Pension (1898) Department.

ORDINARY MS.

G.O., No. 456

DATED 12th July/98

[Despatch Abstract.]

Stating that Govt. agree with the
Controller of Civil Accts. in considering that
the restrictions of article 292 C.S.R. apply
to Daily Pensioners taking civil employment

BACK PAPERS.

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

FURTHER PAPERS.

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

Pension (1898) Department.

CURRENT No. 397

List

Read the following papers:-
From the Contr. of Military Accounts No $\frac{G}{280}$ dt 1st April '98
Encl. to the A.G. No. 17 dt 20 April 1898
Letter from -do- No. $\frac{PAE}{118}$ dt 26 May 1898.

Order 456 dt 1 July 198

From The Accountant-General, Madras.

No. $\frac{P.A.E.}{118}$

The foregoing letter from the Acctt Genl. will be communicated to the Contr of Mily Accts, who will be informed that the Govt. agrees with him in considering that ~~pensioners should be regarded as fresh enlistments for the purposes of~~ Mily pensioners taking civil employment apply to restrictions of article 392 C.S.R.

/from orders/ Ully 27/6/98

Mut 27/6/98.

To the Contr. of Mily Accts. with papers act.
" A.G.

Dated 26 May
Received 1 June
Registered
Enclosures
Spare copies

SUBJECT.

Stating that he is unable to agree with the views expressed in this Office letter No. $\frac{P.A.E.}{554}$ of 22 Febry 1898 to the address of the Examiner of Commissariat Accounts.

BACK PAPERS.

G.O.	No.	Department.	Date.
	839	Pens.s	18.8.97
	556	"	20.7.97
	109	"	31.1.93
	196	"	27.2.93
	765	"	26.7.92
	213	"	10.3.92
	890	"	14.9.91

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension (1898) Department.

CURRENT No. 397

Please put on the docket sheet by 27/5

Pike
Do. minute adv
in the docket sheet
Sent - Put on Sept
Separate papers

on 28/5 mail 27/5/98

From The Accountant General
Madras

For Orders

GOVERNMENT OF MADRAS
1 - JUN 1898
PENSION DEPARTMENT.

No. I A E / 118

Dated 26 May 1898

Received

Registered

Enclosures

Spare copies

SUBJECT

stating that he is unable to agree with the view expressed in this office letter No. I A E / 554 of 22 February 98 to the address of the Examiner of Commissariat Accounts.

The Examiner of Commissariat Accounts having requested the Acctt-Genl. for an expression of opinion as to whether certain Military pensioners reemployed in the Civil Dept. are entitled to any pension or gratuity for their service in the latter Dept. when they are incapacitated for further service, and whether the restrictions in Art. 392 C.S.R. viz. that "if "an inferior officer's qualifying service began after the "1st April 1880 and after he had attained the age of 40 "years, his service does not qualify for pension or gratuity of any kind", are applicable to the Military pensioners referred to, the then Acctt-Genl., Mr. Harrison, stated in his letter flagged (A) that Military pensioners are allowed gratuity or pension as the case may be for subsequent service rendered in the Civil Dept. under art. 581 C.S.R. and that the restrictions in art. 392 are inapplicable to them. The Controller of Military Accounts, however, disagreeing with the Acctt-Genl. has requested Govt. to

C 27/6/98.
R 27/6/98.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

to state whether the Accts. Genl is correct. The Controller is of opinion that Military pensioners on being entertained in the Civil dept. should be regarded as fresh enlistments and that the restrictions in article 392 should be made applicable to them irrespective of their former Military service and the nature of pension granted to them under the Military rules. The Controller's letter was referred to the present* Accts Genl. for remarks and he (Mr Biggs) states that he** is unable to agree with the view expressed by his predecessor, and considers the Contr. of Milly Accts. to be correct in the opinion held by him.

The question now at issue has already been considered by Govt. on more occasions than one and it has been decided that the restrictions in art. 392 are applicable to the case of Military pensioners reemployed in the Civil Dept. vide G.Os. 890/14-9-91, 213/10-3-92 and 765/26-8-92 put up —

Attention is however respectfully solicited to the notes under the first two of the G.Os quoted, from which it will be seen that the decisions then arrived at were based on the note to art. 392 as it stood at the time and which then read as follows:-

"The proviso in this article (i.e. art. 392) does not apply to an inferior servant who is reemployed after discharge on Compensation pension or gratuity."

It was accordingly held that the above note did not apply to Milly pensioners and that the restrictions in art. 392 were therefor applicable to them. But the note has since been amended as shown below:-

"The proviso in this article does not apply to an inferior servant who is reemployed after discharge owing to abolition of appointment or ill-health.

"In the case of an inferior servant reemployed after resignation or discharge for misconduct or inefficiency, the amount of previous qualifying service rendered should be deducted from his age before applying the proviso in this article."

Notwithstanding the amendment pointed out, it appears clear that the amendment was not intended for the benefit of Military pensioners as it is laid down in the 2d clause of the amended note that in the cases referred to therein the amount of previous qualifying service rendered should be deducted from the man's age before applying the proviso in art. 392, but service which is pensionable under the Military rules is treated as non-qualifying in the Civil dept. under art. 388 of the CSR. and consequently a Milly pensioner cannot, it is thought, benefit by the concessions granted in the note.

Orders solicited as to whether the present A. G's view may be accepted as correct and his letter communicated to the Controller or whether the question may be referred to the Govt. of India as there has been a difference of opinion on the point and as the matter is not altogether free from doubt.

MAS 11/6/08.

Yes

The question was recently considered & decided in a P.W.D case & there was a previous case in which Mr Gibson writes. Get these & put them up.

MA 12/6/08

Sir.

The papers referred to are put up. Please see flags G & H

MAS 17/6/08

* (Flags D)

** (Flag E)

* (Flags B+C)

Secy Please see these two last cases. The point seems clear and it is submitted that Govt may agree with the present A.G. & the Controller of Mil. Accts.

Ulley
20.6.98

W.M. 22/6/98

Govt. Act 22.6.98

[R. E. / 48.]
1,000 -10-8-96.

Pension (1898) Department.

CURRENT No. 242

Lett

From
The Controller of Mil.y Accts.

Endt.
Order, 20th April 1898 No. 17.

Referred to the Acctt. Genl. for favour of remarks.

No. C/280

Ulley
18/Apl/98

WS
16.4.98

Dated 1/4

Received 2/4.

Registered do

Enclosures 3.

Spare copies. Nil.

To
The A.G.
with papers. (4)

SUBJECT.

Requesting to be informed whether the Acctt-Genl is correct in assuming that the restrictions in art. 392 C.S.R. are inapplicable to the Military pensioners referred to.

BACK PAPERS.

G.O.	No.	Department.	Date.
-	196	R.	27-2-93

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension Department.

Fort St. George,
Accountant-General's Office,
26 May 1898.

No. P.E. / 118.

From

J. Hesketh Bigge Esqr,
ACCOUNTANT-GENERAL to the
GOVERNMENT OF MADRAS,

To

The Secretary to Government,
Pension Department.

Sir,

With reference to your Endorsement No: 17 dated the 20th April 1898, I have the honour to state that I am unable to agree with the view expressed in this office letter No. Ja 2 / 554 of 22d Febuary 1898 to the address of the Examiner of Commissariat Accounts. The Controller of Military accounts appears to be correct in thinking that Military pensioners on being entertained in the Civil Department should be regarded as fresh enlistments for the purposes of article 392 Civil Servic Regulations.

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

Accountant General.

No. G/280

Ver Rules

From

The Controller of Military Accounts,

Madras Command,

To

The Under Secretary to Government,
Pension Department

Madras, the 1st of April 1898.

GOVERNMENT OF MADRAS. 2-APR 1898 PENSION DEPARTMENT.

Sir,

In forwarding the marginally noted correspondence, I have the honor to request the favor of being informed whether the Accountant General, Madras, is correct in assuming that under the circumstances stated in the attached Statement the restrictions in Article 392 of the Civil Service Regulations are inapplicable to the Military pensioners referred to therein.

(a) Memo No 8910 dated 18th December 1897, from the Chief Commissariat officer, Bangalore.
Statement, dated 26th January 1898, by the Chief Commissariat officer, Bangalore.
Letter no G.A.C. 554, dated 22nd February 1898, from the Accountant General, Madras.

(b) marked A

2. I am of opinion that Military pensioners on being entertained in the Civil Department should be regarded as fresh enlistments and the provisions of article 392 Civil

Rec'd 8 PENSION DEPARTMENT. From ..... No. 1 Dated 397

Civil Service Regulations should be made applicable to them, irrespective of their former Military Service (C) Vide P.G. Pension Department and the nature of pension No. 196, dated 27th February 1893. They were granted under Military rules.

3. The favour of an early reply with the return of enclosures is requested.

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

Lt. Colonel.
Controller of Military Accounts.
THCr.

When given for copying
When copied
When examined
When signed
} 189 .

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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