-class Inspector on Rs. 200 in circumstances which have not been reported to this Government. He was then out of employ for about sixteen months, but in July 1887 was re-entertained in the Mysore service as a Jailer on Rs. 150 per mensem, the break in his service caused by his dismissal being condoned by the Mysore authorities and the order of dismissal cancelled. He was subsequently, in the interests of the public service of Mysore, twice transferred to appointments carrying lower pay and during the last five years of his employment was holding the post of Deputy Jailer at the Central Jail, Bangalore, on Rs. 100 per mensem. When he retired in 1894 he was eligible, under the Mysore Civil Service Regulations, for a pension of Rs. 19-3-3 per mensem in respect of his total qualifying service of about sixteen years. He was however granted by the Mysore Darbar a special pension of Rs. 50 per mensem in consideration of (a) his good work during the great famine, (b) his exemplary conduct during a cholera epidemic at Mysore and (c) the Diwan's good opinion of his honesty, energy and intelligence. The enhanced pension was arrived at by granting the memorialist three exceptional concessions. In the first place, his average emoluments were raised from Rs. 100 to Rs. 150 per mensem; secondly, no reduction was made on account of his being over 40 years of age on entry into the Mysore service; and thirdly, he was permitted to count three years of his British service in and prior to 1875 towards his Mysore pension.

3. Had Mr. O'Connell quitted the British service in 1875 under circumstances rendering him eligible for pension and not in consequence of his resignation, he would have been entitled, under the rules then in force, to a gratuity not exceeding twelve months' pay, i.e., Rs. 3,600, and would under the present rules have been eligible for a pension of $\frac{1}{6}$ ths of his average emoluments, or Rs. 48-5-8. In the year 1880 he petitioned Government to condone the breach in his service caused by his resignation in 1875 and was then informed that the question could not be considered until his actual retirement. Had this petition been granted, Mr. O'Connell would have been liable to pay a pensionary contribution from and after the 1st October 1882 and at the date of his retirement would merely have rendered himself eligible for a maximum pension of Rs. 50 per mensem, being $\frac{3}{8}$ ths of his average emoluments. He has in fact had to pay no such pensionary contribution and by the liberality of the Mysore Darbar has been placed in as advantageous a position as if the breach in service caused by his resignation had been condoned by the Madras Government.

4. Moreover, from the record of Mr. O'Connell's service in the Madras Police, it is improbable that he would have been granted by the Madras Government the maximum pension admissible under the rules, for he was on three occasions placed under suspension or reduced for an aggregate period of over nine months. The records relating to the first punishment are not forthcoming, but the second was inflicted in consequence of his failure to submit returns with punctuality and for want of activity in itinerating in his division. His third and most serious offence consisted of grossly insubordinate conduct to his District Magistrate, whose orders he publicly refused to obey when directed forthwith to vacate a house built for the use of the Revenue Department, which he and his family had occupied without permission.

5. When in 1895 Mr. O'Connell petitioned this Government he was accordingly informed * that no retiring allowance was under the rules admissible to him in respect of his British service and that in the opinion of Government his case was not such as to warrant a special recommendation being made on his behalf to the Government of India and to the Secretary of State. He now appeals to the Government of India against that order and solicits a recommendation to the Secretary of State for "such gratuity at least as may be admissible under the rules, if not for a small pension." In support of his appeal the memorialist refers to particular acts of good service rendered during his career and quotes the opinion of his conduct and character formed by many of the officers under whom he served. It is the case that he was on several occasions rewarded for conspicuous merit, but, as has already been stated, he was on the other hand suspended or reduced on three occasions, punishments which in the opinion of this Government must be taken to counterbalance the special merit by which his service was otherwise characterized. I am therefore to state that His Excellency the Governor in Council has no recommendation to make on the memorialist's behalf.

6. Finally, I am directed, in accordance with Mr. O'Connell's request, to forward copies of the marginally-noted letters from Mr. Hammick, the Inspector-General of Police, and Surgeon-General Sibthorpe, to which reference is made in paragraphs 8 and 9 of the memorial. It will be seen

- (a) No. 2258, dated 18th April 1895.
- (b) No. 5612, dated 15th November 1895.
- (c) No. 3-642, dated 26th August 1895.

that Mr. Hammick describes the memorialist's character as "fair while in the Police" and while admitting that he did "some very good work" draws attention to his insubordinate "temper which brought him into serious trouble on one occasion." The Surgeon-General's letter goes to show that the memorialist was practically compelled to resign his post as Head Steward in the General Hospital, but, as has already been remarked, even if the break in service caused by his resignation were condoned, Rs. 50 is the maximum pension to which the memorialist would be eligible under the Civil Service Regulations, on the hypothesis that he had paid the requisite pensionary contributions from 1882 to 1894. A pension of this amount has already been granted to the memorialist by the Mysore Darbar. In conclusion I am to state that the

memorialist is mistaken in supposing that Mr. Castle Stuart favourably recommended his appeal to the consideration of the local Government. No communication on the subject appears to have been received from Mr. Stuart.

I have the honour to be,

Sir,

Your most obedient servant,

Ag. Secretary to Government.

4. Moreover, from the record of Mr. O'Connell's service in the Madras Police, it is improbable that he would have been granted by the Madras Government the maximum pension admissible under the rules, for he was on three occasions placed under suspension or reduced for an aggregate period of over nine months. The records relating to the first punishment are not forthcoming, but the second was inflicted in consequence of his failure to submit returns with punctuality and for want of activity in itinerating in his division. His third and most serious offence consisted of grossly insubordinate conduct to his District Magistrate, whose orders he publicly refused to obey when directed forthwith to vacate a house built for the use of the Revenue Department, which he and his family had occupied without permission.

5. When in 1895 Mr. O'Connell petitioned this Government he was accordingly informed * that no retiring allowance was under the rules admissible to him in respect of his British service and that in the opinion of Government his case was not such as to warrant a special recommendation being made on his behalf to the Government of India and to the Secretary of State. He now appeals to the Government of India against that order and solicits a recommendation to the Secretary of State for "such gratuity at least as may be admissible under the rules, if not for a small pension." In support of his appeal the memorialist refers to particular acts of good service rendered during his career and quotes the opinion of his conduct and character formed by many of the officers under whom he served. It is the case that he was on several occasions rewarded for conspicuous merit, but, as has already been stated, he was on the other hand suspended or reduced on three occasions, punishments which in the opinion of this Government must be taken to counterbalance the special merit by which his service was otherwise characterized. I am therefore to state that His Excellency the Governor in Council has no recommendation to make on the memorialist's behalf.

6. Finally, I am directed, in accordance with Mr. O'Connell's request, to forward copies of the marginally-noted letters from Mr. Hammick, the Inspector-General of Police, and Surgeon-General Sibthorpe, to which reference is made in paragraphs 8 and 9 of the memorial. It will be seen that Mr. Hammick describes the memorialist's character as "fair while in the Police" and while admitting that he did "some very good work" draws attention to his insubordinate "temper which brought him into serious trouble on one occasion." The Surgeon-General's letter goes to show that the memorialist was practically compelled to resign his post as Head Steward in the General Hospital, but, as has already been remarked, even if the break in service caused by his resignation were condoned, Rs. 50 is the maximum pension to which the memorialist would be eligible under the Civil Service Regulations, on the hypothesis that he had paid the requisite pensionary contributions from 1882 to 1894. A pension of this amount has already been granted to the memorialist by the Mysore Darbar. In conclusion I am to state that the

Exd. W. D'Moss.

Pension (1896) Department.

CURRENT No. 843

The Hon: Mr. G. M. C. C.

Read CN 843.

Order

Ordered that the memorial
be forwarded to the Govt. of India.

20.8.96

20.8.96

To

Mr. T. J. O'Connell.

Note.

The Memorial does not seem liable to be withheld
under the India Petition rules. Hence draft order
& letter to India for approval.

20.8.96

P.T.O.

From

Mr. T. J. O'Connell
Late Insp. of Police.
Madras & Mysore.

No. nil.

Dated 24/7

Received 30/7

Registered - do

Enclosures 6.

Spare copies. nil.

SUBJECT.

Soliciting transmission, to the Govt. of India, of
the enclosed memorial, appealing against the
orders of this Govt. declining to grant him a pension.

BACK PAPERS.

G.O.	No.	Department.	Date
80.	418	Pension	2-6-96
80.	72.	do	28-1-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Cuddalore
24th July 1896.

To

The Secretary to Government
Revenue (Pension) Dept.-
Stone House -
Votacamund.



Sir.

I forward herewith a Memorial
to the Viceroy and Governor General, and
shall thank you, with the permission
of H. E. the Governor in Council to trans-
mit it to its address, together with all
accompaniments.

I have to beg also the additional
favour that, in transmitting my Memorial,
you will be good enough to forward,
for the perusal and information of the
Governor General, the recommendations
made on my behalf by Messrs Foster
Stuart Stuart and Hamnival and
the Surgeon General Dr. Sibthorpe in
connection with my Memorial to the
Government of Madras -

I beg to remain - Sir -
Your most obedient servant

M. J. G. S.

Cuddalore - New Town -

Prison Case

Thompson. Mr. Grose C. D. E.
H. E. the Governor
as the letter is other than routine

DESPATCH

Am. L. W.
Grose C. E.

Draft Letter
to India

2298
2573

Pension Dept:

Read again G.O. No. 72, d/ 28-1-96

,, ,, G.O. No. 418, d/ 2-6-96

,, also G.No. 845

ORDER 19th Sep^r 1896 No. 877.

Ordered that the memorial
be forwarded to the Govt. of India.

27. 8/96

No 878

LETTER

To

The Secy. to the Govt. of India,

Home Dept. (Judl.)

Sir,

I am directed to forward the
accompanying memorial from Mr. T. J. O'Connell, late Head Steward, General
Hospital, Madras, appealing against the
orders of this Govt. declining to grant
him a retiring allowance.

2. Mr. O'Connell entered Govt.
service on the 24th Oct. 1860 as a third
class Police Inspector on Rs. 100 per
mensem in the Salem District and remained
in the Police force till the 17th April
1875 when he was transferred from his
appointment as 1st class Inspector on
Rs. 200 per mensem to the post of Head
Steward in the General Hospital, Madras,
on a monthly salary of Rs. 300. The latter
appointment he held for less than six
months and then resigned because of the
onerous

To

Mr. T. J. O'Connell

28
2/9/96

254
4996

onerous and ~~7~~ difficult nature of the duties which he was called upon to discharge. He then remained without employment till April 1876, when he was appointed as Inspector on Rs. ¹⁵~~80~~ per mensem in the Mysore Police force, in which he continued to serve until February 1886, when he was dismissed from the appointment of 1st class Inspector on Rs. 200 in circumstances which have not been reported to this Govt. He was then out of employ for about 16 months, but in July 1887 was re-entertained in the Mysore service as a Jailor on Rs. ¹⁵⁰~~150~~ per mensem, the break in his service caused by his dismissal being condoned by the Mysore authorities and the order of dismissal cancelled. He was subsequently in the interests of the ^{public}~~Mysore~~ service twice transferred to appointments carrying lower pay and during the last 5 years of his employment was holding the post of Dy. Jailor at the Central Jail, Bangalore on a pay of Rs. 100 per mensem. When he retired in 1894 he was eligible under the Mysore Re C.S.R. ^{for}~~to~~ a pension of Rs. 10-5-3 per mensem in respect of his total qualifying service of slightly ^{about}~~under~~ 16 years. He was however granted by the Mysore Darbar a special pension of Rs. 50 per mensem in consideration of his good work ^(a)~~and~~ during the great famine ^(b) his exemplary conduct during a cholera epidemic at Mysore and ^(c) the Diwan's good opinion of his honesty, energy and intelligence. The enhanced

enhanced pension was arrived at by granting the ~~6~~ memorialist three exceptional concessions. In the first place his average emoluments were raised from Rs. 100 to Rs. 150 per mensem; secondly no reduction was made on account of his being over 40 years of age on entry into the Mysore service; and thirdly he was permitted to count 5 years of his British service in and prior to 1875 towards his Mysore pension

3. Had Mr. O'Connell quitted the British service in 1875 under circumstances rendering him eligible for pension and not in consequence of his resignation, he would have been entitled under the rules then in force to a gratuity not exceeding twelve months pay, i.e., Rs. 3600 and ^{under the}~~under the~~ ^{present}~~existing~~ rules have been eligible for a pension of $\frac{14}{60}$ ths of his average emoluments or Rs. 48-5-8. In the year 1880 he petitioned Govt. to condone the breach in his service caused by his resignation in 1875 and was then informed that the question could not be considered until his actual retirement. Had this petition been granted, Mr. O'Connell would have been liable to pay a pensionary contribution from and after the first of October 1882 and at the date of his retirement would merely have rendered himself eligible for a maximum pension of Rs. 50 per mensem being $\frac{30}{60}$ ths of his average emoluments. He has in fact had to pay no such pensionary contribution and by the liberality of the Mysore Govt. Darbar has been placed in as advantageous a position as if the breach in service caused by his resignation had been condoned by the

Madras Govt.

4. Moreover from the record of Mr. O'Connell's service in the Madras Police, it is improbable that he would have been granted by the Madras Govt. the maximum pension admissible under the rules, for he was on three occasions placed under suspension or reduced for an aggregate period of over 9 months. The records relating to the first punishment are not forthcoming, but the second was inflicted in consequence of his failure to submit returns with punctuality and want of activity in itinerating in his division. His third and most serious offence consisted of grossly insubordinate conduct to his Dt. Magte., whose orders he publicly refused to obey when directed forthwith to vacate a house built for the use of the Revenue dept. which he and his family had occupied without permission.

5. When Mr. O'Connell petitioned this Govt. he was accordingly informed that no retiring allowance was under the rules admissible to him in respect of his British service and that in the opinion of Govt. his case was not such as to warrant a special recommendation being made on his behalf to the Govt. of India and to the Secy. of State. He now appeals to the Govt. of India against that order and solicits a recommendation to the Secy. of State for "such gratuity at least as may be admissible under the rules, if not for a small

UP
small pension. In support of his appeal the memorialist refers to particular acts of good service rendered during his career and quotes the opinion of his conduct and character formed by many of the officers under whom he served. It is the case that he was on several occasions rewarded for conspicuous merit, but, as has already been stated, he was on the other hand suspended or reduced on three occasions, punishments which in the opinion of this Govt. must be taken to counterbalance the special merit by which his service was otherwise characterized. I am therefore to state that H.E. the Governor in Council has no recommendation to make on the memorialist's behalf.

3.6 Finally I am directed in accordance with Mr. O'Connell's request to forward copies of the marginally noted letters from Mr. Hammick, the Inspector General of Police, and Surgeon Genl. Sibthorpe, to which reference is made in paras 8 & 9 of the memorial. It will be seen that Mr. Hammick describes the memorialist's character as "fair while in the Police" and while admitting that he did very good work draws attention to his insubordinate temper, which brought him into serious trouble on one occasion. The S.G.'s letter goes to show that the memorialist was practically compelled to resign his post as Head Steward in the General Hospital, but, as has already been remarked, said even if the break in service caused by his resignation is condoned, Rs.50 is the

Cap. { A. No. 2248 P. (K. 4)
B. No. 5612. B. 15-11-95
C. x 3/6/2/8 26-8-95

7. 9. 72/1000
25-7-26

the maximum pension to which the memorialist would be eligible under the C.S.R.

on the hypothesis that he had paid the requisite pensionary contributions from 1882-

1894. A pension of this amount has

already been granted to the memorialist

by the Mysore Darbar. Finally I am to

state that the memorialist is mistaken

in supposing that Mr. Castlestuart Stuart

favourably recommended his appeal to

the consideration of the local Govt.

No communication on the subject appears

to have been received from Mr. Stuart.

Then to

to

27. 8. 86

MA

28. 8. 86.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No. 189

DATED

CURRENT No.

PROCESSED TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAKES NOT FILED UP BEING MEANT FOR DESPATCH
IN ORIGINAL.

A.E.

A = Print in full.
B = Not to be printed.
F = Print abstract only.
Q = Print heading only.

NUMBER OF COPIES
REQUIRED.

Order complete.

Letter only.

Order complete with Letter.