

Pension (1897) Department.

ORDINARY MS.

G.O., No. 454/5

DATED 10-6-97

[Despatch Abstract.]

Submitting for the confirmation of the Govt.
of India, proceedings of this Govt. relating to
the grant of an invalid pension of
Rs 3-8-0 p.m. to K. Venkatarayappa,
late 5th Vernacular Accountant, Coimbatore
Office, Krishna -

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	577	Pension	26-7-97				

The letter being routine to be circulated to the Govt. of India for confirmation. Hence draft order is being sent to the Govt. of India for confirmation.

The pension being sanctioned, the Govt. of India for confirmation. Hence draft order is being sent to the Govt. of India for confirmation.

To the A.G.

Read again G.O. No. 339 Pen. 8/28-4-97
Read also C.No. 396.

Order. 10 June 1897 No. 454.

The grant will be submitted for the confirmation of the Govt. of India, pending which the order will be held in abeyance.

27.5.97

No. 455.

To
The Secy. to the Govt. of India
Dept. of Rev. & Agri.

Sir,

I am directed to submit, for the favourable consideration & confirmation of the Govt. of India, the marginally noted Pros. of this Govt. relating to the grant of an invalid pension of Rs. 3 - 8 - p.m to K. Venkatarajah, late 5th Vernacular Accountant, Collector's office, Kistna. 2. The facts of the case are as follows:

The applicant commenced his service on the 5th September 1872 as a clerk on Rs. 15 in the Collector's office, Kistna District, and was subsequently raised to the position of ~~Vernacular~~ 5th Vernacular Accountant, in the same office. He continued in the service till the 26th June 1893, when he was granted two years'

G.O. No. 339 Pen. 8/28-4-97

leave on medical certificate. After the expiry of his leave, he did not rejoin his appointment, but applied for leave on loss of pay, which was refused. A few days afterwards he appeared before the Collector who declared him to have forfeited his appointment. On appeal, however, the Board of Revenue ordered him to retire on a pension, the period intervening between the date of expiration of his leave on medical certificate and the date on which he was declared by the medical officer to be unfit for further service being treated as leave without allowances.

3. When submitting his pension papers the Accountant-General pointed out that the applicant forfeited his appointment, and as that appointment was permanently filled up he forfeited his past services also. He also added that the Local Govt. could not under Article 463 (b) declare that the applicant's service had not been forfeited in as-much-as the period within which such declaration should be made had exceeded one year, that after an officer had lost his appointment no -- kind of leave could be granted to him, and that to treat the case as suggested by the Board of Revenue would be an evasion of the rule contained in Article 463 (b) of the Civil Service Regulations.

4. The Government was, however, of opinion that the Proceedings of the Board of Revenue should be held to cancel the

order of the Collector filling up the applicant's post permanently and that therefore the applicant's unauthorized

absence in continuation of his authorized leave of absence did not under Article 463(b) of the Civil Service Regulations, entail forfeiture of his past service, and accordingly granted him a pension of Rs.3-8-0 per mensem the maximum amount admissible for his qualifying superior service of 14 years and odd, under Article 518 (b) of the Civil Service Regulations.

27.5.97

(from a/c)
1/21/97
1/21/97

~~The C.M. order having been cancelled by the H.P. of Rev. on appeal, the applicant's post was never vacant; that consequently it was a condition to applicant's post becoming vacant that the Collector's decision was upheld by the Board of Revenue and that as this condition was not fulfilled the~~

Pension (1897) Department.

CURRENT No. 396

From The Acct General
Madras

For Orders.

No. 9A8
29

W.S.
12.5.97. Please see the note flapped B.
Govt held that the Board order
cancelled the other order.

But the Acct Genl continues
Art 463(b) to mean that
if the appointment is made
permanently plus up by
an authority having the

power to do so, the former
holder of the app't ipso
facto loses his previous
service and that the
Subsequent order of a higher
authority canceling the
permanent appointment
will not affect the loss.

This view entails the anomaly

Dated 8th May 1897

Received 10th do —

Registered 10th do —

Enclosures

Spare copies

SUBJECT.

Informing that the Collector
who had the authority to fill
up the appointment - sub-
stantively did appoint one
in his place and that he
- viz hee done, the appli-
- cant forfeits his past
service under art-463(b)
C. S. Regulations.

19/5/97

of an appellate authority
not being able to apply
a full remedy.

If the Acct Genl's
view is to be accepted as
final apparently India
has to be addressed.

Ull
15/5/97

The Act: Genl: ^{Commission} seems
to me unintelligible. The Act:
order of app: was null & void in
effect the app: was not
vacant: Its meaning became
dependent on a controversy viz that
the Act: order was not set aside
on appeal which controversy never
came to pass. The Act: had no
authority to fill up the appointment
substantively unless it be held
the Act: can fill up a clerical
post which is not vacant.

There seems no reason either to
reconsider the order or to refer to
India. The Act: Genl: can
do this him self.

17.5.97

BACK PAPERS.

G.O.	No.	Department.	Date.
go	339	Pen.	28/4/97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

The A & has respectfully
requested the Local Govt to
admit the question for the order
of the Supreme Govt + Govt
common "interdict" to Sec 1633
Civil Code.

JG

20/5/97

P.M

Draft to India
stating views of Govt
Also objection the
Govt view & ask
for orders

Ull
22/5/97

Penion DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,

No. 223
29
8th May 1897.

From

W. H. Mahad Enge,
Off. ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Secretary to Government.
Penion Department.

SIR, With reference to paragraph 2 of Govern-
ment Order No. 339 dated the 28th of April '97
stating that the Proceedings of the Board of
Revenue No. 5432 Land Revenue, dated the 7th Decr '96
must be held to cancel the order of the Collector
of Kistna filling up applicants post permanently
and that under Article 463(6) of the Civil Service
Regulations, his unauthorized absence in con-
tinuation of his authorized leave of absence
does not entail forfeiture of his past service, I
have the honour to state that as a matter of fact
the Collector who had authority to fill up the
appointment substantively, did appoint one in
his place, and that having been done the appli-
cant forfeits his past service under Article 463(6).

of the Civil Service Regulations. As the order under
reference seems to be opposed to the provisions of
that article, I respectfully request that the order
may be reconsidered or that the sanction of the
Government of India may be obtained to the
grant of the pension.

I beg to enquire whether the pension
now sanctioned may be paid to Venkatramayya
pending receipt of the Government of India
orders.

I have the honor to be,
Sir,
Your most obed^t servant
W. Michael
Offy. Accountant General.

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. 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.

N.B.—

A = Copy in full.
B = Not to be copied.
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Q = Copy heading only.