Pension (1898) Department.

ORDINARY MS.

G.O., No. 291

DATED 28th Apl/98.

[Despatch Abstract.]

Directing the amount of pension erroneously drawn by the pensioner Hayath Bacha from the 20th March/87 to the 31st May 1896 shall not be retrenched.

BACK PAPERS.

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

FURTHER PAPERS.

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

[R.E. / 45.]
1,000 -10-8-96.

Pension (1898) Department.

CURRENT No. 230

Read from the Finl Dept
No 441 d 17-2-98
Also from the Cr Mil Acct
No $\frac{G}{249}$ d 24.3.98

From The Controller of Mily. Accts.

Order d/28th April 1898 No 291 In the special circs. of the case H.E. in C. is pleased to direct that the amount of pension erroneously drawn by pensioner Hyath Pacha from 10th March 1887 to 31st May 1876, shall not be ~~foregone~~ retrenched

23/4/98

27/4/8

To the Finl Dept
To the Acct Genl
To the Contrtlr Mil Accts.

No. $\frac{G}{249}$

Dated 24/3.
Received 25/3
Registered 25/3.
Enclosures 20
Spare copies. Nil

SUBJECT.

Stating the circumstances as to why the rules regarding the reemployment of Civil Pensioners have been held applicable to the case of Hyath Pasha a Pensioned Salutry.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PENSION DEPARTMENT.

C. No. 5-127 & 230

Endt. From the Financial Dept. D/17-2-98 No. 441.
O.M. to the Contr. of Mily. Accts. D/7-3-98 No. 14.
Letter from — to — Dated 24th March 1898, No. G/249.

Overpayment of Pension.

FOR ORDERS.

Please see the notes for orders in the Finl. Dept. flagged C + D.

The papers relate to the overpayment of Rs. 442-13-5 made to one Hyath Patcha as pension during the time he was re-employed as a Salustry in the Pony Breeding establishment at Hosur. The Controller of Military Accounts requests that the amount may be recovered and credited to the Military Department. The facts of the case are as follows.- A

Hyath Patcha was employed as a Salustry in the Army Remount depot at Hosur and in July 1883, he was thrown out of employ in consequence of the reduction of the establishment and was granted a compensation pension of Rs. 4 p.m. for his service of 42 years. Vide G.O.

14/5

No.4187 dated 31-7-83 Military. In 1887
when proposals were made in the Revenue
Dept. for the entertainment of Salus-
tries in pursuance of the scheme for im-
proving the breed of ponies, the Mili-
tary authorities were asked to lend the
services of the best qualified pensioned
salustries from the Remount depot to -
train the new men. Hyath Patcha the --
pensioned salustry was one of those se-
lected and on the 10th March 1887 he --
was entertained as Head Salustry for the
Pony Breeding Operations at Hosur on a
salary of Rs. 20 p.m. He continued to
draw his pension and pay together from
that date up to 31st May 1896. But under
rticle 569 C.S.R. he should have ceased
to draw his pension from the date of re-
employment as his pay on re-employment
exceeded the pay of the appointment on
the abolition of which the pension was
given. The Controller, Military Accounts
came to know of the man's re-employment
only in December 1895 and in June 1896
he stopped payment of his pension. He
ow asks for the recovery of the pen-
ion overpaid up to May 1896 on the --
round that the overpayment was occa-
ioned by the negligence of the Civil
ept. He also points out that neither
.O. No.23 dated 12th Jany. 1887 sanc-
ioning the entertainment of pensioned
alustries in the Pony Breeding esta-
lishment, nor G.O. 1630 dated 14-3-87

- K

G.O. $\frac{23}{12.1.87}$ Rev - H

'D

- H

- G

re.employing Hyath Patcha was communicated to him and that therefore the Military Audit Dept. had no means of detecting the irregularity in question.

B -

The Collector of Salem on the other hand says that the pensions of the Military pensioners at the Hosur Remount depot were disbursed by the Military authorities up to September 1889, ~~who~~ & that they therefore are responsible for the overpayment in question in the first instance, and that from September 1889 the duty of disbursing all pensions was transferred to the Civil Dept. He therefore thinks that the Civil Dept. is not responsible for the overpayment.

D

The Accountant-General considers Hyath Patcha was primarily responsible inasmuch as he had been signing monthly for 9 years a certificate of non-employment, but the Collector thinks[q] that this was due to ignorance*. The Accountant-General also considers the Sub-Treasury Officer, Hosur, somewhat to ~~balme~~ blame as he must have been cognizant of the fact of the re-employment of the pensioner when he drew his pay and pension at the same Treasury from September 1889 to April 1896. The Collector argues [redacted] that Hyath Patcha, an ignorant man, had no notice that his pension would be af~~fxtxx~~fected by his re-employment, that when he asked~~fx~~ for a pay of Rs.20 he had no idea of giving up his pension and that

[q] Please see underlined.

* Head Salustry on Rs 20!

FOR ORDERS.

under the circumstances Hyath Patcha is entitled morally and legally to the pension in addition to his pay.

It is submitted that under article 589 C.S.R. Hyath Patcha cannot be allowed to continue to draw his pension in addition to the pay of his present appointment.

As regards the overpayment which has been made, orders are solicited as to whether the recovery should be made.

The Collector of Salem considers that no recovery should be made from the pensioner. The recovery of leave allowances irregularly drawn by a pensioner is usually foregone. ~~In the present case also the recovery of the overpayment of pension pay, it is submitted, be fore-go~~[illegible]

SAS
19.4.98

B

Secy
There is no indication in the Collector's letter that he was aware that Hyath Pacha had regularly signed a certificate of non employment. The vast majority of pensioners are quite sharp enough to know what they are asked to sign.

In this case however the truth of the matter seems to be that all concerned thought that ~~or the~~ the man was a military pensioner & that therefore he could draw both pay & pension on reemployment whereas he was a civil pensioner & could not

Submitted that the amount may be forgone.
21.4.98

Hon. I think in the circs. this is the only thing to be done. Of course the pension payt. will cease from date (1896) it was stopped
22.4.98

[illegible]
23/4/98

Secy Please see draft on docket
24/4/98

Pensions:

No. 4187
Government of Madras
Military Department.
Ootacamand – the 31st July 1883.

Read the following ~~From the Suptt Reserve Depot Hosur.~~ No. 240 dated 4th June 1883, Recommending the grant of pensions and gratuity to certain Salustries of the Vety. Estabt. who have been thrown out of employment in Consequence of Reduction.

~~From the Contr. of Military Accts.~~ Dated 26th July 1883

Order. The Right Hon'ble the Governor in Council Sanctions the grant ~~of~~ to the undermentioned individuals of the pensions and Gratuity Specified against their names under Section 117 (b) of the Civil Pension Code.

Vety. Estabt	Remount Depot
Head Salustry Arcot Kurreem Khan – pension Rs 4 per mensem	Service exceeding 30 years.
Salustry Arcot Hyath Pacha pension Rs 4 per mensem	Do – Do
Salustry ~~Sakawalah~~ Khadur Mohideen gratuity of 4 months pay	Service exceeding 10 years.

True Extract,
(Sd) E. L. Hankin Col.
Secy to Govt.

To
The Supdt. Reserve Depot Hosur
The Contr. of Mily Accts: with 2 Sp: copies

(True Copy)

Controller's office
24th March 1898

Dy Examiner
JAW. Superintendent, Central Bran

No. G/249

From

The Controller of Military Accounts,
Madras Command,

To

The Under Secretary to Government,
Pension Department, Madras

Madras, the 24th of March 1898.

Sir,

In returning the papers forwarded with your official memo no. 14, dated 7th March 1898, I have the honor to state that the term "Military pensioner," used in Article 581 of the Civil Service Regulations, means a person pensioned from the Army under Military Regulations; but as Hyath Patcha was employed as a Salutry on the Veterinary Establishment of the Remount ~~Department~~ Depôt, Hosur, and pensioned[a] on a Compensation pension of Rs 4 per mensem, under Section 117(b) of the Civil Pension Code, 1881 Edition, he is not considered a Military pensioner, and the rules relating

to

(a) Vide P.M.G., M.D. no. 4187 dated 31st July 1883 – Copy attached.

to the re-employment of Civil pensioners have therefore been held to apply to his Case.

I have the honor to be,
Sir,
Your most obedient Servant.

L. W. Dangar
Colonel,
Controller of Military Accounts.

[R. E. / 4d.]
1,000 -10-3-96.

Pension (1898) Department.

CURRENT No. 127

List

From The Fin. Dept

OM. 7th March 1898 No. 14.

~~Order~~

It is observed from the Controller's letter to the Acctt. Genl. No 1259 d/31-V-97 that the pensioned ~~Salustry~~ Salustry Hayath Patcha is a Military Pensioner and that he was re-entertained in Civil employ in March 1887 as a Salustry on the Pony Breeding Establishment at Hosur. The attention of the Controller of Military Accts. is invited to article 581 of the C.S.R. and he is requested to report ~~whether~~ why he considers the rules regarding the reemployment of Civil pensioners apply to the case in question.

W.W.
4/3/98

H.S.
25.2.98.

No. 441

Dated 17/2/98

Received 21/2

Registered -do

Enclosures

Spare copies. nil

SUBJECT.

Forwarding for consideration the papers relating to the overpayment of pension made to one Hayath Patcha, during the period of his reemployment as Head Salustry on the Pony breeding Establishment at Hosur.

To
The C.M.A.
with papers.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial (1898) Department.

13e/27-1-98

CURRENT No. 212

CHIEF SECRETARY
20 JAN. 1898
GOVERNMENT OF MADRAS

From The Acctt General
Madras.

Order

No. 174

Dated 19th January 1898

Received } 20. 1. 1898.
Registered }

Enclosures 19 & Cu No. 2899 Jul/97

Spare copies

SUBJECT.

Submitting copy of a letter from the Controller of Military Accounts, relating to the overpayment of pension to pensioned Salaty Hyat Patcha by the Deputy Collector in charge of Pensions at Salem.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[F./28]
1,000—11-6-97.

Financial (1897) Department.

CURRENT No. 2899

From The Acct Genl

~~**Order**~~ Endt No. 2199 of 28-10-97
vide inside

No. IACL/130

Dated 14-9-97

Received 16-9-97

Registered

Enclosures 14

Spare copies

SUBJECT.

forwarding the case of Hyath Pacha, a Military pensioner in Civil employ.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Salem Sub Collector's Office
Dated 27-2-87.

No. 71.

From

W. Dumergue Esq
Sub Collector of Salem

To

The Director of Rev: Settlement & agri-culture Madras.

Sir,

With reference to your Endorsement No. 189 on G. O dated 12th January 1887 No. 23, I have the honor to inform you that none of the Salastries is willing to take up the employment offered on Rs 15 per mensem.

2. Hyath Badshah who has been recommended by Mr. Adams and is a man of large experience, agrees to accept service on Rs 20 a month and I would advise his enter-tainment on these terms.

I have &c.
(Sd) W. Dumergue
Sub Collector
(True extract)

189
Enclos. No.
To

1897
Dept
Enclos. No. 14
To
O. No. 2383

Department of Revenue
Settlement and Agriculture
Madras 3rd March 1887

No. 479.

From

J. Grose Esqr.
Ag 3rd Member Board of Revenue
in charge of Revenue Settlement
& Agriculture Madras.

To

W. Dumergue Esqr.
Ag Sub Collector of Salem.

Sir,

I have the honor to acknowledge the receipt of your letter of the 27th February last No. 71 and to inform you that I approve of your proposals, subject to the sanction of Government. In the meantime you may entertain the Salvatries and set them to work at once.

I have &c.
(Sd) J. Grose.
Ag 3rd Member Board of Revenue in Charge

(True copy)

LEAST POSSIBL D WITH THE

Revenue Department.

~~Communicated to~~

Proceedings of the Madras Government.

Read letter from the Director of Revenue Settlement and Agriculture dated 3rd March 1887 No. 481, submitting copy of a letter from Mr. Dumergue reporting that none of the Salustries is willing to take up the employment offered on Rs 15, and informing that Mr. Dumergue has been authorized to entertain the men, on Rs 20 a month in anticipation of Sanction of Government.

Order thereon 14th March 1887, No. 1630.

The Director's action is approved.

(True extract)

(Sd) J. F. Price

Ag Secretary to Govt.

To

The Director of Rev: Sett: & Agricul

" Accountant General

1897
Fin. Dept
Enclos. No. 15
To
O. N. 2599

1897
Fin. Dept
Enclos. No. 17
To
O. N. 2599

No 634

Communicated to the acting Sub Collector of Salem

(Sd) J. J. Grose

(reply of Rev: Settt. & Land Records Dep: Madras 21st March) Ag 3rd member Bd of Rev: in charge

(True copy)

ag Sub collector

(Sd)

1898 Jul. Enclos. No 17 To 212

RETURNED WITH THE

LEAST PO

Pension
in whose Account

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Answer of the

The reply shou

No 121 Dated 22 · 3 · 1887

From

W. Dumergue Esqr
Sub Collector of Salem

To

The Director of Revenue Settlement and Agriculture, Madras.

B
W.G. O 2880
25.4.87

Sir,

With reference to your letter No 479/3.3.87 I have the honor to inform you that Ayatt Pasha, Sheik Ahmed, and Hussain Sheriff have in accordance therewith been entertained as salastries since the 10th instant. They are now working under Mr. Shunker, and Hussain Sheriff will accompany Mr. Shunker to Coimbatore.

2. I have also engaged Yeesuf Khan as a paid pupil on Rs 10 for the 10th instant.

I have &c.
(Sd) W. Dumergue
ag Sub collector

(True copy)

ag mly
16/5

The only 14th

As the pension of this pensioner and the pay of his present appointment exceed the pay of his former appointment and consequently his pension should have been held in abeyance from the date of his re-employment, under Art: 569 of the Civ: Service Regulations, the authority and the circumstances under which you made payment of the pension should be stated. - Please also state the exact date in 1887 on which he was re-employed as Head Salutri, as the case will have to be referred to the Controller of Mily: Accts: for orders, pending receipt of which no further payments should be made by you to the pensioner -

Mat. C. Evans
Asst: Pay Examr:
for Pay Examiner.

1898
final
Enclos. No. 16
212

189
Dept.
Enclos. No. 16
O. No. 28

LEAST POSSIBLE DELAY

RETURNED WITH THE

MILY ACCT. Fo
Supplied gr...ts.

Pension & family Payments, Salem
in whose Accounts or Bill the charge is made, ... charge of
...y Master or Officer

...D EXA...

...MINATION OF ~~THE~~ his account FOR THE MONTH OF October 1895.

...FFICE

ON THE 2nd DAY OF November 1895

... may ... ent,

... have rendered the delay in its return unavoidable not have been explained by letter, the objection made will ... or by entry in the General State of Accounts then under the Exa...

Answer of the Paymaster or Officer to the objections.	DECISIONS BY PAY EXAM...						
	Amount admitted.			Amount disallowed.			Reasons of disallowance.
The reply should be confined to the space below— Brought forward ...	Rs.	A.	P.	Rs.	A.	P.	
will be attended to The uncovenanted pensioner Hyath Pacha is reemployed as Head Salastri on a salary of Rs 20 per mensem since 1887 in the Establishment of Pony breeding & castration operations at Hosur. The Sub-Treasury Officer Hosur states that the pensioner was by an oversight drawing his pension without modifying his declaration & that he would in future attend to it.							Noted Please ascertain from the pensioner & state the pay which Hyath Patcha was in receipt of at the time he was pensioned H. M. Lewis Dy Examiner For Pay Examiner 16/5

To be credited in next General State of Accounts or Bill rendered.

Hyath Patcha was drawing a monthly salary of Rs 10-8-0 as Salutri in the Mattaghiri Remount Depot Hosur at the time he was pensioned.

Deputy Collector
Salem
20-12-95

20/12/95

Dy Collector
Salem
14 May 96

16/5 To Dy Pay Ex.

RM 135 . . . . ACCT. FORM 135.
Supplied gratis.

SALEM TREASURY DEPUTY COLLECTOR
14 DEC 95 No. 1168
RECEIVED

Despatched on 20·12·95

Objection Statement on the Audit and Examination of ~~the Account~~ ~~of~~ Pension & R. M. Pay bills under Uncov^d pens^s & C. holders by ~~the~~ D. Cl. Salem during ~~for~~ the month of Oct^r 1895

Date of despatch of Objection Statement 13-12-95

Date of receipt of Objection Statement with replies ... ...

Date of despatch of Objection Statement with final decision ...

Rs. A. P.

Amount disallowed ...

Disallowance credited in accounts for

PAY BRANCH
21 DEC 95
MADRAS

PAY BRANCH
10 MAY 96
MADRAS

SUB-COLLECTOR'S OFFICE
RECEIVED
10 JUL 96
No.
SALEM

189
Dept.
Enclos. No.

To
The Pay Ex^r Madras

189
Fil Dept.
Enclos. No 13
To
C. No 2533

G. C. P.—No . M. A.—27 4 95—15,000.

No. 1168 Dated 13-12-95 TO BE RETURNED WITH THE

SALEM TREASURY DEPUTY COLLECTOR
10 MAY 96
RECEIVED

SALEM TREASURY DEPUTY COLLECTOR
2? JAN 96
RECEIVED

The officer in charge of
(Name and designation of Pay Master or Officer)

STATEMENT SHEWING THE RESULT OF THE AUDIT AND EXA

RECEIVED IN THE EXAMINER'S OFFICE

Note—Should this Statement not be returned within one month, and should the circumstances which may be considered acquiesced in, and the amount will be recovered from next payment,

Consecutive No.	No. of item or Voucher* under objection.	Description of the charge or item objected to.	Amount to which objection is taken.			Cause of objection.
			Rs.	A.	P.	
1	No. 66/2	For Rs. 52-15-8				Memoranda
"	" 66/16	" " 49-8-0				Attention is invited to the memoranda issued opposite Items 2 & 4 of this office objection statement No. 1011, dated 15th November 95, and Item No: 1 of objection statement No: 824, dated 5th October 95
2	-					As it is stated in the pension bill of Uncov^d pensioner, Hyath Pasha, that he went to Krishnagiri in charge of Government stallions, and therefore did not draw his pension for August in September 1895, please state whether the pensioner is re-employed, and, if so, what is his pay, and why was not the declaration, printed on the face of the bill, modified according to facts?
		Carried forward ...				

W. Wright Captain,
Pay Examiner
Ad
12-12

* With Regimental accounts enter the No. of item under which charged; with Treasury and Circle accounts the No. of the Voucher.

1898
Jud. Dept.
Enclos. No. 15
To 212

1898
Jud. Dept.
Enclos. No. 14
To 212

Supplied gratis.

TO BE RETURNED WITH THE LEAST POSSIBLE DELAY.

No. 1341 Dated 29-1-96

SALEM TREASURY DEPUTY COLLECTOR'S RECEIVED 25 JUN. 96

SALEM TREASURY DEPUTY COLLECTOR'S RECEIVED 30 JAN. 96

The Deputy Collector in charge of Pensioners, Salem
Name and designation of Paymaster or Officer in whose Accounts or Bill the charge is made.

STATEMENT SHEWING THE RESULT OF THE AUDIT AND EXAMINATION OF ~~THE~~ his Accounts FOR THE MONTH OF December 1895.

RECEIVED IN THE EXAMINER'S OFFICE ON THE 3rd DAY OF January 1896

Note.—Should this Statement not be returned within one month, and should the circumstances which may have rendered its return unavoidable not have been explained by letter, the objection made will be considered acquiesced in, and the amount will be recovered from next payment, or by entry in the General State of Accounts then under the Examiner's Audit.

Consecutive No.	No. of item or Voucher* under objection.	Description of the charge or item objected to.	Amount to which objection is taken. Rs.	A.	P.	Cause of objection.	Answer of the Paymaster or Officer to the objections. *The reply should be confined to the space below—* Brought forward …	Decisions by Pay Examiner. Amount admitted. Rs.	A.	P.	Amount disallowed. Rs.	A.	P.	Reasons of disallowance.
1	No. 66/16	For Rs 62-5-2				Please state the date from which uncovenanted pensioner Hyath Patcha was employed as Head Salutry at Hosur and the salary earned thereby.	Hyath Patcha was being employed as Head Salutry from 10th March 1887 on a Monthly pay of Rs 20-0-0.							No further payments should be made to the pensioner – vide the decision of this Office on your reply to Objn: Statement No: 1168 d/13th December 1895.
2	"					Please see, for the future, that the above pensioner always enters the salary of his appointment in the declaration made in his pension bill.	Will be attended to							

~~Asst: Pay Examr.~~
for Pay Examiner.
Sd
28-1

D. Collector
Salem Collr's Office
25 March 1896
Sd

Asst: Pay Examr.
for Pay Examiner.
Sd
19-6

To be credited in next General State of Accounts or Bill rendered.

35.
N

MILY. ACCT. FORM 135.
Supplied gratis.

No. 1341

[redacted]

Objection Statement on the Audit and Examination of ~~the Account~~ Payts. made to [illegible] Pens. by the D. C. P. Salem during For the month of Decr 1895.

Date of despatch of Objection Statement 29-1-96

Date of receipt of Objection Statement with replies ... ... 27 MAR 96

Date of despatch of Objection Statement with final decision ...

Rs. A. P.

Amount disallowed ... ...

Disallowances credited in accounts for

1897
Fil Dept
Enclos. No 12
To
O. 2849

C. G. P.—No. 194 M A—14-8-93—20,000.

No.

SUB-COLLECTOR'S OFFICE, SALEM,

Dated 11 July 1896.

FROM

E. L. Thornton ESQUIRE,
SUB-COLLECTOR AND JOINT MAGISTRATE, SALEM,

TO

THE Treasury Deputy Collector
Salem.

SIR,

In reply to your letter of the 25th ultimo, Rep on No. 1916/acc, I have the honor to state th[at] I find from this office letter No. $\overset{19}{121}$ dated 22nd March 1887 that Ayath Patcha the Salushry in question, was entertained on the 10th March 1887, with the approval of the Director of Revenue Settlement and Agriculture conveyed in his letter dated 3rd March 1887 No. 479. Copy of the correspondence is enclosed for your perusal.

2 - I am not able to say whether any intimation of the re-entertainment was given to the

---

Collector's office
1896.
Avl. B.A.
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13.12.95
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1630
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Pensioner.
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anction
P.T.O

RM 135.

s.

500—16-10-94.

DEPAR ENT.

Exd 1916

FROM

THE SUB-COLLR. & JOINT MAGTE.,

SALEM.

TO

THE Treasury Deputy Collector Salem.

SALEM TREASURY DEPUTY COLLECTOR
13 JUL. 96
RECEIVED

Dated 11th
Despatched 11th } July 1896.
Received

No. 2093

Enclosure. Six

Subject.

Forwarding the papers re the re-employment of Hyath Pacha as salustry.

Sub Treasury [illegible] Hosur, but believe was probably [illegible] of it.

I have the honor to be
Sir,
Your most obedient Se

SALEM COLLECTOR'S OFFICE
08 JUN 97
RECEIVED

for Sub Coll

1898 Dept No. 13 To 212

1897 18 2822

Ref our No. 1916

Salem Collector's office
16th July 1896.

Despatched on 16/7/96

From.

M. R. Ry. P. S. Ganapati Aiyar Avl. B.A.
Treasury Dy Collector, Salem

To.

The Pay Examiner, Madras.

1078
17 JUL. 96
MADRAS.

Sir,

In Submitting herewith, in original, your objection statements Nos 1168 dated 13.12.95 and 1341 dated 29.1.96 and Copies of the Correspondence relating to the re-entertainment of Arcot Hyath Pacha, Uncovenanted Pensioner No 539, I have the honor to report that he was entertained as Head Salastry at Hosur in the 10th March 1887 with the approval of the Government of Madras, Conveyed in its order No 1630 Revenue, dated 14th March 1887.

2. I observe that, though the Pensioner in question was entertained with the sanction

P.T.O

From

The Try Dy Collr.
Salem

To.

The Pay Examiner, Madras.

Dated. 16th July 96
Despd. 16th

Refce $\frac{1916}{A. Curr}$

Enc. 7

Subject

Forwarding the Stm Statements & Copies of Correspondence relating to the re-entertainment of Uncovenanted Pensioner, now employed as Hd Salastry Remount Depot Hosur.

1897
Fenl Dept
Madras No. 11
2822

1896
Fenl.
Madras No. 12
212

Sanction of the Madras Government, it does not appear that the fact that Hyath Pacha was a Compensation Pensioner was prominently brought to the notice of the Government and its special sanction obtained to his re-entertainment.

I am of opinion, therefore, that the matter should be referred to the Controller of Military Accounts for orders. Pending receipt of further orders ~~on~~ in the matter, the Sub Treasury officer of Hosur has been ordered to stop further payment of pension to the Sabastry in question.

I have the honor to be,
Sir,
Your most obed't Servt.

Deputy Collector.

O. F. No. 006.

MILITARY ACCOUNTS DEPARTMENT.

It is requested that the number and date of this communication may be quoted in any subsequent correspondence on this subject.

No. $\frac{2}{1302}$

FROM

THE PAY EXAMINER,
MADRAS,

TO

~~THE ACTING PAYMASTER,~~
The Deputy Collector in charge of Pensioners.
Salem.

PAY BRANCH, CONTROLLER'S OFFICE,
Madras Command,
Madras, 13th Augt 189~~7~~ 6

Sir,

With reference to your letter No. 1916, dated 16 July 1896, I have the honor to request to be informed whether the Sub-Treasury Officer, Hosur was aware that Pensioner Hyath Patcha was re-employed as Head Salutry at Hosur, and if so, why the fact was not reported by him in due time, as the Sub-Collector, Salem, states in his letter No. 2093, dated 11th July 1896, to your address that the Sub-Treasury Officer was probably aware of the pensioner's re-employment and this office also considers that it is possible he could have known it.

N

29-5-95—500.

P.T.O

I have &c
(Sd) F. J. Evans
Asst: Pay Examiner
For Pay Examiner

(True Copy)

Dy: Examiner

1897
Fin Dept
Enclos. No. 20
C. No. 2083

1898
Fin
No 11
212

985/95

SALEM

To
The Sub Collector of
Salem.

The humble petition of Hyath Patcha Sahib. Head Salastry. Hosur.

Most Honoured sir.

I humbly beg to state that I served as Salastry for 35 years at Mattigiri Remount Depot without any fault. The then Colonel was pleased with my good work and recommended a pension of Rs 4 per mensem in the event of the abolition of the establishment as the number of ponies diminished.

Ind C
Prayed pension proper.
Wont until pension [illegible]
Rs 20 [illegible] and
[illegible] that
[illegible] to [illegible]
115 pension of [illegible]
only Rs 4 [illegible] for
[illegible] present [illegible]
11.8

2083

2. With this pension of Rs 4, I was practising as a salastry in private for a period of one year at Bangalore. On receipt of a circular from the Government in the year 1878, to the effect that pensioned salastries should be employed Mr. Adam the Remount Doctor recommended me to the Sub Collector and got me this appointment. Ever since I humbly beg to submit that I have been discharging my duty to the entire satisfaction of my superiors.

P.T.O.

I now hear that I should lose the pension of Rs 4 which I feel very hard being a poor man with a large family depending on me. I beg to submit that I can forfeit this pension of Rs 4 if I should be granted pension in the amount of Rs 20 which I am now drawing. If this concession cannot be granted, I most humbly pray your honor will be graciously pleased to recommend the payment of pension of Rs 4 as usual.

For which act of kindness, I shall as in duty bound, ever feel highly thankful.

I beg to remain
Most Honored Sir,
Your honor's most humble servant.

10 August 1896
Dharmapuri

حیات پاشا [illegible]
Head Salutri

1897
Dept.
87
4833

Salem Sub Collector's office
Dated 8th September 1896.

No 2703/1296

From,

E. L. Thornton Esqr.
Ag Subcollector of Salem

To,

The Treasury Deputy Collector
Salem.

Sir,

With reference to para 2 of your letter No 2609/a cur dated 28-8-96 I have the honor to state that the Treasury officer Hosur has already submitted his explanation vide his arzi No 469 dated 22-8-96. The petition of Ayath Pasha is forwarded herewith for transmission to the Pay Examiner military accounts for disposal as suggested by you. I may add that Ayath Pasha is a very clever man and is said to have been making about Rs 30 per mensem in Bangalore. He has excellent testimonials from several Subcollectors.

I have the honor to be,
Sir
Your most obedient servant

E L Thornton
Ag Subcollector

Ed/7/9.

Entd
2709
A. Aiyer

1897
Encls. No.
C. No. 2892

D No. 2710
14.9.96

~~Sub~~ COLLECTOR'S OFFICE, SALEM,

Dated 14th September 1896

FROM

E. L. Thornton ESQUIRE,
agt. Sub COLLECTOR ———— , SALEM,

TO

THE Treasury Deputy Collector
Salem.

SIR,

In continuation of my letter No. $\frac{2703}{12.9.96}$ I have the honor to state that as I have always said I certainly consider that Hyath Saheb should either have his present pension or be allowed to draw pension on his present pay. The work is difficult. It is very difficult to get competent men and Hyath Saheb has given satisfaction to many Sub Collectors.

The Petition was returned with my letter quoted above.

I have the honor to be,
Sir,
Your most obedient servant

E L Thornton
agt. Sub Collector.

Ex

1899
File
9
2599

Rep on No. 2703
Acct.

Salem COLLECTOR'S OFFICE,
Dated 16th September 1896.
17·9·96

ENCLOSURE.

FROM
M.R.Ry. P. S. Ganapathi Aiyar Avl. B.A.
DEPUTY COLLECTOR
IN CHARGE OF TREASURY, Salem

PAY BRANCH
P. S. 1668
18 SEP. 9
MADRAS

TO
THE Pay Examiner
Military Accounts Department
Controller's office
Madras

SIR,

Adverting to your letter dated 13th August 1896, No. $\frac{P}{1302}$, I have the honor to submit, in original, the following papers for such orders as you deem proper:—

(1) Explanation of the Tahsildar of Hosur No. 469 dated 22nd August 1896.

(2) Petition of Hyath Patcha Sahib, Salutry Hosur, dated 10th August 1896.

(3) Letter of the Sub-Collector of Salem No. $\frac{2703}{8·9·96}$.

(4) —— Do —— Do —— No. $\frac{2778}{14·9·96}$.

I have the honor to be
Sir
your most obedient servant
P. S. Ganapathi Iyer
Dy Collector

P. $\frac{8p21}{1963}$ 10/9

Copd by

P.T.O

FROM

THE DEPUTY COLLECTOR

IN CHARGE OF TREASURY,

Salem

TO

THE Pay Examiner

Military Accounts Department

Controller's Office

Madras

Dated 16 September 1896.

Despatched 17

Regn No. 2703

Acct. curr

ENCLOSURE. 4

SUBJECT.

Submitting, ~~Certain papers~~ for orders, papers in connection with the employment of Salutry Hyath Batcha Sahib.

Hosur Taluk Office

August 96

To

The Treasury Deputy Collector

Salem

Through the Sub-Collector of Salem

Report of the Tahsildar of Hosur

Respected Sir,

With reference to order No. $\frac{1916}{15-8-96}$

I beg to state that Pensioner Arcot Hyath Batcha was appointed Head Salutry at Hosur on 10-3-87 & the payment of his pension continued to be made up to 1-7-96.

2. It appears that my predecessors were aware of the appointment of this Pensioner as Temporary Head Salutry for Pony breeding operations conducted in Hosur.

3. I am now unable to say whether my predecessors reported or not the fact of his temporary appointment.

4. As payments were being made for several years before this, it has been continued by me also.

I beg to remain,
Respected Sir,
Your most obedient Servant

Tahsildar

P.T.O

SUB-COLLECTOR'S OFFICE
RECEIVED
24 AUG 96

2339

The Tahsildar

Hosur

29 AUG. 96
RECEIVED

The Treasury Deputy Collector

the Subcollector of Salem

469

Subject

his

that

~~Reporting~~

~~predecessor~~ were aware

Then appointment

of Pensioner Hyath

Patcha as Head

P. B. Letter
No. 7.

It is requested that the number and date of this communication may be quoted in any subsequent correspondence on this subject.

MILITARY ACCOUNTS DEPARTMENT.

No. $\frac{P}{1963}$

FROM

THE PAY EXAMINER,
MADRAS,

TO

THE Dy: Collector in charge of Pensioners
Salem.

PAY BRANCH, CONTROLLER'S OFFICE,
Madras Command,
Madras, 21st October 1896.

Sir,

With reference to your letter No: $\frac{2703}{acct!}$ dated 16-9-96, I have the honor to state that the name of Hyath Patcha is not borne on the rolls of the Remount Depot, Hosur, submitted to this Department for audit.

2. Please therefore ascertain and state the Department or officer under whom he is serving, and the source to which his salary is debited.

3,000—17-11-96.

I have to

(Sd) S. J. Evans

Asst: Pay Examiner
For Pay Examiner

(True copy).

Dy: Examiner.

Sd

1897
Firul Dept
Enclos. No 4
To
C. 2899

1896
Genl Dept
Enclos. No 5
To 9/12

Ref No ~~2723~~ 2609
Fee Cas

Salem Collector's Office
24. November 1896

Despatched on 26-11-96.

From

The Assistant Collector
in Charge of the Treasury
Salem

PAY BRANCH
P.B. 2278
27 NOV 96
MADRAS

To

The Pay Examiner Madras

Sir,

With reference to your letter No P/1963 d/ 21st October 1896 I have the honour to inform you that Hyath Batcha is now employed as Salastry on a monthly pay of Rs 20 in the Pony Breeding Operations under the control of the Revenue x Department & that his pay is debited to "Stallions Feed and Keep" under 26 Scientific & other Minor Departments.

x (Sub Collector Hosur)

I have the honour to be
Sir,
Your Most Obedt Servant

Assistant Collector

Ch 27/11

CA Xby Re

P.T.O

From
Salem Collector's Office
The Treasury Officer
Salem
To
The Pay Examiner
Madras

D 24-11 [illegible]
Ref No. 2609/acctn

Subject

Informing the Department or Officer under whom Hyath Patcha Saleb is serving & the source of which his salary debited

1897
Dep
Enclos. No 3
O. No 2899

1898
Dep
No 242

No. 1259

From
The Controller of Military Accounts,
Madras Command,

To
The Accountant General,
Madras.

Madras, the 31st of May 1897.

Sir,

In forwarding the accompanying correspondence relative to overpayments of pension made by the Deputy Collectors in charge of Pensioners, Salem, to Pensioned Salutry Hyath Patcha, late of the Remount Depot, Hosur, who was transferred to[a] the Pension Establishment in 1883 on a compensation pension of Rs 4 per mensem, I have the honour to state that Hyath Patcha was entertained on 10th March 1887 as Head Salutry in the Pony Breeding Establishment of the Civil Department, at Hosur, on a Salary of Rs 20/ per mensem, and holds that appointment up to the present, but the certificate of non-employment appended to his monthly Pension bill not having been modified by him, as required by Article 1035, of the Civil Service Regulations, 2d Edition, to show

K

(a) Proceedings of Madras Government No. 4187, dated 31st July 1883, Military.

that

1.1.0

that he was re employed, his pension was admitted by this Department without question until December 1895, when the re employment of the pensioner was ascertained from the explanation[b] furnished in respect of his non appearance for payment of pension, in his Pension Bill which was paid in October 1895, and from subsequent correspondence which took place between my Pay Examiner and the Deputy Collector in charge of Pensioners, Salem. The payment of Pension was accordingly withheld from June 1896, agreeably to article 569 (c) of the above quoted regulations.

(b) Vide item 2 of Pay Examiner's objection statement No. 168 dated 13 December 1895.

2. The explanations afforded by the Deputy Collector in charge of Pensioners, Salem, and the Tahsildar, Hosur, regarding the overpayment of pension do not appear to me to be satisfactory.

3. The total amount overpaid to Salustry Azath Patcha from 10 March 1887, the date of his re entertainment as salustry, to 31st May 1896. the date up to which he was last paid is Rs 442. 13. 5.

4. As regards resposibility for the overpayment in question, I would observe that it apparently rests with the Officers of the Civil Department, in asmuch as the fact of the pensioner having been in receipt of a pension was not specifically stated

stated in the order[c] reappointing him as Head Salustry, as required by article 564 - Civil Service Regulations, nor does it appear to have been communicated to this Office. Further, the present Sub Treasury Officer Hosur, and his predecessors, who, from time to time, made payments, without getting the above certificate modified to suit the requirements of the case, are also considered to be responsible. On the other hand Pensioner himself who signed the certificate of non employment regularly every month, without modifying the same is also considered responsible.

(c) Proceedings of Madras Government (Revenue Dept.) No. 1630 dated 14 March 1887 - Copy attached.

5. In the circumstances represented, I would request that the necessary steps may be taken for the recovery of the amount overpaid; viz — Rs 442. 13. 5 and the amount being credited to the Military Department, Madras, as recoveries are effected. Vide Proceedings of Government (Revenue Department) No. 65 dated 24 January 1894, embodied in Proceedings of Madras Government (Pension Department) No. 176 dated 17 February 1894.

I have the honour to be
Sir
Your Most obedient Servant
Sigd/ H Burgess. Lieut Col
for Controller of Military Accounts
P.T.O

True Copy.

J. A. Power

Chief Superintendent.

J.W.

1897
Fin. Dept.
Enclos. No. 1
To
O. No. 2899

1898
Fin. Dept.
Enclos. No. 3
To
No. 212

Salem, Collector's Office
July 1897.

No.

From

C. H. Mounsey, Esqr.
Ag Collector and Dist. Magistrate of Salem.

To

The Accountant General, to the
Government of Madras,
Madras.

Sir,

I have the honour to furnish the report called for in your letter No. $\frac{\text{I. C. A}_3}{122}$ dated 6th ultimo.

J

2. In Government Order No. 31, dated 16th January 1886. Revenue Department, Government called for proposals for the entertainment of Salutries. This was in pursuance of the scheme for improving the breed of horses. Mr. Price, the then Director of Revenue Settlement and Agriculture recommended the enlistment of men on a starting pay of Rs 10/ rising to a maximum of Rs 20/. He was not in favour of placing them "under the Leave and Pension Codes". He proposed further that the Military authorities at the Hosur Remount Depot

paras 5 of his letter on pag 1 of H
GO No: $\frac{23}{12-1-87}$ Rev

para 7

Depôt should be asked to lend the services of trained Salustries to train the new men that may be appointed. The Board of Revenue in its Proceedings No 2329 dated 23rd October 1886 submitted the Director's proposals to Government with its support. The Government appears to have then addressed the Military Department and the records show that Veterinary Surgeon W. S. Adams, Remount Depôt, wrote to say that owing to the reduction of Establishment and consequent pensioning of the older hands, he had neither men qualified to teach, nor could he spare any men at all. On the receipt of this report Government in Memo No: 7546 dated 4th December 1886 appears to have asked for information if any of the Salustries pensioned from the Depôt could be selected. Dr Adams V. S, recommended three of the pensioners of whom Hyath Pacha was one. He was stated to have been pensioned on 21st July 1883 after 42 years of Service. On the receipt of this report through the Superintendent of the Depôt (Colonel J Ewing), Government passed its order No: 23 dated 12th January 1887. Revenue Department. According to it, the operations were to be confined

to

H page 32 23 Rev
GO 12-1-87

page 4 do

H

para 2 of [illegible]

3

to the Salem and Coimbatore Districts. The Director was to take early steps to entertain "the best qualified "of the pensioned Salustrees. to serve as an "instructor under the general supervision of "Mr Dumergue C. S" and the Director was to use his discretion in fixing the salary which should not exceed a maximum of Rs 20/- per mensem. The order was communicated to Mr. Dumergue by the Board with its foot-note No: 189 dated 25th January 1887 and he was requested to select "after consultation with Remount Depôt authorities" the best of the pensioned Salustries and report the minimum salary he would accept. The Member of the Board in charge, however, intimated that he would offer him Rs 15 a month. In reply, Mr Dumergue in his letter No 71 dated 27 February 1887. reported that none of the Salustrees was willing to accept Rs 15/- a month and ~~the~~ nominated Hyath Padshah (alias Hyath Pacha) as having been recommended by Dr: Adams who wanted Rs 20 a month. The Member in charge of the Revenue Settlement and Agriculture Department, in his letter No. 479 dated 3rd March 1887 to Mr Dumergue accepted the proposals. The latter then appointed Hyath Pacha as Salustry on Rs 20/-

S

in

in his takeed No 22 dated 9th March 1887 and he entered on his duties on the 10th Idem. The Government in its order No: 1630 dated 14th March 1887, Revenue Department, approved of the Director's (Member in charge) action in sanctioning a pay of Rs 20/.

3. Thus Hyath Pacha, a Military pensioner known to and recommended by Dr. Adams, V.S., was entertained as salustry on Rs 20/. a month by Mr. Dunergue with the full knowledge and sanction of Government that he was a pensioner. It must be distinctly remembered that, during all this correspondence, there was never a reference to the pension which Hyath Pacha was drawing. It is evident that Hyath Pacha, an ignorant man, had no notice that his pension would be affected by his re entertainment in Service, and that when he asked for a pay of Rs 20/. he had no idea of giving up his pension of Rs 4/— The Officers engaged in the correspondence do not appear to have thought of making him forfeit it. Under the circumstances, Hyath Pacha would seem to be entitled morally and legally to his pension of Rs 4 a month in addition to his pay as salustry of Rs 20/-.

Whatever

But he every month signed a statemt. that he had no Employmt!
AA
17.2.98

Whatever may be the final decision as to the amount alleged by the Controller of Military Accounts to have been overpaid, Hyath Pacha does not seem to be responsible for it, and what is more, it seems to me that as a matter of simple justice, the amount of pension already withheld from him with effect from June 1896, should be ordered to be paid and the pension itself continued. I would here invite attention to the fact that he cannot lay claim to a pension on his present pay of Rs 20/.

4. I hope you perceive from the foregoing that as a matter of fact Hyath Pacha was paid only what was due to him that there was no overpayment. If at all there is any matter to decide, it is the account question of the Department to which the payment is to be debited.

5. If, however, it is held to be actually overpayment and its recovery is ordered, I have to point out that the Military Department is responsible for it in the first instance.

6. The pension of the Military pensioners of the Remount Depot was being disbursed by the Military

authorities

authorities up to November 1889. The pension certificate of Hyath Pacha, which I called for from the Controller, bears, in token of payment, the initials of the Military authorities of the Remount Depot from 21st July 1887. to November 1889. The Officers appear to have been Colonel. J Ewing Dr W.S. Adams V. S. and Colonel Ranking. Both Colonel Ewing and Dr. Adams were aware that Hyath Pacha was a pensioner re-entertained in Service on their recommendation from the 10th March 1887. It was their duty, therefore, to have objected to the payment of the pensions immediately after his entertainment. They never did that, but continued to pay it without question, till the task of disbursing all pensions was transferred to the Civil (Revenue) Department. The Sub Treasury officer of Hosur has ever since then paid the pension. He could not, however, be charged with neglecting to discover the overpayment for two reasons:—
(1), the Military Department had continued to pay the pension to Hyath Pacha and
(2), he did not disburse Hyath Pacha's pay. The pay was drawn from the Sub-Treasury ~~and distributed by the Sub~~ ~~Treasury~~ and distributed by the Sub Collector. The Civil Department is not, therefore, responsible for the overpayment.

7. With regard to the remarks of the Controller of Military Accounts that, as required in Article 564 of the Civil Service Regulations, it was not specifically stated in the order of appointment that the Salustry was a pensioner, I have only to state that every body concerned from Government downwards knew that the Salustry was a pensioner and there was no necessity for any specific statement of the fact in the order of appointment by Mr. Dumergue — as he was appointed **because** he was a pensioner.

8. I return herewith the file of papers, which was received with your letter under reply.

I have the honour to be,

Sir,

Your Most obedient Servant:

Sd/. V. Singaravalu

For Collector.

True Copy,

J. O. K. Powes

Chief Superintendent.

1897
First Dept.
Encls. No. 2
To
C. No. 2833

1898
First Dept.
No. 2
To
212

Treasury Account DEPARTMENT.

CURRENT No 2899

FORT ST. GEORGE,
Accountant-General's Office,
14th September 1897.

No. IA&L / 130

From
F. C. Harrison Esqre.
Offg. ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,

To
THE Chief Secretary to Government
Financial Department.

Copy of letter No 1259 of 31st May 97 A
from the Comptroller of Military Accounts
Madras with its enclosures

" – " No 1392 dated 15th July 97 B
from the Collector of Salem.

SIR,

I have the honour to forward copies of the correspondence noted in the margin relating to the overpayment of pension to Pensioned Salatry Hyath Patcha by the Deputy Collector in charge of Pensions at Salem.

2. It will be seen from the Correspondence that the pensioner retired from the service of Government in the Military Department in 1883 on a compensation pension of Rs 4 per mensem and was reentertained in the Civil Department on the 10th March 1887 as salatry in the Pony Breeding establishment

K

at

at Salem on a salary of Rs 20 per mensem from which date he drew his pension in addition to his pay the sum total of which exceeded the amount of pay he drew viz Rs 10/8 at the time of his retirement.

3. The Controller of Military Accounts now requests that the sum of Rs 442. 13. 5 the amount of pensions drawn by Hyath Pacha from the date of his re-entertainment viz 10th March '87 to May '96 the date upto which his pension was last paid, may be recovered from his pay and credited to the Military Department.

4. The Collector of Salem, for reasons stated in his letter above quoted, considers that no recovery should be made from the pensioner, but that, on the other hand, the pension should continue to be paid to him in addition to his salary.

B

5. As the pension was granted to Hyath Pacha under the Civil Service Regulations, I consider that, under Article 569 of the Civil Service Regulations, he should have ceased to draw his pension from the date of his re-employment, since his pay alone on re-entertainment exceeded that which he last drew in the Military Department.

I

I therefore submit the case for orders of the Local Government with reference to note 1 to Article 972 of the Civil Account Code as the retrenchment order issued long after the date of payment.

I have the honour to be,
Sir,
Your most obedt Servant,

J. Manson
Offg Accountant General.

OM

Financial Dep

c. No 2899

Overpayment of Pension

The Acct General submits a letter from the Controller of Military accounts requesting that a sum of Rs 442-13-5 be recovered and credited to the Military department Madras as the overpayment of the pension of Hyath Patcha. ~~Hyath Patcha~~ This individual was in the receipt of a military compensation pension of Rs 4 per mensem when under G.O No 1630 Rev d/ 14-3-1887 he was entertained as head salustry in the pony breeding establishment at Husur and granted a salary of Rs 20. This re-entertainment in public service was effected on the 10th March 87 and according to art 569 (a) C. S. R. his pension ought to have stopped from that date inasmuch as his pay on re-employment exceeded the pay of the appointment on abolition of which the pension was given. (~~viz Rs 10 per mensem~~ viz Rs 10-8 per mensem). This circumstance ~~was not~~ however remained un-noticed till April 1896. When

G

F1

sub Collr's lett in G.O. No. 2380 d/25-6-87

‡ right hand lower corner

the irregularity was finally discovered the pension had been overdrawn to the extent of Rs 442-13-5. and it is this sum the Controller seeks to recover from the civil department on the ground that ~~the responsibility~~ ~~for~~ the overpayments were occasioned by the negligence of the civil department.

(2.) There can be no question that the payment of the pension to Hyath Patcha ~~was~~ after his re-entertainment is against art 569(a) of the C.S.R.. The points for orders are (1) whether, as alleged by the Controller, the responsibility rests with the civil department ~~or~~ and (2) if so ~~of~~ how the recovery now sought is to be effected.

(3.) As regards the first – on the one hand the Controller of Military Accounts points out that ~~the~~ G.O. No. 1630 d/ 14-3-87 sanctioning the re-entertainment of Hyath Patcha, did not state, as required by art 564 C.S.R. that he was a pensioner. and on the other the Collector of Salem shows that in '87 the pensions of the military pensioners at the Hosur remount depot was

G

Please see precis of the correspondence in paras 2 & 3 of letters at B

disbursed by the military authorities who, therefore, are responsible for the overpayments in question. Both these allegations ~~have~~ ought, however, to be qualified. It is true G.O. No. 1630 d/ 14-3-87 did not specifically state that Hyath Patcha was a pensioner; but all the parties concerned knew that he was a pensioner ~~one and the order~~ he was appointed salustry because he was one ~~one~~. Similarly ~~and~~ although the Military ~~were~~ authorities disbursed Hyath Patcha's pay in '87 they ceased to do so in '89 and since then the sub-treasury officer has paid the pension.

4. Submitted that the military authorities who disbursed Hyath Patcha's pay in 87 & 88 are primarily to blame for the irregularity, if irregularity there was. In considering the question whether the civil officers were culpable in not having detected the irregularity after taking over charge from the military, the procedure followed by them in disbursing Hyath Patcha's pay is of very great importance. Mr Mounsey states (para 6 3 of his letter) tha

the sub-treasury officer at Husur had no means of suspecting any irregularity because (1) the military dept had continued to pay the pension to Hyath Patcha and (2) he did not disburse Hyath Patcha's pay – the pay was drawn ~~by the sub-collector and disbursed~~ from the sub-treasury and disbursed by the sub-collector. Whether, under the above circumstances, it was impossible for the sub-treasury officer at Husur or the Pension Dy. Collector at Salem to discover any irregularity in the pension payments to Hyath Patcha is a question which cannot be satisfactorily answered without a practical knowledge of treasury procedure. It therefore seems regrettable that the Acct. General did not express any opinion on the culpability of the civil officers but ~~and has sugg~~ contented himself with expressing the rather obvious opinion that Hyath Patcha ought to have ceased to draw pension ~~of~~ from the date of his re-employment.

5. There is one point more to be noted. Had Hayath Patcha not been signing monthly for nine years a certificate of non-employment, the present question would not have arisen. His omission to inform the military authorities that he was reemployed looks like a grave fault. But the Collector of Salem is not only disposed to overlook ~~it~~ the circumstance but ~~also~~ even to justify it. His argument is that had Hyath Patcha thought, when offered Rs 20 per mensem, that he was thereby to forfeit his pension, he would not have accepted the sum offered but demanded a compensation for the pension lost. If ~~this~~ Govt can accept Mr Mounsey's view, there can be no option but to concur in his ~~statement~~ remark that Hyath Patcha has a moral and legal claim to the 4 Rs of his pension in addition to the 20 Rs he receives ~~of~~ as salary. It would also then be only fair to repay him the 4 Rs stopped since May '96. But as it is

not possible to grant him his pension as well as his pay, ~~[illegible]~~ an order ~~will~~ would have to be passed ~~granting~~ increasing of Hyath Patcha's ~~as in~~ salary by 4 Rs per mensem with retro-spective effect from the 1st May '96. This, however, is a matter for the Rev. dept.

6. The Acct General forwards the papers connected with Hyath Patcha's pension to Govt with reference to note 1 to art 972 Civil Ac: Code. which requires that when any retrenchment is made ~~be[illegible]~~ more than six months after date. "the recovery should not be effected till after the lapse of three months so as to allow the officer retrenched to make a representation to the Local Govt. against the tardy retrenchment"

Fair 26/10/97

WS/27/10

S/ Refce No. 2199

28.10.97

The Acct. General is requested to be so good as to report whether the circumstances under which the pay and the pension of head salasty Hyath Patcha were disbursed, afforded any means of detecting the irregularity ~~in the pension~~ now ~~payments~~ brought to light, ~~by the Controller of Military Accts:~~ and if so, to state the party or parties ~~the parties~~ who~~m~~ he considers ought to be held ~~liable and~~ responsible. ~~from whom recovery should be sought~~.

AL 26.10.97.

CWS. 24.X.97

To Acct. general. (with C & Enclos in original to be returned).

Cptd WS 27.X.97

M

Note A careful search has been made to discover if the documents forwarded by the A.G. fixed ~~the~~ on any one the blame for the overpayments.

The Pay Examiner in his letter No. P/1302 d/ 13-8-96 considered ~~+~~ that the

Sub Treasury Officer was probably aware of the pensioner's re-employment and adds that the sub-Collector, Salem was of the same opinion.

The Husur Sub-treasury officer stated in self defence that his predecessors were aware of the pensioner re-entertainment of the pensioner but that as payments were being made for several years before his time, he continued them.

The arguments used by the Controller of Military Accounts (C) and by the Collector of Salem ($\overset{B}{D}$) have been summarized in the note

Z

Financial (1897) Department.

CURRENT No. 3799

CHIEF SECRETARY
30 NOV. 1897
GOVERNMENT OF MADRAS

Note

To await receipt of further Commn. from the A.G.

JS
1/12/97

CMS
2.12.97

K to note

Noted
CMS
3/12/97

Order K

Send reminder
Sent 14/1/98.

CMS
12.1.98

From The Acctt. General Madras

No. 3747

Dated 29th November 1897.

Received 30. 11. 97.

Registered 1. 12. 97.

Enclosures

Spare copies

SUBJECT.

Informing that ~~a~~ ~~certai~~ the
re the Entertainment of a military pensio in civil employ
communication with
replied to, as soon a rep
to a reference made to
Controller of Military
Accounts, Madras is recei

BACK PAPERS.

G.O.	No.	Department.	Date.
65 Rev	: 24-1-94		
2958 „	: 21-5-87		
2380 „	: 25-4-87		
1630 „	: 14-3-87		
23 „	: 12-1-87		
31 „	: 16-1-86.		
4187 Mily	: 31-7-83		
2136 „	: 13-4-83.		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 3799

Treasury account DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
29th November 1897.

No. 3747

From
F. C. Harrison Esquire,
Offg: ACCOUNTANT-GENERAL TO THE GOVERNMENT OF MADRAS,

To
THE Chief Secretary to Government,
Financial Department.

SIR,

With reference to your Memorandum dated the 25th Instant, I have the honour to report that a reference has been made to the Controller of Military Accounts Madras on the subject and that your Communication will be replied to, as soon as a reply is ~~received~~ received from that officer.

I have the honour to be,
Sir,
your most obedt. servt,

Offg: Accountant General

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(189) DEPARTMENT.

From
THE ACCOUNTANT-GENERAL,
MADRAS,

To
THE

No.

Dated
Received

No.

SUBJECT.

No. 7125

From

The Controller of Military Accounts,
Madras Command.

To

The Accountant General,
Madras.

Madras the 5th January 1898.

Sir,

I have the honour to return your letter No: $\frac{1292}{acc}$, dated 14th July 1897 from the Collector of Salem forwarded with your letter No. 3528 dated 12th November 1897 and to offer the following remarks thereon:-

2. The statement of the Collector of Salem as to the fact that a pensioned Salutrie was to be employed was known to every body concerned from Government downwards seems to be incorrect, as this Department was not aware of the correspondence stated to have taken place between the Revenue and the Military Departments in regard to securing the services of trained Salutries of the Remount Depôt to serve as instructors to the new men to be appointed in the Pony breeding establishment of the Civil Department, and neither Government Order (Revenue Department) No. 23 dated 12th January 1887,

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sanctioning

sanctioning the entertainment of the best qualified of the pensioned Salistries, nor Government Order No. 1630[a] dated 14th March 1887, reappointing Hyath Patcha, appears to have been communicated to this Department.

3. From a reference to the pension bills of Hyath Patcha from March 1887, it would appear that Colonel J. Ewing, the then Superintendent of the Remount Depôt, Hosur, drew the pension from the Presidency Pay Office until March 1889, Dr W. S. Adams, the Veterinary Surgeon of the Depôt, having drawn for the Superintendent in October '87, February and April '88 and January '89 only, and subsequent payments were made by the Sub Treasury Officer, Hosur, on the payment order being endorsed by the Deputy Collector, Salem, the first payment by the Treasury Officer having been made on the 20 May 1889 and he continued doing so till 31 May 1896, the date up to which the pensioner was last paid. Colonel Ranking does not appear to have had any concern in the matter as no payments were made by that Officer from March '87 to May '89.

4. The pensioner having submitted the pension bills under his own signature and the Superintendent and the Veterinary Surgeon of the Remount Depôt having merely signed the Life Certificate as in the case of apparently be held responsible for the incorrect non-employment certificate signed by the pensioner.

5. Taking into consideration the circumstances of the case, I am still of opinion that had the provisions of article 569, Civil Service Regulations been observed by the authority who reappointed the pensioner and had the pensioner signed a correct certificate of non employment as required by Article 1035, Civil Service Regulations, the overpayment in question would at once have been detected by this Department, which is therefore in no way to blame.

6. I may add that in view of the opinion expressed by the Collector of Salem in para 3 of his letter above referred to, it is for Government to decide whether or not the retrenchment Order issued by this Department should be enforced, but in either case Hyath Patcha cannot be allowed to continue to draw his pension in addition to the pay of his present appointment, vide Article 569, Civil Service Regulations.

I have &c.
(Signed) G. W. Sawyer Lt. Col.,
Controller of Military Accounts.

—..—

(True Copy)

Chief Superintendent.

[a] vide para 4 of this Offc letter No: 1259 dated 31 [illegible] 1897.

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Treasury & Account DEPARTMENT.

CURRENT No. 212 Fin.

FORT ST. GEORGE,
Accountant-General's Office,
17 January 1898.

No. 174

From
Y. C. Harrison Esqre.,
ACCOUNTANT-GENERAL TO THE
GOVERNMENT OF MADRAS,

To
THE Chief Secretary to Government,
Financial Department,
Madras.

SIR,

With reference to your Memorandum* No. 2199. dated the 28 of October 1897, I have the honour to forward a copy of letter No. 7125 dated 5 January '98 from the Controller of Military Accounts in which he states that neither Government Order No. 23 Rev. dated 12 January 1887 sanctioning the entertainment of the best qualified of the pensioned Salutries in the pony breeding establishment at Hosur nor Government Order No. 1630 dated 14 March 1887 reappointing Hyath Patcha appears to have been communicated to his Office. It appears therefore that the Military Audit Department had no means of detecting the irregularity in the payment of the pension.

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2. The person primarily responsible is Hyath Patcha himself

* Enclosures herewith returned

himself for signing a false non employment certificate, the Collector of Salem is however of opinion that this was due to ignorance.

Mr Dumurgue (Collector of Salem in 1887) was in error in not sending to the Military Audit Office a copy of his order appointing the pensioner to the pony breeding establishment as required by Article 564 Civil Service Regulations which corresponds with Article 181 of the Regulations then in force.

Colonel Ewing the Superintendent of the Remount Depôt Hosur and Dr Adams the Veterinary Surgeon, by whom the pensioner was paid his pension between March 1887 and March 1889 should have detected the falsity of the certificate as they were personally connected with his re-employment.

The payments made by the Sub Treasury Officer Hosur from April 1889 to May 1896 were made in continuation of those made by the two Officers named above. But, as the pensioner was employed at Hosur and drew both his effective pay and pension at the same Sub Treasury, the Sub Treasury Officer must have been cognizant of the fact of the reemployment of the pensioner, I therefore consider him also some what to blame.

I have the honour to be,
Sir,
Your most obedient Servant;

J. Manisn

[G./25]
1,000 - 22-11-97

Fin. DEPARTMENT.

C. Nos 2899, 3799/97 & 212/98

SUBJECT.
Overpayment of pension

~~HIS EXCELLENCY THE GOVERNOR.~~
~~THE HON'BLE SIR HENRY BLISS, K.C.I.E.~~
~~THE HON'BLE MR. GROSE, C.I.E.~~

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FOR ORDERS.

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C. No: 2899 of 1897 relates to the overpayment of pension made to one Hyath Patcha during the period of his re-employment as head Salustry on the pony-breeding establishment at Hosur. The facts connected with this case are set out in the note flagged C. C. No: 212 of 1898 is the Acct.-Genl's reply to the reference × flagged R which is based on the foregoing note. In this letter the Acct.-Genl. reports the names of the officers responsible for the overpayment. The question of the recovery of the over-payment rests mainly with the Pension dept. A precedent is furnished by G.O × No: 65 Rev: d/24 January 1894. If the Pension dept.

× No: 2199/28-10-97

× Cancelled by G.O. 268/20.4.94 Rev E

= F

dept: ~~[illegible]~~ concurs in the view expressed by the Collr: of Salem in para 3 of his letter (which forms an enclosure to C No: 2899) that "Hyath Patcha would "seem to be entitled morally "and legally to his pension of "Rs 4 a month in addition to his "pay as Salnotry of Rs 20", the question of increasing his pay by the amount of his pension would have to be considered in the Rev: dept; the grant of pension in addition to pay being in the present case is contrary to art: 569(a) of the C.S. Regns. At any rate, it seems that the Finl: dept: ~~has~~ can ~~nothing~~ to do nothing in ~~with~~ the matter at present except so far as the question of crediting to the Military dept the recoveries, if any, which may be made on account of the over-payment, is concerned, but this question does not arise until the main point at issue is settled by the Pension dept. It is, therefore, submitted that the papers

may

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But he signed a certificate of non-employmt every month!
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Para 5 of
Controller's letter
No: 1259 d/31-5-97.

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may be forwarded to that dept. for consideration in the first instance.

No 44 / d 17-2-98

To

The Pension Dept.

Cur. S.
16/2/98

AtA 17-2-98

GOVERNMENT OF MADRAS
21 FEB
PENSION DEPARTMENT.

15/2/98

12/2/98

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AGAIN G.O., No. , DATED 189							
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