

Pension (1897) Department.

ORDINARY MS.

G.O., No. 916.

DATED 2-12-97.

SINCE PRINTED.

NOTES
PRINTED.

[Despatch Abstract.]

Authorizing the Acctt. Genl to accept as a charge against the British Revenue, the proportionate share of the pension of V. Shandavaraya Moodelliar, late Overseer, Mysore P.W.D., for his earlier service under this Govt.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	190	Pen	8-3-97				

FURTHER PAPERS.

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

Government {1897} of Madras. PENSION.

MISCELLANEOUS.

G.O., No. 916, 2nd December 1897.

NP

DECEMBER.

Pension.

Authorizing the Accountant-General to accept as a charge against the British revenues the proportionate share of the — of V. Thandavaraya Mudaliar, late overseer, Mysore Public Works department, for his earlier service under this Government.

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

Read—again the following papers :—

G.O., Nos. 1254, 1255, Pension, dated 3rd November 1890.

Read—again the following papers :—

G.O., Nos. 452-454, Pension, dated 6th May 1889.

Read—the following papers :—

From the Resident in Mysore, dated 12th December 1888, No. 4187-4538.

Endorsement of the Controller of Military Accounts, dated 14th February 1889, No. F.

Letter from the Accountant-General, dated 5th March 1889, No. I.A.E.—383.

Order—No. 452, Pension, dated 6th May 1889.

Ordered that the following letter be addressed to the Government of India.

(True Extract.)

H. A. STUART,
Under Secretary to Government.

Letter—No. 453, Pension, dated Ootacamund, 6th May 1899, to the Secretary to the Government of India, Department of Finance and Commerce.

I am directed to submit, for the orders of the Government of India, the accompanying papers relating to the case of Ghulám Muhammad, late head clerk in the Plantation office of the Mysore Darbar.]

The facts are as follow :—

Ghulám Muhammad entered the service of the British Government on the 1st April 1867 as a writer on the Amrat Mahal establishment, Mysore, and continued to serve there till the 31st December 1881, when the department was made over to the Mysore State, subject to the conditions stipulated in Sir James Gordon's letter, printed in the Order of this Government, No. 1493, dated 29th March 1882 (copy enclosed). To obviate hardship to the men affected by the transfer, the Resident arranged with the Mysore Government for their retention in its service. On the 22nd October 1885, the applicant was transferred by the Darbar to the Plantation office, and on the 26th August 1886 he was thrown out of employment in consequence of the abolition of that office. His total service, which amounts to 18 years, 6 months and 26 days, is made up as follows :—

				Y. M. D.		
Service under the British Government	..	..	..	14	9	0
Do. the Mysore do.	..	..	..	3	9	26

The Resident in Mysore now inquires if this Government would accept debit of the pensionary charge according to the rule of proportion in case the applicant is granted a pension for his aggregate period of service. The Accountant-General holds that the applicant is not entitled to any retiring allowance as his case does not fall under any one of the heads enumerated in his letter, but it seems to this Government that the rules quoted by that officer are inapplicable to the present case, which is a special one and requires special treatment.

2. The transfer of the applicant's services was made in the interests of Government and did not benefit him in any way. The proposal of the Mysore Government to bear its share of the charge according to the rule of proportion seems equitable and should, in the opinion of His Excellency in Council, be accepted.

3. As a precedent for treating the applicant's service in the Amrat Mahal department as qualifying, I am to refer you to the case of Narasiah, late head clerk of that office, disposed of in the Government of India letter, No. 24, dated 28th March 1883.

C. A. GALTON,
Secretary to Government.

Letter—No. 454, Pension, dated Ootacamund, 6th May 1889, to the Resident in Mysore.

I am directed to acknowledge receipt of your letter No. 1300-4538, dated 16th April 1889, and in reply to state that the question of grant of pension to Ghulám Muhammad, late head clerk in the Mysore Plantation office, has been submitted for the orders of the Government of India and that their decision will be communicated as soon as received.

C. A. GALTON,
Secretary to Government.

Letter—No. 728, Pension, dated Ootacamund, 15th July 1889, to the Secretary to the Government of India, Department of Finance and Commerce.

With reference to Mr. Finlay's letter, dated 10th June 1889, No. 2877, I am directed to forward, for the information of the Government of India, copies of the letters noted on the margin.

C. A. GALTON,
Secretary to Government.

ANNEXURE.

From Lieutenant-General Sir H. N. D. PRENDERGAST, K.C.B., V.C., Officiating Resident in Mysore, to the Chief Secretary to the Government of Madras, dated Bangalore, 12th December 1888, No. 4181-4538.

I have the honour to forward, for the favourable consideration of His Excellency the Governor in Council, a copy of a letter from the Chief Secretary to the Diwan of Mysore, Camp No. 1212, dated the 16th September 1888, and of the enclosed office memorandum in regard to the pensionary claims of Ghulám Muhammad, late head clerk in the Plantation office of the Mysore Darbar, for services rendered under the British Government prior to his transfer to the Mysore State.

2. To lay the case clearly before the Madras Government, it is necessary to give a brief history of Ghulám Muhammad's services. On the 1st April 1867 he was entertained under the British Government as a writer in the Amrat Mahal department on a salary of Rs. 25 *per mensem*, which was subsequently raised to Rs. 40. On the 1st January 1882 the Amrat Mahal staff was transferred to the Mysore State, apparently under the arrangement referred to in paragraph 11 of Sir James Gordon's letter, No. 2300-M. 836, dated the 2nd January 1882, to the Secretary to the Government of Madras in the Military department. Ghulám Muhammad continued to serve under the Darbar in the Amrat Mahal department until the 22nd October 1885, when he was transferred to the Plantation office as head clerk on Rs. 40 *per mensem*, and on the 26th August 1886, owing to the abolition of this office, he was called upon to retire from the service on a compensation pension.

3. The Comptroller of Military Accounts, Madras, who was asked by the Darbar if he would accept a claim for a portion of Ghulám Muhammad's pension for service rendered under the British Government prior to his transfer to Mysore, refused to admit the claim on the ground that the individual had not paid any pensionary contribution since 1st October 1882; but it appears to me unreasonable to expect that contribution should be recovered from this official, seeing that his transfer to the Mysore State was not in his own interests but made on public grounds and pecuniarily did not benefit him at the time.

4. I would here invite attention to the correspondence ending with the Madras Government, Pension department letter, No. 317, dated 19th April 1883, relative to the grant of a pension to Nursiah, late head writer in the Amrat Mahal department, from which it appears that the Government of Madras concurred with Sir James Gordon in the opinion expressed in paragraph 2 of the Assistant Resident's letter No. 2585-1215, dated the 23rd February 1883, that the Darbar should not be asked to bear the cost of the pension of Amrat Mahal officials earned by service under the British Government. I have therefore the honour to inquire whether His Excellency in Council will be pleased to recognize the principle under which the pensions of such officials should be debited according to the rule of proportion to the Governments of Madras and Mysore, the latter contributing the proportion for service rendered to the State and the former bearing the proportion earned by service under the British Government.

5. If this apportionment of the cost of pensions be deemed correct, I beg that His Excellency in Council will accord sanction to the pension of Ghulám Muhammad being thus debited.

ENCLOSURES.

From R. VIJAYENDRA ROW, Esq., Chief Secretary to the Diwan of Mysore, to the Assistant to the Resident in Mysore, dated Mysore, 16th September 1888, Camp No. 1212.

I have the honour, by direction of the Diwan, to forward, herewith, copy of this office memorandum in regard to the pensionary claims of Ghulám Muhammad, late head clerk of the Plantation office, for service rendered under the British Government. As the case is a hard one and deserving of special consideration, I am to request the favour of the Resident moving the Government of India to extend to Ghulám Muhammad the benefit of the rule of proportion conceded in the case of one Mr. Marchant—*vide* your letter, No. 1324-5155, dated 12th May 1886.

I am to add that the rule under which contributions are paid by British officers lent to Mysore, so as to entitle them to a *British* pension, does not seem to apply to a case like the present, in which the application is for a pension to be charged to *both British and Mysore* Governments according to the rule of proportions.

Memorandum.

[Letter No. 2053-142, dated 14th December 1887, from the Inspector-General of Forests and Plantations in Mysore, submitting for orders certain papers connected with the pension of Ghulám Muhammad, late head writer of the Plantation office at Bangalore.]

Ghulám Muhammad entered the service in the Amrat Mahal department under the British Government on 1st April 1867 and continued his service under that Government up to 31st December 1881, on which date he was transferred to the Mysore State along with the Amrat Mahal cattle and establishment. He was thence transferred on 22nd October 1885 to the Plantation office at Bangalore as head clerk, which appointment he held till 26th August 1886, when he was ordered to retire on compensation pension in consequence of the abolition of his post during the recent revision of the Forest department.

2. The total qualifying superior service put in by Ghulám Muhammad amounts to 18 years, 6 months and 26 days, of which 14 years and 9 months were under the British Government and the remaining 3 years 9 months and 26 days under the Mysore Government, as particularized below:—

	Y.	M.	D.	Y.	M.	D.
(1) Service rendered under the British Government as deputy writer, Amrat Mahal department, on pay Rs. 25, from 1st April 1867 to 9th June 1869	2	2	9			
And on pay Rs. 40, from 10th June 1869 to 31st December 1881	12	6	22			
				14	9	0
(2) Services rendered under the Mysore Government on pay Rs. 40, from 1st January 1882 to 26th August 1886, <i>minus</i> the period, viz., 10 months, during which he was on sick leave				3	9	26
				18	6	26

3. The Comptroller of Mysore forwarded an extract of the history of the service from the pension application of Ghulám Muhammad to the Accountant-General, Madras, for verification of the service rendered under the British Government, and inquired of him whether he was prepared to accept the service as also the proportionate share of pension for the same. The Controller of Military Accounts, Madras, to whom the matter was referred by the Accountant-General, Madras, for disposal, verified the services and stated that, as Ghulám Muhammad's service is pensionable, the proportionate share of pension for the period of service rendered under the British Government would be accepted.

4. Thereupon the Comptroller of Mysore forwarded a memorandum of calculation to the Controller of Military Accounts, Madras, showing a sum of Rs. 10-7-5 (out of the one-third pension, viz., Rs. 13-5-4 per mensem, earned by Ghulám Muhammad) as debitable to the Imperial Revenues, and requested to be informed whether he accepts the charge. In reply, that officer stated that, as Ghulám Muhammad had not paid any pensionary contribution to the British Government from and after 1st October 1882, he did not appear to have a claim to any portion of his pension from the British Government for the period of service rendered under it, prior to his transfer to Mysore on 1st January 1882, and that he was entitled to a gratuity of 12 months' pay under section 113 (a) of the Civil Pension Code for his 14 years 9 months' service in the British Government. It was, however, suggested by the Controller, Military Accounts, that the Resident at Mysore be asked to obtain the orders of the Government of India in the case, as it would seem that Ghulám Muhammad and others similarly situated have a fair claim to pension which should be debited to the General Revenues and Mysore State according to the rule of proportions.

5. The Inspector-General of Forests and Plantations in Mysore, on being furnished by the Comptroller of Mysore with the foregoing views and suggestions of the Controller of Military Accounts, Madras, gives a narrative of the history of Ghulám Muhammad's case as given above and states—

- (1) that no settlement was arrived at between the Madras Government and the Mysore Darbar as regards the pensionary claims of subordinate officials transferred to the Mysore service with the Amrat Mahal cattle in January 1882;
- (2) that as, at the time of transfer, Ghulám Muhammad had only to put in 3 months' more service to complete 15 years for one-third pension under the British Government, he could not in such a predicament have been prompted to follow his other co-officials who went in at once for pension or gratuity for service rendered by them under that Government prior to their transfer;
- (3) that, by reason of the unconditional transfer of the Amrat Mahal establishment at least so far as pensionary claims are concerned, it cannot be said that by such transfer its officials lost all their status in the service of the British Government;
- (4) that if it be held that the Amrat Mahal officials had, after their transfer to Mysore, no status in the service of the British Government, and could only have a claim to any portion of pension from that Government only by paying contribution from salaries drawn while employed in Mysore, Ghulám Muhammad would have to pay half of such contribution, and this would seem a very hard treatment, inasmuch as he was not drawing here any higher pay than at Madras, and more than all, the transfer was not at his own choice;
- (5) that if the Madras Government had granted 3 months' service as a grace in consequence of the abolition of the establishment, he could have obtained pension there as also employment in Mysore;

and finally proposes that if the Diwan considers that the rule of proportion may be applied to this case and the matter referred for the orders of the Government of India as suggested by the Controller, Military Accounts, Madras, the Resident in Mysore may be addressed on the subject.

6. In view to obtain the benefit of 3 months' service as grace, Ghulám Muhammad should have applied to the Madras Government for the same at the time of the transfer of the Amrat Mahal establishment; but as he was not at that time so advised as to go in for that benefit it does not seem incumbent now on this Government at such a later period to apply for that indulgence on behalf of Ghulám Muhammad.

As regards the question of contribution deemed requisite by the Controller, Military Accounts, Madras, to be paid by Ghulám Muhammad, I beg to submit that the Government of India have recently in the case of one Mr. Marchant, who was first employed in Mysore and joined the Hyderabad service after resigning his appointment under this Government, ruled that pensions for the services rendered under the British and Mysore Governments be borne by both the Governments according to the rule of proportions—*vide* letter No. 1324-5155, dated 12th May 1886, from the Assistant to the Resident in Mysore. The case of Ghulám Muhammad appears to be similar to that of Mr. Marchant. The only difference is that the latter official (Mr. Marchant) resigned his Mysore service to take up the one under the British Government in

Hyderabad before the rendition, and the former official (Ghulám Muhammad) was taken on to the Mysore service when the Amrat Mahal cattle and establishment was transferred to Mysore after the rendition. I beg to submit, therefore, that the Resident in Mysore be addressed to move the Government of India to extend to Ghulám Muhammad the principle followed in the case of Mr. Marchant and to grant the benefit of the rule of proportion referred to.

Endorsement No. 3.

Referred to the Controller of Military Accounts for report, which should be submitted through the Accountant-General.

(By order.)

FORT ST. GEORGE,
16th January 1889.

H. A. STUART,
Under Secretary to Government.

To the Controller of Military Accounts, with papers.

From Lieutenant-Colonel C. F. THOMAS, Officiating Controller of Military Accounts, to the Under Secretary to Government, Pension Department (through the Accountant-General), dated 14th February 1889.

Re-enclosed.

2. The services of Ghulám Muhammad rendered under the British Government have been verified from the records of this department and found correct.

3. It appears to this office that the pension to which he is entitled should be debited according to the rule of proportion to the Governments of Madras and Mysore as suggested by the Resident in paragraph 4 of his letter under report—vide section 83 of the Civil Pension Code.

No. 383-I.A.E.

Submitted to Government with the following remarks.

It appears from the correspondence furnished that in 1867 Ghulám Muhammad commenced service under the British Government in the Amrat Mahal department, but on the 1st January 1882 was transferred to the Mysore State, and that he continued to be in that service without paying to the British Government pensionary contribution from 1st October 1882, the date of the rendition of the province. The Resident in Mysore is of opinion that the pension due to Ghulám Muhammad for his combined services under the British Government and under the Mysore State should be borne by the two Governments according to the rule of proportions.

2. In the case of officers falling under one or other of the following classes, though they are not regarded as having a status in British service, the Government of India have to a greater or less extent admitted a claim to pension for such British service as they may have rendered—

(a) Officers who having no previous service under the British Government commenced service in Mysore and were transferred to British service proper before 1st October 1882.

(b) Officers who commenced service under the British Government but resigned it to take up appointments in Mysore and were subsequently retransferred to British service before 1st October 1882.

(c) Officers who commenced service under the British Government but resigned it to take up appointments in Mysore and continue to be employed in Mysore after 1st October 1882 paying pensionary contribution to British Government.

3. In the case of officers of classes (a) and (b) the pensions are chargeable to the revenues of the British Government and of the Mysore State according to the rule of proportions—vide first paragraph of the recent addition to section 83 of the Civil Pension Code. The case of officers of class (c) is similarly dealt with under the authority contained in paragraph 2 of the letter from the Government of India, No. 2390, dated 10th August 1885, Financial.

4. The case of Ghulám Muhammad does not fall under class (a) or (b) and not having paid pensionary contribution since 1st October 1882 does not fall under class (c). He does not seem, therefore, entitled under the rules as they stand at present to claim any portion of his pension from the British Government for the service rendered under it prior to his transfer to Mysore. But the case is a hard one, and perhaps it may be thought desirable to refer it to the Government of India for orders.

FORT ST. GEORGE,
5th March 1889.

T. W. RAWLINS,
Accountant-General.

To the Under Secretary to Government, Pension Department.

G.O., Nos. 1055, 1056, Pension, dated 17th September 1889.

READ—the following paper:—

From E. LAWRENCE, Esq., Under Secretary to the Government of India, Finance and Commerce Department, to the Secretary to the Government of Madras, Pension Department, dated Simla, 9th August 1889, No. 4075.

I am directed to acknowledge the receipt of your letter No. 453, dated 6th May 1889, and in reply to say that the Government of India have no objection in this case to the grant of a pension according to the rule of proportions to Ghulám Muhammad, late head clerk in the Plantation office at Bangalore. I am, however, to observe that it would be convenient if payment of the pension could be made entirely from one source, and with this object in view I am to suggest that the Mysore Darbar may be asked to pay down a lump sum equal to the capital value of the share of the pension payable by them which would end their liability in the matter.

Copy forwarded to the Accountant-General, Madras, with reference to his letter to the Government of Madras, No. 383-I.A.E., dated the 5th March 1889.

Order—No. 1055, Pension, dated 17th September 1889.

Ordered that the Resident in Mysore be addressed.

(True Extract.)

C. A. GALTON,
Secretary to Government.

Copy to the Accountant-General.

Letter—No. 1056, Pension, dated Ootacamund, 17th September 1889, to the Resident in Mysore.

In continuation of my letter No. 454, dated 6th May last, I have the honour, by direction of His Excellency the Governor in Council, to forward a copy of a letter from the Government of India and to request that you will be good enough to ascertain and inform this Government whether the Mysore State is willing to adopt the course suggested and pay a lump sum equal to the capital value of its share of the pension. The amount should be calculated by means of the table given at pages 350-351 of the Civil Service Regulations.

2. I am also to request that a formal application for pension may be forwarded to the Accountant-General, Madras, for verification of the service rendered under the British Government.

C. A. GALTON,
Secretary to Government.

Read—also the following papers:—

From the Resident in Mysore, to the Chief Secretary to the Government of Madras, dated Bangalore, 26th February 1889, No. 677/4538.

I have the honour to inquire when I may expect a reply to my predecessor's letter No. 4181/4538, dated the 12th December 1888, regarding the pensionary claims of Ghulám Muhammad, late head clerk in the Mysore Plantation office. The Darbar are anxious to have an early reply to their communication on the subject.

From the Controller of Military Accounts, Madras, to the Under Secretary to Government, dated Madras, 2nd March 1889, No. A.

With advertence to your official memorandum No. 16, dated 22nd February 1889, I have the honour to state that the report called for in your endorsement No. 3 of 16th January 1889, was forwarded through the Accountant-General on the 14th ultimo.

with the orders of Government in respect of the claim preferred by the Comptroller of Mysore for the acceptance of the proportionate share of Thandavaraya Mudaliar's pension as a charge against the British Government revenues.

Government of India letter No. 762-G., dated 9th April 1886, to the Resident in Mysore.
Resident's letter to the Government of India, No. 1808/5155, dated 22nd June 1886.

Copies of the marginally-noted papers in connection with the case of Mr. Marchant, quoted in my letter to the Government of India, are forwarded herewith for ready reference.

The pension application of Thandavaraya Mudaliar and the connected papers are also forwarded, and I request that they may be returned when no longer required.

ENCLOSURES.

From the Officiating Accountant-General, Madras, to the Secretary to the Government of India, Financial Department, dated Fort St. George, 1st December 1896, No. I.A.E./399.

I have the honour to submit the following case for the orders of the Government of India.

2. V. Thandavaraya Mudaliar, retired overseer of the Mysore Public Works department, commenced service under the British Government in 1864, but in August 1875 was transferred to the Mysore State. He continued to be in that service without paying to the British Government pensionary contribution from 1st October 1882, the date of rendition of the province, up to 21st December 1895, when he retired on a pension. The Comptroller of Mysore inquires whether on grounds similar to those set forth in Government of India letter No. 762-G., dated 9th April 1886, to the Resident in Mysore, in connection with Mr. Marchant's case, I am prepared to accept a proportionate share of Thandavaraya Mudaliar's pension as a charge against the British Government revenues.

The ruling in Mr. Marchant's case has lately been applied to the case of Mr. Mascarenhas, who was in the service of the Mysore Government and was transferred to service under the British Government before 1882, and the Mysore Darbar has been made to pay a proportionate share of the pension for the service under the Mysore State, as the orders in Mr. Marchant's case are considered to govern all future similar cases.

The present case is one where the officer commenced service under the British Government and took up appointment under the Mysore State before 1st October 1882. An analogous case was disposed of by the Government of India in Government of India, Financial, No. 4075, dated 9th August 1889, and I would inquire whether the present case can be dealt in the same way.

I would further add that, in the latter case, the Mysore Government preferred to bear the proportionate share of pension to paying a lump sum as suggested in the letter No. 4075, dated 9th August 1889. In the present case if the liability is accepted, I request orders whether a lump sum of Rs. 1,459-11-8 should be tendered to the Mysore Government in lieu of a monthly payment of Rs. 12-10-11.

From the Under Secretary to the Government of India, Finance and Commerce Department, to the Accountant-General, Madras, dated Calcutta, 9th January 1897, No. 119-P.

With reference to your letter No. I.A.E./399, dated 1st December 1896, regarding the apportionment of the charge on account of the pension of V. Thandavaraya Mudaliar, a retired overseer of the Mysore Public Works department, I am directed to say that you should refer the case for the orders of the local Government, who can, if they consider it necessary, refer any doubtful point in it to the Government of India.

From the Under Secretary to the Government of India, to the Officiating Resident in Mysore, dated 9th April 1886, No. 762-G.

I am directed to forward, herewith, copy of a letter from the Resident at Hyderabad, No. 45-G., dated the 15th February 1886, and of its enclosures, regarding the liability of the Mysore State to pay a share of the pension granted to Mr. Marchant, late a Superintendent of the office of the Comptroller of Hyderabad.

2. Mr. Marchant was in the service of the Government of Mysore before he joined the service of the British Government. He resigned the former service in 1859 and immediately joined the latter service. There was no interruption of service, and under such circumstances there would have been no difficulty about his pension if he had resigned an appointment in the British service.

3. The Mysore Darbar has, however, objected to bear any share of Mr. Marchant's pension "according," it is stated by the Comptroller, "to the ruling of the Government of India in the case of Mr. Ranga Chariar and others who similarly resigned British service for employment in Mysore". I am, however, directed to explain that the principle which it is proposed to follow in the case of Mr. Marchant is exactly the same as that which has been followed in the case of Mr. Ranga Chariar and the other officers to whom reference is made. Mr. Ranga Chariar resigned the service of the Government of Madras to join the service of the Mysore Government, and it has been decided that his pension should be calculated on the combined services, the British and the Mysore Governments bearing their proper share of the pension. In this case the British Government did not accept liability on account of Mr. Ranga Chariar's Mysore service, but the British Government did not object to pay a share of Mr. Ranga Chariar's pension proportionate to his service under the British Government. This decision was passed in view of the consideration that when Mysore was under British administration it was natural that officers in Government service proper should have felt no hesitation in resigning their appointments to join Mysore service and *vice versa* under circumstances in which similar resignation of one Government appointment to join another would not have affected their pensionary claims. If, under such circumstances, the previous service, whether in Mysore or under British Government, should be rejected, the result would be unmerited hardship to the officers concerned.

4. On these grounds I am to request that you will be good enough to move the Mysore Darbar to reconsider the question.

From the Resident in Mysore, to the Secretary to the Government of India, Foreign Department, dated Bangalore, 22nd June 1886, No. 1808/5155.

In reply to letter No. 762-G., dated 9th April 1886, from your office and subsequent reminder requesting that the Mysore Darbar may be moved to reconsider the question regarding the liability of the Mysore State to pay a share of the pension granted to Mr. Marchant, late a Superintendent of the office of the Comptroller of Hyderabad, I have the honour to forward a copy of letter No. 280, dated 15th June 1886, from the Chief Secretary to the Diwan, stating that as the Government of India has been pleased to recognise the principle of the rule of proportions involved in cases like those of Kasturi Runga Charri and Mr. Marchant, the Darbar gladly accepts its liability to pay a portion of Mr. Marchant's pension proportionate to his service in Mysore.

2. It will be observed that the Comptroller of Mysore has been requested to arrange for the payment of the portion, amounting to Rs. 5-1-5, of Mr. Marchant's pension for which the Mysore State is liable.

No. 1895.

Copy forwarded to the Resident at Hyderabad with reference to his letter No. 45-G., dated the 15th February 1886, to the Comptroller, Hyderabad, and to the Accountant-General, Madras, for information.

DEPARTMENT OF FINANCE AND COMMERCE,
SIMLA, 13th July 1886.

J. F. FINLAY,
Offg. Under Secy. to the Govt. of India.

Order—No. 190, Pension, dated 8th March 1896.

With reference to his letter No. I.A.E./500, dated 2nd February 1897, the Accountant-General is requested to obtain and forward to Government a formal application for pension on behalf of Thandavaraya Mudaliar showing the history of his services under this Government together with the usual certificate and report, stating the proportionate amounts of pension to be charged to the Provincial revenues and the Mysore State.

(True Extract.)

G. STOKES,
Secretary to Government.

To the Accountant-General.

READ—also the following paper:—

Certificate and report No. 373-A.D.J.

Certified that qualifying service in superior grades has been duly proved for 29 years, 9 months and 29 days, and that an invalid pension not exceeding Rupees 49-6-2 *per mensem*, equal to $\frac{3}{10}$ ths of average emoluments, is admissible under articles 485 and 518 (b) of the Civil Service Regulations. The pension admissible is charge-

British Government	Rs.	A.	P.	able to the British Government and to
Mysore	12	8	10	the Mysore State according to the rule of
	36	13	4	proportions as detailed in the margin.

2. As the applicant at the time of retirement was in the service of the Mysore Government, his application for pension should be finally disposed of by the Mysore Government. The Comptroller of Mysore, who received the pension application for verification and report from the local authorities, seeing that the applicant had rendered his earlier service under the British Government, inquired in November 1896 whether there was any objection to the acceptance of the proportionate share of the applicant's pension due for that service as a charge against the British Government revenues. As there was no ruling in the Civil Service Regulations on the subject, a reference was made by this office to the Government of India, who, in reply, directed that the question should be referred for the orders of the local Government. This was accordingly done in my letter to Government, No. 500-L.A.E., dated 2nd February 1897. It is requested that in sanctioning a pension to the applicant the question referred to above may be finally settled.

3. In accordance with rule 3 under article 994 (b), the attention of Government is respectfully solicited to article 514 of the regulations.

15th November 1897.

F. C. HARRISON,
Offg. Accountant-General.

To the Under Secretary to Government, Pension Department.

ORDER—No. 916, Pension, dated 2nd December 1897.

The Accountant-General is authorized to accept the proportionate share of V. Thandavaraya Mudaliar's pension, viz., Rs. 12-8-10, for his earlier service under this Government as a charge against the British Government revenues.

(True Extract.)

G. S. FORBES,
Secretary to Government.

To the Accountant-General.

I.

NOTES CONNECTED WITH G.O., Nos. 452-53, PENSION, DATED 6TH MAY 1889.

From the Resident in Mysore, dated 12th December 1888, No. 4181/4538.

Endorsement of the Controller of Military Accounts, dated 14th Feb. 1889, No. F.

From the Accountant-General, dated 5th March 1889, No. I.A.E./383.

[Pages 3 to 6 of the collection G.O.].

For the Under Secretary—

One Ghulam Muhammad entered the Government service as deputy writer in the Amrat Mahal department, Mysore, on 1st April 1867. On 31st December 1881 this department was made over to the Mysore State subject to certain conditions stipulated in Sir J. Gordon's letter printed in G.O., No. 1493, dated 29th March 1882. On the date of the transfer the applicant's services amounted to 14 years and 9 months. To obviate hardship the Resident arranged with the Mysore Raj for the retention of the services of the Mahal establishment. In 1885 the Mysore Government transferred Ghulam Muhammad to the Plantation office. His appointment in that office was abolished on 26th August 1886 and his total service, which amounts to 18 years 6 months and 26 days, is made up as follows:—

Service under the British Government	..	..	..	..	Y.	M.	D.
Do. the Mysore do.	..	..	..	..	14	9	0
					3	9	26
Total	..				18	6	26

2. The Resident at Mysore now inquires if this Government would accept debit of his pensionary charge according to the rule of proportion. Section 87 (1), Civil Pension Code, does not apply here, and the spirit of it cannot be extended to the present case without special orders of the Government of India—*vide* section 136. At the time that the man's appointment under the British Government was abolished he was entitled to a gratuity of Rs. 480 and not to a pension as stated in paragraph 5, clause 6, of the Diwan's letter, for there is no rule under which the grace of 3 months' service can be allowed. But by combining his British and Mysore services he becomes entitled to a pension of Rs. 13-5-4 debit in the following proportion:—

British Government	..	..	..	..	..	RS.	A.	P.
Mysore	..	..	..	..	..	10	7	5
						2	13	11

3. Submitted there appears no reason why this increased charge should be met from British revenues. The man's transfer was arranged simply to help him to earn a living, and this fact cannot constitute a reason for the grant of an indulgence not provided for by the rules. It is thought that the requirements of the case would be fully satisfied by giving the man that amount of gratuity which was due to him on the date his connection with the British Government ceased.

4. The Accountant-General holds that the man can be granted no retiring allowance whatever, as his case does not fall under any one of the heads enumerated in his letter. His contention would have been correct had Ghulam Muhammad's services been of a nature suggested by the rules quoted by him. The rules in the Code were framed with reference to the men who were engaged by the British Government for the purpose of carrying on the administration of the Mysore Province when it was under the Chief Commissioner. From the correspondence embodied in G.O., No. 1493, dated 29th March 1882, it appears clear that Ghulam Muhammad's appointment was on an establishment which was maintained with a view to supply the Imperial Military department with cattle for draught and pack purposes and had nothing to do with the general administration of the Mysore province. The Mahal

department, which was also called the Public cattle department, was located at Mysore perhaps on account of certain natural advantages which the country offered. The mere circumstance of its location in Mysore should not certainly go to deprive the man who served in it of any of the pensionary privileges which their brethren in other parts of India enjoyed. Indeed the head clerk of the very office was pensioned from the Imperial funds in 1883 when his services were dispensed with, and the grant was also confirmed by the Government of India. It may perhaps be argued that as this happened before 1885, *i.e.*, before the promulgation of the new rules governing

* Section 83 (*addendum*).

Mysore * services, the case quoted cannot be relied on as a precedent. It is submitted that section 2 lays down that the claim to pension of an officer is governed by the rules in force at the time of his retirement. As Ghulam Muhammad's retirement from the British service took place before 1885, the new rules, whatever they may be, do not affect his claim. Besides this, there is the other clear provision of section 105 which says that the pension of an officer who accepts another appointment on the abolition of his permanent post should not be less than what it would have been had he not accepted the new post. Ghulam Muhammad was entitled to a gratuity of Rs. 480 and his accepting service under the Native State cannot subject him to the loss of that gratuity.

MD. SUFDAR HUSSAIN.

Secretary—

The case seems to be similar in all respects to Narasiah's claim and if the applicant had retired in January 1882, he would probably have been given a gratuity.

Narasiah's case was decided after very considerable correspondence, the pension having been at first refused.

If the applicant had contributed towards his pension after his transfer to Mysore he would have come under (c) and his whole pension would have been borne by British Government.

It is submitted that as the Government of India approved of the pension granted to Narasiah, a gratuity may be granted to the applicant for his 14 years' service under British Government.

F. E. K. WEDDERBURN.
28-3-89.

The Hon'ble Mr. Garstin, C.S.I.

The Hon'ble Mr. Stokes.

Ghulam Muhammad seems to me clearly entitled to a gratuity under the rules, but it is submitted that a representation ought to be made to the Government of India to secure for him a pension. His total service before the transfer of the Amrat Mahal department to the Mysore Government was 14 years 9 months and as the rendition of the province did not take place until 1st October 1882, he really completed 15 years' service under the British Government and would have been entitled to a pension of one-third of his pay had he retired then. The transfer of his services was made in the interests of Government and he ought not to be a sufferer; had a pensionary contribution been paid the British Government could have borne the whole charge. The Mysore Government now offer to pay their share according to the rule of proportion and this is an equitable arrangement. The rules quoted by the Accountant-General are inapplicable to the present case which is a special one and requires special treatment.

C. A. GALTON.
30-3-89.

I agree with the Secretary.

J. H. G[ARSTIN].
3-4-89.

I agree to a recommendation for the grant of a pension being made to the Government of India.

H. E. S[TOKES].
11-4-89.

II.

NOTES CONNECTED WITH G.O., Nos. 1254-55, PENSION, DATED 3RD NOVEMBER 1890.

From the Resident in Mysore, dated 16th September 1890, No. 3095/4538.

[Page 8 of the collection G.O.]

Secretary—

The applicant named in the Resident's letter was originally a servant of the British Government employed on the Amrat Mahal establishment in Mysore. On the date of the rendition of the province, the man's services were transferred to the Mysore Raj. He retired from the service on the 26th August 1886, and thereupon the Darbar asked the local Accountant-General to bear the proportionate charge of the applicant's pension in respect of the service rendered under the British Government before his transfer. The Accountant-General declined to accept the charge on the ground that the applicant had not, on transfer, paid the necessary pensionary contribution to the British Government. The Resident, Mysore, brought this matter to the notice of the Government and asked that the charge might be accepted. In this office No. 453, dated 6th May 1889, the whole case was laid before the Government of India and orders were solicited as to whether the equitable arrangement of meeting the applicant's pension in the way proposed by the Mysore Government might not be accepted. In its letter No. 4075, dated 9th August 1889, the Government of India, however, suggested that it would be preferable to meet the pension from one source alone and with this view hinted that the Mysore Government might be asked to pay down the capital value of its share of the applicant's pension and thus end its liability, the British Government undertaking to pay the whole amount of the pension. The Resident now forwards a copy of a communication from the Chief Secretary to the Diwan of Mysore, from which it appears that the Darbar does not agree to the arrangement proposed by the Government of India. The Darbar prefers to pay its share of the pension instead of a lump sum. In this circumstance, there is no other course open but to instruct the Accountant-General to accept the necessary debit on account of the man's pension.

Draft order is submitted for approval.

R. C. C. CARR.
27-10-90.

H.M.—

C. A. GALTON.
28-10-90.
J. G[ROSE].
29-10-90.

III.

NOTES CONNECTED WITH G.O., No. 916, PENSION, DATED 2ND DECEMBER 1897.

From the Accountant-General, Madras, No. A.D.J., 373, dated 15th November 1897.

[Page 12 of the collection G.O.]

For the Under Secretary—

The Accountant-General says that the application should be finally disposed of by the Mysore Government and asks orders for the acceptance of the proportionate share of the man's pension for his service under this Government as a charge against the British Government revenues. The draft order follows precedent—G.O., No. 1254, Pension, dated 3rd November 1890.

K. SRIKANTA AIYAR.
30-11-97.

Secretary—

He joined the service of the Mysore State before the rendition, and it has been ruled by the Government of India that the pension in such cases should be awarded on the total service and debited in proportion. The Accountant-General's letter gives a full statement of the case.

N. E. MARJORIBANKS.
1-12-97.
G. S. FORBES.
1-12-97.

104.

EXAMINER,
P. W. ACCOUNTS, Pension No. 935252
20 OCT 1897.
APPLICATION FOR PENSION OR GRATUITY.

Name of applicant— *Vellu Thandavaraya Moodi*
Father's name— *Perannah Moodaliar*
Race, sect and caste— *Tamil, Boovisian*
Residence— *Bangalore*
Present or last employment, including name of establishment— *Quartermaster Kolar Division Mysore Public Works Dept.*
Date of beginning of service— *10th December 1864.*
Date of ending of service— *21st December 1895.* Y. M. D.
Length of service, including interruptions *31-0-12*
of which Superior *29-10-13*
Inferior *0-0-0*
Non-qualifying and interruptions *1-7-29*
Class of Pension or Gratuity applied for, and cause of application*— *Invalid Pension unfit for further service on account of chronic pleurisy & asthma as per med. Certif. 9/2/93 granted by the Supt. of the Mysore Hospital, Kolar. (attached)*
(Average) emoluments or pay— *Rs 98-12-4 1/2*
Proposed Pension— *Rs 49-6-3*
Proposed Gratuity— *"*
Date from which pension is to commence— *22nd December 1895.*
Place of payment— *Bangalore*
Date of applicant's birth by Christian era†— *11th February 1843.*
Height— *5-6 1/2*
Marks— *Complexion dark, an elevated mole over the left breast.*
Date— *31st March 1896.*

W. H. H. H.
Signature of Head of Office.

* If the application is for a compensation, pension or rise to the claim should be fully stated.
† If not known exactly, must be stated on the best information.

Signature of the change of establishment which has estimate.

History of the Service (showing interruption) of

History of the Service (showing interruption) of

24. Velme Thundavanaya deaadi. Quondam Juyar J. W. D.

[illegible]

Total period of Superior (or Inferior) Service

Remarks by H.

to character and past conduct of applicant ...

Office can give it.

y other remarks

specific opinion of Head of Office whether the service claimed is established and should be admitted or not [see Article 472 (b).]

Invalide & by small Officers.

established & then led he admitted

Certificate and Report of Comptroller
the Accountant General.

Certified that qualifying service in Superior Grades has been duly proved for 24 years 9 months and 29 days, and that an annual pension not exceeding \$6.29 - 6.2 per annum equal to 30% of average emoluments is admissible under Articles 485 and 518 (b) of the Civil Service Regulations. The pension admissible is chargeable to the British Government under the Mysore Scale according to the rule of proportions as follows: 44

British Code

British Code
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as legal proceeds.

The Pension
The calculations have been duly verified.
Last appointment

Amount of Gratuity sanctioned

APPLICATION FOR PENSION OR GR

104.]

APPLICATION

1. Name of applicant—

2. Father's name—

3. Race, sect and caste—

4. Residence—

5. Present or last employment, including name of establishment—

6. Date of beginning of service—

7. Date of ending of service—

8. Length of service, including interruptions

of which Superior

Inferior

Non-qualifying and interrupted

and interruptions ...
ed for, and cause of application—

9. Class of Pension or Gratuity applied for, and of

10. (Average) emoluments or pay—

1. Proposed Pension—

2. Proposed Gratuity—

3. Date from which pension is to commence—

4. Place of payment—

5. Date of applicant's birth by Christian era†

6. Height—

7. Marks—

8. Date—

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* If the application is for a compensation, pension
given rise to the claim should be fully stated.

† If not known exactly, must be stated on the be

P. G.
21
300-7-8-96.

PROCEEDINGS OF THE MADRAS GOV

Read again C.O. No 190
READ the foll

From the Acctt - Genl. — dated 15th Novemb

111
Order of 12th Dec

Find the Acctt Genl, no 405 D 152 11-97

Order of 12th Dec

Please see the Acctt-Genl's report. The Acctt-Genl.

accept the proportionate share

that the application should be finally disposed of

the Mysore fort, and asks orders for the acceptance

the proportionate share of the man's pension for his

vice under the Govt. as a charge against the British

Govt. Revenues. The draft order follows precedent.

PO 1254
3-11-90

He joined the service of the

Mysore State before the

To The Acctt-Genl.

tradition & it has been

ruled by the Govt of India

that the pension in such

cases should be awarded

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The Acctt-Genl's letter B

gives a full statement

of the case

116
3-12-97

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ned

189

No.

DATED

to C. No.

OF GOVERNMENT

OF GOVERNMENT.

MENT WITH DIITO.

PERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
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- P = Copy abstract only.
- Q = Copy heading only.

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