

Revenue

(1897)

Department.

CURRENT No. 16

From

The Board of Revenue

(Rev. Sett., L. R. & Agri.).

Order, 18th Jan^y 1897 No. 38.

The petitioner is informed that under the rules which were in force at the time ^{when his pensionable service began,} ~~he entered the service~~ he would have been entitled only to a pension of Rs. 3-9-5, while under the new rules he has been granted a pension of Rs. 5-6-2 p.m. He has thus benefited by the alteration of the rules. His claims for an enhanced pension under the rules which were introduced after he joined the service and modified for his retirement ~~are~~ inadmissible.

No. 6501 mis.

Dated 12th December 1896

Received

Registered

Enclosures records

Spare copies

SUBJECT.

Submitting to Government, memorial of C. Ramasami Naidu, pensioned Classifier of Revenue Settlement No. III Party, claiming higher rate of pension.

To The P. & R. Secy. to the Bd. of Rev. R.S.L.R. Inf.

Note Please see the a/c report.

BACK PAPERS.

G.O.	No.	Department.	Date.
80	662	Pen.	29-7-96
	428	do	3-6-96
	899	do	1-9-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

His Excellency
The Right Honorable
the Governor in Council
Fort Saint George

The humble Memorial of Cuddalore Ramasamy
Vaidro late a Classifier Revenue Settlement
No 3 Party Godavari & Krishna.

Most Respectfully sheweth,

That Memorialist begs most respectfully to lay
before the Government his grievance & requests most earnestly
that they may be pleased to take his pitiful case into their
favorable consideration and render him justice.

2 That Memorialist entered in service as surveyor
on the 22nd November 1861 and had a transfer to Settlement
Department on 4th April 1862. He was doing business in temporary
departments till 22nd December 1872 when he was confirmed in
the permanent department as Harbore on a salary of Rs 15 per
mensem. Ever since his service was counted for pension. When
he was a Classifier on a salary of Rs 20 in Revenue Settlement
No II Party in Coimbatore he was thrown out of employment
on the 31st December 1879 in consequence of the reduction of establish-
ment and he was granted a compensation gratuity of Rs 120
under G. O. Pension Department No 899 dated 1st September 1880.
But he was ever since serving the Government in temporary depart-
ments till he secured on the 1st January 1886 a permanent post
as a Classifier in the Revenue Settlement No III Party on a
salary of Rs 20 per mensem. He then refunded the gratuity he
drew in 1880. He continued in this permanent service till
1st April 1896 and he retired from service from that date on
completion of 55 years of age.

3 That at the time of his retirement his pay was
Rs 20 per mensem and the average emolument for the 5 years
preceding the date of his retirement were likewise the same.

3

6

Trichinopol
4 August 1896

No. 17 18 Feb 1898
Late Classifier

Caddalore Ramasami Iaidoo
late Classifier Rev. Settlement
No. 6. Pappu Chetty Street
Tennore Trichinopoly



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture).

Dated 12th December 1896.

No. 6501 Mis.



READ

again the following letter from the
 Dy. Commissioner of Revenue Settlement, No. III Party, Dated 8th September 1896 No. 601.—

I have the honor to submit a memorial addressed to the Government of Madras by C. Ramasami Naidu, pensioned classifier of this Revenue Settlement Party No. III.

2. The classifier retired on the 1st of April 1896 and was granted a pension of Rupees 5-6-2 under articles 468 and 518 (b) of the Civil Service Regulations for his qualifying Superior Service

Ms. 721/996

Service of 16 years, 10 months and 13 days.

3. He now claims, with reference to Note 2 to Article 7 of the Civil Service Regulations, and enhanced rate of pension at Rs 6-10-8, which is a third of the salary he was drawing when he retired. This enhanced pensioned he claims under the old rules in force in 1861 when he states he entered the Government Service.

4. The period for which the memorialist has now been granted pension counts from 12th December 1872 to 31st December 1879 and from 1st January 1886 to 31st March 1896. All his other service was in appointments not qualifying for pension.

5. Though he entered service in

in 1861 it was on a temporary establishment and his qualifying or pensionable service did not commence till December 1872. On 31st December 1879, he was thrown out on reduction and again re-entertained in 1886. The old rules in force in 1861 were superseded in 1888 by the new rules, and subsequent to 1888, he was in service for nearly 8 years and retired only on 1st April 1896. Under these circumstances, I consider that the memorialist is not entitled to exceptional treatment under Note 2 to article 7 of the Civil Service Regulations. If this concession is granted to Petitioner, every official who has put in over 15 and less than 20 years' service can similarly claim one-third pension under the old rules, and

and the dictum laid down in article 7(a) that "an officer's claim to pension is governed by the rules in force at the time when he resigns or is discharged from the service of Government", that "he is not entitled to concessions withdrawn before or made after his resignation or discharge", will become inoperative.

Read again Board's Proceedings dated 21st September 1896 No. 4600 mis. requesting Government, Revenue Department, to send back the pension application and other papers of C. Ramasami Naidu retired Classifier of Revenue Settlement No. III Party.

Read also Proceedings of Government, Pension ~~Revenue~~ Department, dated 12th October 1896 No. 964 returning the pension application and connected papers of C. Ramasamy Naidu

Naidu, late Classifier, Revenue Settlement No. III Party, for reference.

Resolution

The papers read above will be submitted for the orders of Government through the Accountant-General.

2. The memorialist was lately employed as Classifier in No. III Settlement Party and Government in its order No. 438 dated 5th June 1896. Pension sanctioned a monthly pension of Rs 5-6-2. This amount was calculated under the new rules with reference to a total qualifying service of 16 years, 10 months and 15 days at $\frac{16}{60}$ ^{ths} of the average emoluments.

3. The memorialist claims that his case should have been dealt with under the old rules, according to which a service of 15 years would secure him one

one-third pension.

4. In the letter read above, the Deputy Commissioner No. III Party states, that the memorialist is not entitled to exceptional treatment under note 2 appended to article 7 of the Civil Service Regulations and that if this concession is granted to the memorialist, every official who has put in over 15 and less than 20 years' service can similarly claim one-third pension under the old rules, and the dictum laid down in article 7 (a) that "an officer's claim to pension is governed by the rules in force at the time when he resigns or is discharged from the service of Government", and that "he is not entitled to concessions withdrawn

withdrawn before or made after his resignation or discharge", will become inoperative. The Board agrees with the Deputy Commissioner. The memorialist completed 15 years of qualifying service only long after the introduction of the new rules.

(True copy + Extract)

R. L. Sinwasari
Secretary

To
The Secretary to Government,
Revenue Department, with records
through the Accountant-General.
Copy to the Dy: Commissioner of
Revenue Settlement No. III Party.

D. G. G.

Pension No 16

No. 9. a. e.

434

Fort St. George,

Accountant General's Office,

8th January 1897.



Submitted. Under the second sentence of Article 7 (a) of the Civil Service Regulations, an Officer's pension is governed by the rules in force at the time of his retirement, and is not affected by concessions withdrawn before, or made after his retirement. The new rules were first promulgated in September 1887, and the applicant remained in service for about 8½ years after that date, and then retired after putting in a service of 16 years 10 months and 15 days, for which he was granted a superannuation pension of Rs 5-6-2 a month. Vide Government Order No. 438 dated 5 June '96. He however claims to be paid under the rules which were in force at the time of his entertainment. The Government of India ruled in the case of M. Murugesu Mudali, late a Clerk in the Office of the Assistant Inspector of Schools, 4th Division, Madras (Government of India No. 195 dated 6th August 1894 embodied in Government Order

No. 1109

No. 1109 dated 7th September 1894) that in cases where the application of the new rules inflicted special hardship, a recommendation to apply the old rules could be made. But in the present case the Petitioner has apparently lost sight of the fact that under the rules that were in force on the 1st November 1872, the date on which his qualifying service in a superior grade began the superannuation pension admissible to an Officer is arrived at by multiplying the amount of invalid pension admissible by a fraction, the numerator of which is the number of years service completed, and the denominator is 30. Accordingly the pension that could have been granted under those rules is only Rs 3-9-5 per mensem - Vide proviso under Section 57 of the Civil Pension Code, 1st Edition.

J. Narain

Offg. Accountant General.

To
The Secretary to Government,
Pension Department.

NR 8/1

[R. E.]
43
1,000-10-8-00.

Pension (1896) Department.

CURRENT No. 905

From

C. Ramaswamy Iyengar
late a Chaplain Rm
sett. in 3 Parly. G. S. S.
+ Kish

No.

Order

To lie over pending receipt of the original.

del
15.8.96

del
17.8.96

Dated 4th August 1896.

Received 12th

Registered 12th

Enclosures /

Spare copies. nil.

SUBJECT.

Submitting a duplicate copy of his memorial of 4th Aug. 1896, forwarded thro' the Dy. Commr of Rev. Settlement, praying for an enhanced pension

BACK PAPERS.

G.O.	No.	Department.	Date.
80-	662	Pension	29-7-96.
-	438	-	5-6-96
-	899	"	1-2-86

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Duplicate

To His Excellency
The Right Honorable
The Governor in Council
For Saint George



CHIEF SECRETARY
7 AUG 1896
GOVERNMENT OF MADRAS

The humble Memorial of Cuddalore Ramasami
Naiddoo late a Classifier Revenue Settlement No. 3
Party, Godavari & District.

Most Respectfully Sheweth

That Memorialist begs most respectfully to lay
before the Government his grievance & requests most earnestly
that they may be pleased to take his pitiful case into their
favorable consideration and render him justice.

2 That Memorialist entered in service as Surveyor in
on the 22nd November 1861 and had a transfer to Settlement
Department on 4th April 1862. He was doing business in temporary
departments till 12th December 1872 when he was confirmed
in the permanent department as Clerk on a salary
of Rs 15 per mensem. Ever since his service was counted
for pension. When he was a Classifier in a salary of Rs 20 in
Revenue Settlement No II Party in Coimbatore he was thrown
out of employment on the 31st December 1879 in consequence
of the reduction of establishment & he was granted a
Compensation gratuity of Rs 120 under G.O. Pension Department
No 899 dated 1st September 1880. But he was ever since
serving the Government in Temporary Departments till
he secured on the 1st January 1886 a permanent post
as a Classifier in the Revenue Settlement No III Party on
a salary of Rs 20 per mensem. He then refunded the gratuity
he drew in 1880. He continued in this permanent service
till 1st April 1896 and he retired from service from that date
on completion of 55 years of age.

3 That at the time of his retirement his pay was Rs 20

per mensem and the average emoluments for the 5 years preceding the date of his retirement were likewise the same.

That the Memorialist has been granted a compensation pension of Rs 5-6-2 per mensem in consideration of his qualifying superior service of 16 years 10 months and 15 days excluding his non-qualifying service of 17 years 6 months & 41 days Vide G.O. Ind. No. 2811, P.S. L.P.A. dated 11 June 1896.

5 That this pension has been calculated at $\frac{16-10-15}{60}$ his average emoluments under articles 468 & 518(b) of the Civil Service Regulations (2 Edition) which were introduced in 1888 i.e. nearly 27 years after he entered the Government Service. But under the Rules (Civil Pension Code 6 Edition) that were in force at the time he entered the Government Service he would be eligible for a pension of Rs 6-10-8 or Rs 1-4-6 more than the amount granted to him.

6 That in the report made by the Unconvenanted Civil Service Committee held in London in 1890, the Chairman Sir John Forster Under Secretary of State for India is stated to have declared that new rules will not have retrospective effect when they act prejudicially upon the interest of Government servants & subsequently in the notification of Government of India based upon this report at page 1236 of the Fort Saint George Gazette dated 15 December 1891 it is provided that "If any case of apparent hardship arises, the local authorities should understand that when the officer applies to retire, they are precluded from enquiring into all merits and ascertaining whether in their opinion he has substantially suffered from the introduction of a rule not in force at the time he entered in service. If after comparing the advantages seen to the officer by the altered rules

with any disadvantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in particular instance."

7 That under these grounds Memorialist most respectfully prays that Your Excellency in Council will be graciously pleased to grant him the enhanced rate of pension viz Rs 6-10-8 for which he is eligible under the rules in force at the time he entered the Government Service. A reduction of Rs 1-4-6 in the amount of his pension will cause him a severe hardship, which he humbly prays to be redressed under the unmistakable pledge given by the Secretary of State and under the notification quoted above.

For which act of justice & mercy,
Your Excellency's Memorialist will as in duty bound ever pray.

Trichinopoly
4 August 1896

Sd/- Thiruvengadam
Late Classifier

The address of the Memorialist is as follows:-
Caddalore Ramasami Naiddoo
Late Classifier Res. Settlement
No 6 Pappu Chetty Street
Sennore Trichinopoly

To His Excellency
The Right Honorable
The Governor in Council
Fort Saint George

The humble petition of Gaddalove Ramasamy
Kaidoo late a Classifier Revenue Settlement
No III Party Godavari & Distna.

Most Respectfully sheweth,

That the petitioner has under Government
endorsement order Pension Department No 662 dated
29 July 1896 submitted the original memorial
to the Deputy Commissioner of Revenue Settlement
No III Party Godavari & Distna to which he belonged
& begs to enclose herein the duplicate copy
thereof as directed -

Trichinopoly
4 August 1896

G. S. Ramasamy
Late Classifier

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