

Pension (1897) Department.

ORDINARY MS.

G.O., No. 873

DATED 19-11-97

[Despatch Abstract.]

Declining to permit Mr W. Taylor, Agent to the Zemindar of Parlakhimedy to retire from the Govt service without prejudice to his continuance in the employment of the Zemindar, and drawing his attention to the fact that his pensionary contribution has fallen into arrears and that if the arrears with interest are not paid within a certain period & the contributions paid regularly in future, he will forfeit any pension thereafter admissible.

BACK PAPERS.

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

FURTHER PAPERS.

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

D. 509-25-5-07.

Revenue Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O. 10636 Revenue 2/16. 8. 97
 Can be 771 Q. 759 + 893

See f.w.

G.O. 19th Novr. 1897 No 873.

With reference to the end of the Political Dept read about the question of Mr Taylor's retirement with a deal with in this Dept.

2. The Govt cannot permit Mr Taylor to retire from ~~his~~^{its} service without prejudice to his continuance in the employment of the Zemindar of Parlahimur as remarked in the first of the papers read above Mr Taylor is a Govt servant whose services have been mostly lent to the Zemindar. Mr Taylor has been & is earning pension & remuneration

of service in the appoint-
ment he holds in the
Zemindari & until
he actually retires from
service within the
meaning of article 509
of the C.S.R., the question
of granting him a
retiring pension does
not arise.

3 The Acct Genl's letter
and above with a comment
to Mr Taylor ~~with reference~~
~~to his letter~~ whose
attention is drawn to the
fact that his pensionary
contribution has fallen
into arrear and that if
the arrears are not paid
within the period prescribed by Art 532 of the C.S.R.
and the contribution
paid regularly he will
forfeit any pension
thereon admissible.

Wm
15/9/97

To the Pn Dept (Para 1 of order only)
To the Acct Genl Pn
To Mr Taylor agent to the Zemindar of Parlakimedi
To the Agent to the Government of the Rajah of Parlakimedi
To Mr Taylor's letter A

Political (1897) Department.

CURRENT No. 8085
10/9/97
771

Written to Mr. for Govt. 114 Fair
23 co. 291 as scope is not
available here & Govt. 289 Pn
15.5.95

24/9/97

8.0.114 of 21 put up
9/9/97



From
The Pension Department.

Order Exdt No 1910 of 15 Sept 1897

NOTE for the Revenue Dept.

No. 636.

With Revenue Dept.

please say why the question of
Mr. Taylor's pension should be
dealt with in Political Dept.
Political is not concerned with
Transfers to Foreign Service unless
such transfer service is in a
Native State and Parlakimedi
is a Zemindari only. Under
these circumstances it is suggested
that para 3 of the present Pension
dept order which was not counter-
initiated by Political should
be cancelled

Dated 16/8/97
Drop 19/8/97 20.9.97
Received 10-8-97 16.9.97
Registered 21-8-97 17.9.97
Enclosures -
Spare copies -

SUBJECT

Stating that the question whether Mr. Taylor,
Agent to the Zemindar of Parlakimedi, should
be granted a pension without prejudice to his
present employment under the Rajah of Parlaki-
medi, will be dealt with in the Political Dept.
and requesting the Acct Genl to take the ne-
cessary steps to recover the arrears of contribution
due from Mr Taylor.

Cue 8
11.9.97

14/9/97

P.T.O.

pm -
I have sent my answer
to the Pn Dept. I have
sent it with the Acct Genl's
order. I have also sent
it to the Agent to the
Rajah of Parlakimedi
and to Mr Taylor's
agent.

For orders-

2.10.97

BACK PAPERS.

G.O.	No.	Department.	Date.
"	636	Pm.	16-8-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.
CN	893/97	Pm.	

Pension (1897) Department.

CURRENT No. 893



Read CNs 771, 759 & 893.

He has my gross C.M. From The Acctt General
Madras.

For Orders.

Please see G.O. 636 Pension, and the notes
16-8-97

No. J.A.E.
189C

thereunder. With reference to para 3 of this G.O., the Political

Dept. has sent a note for the Revenue Dept. to the effect that

"Political is not concerned with transfers to Foreign service unless

such service is in a Native State, and that Parlakimedi is

a Zemindari only, and that para 3 of the order should ac-

cordingly be cancelled. It is submitted that with reference

to G.O. No 114 Finl. 8/10 Feb 1891 and the ruling of the

Govt. of India embodied in G.O. 319 Political, the question

whether Mr. Taylor should be granted a pension without

prejudice to his present employment under the Rajah

of Parlakimedi should be dealt with in the Revenue

Dept. Report that word "Political" was my mistake &
was due to my not having properly comprehended the
nature of the Political Department of the Govt.

Regarding Mr. Taylor's letter of 6 Sept. 1897,

about his unauthorized leave, please see the Acctt. Genl.

remarks thereon - CN 893 - flag A - The Acctt.

Genl. says that there is nothing on record in his office

Dated 4th November 1897

Received 6th November 1897

Registered 6th November 1897

Enclosures 1

Spare copies -

SUBJECT.

Returning with remarks
the letter of Mr. W. Taylor,
Agent to the Rajah of
Parlakimedi, relative to his
claim to a Retiring pension

C. 14/11/97
R. 15/11/97

BACK PAPERS.

G.O.	No.	Department.	Date.
	636	Pen.	16-8-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To save delay & formal endorsement the matter is submitted for orders below

to show that in 1890 the then Acctt. Genl. assured Mr Taylor that while on Foreign Service he could go on any kind of leave with the consent of his foreign employer. The Acctt. Genl. also points out that no leave can be granted outside the C.S.R. As in para 2 of G.O. ⁶³⁶ ₁₆₋₈₋₉₇ the Govt. has said that it will be prepared to commute Mr. Taylor's unauthorized absence into leave without allowances, the Acctt. Genl. says that the contribution which Mr. Taylor paid to Govt. for the period of his absence has not been refunded to him pending orders of Govt. on his pension application. The Acctt. Genl. has also asked Mr. Taylor to pay the arrears of contribution from 1st July 1896 to 31st Octr. 1897 so that he may count this period towards pension. In the event of Mr. Taylor's retirement from the service of Govt. being sanctioned in the Revenue Dep^t, it is submitted that as Mr. Taylor was not entitled to any retiring allowance on the 1st July 1896, the Collector should be asked to submit a fresh application on Mr. Taylor's behalf for the retiring allowance due to him on the date on which he completed 30 years' qualifying service rendering him eligible for a retiring pension.

Mr Taylor has not apologised for his letter referred to in G.O. ⁶³⁶ ₁₆₋₈₋₉₇ nor has he withdrawn it.

The first question to be decided is to submit whether Mr Taylor should be permitted to resign Govt. Service without prejudice to his employment under the Zemindar of Parlatimedi. On 30. 10. 114 D.O. Feb 1891 Fly H the Govt of India laid it down

the sanction of the Govt of India was necessary to the employment of a British Govt pensioner who sought employment in a native State. Mr Kumbi Raman Nair's services were sent to the Travancore State & when he applied to retire without prejudice to his employment in Travancore the Acctt Genl. stated that such a course would need the sanction of the Govt of India as it practically entailed the employment of a British Govt pensioner in a native State. The Govt of India was accordingly addressed but declined to grant sanction in the following terms

"Mr Kumbi Raman Nair has been & is receiving pension by reason of service in the appointment he holds in the Travancore State and until he actually retires from service within the meaning of Art 505 of the C.S.R. the question of

Fly O

Fly H

granting him a ^{retiring} pension
does not arise"

Now the reason which
led the Govt of India to
withhold their sanction
had apparently nothing
to do with the fact that
Travancore was a native
State but appears to have
been based on the
consideration that Govt
should not forego a
man's pensionary
contributions & give him
a pension while he
is still able & willing
to work in the employment
which Govt procured for
him.

If Mr Taylor can be
prevailed in this light, it is
clear, I submit, that his
designation of Govt service
cannot be accepted and
that the question of granting
him a retiring pension can
only arise when he does
really retire from the
service on which he is
employed. Mr Taylor's argu-
ments are based mainly

Yes
78

on the mistaken assumption
that he has legally earned
a pension after 30 years
service & can legally claim
it.

The question of condon-
ing his absence
without leave into leave
without allowance ^{will} ~~can~~
only arise when he is
allowed to retire. Govt
has already expressed
its willingness to consider
that matter favorably.

Led astray by a
persistent & mistaken idea
of his rights Mr Taylor
has not apologized for
his former insulting
reference to the Adjutant
nor has he withdrawn
the letter which ^{he was} ~~he was~~
as directed to do by
Govt. His letter to Govt in
Aug 1875 is not very
becoming either

Ref. No.

The letter

W.R.
11.11.81

I submit that Govt should refuse
to consider the question of pension
till Mr Taylor retires from service

and warn him that he has
allowed his contribution to
fall into arrears and that if
his arrears of contribution are
not paid up and contribution
paid regularly he will forfeit
his claim to pension

Wm. J.

Yes
JL
13/11/97

Pension

DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

4th November 1897.

No. J.A.E.
189C

From

F. C. Harrison Esq.,

Offg. ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Secretary to Government,

Pension Department.

SIR,

With reference to your Endorsement No. 53 dated
the 11th of October 1897 referring to me for remarks letter
No. 625 dated 6th September 1897 from Mr. W. Taylor,
Agent to the Rajah of Parakeimidi, relative to his
claim to a Retiring pension, I have the honour to
report as follows:-

2. With reference to Mr. Taylor's remarks contained in
para 1 of his letter, I beg to state that there is
nothing on record in my office to show that in
1890 the then Accountant General assured Mr. Taylor
that while on Foreign Service he could go on any
kind of leave with the consent of his foreign
employer because the Government was not responsible
for his leave allowances. Article 847 of the Civil
Service Regulations does not lend colour to this view,
but simply lays down the procedure to be observed

by

by an Officer on making an application for leave. Under Article 829 the officer should report any leave taken to the Account Officer, who should see that the leave is admissible under the rules, and if not, recommend its commutation into the leave for which he is eligible under the rules, agreeably to the note under Article 838 of the Civil Service Regulations.

3. From the above it will be apparent that though his employer can depute Mr. Taylor to any place on duty, no leave can be granted outside the Civil Service Regulations.

4. The payment of contribution does not operate so as to transform unauthorized absence into leave under the Civil Service Regulations. This office has therefore rejected the unauthorized leave (which Mr. Taylor counts towards pension). His total pensionable service ^{thus} amounts to 29 years 4 months and 16 days as already stated in my report on his Pension Application No. $\frac{207}{155}$ dated 28 June 1897, and not to 30 years and 15 days as stated by him. This calculation of pensionable service depends upon his compliance with the rules for commuting his unauthorized absence into some kind of authorized leave, and if he fails to do this he forfeits his previous service under Government under the note to Article 838 of the Civil Service Regulations.

5. The contribution which Mr. Taylor paid to Government for the period of his absence on leave in

in 1895 was not refunded pending orders of Government on his Pension application.

6. On receipt of Government Order No. 636 dated the 16 August 1897, Mr. Taylor was asked in this office letter No. $\frac{I.A.E.}{129C}$ dated the 27 Idem to pay the arrears of contribution due from 1st July 1896, ~~which~~ up to 31st October 1897 which amount to Rs. 1500. If the Government be pleased to decide that the period of his absence in 1895 should be treated as leave without allowances as remarked in para 2 of the above Government Order, the contribution already paid by him will be deducted from the other amount due from him. If he fails to pay the amount remaining due within the period prescribed in Article 832 of the Regulations he will be informed that his claim on Government to pension will lapse as laid down in that Article.

7. In the concluding part of his letter, Mr. Taylor observes that the ruling contained in the Government of India No. 750 dated 29 April 1895 was never communicated to him. This fact has not prejudiced him so far, for his resignation has not ^{yet} been accepted and he continues to hold his appointment.

8. In conclusion, I beg to state that no orders have yet been received on the question as to whether Mr. Taylor can be granted a pension without prejudice to his present employment under the Rajah of Parlakimidi referred to in para 3 of Government Order No. 636, Pension dated 16 August '97.

Mr. Taylor's letter received with your endorsement under reply is herewith returned.

I have the honour to be,

Your most obedient Servant,

W. A. Michael

for Offg. Accountant-General

CURRENT No. 759.

List

Order

Referred to the Accts. Genl. for favour.

of remarks

hermaphrodites
P.X. 57

2.10.77

To The Scott-Jewel.
with Mr. T's letter. }

Issue *2* *8/10* From

W. Taylor Esq^r
Agent to the Rajah
of Sarlakimidi

No.

Dated 1st Sept/97.

Received 16th — do —

Registered 16th - do -

Enclosures

Spare copies.

SUBJECT.

Submitting ex-
-planation regarding
the pension -

BACK PAPERS.

G.O.	No.	Department.	Date.

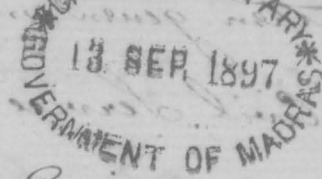
FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 625.

Parlakimidi

6 Sept 1897.



W. Taylor Esquire

Agent to the Rajah
of Parlakimidi.



The Chief Secretary to Government

Madras.

Sir,

With reference to Proceedings of the Madras Government No 636 dated 16 August 1897, I have the honor to make the following explanation.

When my Services in 1890 were lent, by the Government of India, to the Zamindar of Parlakimidi, that is on Foreign Service of the first kind, and I contributed to Government only for pension, I consulted the then Accountant General Madras, about leave, and he informed me that as Government was no longer responsible for my leave allowances, I might go where I liked and when I liked, by arrangement with my employer, provided that if I wished to draw from Government leave allowances already due to me, I must go on leave in accordance with Government leave rules.

On this opinion I have acted ever since. And with all deference to the Madras Government, and

267-864/91
139 47/12/5/11

893

to the present Accountant General, I submit that the opinion then given me was correct, under Article 847 of the Civil Service Regulations.

The contention of the present Accountant General would render my position here intolerable, not to say ridiculous: besides which, it happens to be wrong under the rules. If my employer wishes to send me to the antipodes on business, or on pleasure, he has a perfect right to do so, and I have a perfect right to carry out his wishes, without asking the permission of Government, and without reporting my outgoing and incoming to the Accountant General, or to any one else.

This being so, the Accountant General has fallen into a serious error in stating that I was absent without leave in 1896. Government having on that occasion declined to be responsible for any portion of my leave allowances, and the Accountant General having received my contribution for pension while I was absent, he had no more right to enquire why I was absent then, than he has to ask why I was in Ootacamund last year, in Bangalore this year, or in Japan on a previous occasion.

I contend, therefore, that I had completed 30 years service on the 30th June 1896, and that I am legally entitled to pension from the date I claim it, viz. 30 June of that year.

5 The history of my service is as follows:—
I was Head Master of the Lilla School at Adapa from the 15th June 1866 to the 31st December 1872; and (with the exception of a period of about 9 months when I was on leave under Government rules in 1892 and which counts for pension) I have contributed under Civil Service Regulation rules towards pension from the 1st January 1873 to the 30th June 1896. Thus my service for pension on the 30th June 1896 amounted to 30 years and 15 days.

6 As regards the remarks of Government with reference to my last letter to the Accountant General I beg to say most emphatically that I had no intention of giving personal offence to that gentleman, or to any one else. The words used were intended to express my feeling regarding the red tape in which the Accountant General's office seems to be so entangled that, on a technical point of little or no importance, I was deprived of leave allowances in 1896 which I had earned about 20 years previously, and which furthermore has given me all this trouble to try to obtain a pension to which I became legally entitled in June 1896.

7 With this explanation, I beg to say that my ideas

regarding the way in which I have been treated are
certainly no less strong now than when I wrote to the
Accountant General last May, I can therefore
find nothing in that letter which I should wish to
withdraw, or modify.

As regards the ruling of the Government of India in its
letter no 750 dated 29 April 1895 referred to by the
Accountant General I know nothing about it, as the
Government Order has never been communicated to me.
I take the liberty of sending a copy of this to the
Accountant General and also to the Collector of the
District.

I have the honor to be

Sir,

Your most obedient servant,

W. Taylor.

Agent to the Rajah
of Pudukkottai.

P.B.
clerk.

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

189

READ AGAIN G.O., No. _____, DATED
189

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 WANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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