

Pension (1897) Department.

ORDINARY MS.

G.O., No. 552/3

DATED 19-7-97

[Despatch Abstract.]

Order

Ordering that the Govt. of India be addressed in the case of T. V. dealingum Pillai,
late Sub Engineer, 3rd Grade P.W.D.

Letter

Submitting for the favourable consideration of the Govt. of India, the case of T. V. dealingum Pillai and requesting that his claim for counting his temporary service towards pension may be recognized under art. 418, C.S.R. and that a pension of Rs 110-4-8 may be sanctioned from the date of his retirement.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	1170	Pen.	21-9-94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	810	Pen.	22-10-97				

Pension Public Works (1897) Department.

CURRENT No. 5532

No. 2786C, dated 9th June 1897
Order Swc.

Forwarded From The Examiner.
C. & D. Mutton. O. W. Bevan to
under Secy to Govt. Madras

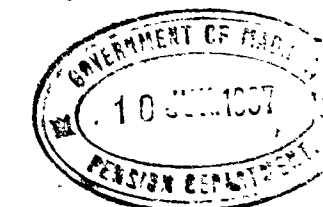
No. 250 A

Dated 5th June 1897.

Received 5 - -

Enclosures 6

Spare copies



SUBJECT.

- I. Vidiyalingam Pillay
late Sub Engineer 3rd
Grade. Pension case
of _____.

045192

119/6

FURTHER PAPERS.

[illegible][illegible]

N.B.—In any future communication on this subject, the number and date of this letter should be quoted, and the communication should be addressed to the Examiner, Public Works Accounts, Madras, and not to any office by name.

[E. No. 94.]
3,000-26-4-97.

EXAMINER OF P. W. ACCOUNTS, MADRAS,

To

Public Works Department.

No. 250 A Madras, 5th June 1897.

SIR,

Your endorsement No.23 dated 10th.May 1897.

To enable T. Vidialingum Pillay late Sub Engineer P.W.D to count his service from 1st. January 1860 to 31st. May 1868, sanction of the Government of India is necessary as in the similar case of Mr. Theodore, vide para 2 of G.O. Pension Department No. 703 dated 29th. July 1891.

2. A copy of the Circular Order in the P.W.D.No.6 of 1862 referred to in article 418 C.S.R, asked for in your para 2 is attached. Please be careful to return it to this office when no longer required.

I have the honour to be,

Sir,

Your Most Obedient Servant.

S. a. Deeniyah
Examiner, P. W. Accounts, Madras.

Es.
5.6.97

Pension (1897) Department.

CURRENT No. 345

Lib

From The P.W. Dept.

Est. No. 23 of 10 May 1897.
Order

No. 2157C

Referred to the Exams. of P.W. Accts. for report as to whether the petitioner's service from 1860 to 1868 during which period his pay was charged to "Works" may be dealt with under art. 418 of the C.S.R., as was done in the case of Mr. A.G. Theodore disposed of by G.O. 703 Pen. 2/29-7-91

Dated 14th April 1897
Received *W.H.* 4/57
Registered 23 - 4 - 97.
Enclosures
Spare copies

2. The Exams. is also requested to forward for the information of Govt. a copy of the Circular Order in the P.W.D. No. 6 of 1862 referred to in art. 418 of the C.S.R.

W.H.
4/57
The Exams. of P.W. Accts. with 1 Encl.

W.H.
5.5.97

SUBJECT

T. Vaidyalingam Pillai
In waring the memorial
of —

Note.

The petitioner requests that before forwarding the memorial to the Govt. of India, his case may be reconsidered. The Chief Engineer says that the memorial may be forwarded with the support of this Govt. Art 418 C.S.R. seems to have a bearing on the case. Hence draft reference put up for approval.

W.H.
4.5.97

BACK PAPERS.

G.O.	No.	Department.	Date.
"	389	Pm.	9-4-95
"	1325	do	4-11-95

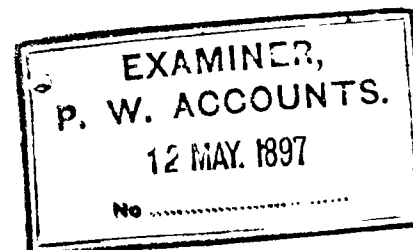
FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 2157c

Government of Madras.

PUBLIC WORKS DEPARTMENT.



MEMORANDUM.

Dated Madras, 14th April 1897.

Letter from J. Vydealingum Pillai of 12th April/97, forwarding a memorial to the Govt: of India, on the subject of his pension.

Submitted to Government.

2. The Chief Engineer has already expressed his opinion on J. Vydealingum Pillai's case in memoranda N^o 2890.C of 5th October/95, and N^o 2050.C of 23rd April/96, and as the late Sub Engineer did meritorious service during the period of his temporary service from 1st January 1860 to 31st May 1869, the undersigned recommends that the memorial be forwarded to the Govt: of India with the support of this Government.

Sgt. J. McNeil Campbell.

Col. R.E.

Chief Engineer

Transferred to the Pension department, with reference to G. O.

No 440 Pension of 8 June 96.

J. A. C. C. Col: R. C.

Secretary to Govt.

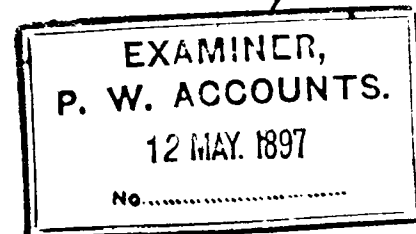
per

The Pension Department.

2/5/97

Public Works (1897) Department.

CURRENT No. ^{Ex 4} 3700 _{5552/97}



Order

From J. Vaidyalingam Pillai

Retired Subbrigadier.

No. -

Dated 12 April 1897

Received - Do -

Enclosures Two

Spare copies One.

SUBJECT.

Memorial to the
Govt. of India re:
his pension.

Submitting a
— requesting that
it may be forwarded
with the support of the
Indian Govt.

[illegible]

No	Date.
	()

To
HIS EXCELLENCY THE RIGHT
HONORABLE THE GOVERNOR-GENERAL
OF INDIA, IN COUNCIL.

MAY IT PLEASE YOUR LORDSHIP.

Your Lordship's humble Memorialist entered the public service in the Department of Public Works under the Madras Government in March 1858 as a temporary writer, Wellington Barracks, on a monthly salary of Rs. 15; and after serving in that appointment for a year and 2 months was confirmed on the 1st May 1859 as an Assistant Overseer's writer in the permanent establishment on a monthly salary of Rs. 15, the service in which is countable towards pension both under the old and the new pension rules. The Memorialist, while holding the latter appointment, was transferred on 1st January 1860 by the Executive Engineer, Nilgiri District, (his official superior) as a writer on Rs. 18 per month in the temporary establishment sanctioned for the Coonoor Ghaut Works. On the 1st September following, the Memorialist was promoted to the executive branch of the same temporary establishment as a Superintendent on Rs. 26 a month and continued to hold it until the 31st May 1868 with this difference—that the monthly salary was increased from time to time until it reached Rs. 90 including with a horse allowance of Rs. 15 a month. On the 1st June 1868, the same temporary establishment was converted into permanent establishment, and the Memorialist was confirmed in his appointment on the same date and on the same salary of Rs. 75 together with the horse allowance of Rs. 15 to make up the total of Rs. 90 a month. Since that time the Memorialist held various appointments and had numerous promotions culminating in his appointment as Sub-Engineer, 3rd grade, from which he retired on the 1st May 1894.

2. For facility of reference the Memorialist begs to subjoin an abstract statement showing his service from 1st May 1859, the date on which he was entertained on the permanent establishment of Government:—

Appointment.	Permanent or Temporary.	Pay.	Service.		Total service.	Remarks.
			From	To		
		Rs. A. P.			Yrs. M. D.	
1. Assistant Overseer's writer, Nilgiri Range.	Permanent.	15 0 0	1st May 1859.	31st Dec. 1859.	0 8 0	
2. Do. Range writer.	Temporary.	18 0 0	1st Jan'y. 1860.	31st Aug. 1860.	0 8 0	
3. Superintendent.	Do. ...	26 to 90	1st Sept. 1860.	31st May 1868.	7 9 0	
4. District Maistry, Overseer, Supervisor and Sub-Engineer.	Permanent.	75 to 250	1st June 1868.	30th Apl. 1894.	*23 0 18	* Excludes sick leave and fullough leave of
				Total...	32 1 18	Yrs. M. D. 2 10 12

From the above it may be seen that the Memorialist has put in a qualifying service of 32 years, 1 month and 18 days on the date of his retirement.

3. Your Memorialist is thus eligible under the rules to get a retiring pension of half of his average emoluments which on calculation will be found to amount to Rs. 110-6-8. The Government of Madras has, however, in its C. No. 1187, Pension Department, dated 21st September 1894, passed the following order admitting the Memorialist's claim only to item No. 4 for a service

Pay and Travelling allowance drawn in each month as Sub-Engineer, 3rd Grade:—

	Rs.	A.	P.
Sub-Engineer's Pay per month ...	250	0	0
Sub-Divisional allowance per month ...	80	0	0
Travelling allowance at Rs. 3 per diem ...	90	0	0
Total drawn in each month...	370	0	0

of only 23 years and 18 days, and condoning under Article 465 (a) 2 of the Civil Service Regulations a deficiency of 11 months and 12 days to make up a total of 24 years' service, and granting a superannuation pension of Rs. 88-3-8

per mensem to your Lordship's Memorialist, who has been drawing the marginally noted Pay and Allowances at the time of his retirement.

Order dated 21st December 1894.

"Under Article 502, 508 and 518 (b) of the Civil Service Regulations (2nd Edition), the Right Honourable the Governor in Council is pleased to grant to T. Vydealingam Pillai, the 3rd Grade Sub-Engineer, P. W. D., Madura Division, a superannuation pension of Rs. (88-3-8) Eighty Eight, Annas Three and Pies Eight per mensem payable at Trichinopoly from 1st May 1894, in consideration of his qualifying superior service of 23 years and 18 days.

"2. The deficiency of 11 months and 12 days to complete 24 years' service has been condoned under Article 465 (a) 2 of the C. S. Regulations.

"3. The applicant's request that his service in the temporary establishment from January 1860 to June 1868 may be allowed to count for pension and that he may be given a $\frac{1}{2}$ pension is inadmissible."

4. Your Lordship's Memorialist, while feeling deeply grateful for the considerations shewn to him by the benign Madras Government, is constrained to think that the period of his qualifying service has been under-estimated by it, and begs leave to approach your Lordship with this Memorial in the fullest hope that the benevolent consideration shewn to him by the Madras Government may be supplemented by your Lordship's Government by a liberal interpretation of the pension rules in respect of the petitioner's case, in consideration of the facts detailed *infra*. As the orders of the Madras Government quoted above does not contain the reasons for considering your Lordship's Memorialist to be entitled only to a service of 23 years and odd, he surmises that the temporary service of 8 years and odd mentioned in items 2 and 3 of the statement in para. 2 which intervened has been treated not only as non-qualifying in itself but also as having caused an interruption in the continuous service so as to deprive him of the benefit of the qualifying service of 8 months mentioned in item 1 of the statement.

(a) Your Memorialist entered the public service in the pensionable grade in 1859 and was transferred to the temporary service in 1860. At these two periods the pension rules of 1831 were in force, according to which there was no distinction between permanent and temporary establishments, and there were not all the restrictions and limitations now in force, except (1) that the officer should belong to the *superior class of Public servants*, (2) that he should have been employed in the Public service for a period of at least 20 years and (3) that the

T. Vydealingam Pillai
Retired Sub-Engineer

period of service must be *continuous*. (The service register of the Memorialist proves that all these three conditions are fulfilled in his case). The transfer of the Memorialist from the permanent to the temporary establishment was not a matter of moment to him, since the transfer was made by the Executive Engineer, his official superior, who was competent to make the transfer; and as the transfer itself involved no loss of privilege under the then existing circumstances, and as the Executive Engineer had promised to bring him on to the permanent line on the completion of the works. In support of this, the Memorialist begs to state that before his transfer he did not resign his permanent appointment; neither was he asked to resign it nor has he been treated at any time to have resigned it (*vide* entry in Column 11 of the Service Register "transfer").

(b) The Government of India Order No. 955, dated 20th February 1868, published in Fort St. George Gazette of 10th March 1868, page 568, runs as follows:—

To

The Acting Chief Secretary
to the Government of Bombay.

Sir,

Fort William, the 20th February 1868.

I am directed to acknowledge the receipt of your Endorsement No. 84, dated 16th January 1868, submitting for the favorable consideration and sanction of the Government of India a proposition by the Acting Commissioner in Sind that Mr. Krishnarao Janardhin, a clerk in his office, who has been deputed on a temporary duty, may be allowed to count as service towards pension the period of his employment on that duty.

2. In reply I am desired to state that as the officer concerned is the holder of a permanent appointment in (presumably) a pensionable grade, he will count towards pension the period of his service on deputation though, in calculating the amount of his pension, only his substantive pay, and no part of the salary of the temporary office, will be taken into account.

I have &c.

(Signed) E. H. LUSHINGTON,

Secretary to the Government of India.

This order applies on all fours to the Memorialist's case, and breathing as it is the true import of an order of transfer, the Memorialist never troubled himself about the nature of the service during the time he continued to be employed in the temporary service.

5. So much according to the old orders. Even according to the Civil Service Regulations, Second Edition, which was in force at the time of the Memorialist's retirement, the rules contained in which do not materially differ from the pension rules of 1863, the service omitted from consideration would appear to qualify for pension. The reasons are:—

(a) According to Article 410 of the Civil Service Regulations, an officer on a permanent establishment, if detached on temporary duty on the understanding that, when the temporary duty ceases, he will return to the permanent establishment, counts his detached service for pension.

(b) That in the case of the Memorialist there was an understanding of the kind contemplated is patent from the facts (1) that the transfer was made not at his request, (2) that he never resigned his permanent appointment and (3) that at the close of the temporary duty he was given a place in the permanent establishment without interruption even for a day.

6. Incidentally your Memorialist begs to bring to Your Lordship's notice that, after the issue of the new pension rules in or about 1870, doubts having arisen whether the period of service now in question would count for pension, your Memorialist applied to Government with the strong support of his superiors for an authoritative declaration on the point, but was informed in G. O. No. 607, P.W., dated 30th July 1872, in the following terms:—

"The Government invariably decline to decide whether doubtful period of service will be allowed to reckon, until the application for pension or gratuity is before them. It is obviously objectionable to attempt to determine such question before hand, when the grant necessarily depends on the report to be made at the time of retirement."

As this order in effect did not deny that the service was pensionable, your Memorialist had to remain contented with it until the time of his retirement, when he lost no time to lay the matter before the Local Government in due course, but without effect.

7. Again under Article 405 of the Civil Service Regulations, an officer transferred from a temporary to a permanent appointment can count his service in the temporary office, if, though at first created experimentally or temporarily, it eventually became permanent. As explained in para 5 (a) *supra*, your Lordship's Memorialist's case is covered by this rule as well as by Article 410.

8. It has been a surprise to your Lordship's Memorialist that, notwithstanding the existence of all these rules and concessions, the long and meritorious service he had done to Government, and the strong support of a number of European Officers of fame and name, the Government of Madras should have thought itself unable to direct the inclusion of the service in question in the pensionable period. In looking into a copy of his Service Register, Your Memorialist finds an entry therein against the Temporary Establishment as follows:—

"Charged to Estimate for Coonoor Ghaut Works. *Vide* Executive Engineer, Nilgiri Division, No. 411, dated 2nd January 1883 to Executive Engineer, Vizagapatam Division. Also T. V. P's. explanation in connection therewith, stating that he secured no lien on any permanent appointment while employed on the temporary establishment."

This entry which reads as if the Memorialist has voluntarily resigned his permanent post to take up the temporary one is, your Lordship's Memorialist is afraid, likely to have influenced the view which the Madras Government took of his case, and the Memorialist feels sure that, had his explanation been fully quoted therein with the circumstances in which it was made, the Madras Government would not at all have refused to grant the Memorialist the benefit of the "retiring pension."

9. In or about the year 1882 when the service register of the Memorialist came to be verified, the Examiner asked him some questions in connection

with this temporary service, one of which relates to the entry in the service register above referred to. This question and the reply given to it by your Lordship's Memorialist are given below in juxtaposition:—

Question.

Explanation in reply.

The nature of this temporary establishment is not understood, please refer to the authority under which it was entertained. It also should be stated whether T. Vydealingum Pillai secured a lien on his permanent appointment while holding this temporary one.

Col. W. F. Farewell, Deputy Chief Engineer, then Executive Engineer, Wellington, had transferred me to Coonoor Old Ghaut owing to some heavy works then in progress (that is to open the the Ghaut for cart traffic) promising that I may be brought on to the permanent line on the completion of the works. On this hope I had not secured my permanent post by a lien..

10. The main theme of this correspondence has, according to the entry in the service register, been taken to mean that your Memorialist "secured no lien on any permanent appointment while employed in the temporary establishment." Your Lordship's Memorialist begs most respectfully to submit that his explanation had been construed to convey an impression which he never intended to import into it.

In the first place your Lordship's Memorialist never said "he secured no lien on any permanent appointment" but what he said was "*I had not secured my permanent post by a lien.*" Even this statement was a specific reply to a specific question put by the Examiner, *i.e.*, "whether the Memorialist secured a lien on his permanent appointment." In the second place this statement is qualified by another statement in the same explanation to the effect that "the Executive Engineer transferred the Memorialist promising that I (Memorialist) may be brought on to the permanent list on the completion of the works." These two statements read together correctly convey the impression then present in the Memorialist's mind (which impression has been proved by subsequent events to have been correct) viz., that there was an understanding that when the temporary duty ceased he will be returned to the permanent establishment, the post to be given him on his return being determined according to the circumstances then existing which might thus be his own permanent post, which he held before his transfer, or any other permanent place carrying the status and emoluments not less than those attached to such office. This impression on the part of your Lordship's Memorialist is not one unwarranted by the rules.

(a) Under Article 109 of Civil Service Regulations, if an officer is transferred to duty of a permanent kind (which has since been interpreted to mean a duty which there is no reason to believe will terminate within three years) such that he retains no connection with his own appointment, his lien on his own appointment may be suspended altogether and the appointment filled up substantively.

(b) An officer of the permanent establishment may lose his appointment only by means of voluntary resignation or dismissal or the abolition of the

T. Vydealingum Pillai
Retired Sub-Engineer

appointment itself. None of these three contingencies has happened in the Memorialist's case. It is laid down in Article 242 of the Civil Service Regulations that except on the ground of an officer's misbehaviour or inefficiency, a Local Government may not fill up substantively even for a time only, an appointment in which an officer has a lien, without transferring the officer to another substantive appointment of not less pay. Thus in the absence of resignation your Lordship's Memorialist should have been allowed a lien by his official superiors even though he might not have tried to secure it himself.

(c) Article 842 of Civil Service Regulations rules that whenever an officer is transferred from qualifying service to Foreign service it must be arranged that he does not forfeit a lien upon or a right to return to a substantive office. By analogy the rule applies with greater force to the case of the officers transferred from the permanent service to the temporary service under the British Government itself. The responsibility in such cases rests with the officers competent to make the transfer and not with the officer transferred, to wit, your Lordship's Memorialist.

(d) The Government of India's order No. 955, dated 20th February 1868, quoted in para 4 (c) *supra* presumably allows this lien, as a matter of course, in all cases of transfer from the permanent to the temporary duty in the interest of public service.

Thus the substitution of the word "my" and for the matter of it "his" for the word "any" and the insertion of the portion regarding the promise held out in the service register will alter the nature of the claim possessed by the Memorialist materially to his advantage. There is also an entry in the service register to the effect that the cost of the temporary establishment was charged to "works." Even then the Memorialist would have a claim for the service under Article 418 of the Civil Service Regulations more especially as he was unquestionably a member of the permanent service, and his employment in the temporary duty was also permanent.

11. Your Lordship's Memorialist thus feels that under the pension rules of 1831 and 1863, under the Civil Service Regulations, 2nd Edition, and under the various orders of the Government of India issued from time to time, he has a claim to a superior qualifying service of 32 years and odd and consequently to a retiring pension of Rs. 110-6-8 a month. This was also strongly recommended by Col. J. Pennyquick R.E., c.s.i., the late Chief Engineer as also by Honorable Col. D. McNeil Campbell R.E., the present Chief Engineer.

12. Your Lordship's Memorialist begs to state that he is an old public servant of upwards of 36 years' standing and has a large family to protect. He has risen from the post of a writer to that of a Sub-Engineer in a professional department in these days when scientifically qualified men compete with one another for supremacy. How much his service should have been valued and how exceptionally good that it should have been may be imagined than described. He was first entrusted with the task of opening the Coonoor Old Ghaut for wheeled traffic and the other improvements, besides many important roads were kept in good order on

J. V. de laing and Pilley
Retired Sub-Engineers

the Nilgiri Hills (*Vide* Enclosure 2). The satisfactory way in which he accomplished this difficult work led to his being entrusted with the duty of tracing and opening the Coonoor new ghaut and 10 more ghaut roads, which now play an important part in the development of the economical condition of the Nilgiri District; and to his finally being placed in charge of the Wellington Barracks. Your Lordship's Memorialist braved the climate of the various portions of the Nilgiri Ghauts for a period of 24 years. The execution of these works while in temporary service was in the words of Colonel Morant "*most arduous entailing his having to visit feverish localities at the risk of losing his health*". (*Vide* Enclosure 1). While your Lordship's Memorialist was thus pining for a change to the plains, the Government after the experience of the Rumpa War having decided to open the Pottinghy Ghaut of the Jeypore Hills in the Vizagapatam District selected him as specially (*Vide* Enclosure 4) fit for the work and placed him in executive charge of the work under the Executive Engineer. In this tract which is well known to be noted for its malaria and is infected with all sorts of wild animals and much wilder tribes, your Lordship's Memorialist laboured hard and completed one portion of the ghaut of 12 miles and kept the work in the other portion in a rapid progress. Just then malaria attacking him, Your Lordship's Memorialist in his zeal still stuck to his work, but on a certain day when the Executive Engineer and the Civil Surgeon Dr. Ross, inspected the works, they finding that the Memorialist had been sinking under malaria directed him at once to go on leave and save his life. This fever continued upon him for over 3 years on different occasions. Your Lordship's Memorialist then served in the plains and retired after having been in charge of a portion of the famous Periyar Project from the beginning to its nearest completion, in which the Memorialist's service was appreciated and specially reported to the Chief Engineer by G. P. Carless, Esq., Executive Engineer, and before enjoining the special promotion along with others.

13. Your Lordship's Memorialist begs to append hereto a few of the testimonials of the various officers under whom he had the honour to serve and to invite your Lordship's special sympathetic attention to Col. Morant's letters No. 123, 26-9-70 and No. 272, 10-10-78 from which it will be seen that the Memorialist's duties on the Coonoor ghaut "*have been most arduous entailing his having to visit feverish localities at the risk of losing his health*" and that the Memorialist has been compelled to travel on the ghaut "*150 miles a week in all weather*," and that his work "*has always been first class and cheap*"; as also to Col. Mead's letter No. 1906, 13-3-86 stating that the Memorialist "*has done exceptionally good Service on the Coonoor Ghaut and other Ghaut Roads*," and "*has for many years done good and special service*."

14. By way of a summary, your Lordship's Memorialist begs to state—

- (1) that he was appointed to a permanent post in the pensionable grade on 1st May 1859.
- (2) that he never resigned that appointment.
- (3) that his transfer to the temporary duty on 1st January 1860 was made in the public interests by competent authority and not at his own request.

(4) that there had been no interruption between the time he left the permanent duty and the time he joined the temporary duty.

(5) That there was no distinction between temporary duty and permanent duty at the time of his transfer so far as the then pension rules were concerned.

(6) that the order of Government of India, No. 955, dated 20th February 1868, rules beyond all doubt that his service during the time he was on temporary duty, viz., from 1st January 1860 to 31st May 1868, is pensionable.

(7) that the Civil Service Regulations 2nd Edition, Articles 410, 109, 242, and 842 make the service in question eligible for pension.

In conclusion your Lordship's Memorialist prays that, in consideration of all these facts, your Lordship will be pleased to grant him a retiring pension of Rs. 110-6-8 and protect him and his large family.

For which act of kindness, condescension and generosity, Your Lordship's humble Memorialist shall ever pray.

TRICHINOPOLY, }
12th April 1897. }

T. Vydealingum Pillay
Retired Sub-Engineer,
Arundar Street,
Teppakulam Trichinopoly.

EXAMINER,
P. W. ACCOUNTS.

12 MAY 1897

No.

No. 123.

Enclosure 1.

To

THE SUPERINTENDING ENGINEER,

7th Division Coimbatore.

SIR,

1. T. Vydealingum Pillay, Local Fund Maistry, has requested me to solicit the favor of your applying to Government for his past services being allowed to count towards pension.

2. In 1858, he first entered the P. W. Department as a Clerk on the Jackatala Barracks, in 1859 he was promoted to the post of Overseer's writer there and in 1860 was further promoted to the Overseer-ship of Coonoor Ghaut. He has thus served the P. W. Department for the last 12 years, during 10 years of which, his duties on the Coonoor Ghaut have been most arduous entailing his having to visit feverish localities at the risk of losing his health.

3. Major Law under whom he served for some years, I believe, had a high opinion of his zeal and abilities, and the petitioner's character, &c., are well known to yourself

4. From what I have seen during the few months I have been, I have had every reason to be pleased with T. Vydealingum Pillay and I would strongly urge his petition being acceded to.

4. I beg to append his register of services, &c.

Ootacamund.

26th September 1870.

I have &c.

(Signed) J. L. L. MORANT, Lieut. R. E.,
Executive Engineer.

No. 272.

Enclosure 2

TO THE CHIEF ENGINEER,

P. W. Department.

SIR,

With reference to your Memorandum, No. 4527, dated the 7th instant relating to Sub-Conductor Barnes, I have the honor to report that I have, subject to your confirmation, appointed my Local Fund Overseer, Mr. T. Vydealingum Pillay, to be 2nd Grade Imperial Overseer in his place, retaining him at Coonoor where (especially just now on the approach of the N. E. Monsoon) there is always much to be done on the roads and employing for the present a Sub-Overseer to do the work in the Wynaad.

2. Overseer Mr. T. Vydealingum Pillay has served continuously in the Department of Public Works for the past 20 years. In 1860, he was appointed to an Overseership by the present Deputy Chief Engineer, then Executive Engineer, at Wellington, and was placed in charge of the old Coonoor Ghaut on which some heavy work was in progress. A year or two after, he was placed under Colonel (then Captain) G. V. Law, in special charge of the new Coonoor Ghaut. He very greatly assisted that officer for 6 years in opening out this important and difficult pass.

3. In 1870 he came under me, and has since been chiefly employed on many important roads about Coonoor, Colacumbay, Kartairy, and Kotergiri, as well as building Police Lines at Wellington and Coonoor and in altering and repairing the Coonoor Church and other important Public buildings. He has himself opened out some ten new roads in this Mountainous District, and has kept in good order many miles of roads to look after which he has been compelled to travel 80 and, sometimes, even 150 miles a week in all weather. Overseer Mr. T. Vydealingum Pillay is a First Class road-maker and road-tracer and has built countless retaining walls of rubble-stone, some of very great height in a most excellent and

workman-like manner. *None of his walls have ever failed.* He has not had so great an experience in buildings, but those that I have given him to construct have been very well done.

4. General Warren Walker, the late Chief Engineer, and Col. G. V. Law had, I know, *the very highest opinion of him.* The former officer would long ago have placed him permanently on the Imperial list, only he feared his so doing would necessitate his removal from this District, in the peculiar works connected with which, he had gained a special and *valuable experience* and in the carrying out of which he had been so eminently successful. His being posted to the Imperial List would then have necessitated his leaving the Hills. This necessity no longer exists now.

5. I can, from my own knowledge of nearly 9 years during which I have *carefully watched him*, speak most confidently of the Engineering skill, laborious capabilities, general care, obedience, active zeal, tact in managing his labor and, I firmly believe, *honesty* of this Overseer. I have never since had occasion to find any *serious fault* with him. His work has always been *first class* and also *cheap*. I know him to habitually take *great pains* to check his work and obtain proper task from his work people. His measurement books are always fully and correctly filled in, and when checked, are found correct.

6. He is well up in accounts, can read and write English very well and is a capital Tamil scholar. I know as a fact, that he is greatly respected in Coonoor by both Europeans and Natives. Many of the non-official Members of the Local Fund Board have to my knowledge a *very high opinion* of him.

7. Believing that he will be an acquisition to the Department, I have posted him as a Second Grade Imperial Overseer, and trust you will be able to confirm what I have done. His pay is now Rs. 75 per mensem.

I append some papers relating to this Overseer.

Ootacamund,

10th October 1878.

I have &c..

(Signed) J. L. L. MORANT, Major, R. E.,
District Engineer.

Enclosure 3
(Extract.)

T. Vydealingum Pillay, District Maistry, Coonoor, having lost (by water) the testimonial that I gave him in May 1870, I have much pleasure in testifying to the zeal, activity and intelligence with which he served under me for five and a half years on the New Coonoor Ghaut, during which period, he was thoroughly grounded in Ghaut tracing, revetting and timber bridges.

Kodikanal,

11th July 1876.

(Signed) G. V. LAW, Lient-Col., R.E.,

Executive Engineer.

No. 1906 T. J.

Enclosure 4.
(Extract.)

To.

SUPERVISOR VYDEALINGUM PILLAY,

Through the Executive Engineer,

Negapatam.

As Supervisor Vydealingum Pillay has requested that the Superintending Engineer, who has known Vydealingum Pillay for some years will leave on record some statement of his services, Colonel Mead gladly states that Vydealingum Pillay has to his knowledge done *exceptionally good service* on the Coonoor Ghaut and other Ghaut roads in the Nilghiri Hills. He was *specially selected* for employment on the Pottinghy Ghaut and it is believed that, while on that work he maintained *his former good character* for energy and knowledge of his work.

2. He has now been more than 2 years in Negapatam Division and the Executive Engineer has *always* reported favourably regarding him.

3. All that Colonel Mead can say on the matter is that Supervisor Vydealingum has for *many years* done good and special service.

(Signed) H. R. MEAD, Colonel, R. E.,

Superintending Engineer, VI Circle.

Trichinopoly,
13th March 1886.

Enclosure 5

No. 453
To

THE SUPERINTENDING ENGINEER,
6th Circle.

Sir,

I have the honor to forward herewith a petition from Sub-Engineer T. Vydealingum Pillai, who wishes to retire at the end of official year.

I have nothing to remark but that while he has served under me he has been most energetic and given every satisfaction.

I have, &c.,

(Signed) G. P. CARLESS,

Executive Engineer.

8th March 1894.

FROM

T. VYDEALINGAM PILLAI,
Retired Sub-Engineer, P. W. D.,
Madras Presidency.

To

HIS EXCELLENCY
THE GOVERNOR-GENERAL
OF INDIA.

Dated the 12th April 1897.

ENCLOSURES 5.

SUBJECT.

Informing that, out of a pensionable service of 32 Ys. 1 M. and 18 Dys., only 24 years have been allowed by the Madras Government to count towards pension, and requesting that the balance of 8 Ys. 1 M. and 18 Days omitted from consideration may also be considered pensionable on the following grounds:—

- (1) That he was appointed to a permanent post in the pensionable grade on 1st May 1859.
- (2) That he never resigned that appointment.
- (3) That his transfer to the temporary duty on 1st January 1860 was made in the public interests by competent authority and not at his own request.
- (4) That there had been no interruption between the time he left the permanent duty and the time he joined the temporary duty.
- (5) That there was no distinction between temporary duty and permanent duty at the time of his transfer so far as the then pension rules were concerned.
- (6) That the Order of Government of India No. 955, dated 20th February 1868, rules beyond all doubt that his service during the time he was on temporary duty viz., from 1st January 1860 to 31st May 1868, is pensionable.
- (7) That the C. S. R. 2nd Edition, Articles 401 109, 242 and 842, make the service in question eligible for pension.

EXAMINER,
P. W. ACCOUNTS.

12 MAY. 1897

No.

Madras

12 April 1897

The Hon. Col. D. McNeil Campbell R.E.,
Chief Engineer,
Public Works Department
Madras.

Most Respected Sir,

I most respectfully beg to submit herewith a memorial addressed to the Government of India in the matter of my pension and request the favor of forwarding it with your strong support.

2. I beg also to invite your kind and sympathetic attention to the facts mentioned in the memorial, and the order of the Government of India No 955 dated 20th February 1868 quoted therein, and to request that before forwarding my memorial to the Government of India, my case may once more be considered by the Madras Government and favorable orders passed thereon.

I beg to remain,

Most Respected Sir,

Your most obedient servant

T. Vydealingam Pillai
Retired Sub-Engineer

Swundar Street, Depakulam, the

Trichinopoly.

107-8-86.

PENSION DEPARTMENT.

C. No: 477

Petition from T. V. Dealingsum Rilea, 8/12-4-97.
From the R.W.D. No 21570 8/14-4-97.

" do do Dated 9th June - 1897, No. 2786 c.

FOR ORDERS.

The applicant commenced service in March 1858 as a temporary writer on Rs 15 in the Wellington Barracks wherein he remained till 5-59, when he obtained a permanent post of Asstt. Overseer's writer, Nilgiri Range D.P.W. on Rs 15/. He held this appointment for 8 months and then obtained a Writer's post on Rs 18 in a temporary Establishment of the D.P.W. He subsequently held several appointments without breaks in the Temporary Petty Estab-
lishment of the D.P.W. until 1st June 1868, when he was made a sub overseer on Rs 75/- a permanent & pension-
able appointment. He then continued in the service till the 1st May 1894 when he retired from the service on attaining an age of 55 years. His pensionable service was reckoned from the 1st June 1868, and it amounted to 23 years & odd for which he was, in G.O. $\frac{1170}{21-9-94}$ Pension, granted a pension of

flag D

Rs. 55-3-5 p.m.

The applicant requested at the time that his service in the temporary establishment from Jan^y 1860 to June 1868, might be allowed to count for pension, and that he might be given a half pension, but he was told that his request was inadmissible - vide para 3 of the G.O. quoted above. He appealed again to this Govt. praying that he might either be reinstated to complete the term of service required for a half pension, or recommended under art. 1005 of the C.S.R. to the Sec^y of State for the temporary service being reckoned towards pension, but Govt. declined to comply with the request.

He submitted a third appeal, but Govt. declined to reconsider the orders already passed. He appealed a fourth time, but with the same result.

He has now submitted an appeal to the Govt. of India and prays that his case may be reconsidered before forwarding the memorial to the Govt. of India. The Chief Engineer recommends that as the applicant did meritorious service during the period of his temporary service from Jan^y 1860 to June 1869, his memorial to India may be forwarded with the support of this Govt. The memorial is dated 12th April 1897, & the last order communicated to the petitioner is G.O. $\frac{440}{8.6.96}$. So the memorial seems liable to be withheld under Sec. III, rule 3, (10) of the India Petition Rules.

It is submitted that the petitioner's case has already been fully considered. In para 10 of his memorial to India, the petitioner says that his temporary service of 8 years may be considered under art. 418 C.S.R. The Exam^r of P.W. Accts was asked to report whether his temporary service from 1860 to 1868 during which period the man's pay was charged to "works" might be dealt with under art. 418 C.S.R. as was

- G.O. $\frac{1614}{19.12.94}$ Pension - flag C
- G.O. $\frac{1325}{4.11.95}$ Pension - flag B
- G.O. $\frac{440}{8.6.96}$ Pension - flag A

No. the question of his pension 60-68 coming under art. 418 was never before placed before Govt.
11/6/97
30.6.97

Flag E.

The case is a hard one & tho he represented to India.

11/7/97

done in the similar case of Mr. A.G. Theodore disposed of by G.O. $\frac{203}{29.7.91}$ Pension. The Exam^r says that to enable the petitioner to count the period of service referred to, the sanction of the Govt. of India is necessary. Orders are solicited as to whether the case should be sent up to the Govt. of India. If the Govt. of India treats the 8 years temporary service as pensionable under art. 418 of the C.S.R., the petitioner will be eligible for a 1/2 pension viz, Rs 110-4-8 per m. 28.7.97) Submitter that the former officials to reconsider the order passed in the petitioner's case were based on the supposition that it would be necessary to address the Sec of State to make a special case under art 403 C.S.R. But it now appears that the Govt of India may deal with the case under art 418 of the C.S.R. Considering that petitioner has practically served Govt from March 1858 to 1st May 1896, it is submitted that a reference may be made to India.

11/6/97
30.6.97

True that the fact that it seems that the Govt of India will deal with the

Case under In 418 C.A. which
 seems to have been specially in
 point, was overlooked and has
 not been hitherto considered.
 Both Mr. Gibson & Mr. Hume
 have pointed out the consideration
 that there is no case to go to
 J. of I. for exceptional treatment
 under the rules. The C. S. says the
 man did meritorious service
 while on the temporary staff.
 The man seems to have served
 long and well and it
 is submitted that his case should
 be submitted to the Govt. of
 India.

J. J.
 30/6/97

Pension Department

Read C.No: 343477 of 1897.

Order: 19 July 1897 No. 552.

Ordered that the Govt. of India
 be addressed.

10/7/97 13/7/97 12-7-97

No: 553

To
 The Secy. to the Govt: of India,
 P.W.D.

Sir,

I am directed to submit, for the
 orders of the Govt: of India, the accom-
 panying pension case of T. Vydealingam
 Pillai, late Sub-Engineer, 3rd Grade, P.W.D.
 Madras.

2. The facts of the case are as fol-
 lows:-

Vydealingam Pillai commenced
 service in March 1858 as a temporary
 writer on a salary of Rs. 15/- per mensem
 in the Wellington Barracks wherein he
 remained till the 1st May 1859 when he
 obtained a permanent post
 Overseer

the Department of Public Works, Range. He subsequently held appointments without break in temporary establishment of the same until the 1st June 1868, when he was a Sub-Overseer on Rs. 75/-, in the same post, a permanent and pensionable appointment. He then continued in the service till the 1st May 1869 when he retired from the service on attaining the age of 55 years. His pensionable service was reckoned from the 1st June 1868 and it amounted to 23 years and odd for which he was eligible for a superannuation pension of Rs. 84-8-10 per mensem. His temporary service from the 1st May 1859 to the 1st June 1868 was rejected as non-qualifying, as he did not retain a lien on his permanent appointment while employed on the Temporary Establishment. When his pension papers were submitted to this Govt. he petitioned this Govt. praying that his service in the Temporary Establishment from January 1860 to June 1868 might be allowed to count for pension and that he might be given a half pension, but he was told that his request was inadmissible, as he retained no lien on his post in the permanent Establishment and as there were not sufficient grounds for an application being made on his behalf to the Secretary of State.

103 of Civil Service

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ernment, and he was given a pension of Rs. 88-3-8 per mensem. He then appealed to this Government praying that he might either be re-instated to complete the term of service required for a half pension or recommended under article 1005 of the Civil Service Regulations to the Secretary of State for temporary service being reckoned towards pension, but this Government declined to comply with the request. He repeated his request twice afterwards, but this Government declined to reconsider the orders already passed. He has now submitted a fifth appeal to this Government and prays that his temporary service of 8 years may be considered under Art. 418 of the Civil Service Regulations. The Chief Engineer, P.W.D., in forwarding the appeal, recommends that as the applicant did meritorious service during the period of his service from January 1860 to June 1868, his case may be favourably considered.

4. The former ^{Dept. of Govt.} ~~appeals~~ to reconsider the orders passed in the applicant's case were based on the supposition that it would be necessary to address the Secretary of State to make a special case under article 403 of the Civil Service Regulations, but now appears that the Government of India may deal with the case under article 418 of the Civil Service Regulations, inasmuch as his pay during the period of his temporary service from 1860 to 1868 was changed to "Works".

5. As the applicant's entire service extends over a period of more than 36 years and as he has throughout borne

Agency the Gov-
Council is of opinion that the case
is a hard one and that it deserves
special treatment. I am accordingly direct-
ed to commend it to the favourable consider-
ation of the Government of India and to
request that the applicant's claim for
counting his temporary service towards
pension may be recognized under article
18 of the Civil Service Regulations and
that a pension of Rs. 110-4-8 equal to $\frac{1}{2}$
his average emoluments may be sanctioned.

I have etc.,

(From order.)

11/12/11
12.2.57

from the date of his retirement.

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189

READ AGAIN G.O.,

189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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