

Pension (1897) Department.

ORDINARY MS.

G.O., No. 486

DATED 2-7-97.

PRINTED
IN

G.O. 153 Pln
26/2/1900

[Despatch Abstract.]

Granting a superannuation pension of Rs 90-10-0, per m to Mr T. C. Clarke,
late Asst. Registrar, High Court, Original Side, Madras.

BACK PAPERS.

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

FURTHER PAPERS.

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

[R. E. 46. 1,000-10-8-96.]

Pension (1897) Department.

CURRENT No. 315.

1897
 Notes comm. with G.O. No. 486 Pau of 27.97
 From the Acct. Genl. in J. A. 210 457
 From
 Under Secy
 For Orders. (A) 35m The Accountant General

On the 1st Oct. 1896, Mr. T. C. Clarke, late Assistant Registrar, High Court, Madras, was, on attaining the age of 56 years, superannuated & recommended for a superannuation pension of Rs 90-10-4 for his qualifying superior service of 15 years & odd. The Registrar, High Court, also proposed to re-employ Mr. Clarke as Chief Clerk of the Insolvent Court on Rs. 250/- p.m. and asked that he might be permitted to draw pension in addition to pay as Chief Clerk. He undertook that the appt. of Chief Clerk being paid from fees collected under his authority did not come in the Genl. Service and did not apply to Mr. Clarke. In G.O. 1722 J. A. 2-11-96 the Govt. said that it was unable to recommend that Mr. Clarke should be permitted to draw pay as Chief Clerk in addition to pension, but India's sanction was obtained for the appointment of Mr. Clarke as Chief Clerk, Insolvent Court, for 1939. In G.O. 2003 J. A. 17-12-96 the A.G. was authorized to pass Mr. Clarke's pay as Chief Clerk of the Insolvent Court from 1st Oct. 1896, in anticipation of India's sanction.

Dated 10th April 1997.
 Received 13
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 Enclosures
 Spare copies.

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Forwarding letter from the Acct. Genl. to the Acct. Genl. High Court, requesting the Acct. Genl. High Court to obtain early orders on the pension application of Mr. T. C. Clarke, late Asst. Registrar High Court Office. Copy of voucher is of use. Get the original at once. 28/10/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

as temporary and subject to revision. The question whether art. 575 of the C.S.R. applies to the case is. whether art. 575 of the C.S.R. applies to the case is. was referred to the Govt. of India in Decr. '96, and no reply has as yet come.

for 578 (original) herewith put up for 24-4-97

11-5-97

The reply has since been received & put up. The Govt. of India agree with this Govt. that the app't of Chief Clerk of the Insolvency Court is one under the General Service but consider that in the case of Mr. T.C. Clarke there is reason for exceptional treatment and therefore

and consent to his reemployment without loss of any pension which may be due to him such pension being (although nominally a superannuation pension) being treated as

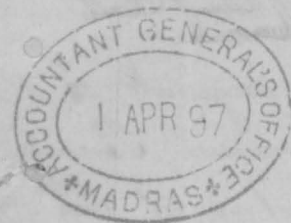
substantially a compensation subject to the provisions of art 569 C.S.R. pension. Mr. Clarke's application for pension was recorded when

it was found that he had been reemployed. But in the light of the Govt. of India's reply above referred to & submitted

that the pension may now be passed. It appears doubtful if his new app't is to be pensionable. At any rate art 569 C.S.R. and seems not to affect the grant of a pension but only the payment thereof. 11-5-97

Ref. on C. No. 981/97.

High Court of Judicature, Madras, 30th March 1897.



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From

D. W. G. Cowie, Esquire,

Registrar of the High Court of Judicature, Madras.

To

W. H. Michael, Esquire,

Officiating Accountant-General, Madras.

Sir,

I have the honor to invite your attention to my letter No. 928 dated 26th October 1896, forwarding an application for pension on behalf of Mr. T. C. Clarke, late Assistant Registrar, High Court, Original Side, and to request that you will be good enough to obtain the early sanction of His Excellency the Governor in Council thereon.

I have the honor to be,

Sir,

Your most obedient servant,

D. W. G. Cowie

Registrar.

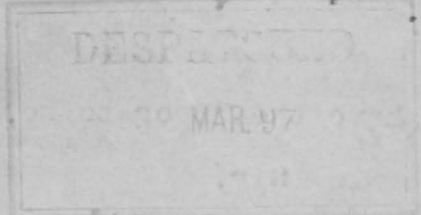
From
The Registrar of the High Court
of Judicature, Madras.

To
The Accountant-General,
Madras.

Dated 30th March
Sent
Received

1897. Please see
abstract
of the
11/5/97

Reference on Curr. No. 981 of 1897



Subject.

Requesting him to obtain early orders
on the application for pension of Mr.
T. C. Clarke, late Assistant Registrar,
High Court, O.S.

N.º 922
Fort St. George,
Accountant-General's Office,
18th April 1897.

Forwarded in original to the Under
Secretary to Government, Pension Depart-
ment in continuation of this Office report
No. adj. dated the 31st October 1896.
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On reference it was pointed out to
Government that Mr. Clarke could not
be employed in service after superannuation,
and the Government agreed vide G.O.
No. 1722, Judicial, dated the 2nd November 1896.
Notwithstanding he has been and is
actually performing the duties of a
chief clerk of the Insolvent Court,
Madras, and his salary of Rs. 250 a
month is being passed by this Office
under Government Order No. 2003, Judicial,
dated 17th December 1896. If his retention
in foot service is sanctioned he will
continue to draw his pay as chief clerk
of the Insolvent Court; and in that case
no pension can be sanctioned. He cannot
be retained in General Service after retire-
ment on superannuation pension under
Article 575 of the Civil Service Regulations
and permitted to draw pension in addition to
pay except by permission of the Government
of India.

Whitchell
Offg. Accountant General.

To
The Secretary to Government,
Pension Department.

NE 9/4

Pension
REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O. 1132 Pension & 23 Nov 1896
G.O. 792 Judicial & 4th June 1897
Cur No 315 (Pension)
P. (a)

Order. 2nd July 1897 No 486.

Under articles 502, 518(b) &
521(a) of the Civil Service Regulations
(2nd Edition) His Excellency the
Governor in Council is
pleased to grant to Mr
Thomas Cunningham Clarke,
late Assistant Registrar,
High Court, Madras, original
side, a superannuation
pension of Rupees (90-10-0)
Ninety and annas ten only, per-
payable at Madras from
the 1st October 1896 in consid-
eration of his qualifying
superior service of 15 years
3 months & 24 days.

To the Registrar High Court
To the Asst. Secy. to the
Judicial Dept

Print in continuation of A
Flag F

W. H. C.
28/5/97
In the for
above M.
for

Qu

had decided not to allow
him to draw pay as
Chief Clerk of the Insolvency
Court in addition to pension.

From the second of the
papers read above it
appears that the Govt
of India is willing to
treat Mr Clarke as
satisfactorily & his
superannuation pension
as substantially a com-
pensation pension &

therefore is prepared
to sanction his drawing
pension in addition to
pay as Chief Clerk of
the Insolvency Court
subject to the condition in

art 56 of the Act that
his total emoluments do
not exceed what he
draws before payment of
pension. Moreover the
Pension Dept have now
only to sanction his pension
as certified by the Act and in

Flap E

report in file Flapped F; the
Judicial Dept will then
pay Mr Clarke pay
as Chief Clerk in conformity
to the provisions of art 56
already quoted.

Ulls
28/6/51
H. H. H.

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

189

READ AGAIN G.C. 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.

N.B. —
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.