

Pension (1898) Department.

ORDINARY MS.

G.O., No. 603

DATED 13-8-98

[178]

50-13-2-01.

These Proceedings *intended*
have been subsequently printed.

[Despatch Abstract.]

*Considering that the offence of which pensioner
Santappa was convicted is not sufficiently serious to
warrant the withdrawal of his pension and directing
that it should be paid to him from 1st March 1898.*

*PM
Printed with
80 as a standing
Circ*

attended to

10/11/01

17/11/01

BACK PAPERS.

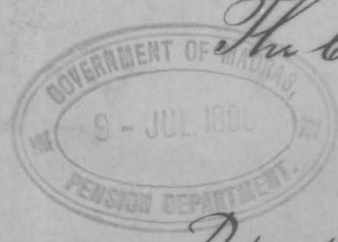
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Pension
Revenue (1898) Department.

CURRENT No. *536*

From
The Collector of

South Canada.
Ref on R. No. 266
acc of

Dated *22nd June 1898.*

Received

Registered

Enclosures *one*

Spare copies

SUBJECT.

Submitting the case of a
Civil pensioner convicted of criminal
offence and soliciting instructions
whether the payment of pension
to him may be continued.

6-2-798 6-7-92 Rec

BACK PAPERS.

G.O.	No.	Department.	Date.
	595	Pen	12-7-92

FURTHER PAPERS.

G.O.	No.	Department.	Date.

FORM I.—CALENDAR, AND JUDGMENT.

(For use in cases where there is only one accused person.)

District of *North Canara*
Calendar of cases tried by the *2^d* Class Magistrate of *Nilshwar* Taluk.

DATE OF				EXPLANATION OF DELAY AND REMARKS.
Offence.	Report or complaint.	Commencing trial.	Sentence or order.	
<i>11. 2. 98</i>	<i>14. 2. 98</i>	<i>5. 3. 98</i>	<i>5. 3. 98</i>	<i>2. 3. 98</i>

Judgment in Calendar case No. *288* of 1898, on the file of the *2^d* Class Magistrate of *Nilshwar*

COMPLAINANT. *Rajma*

Name of accused. *Santayya* Age. *42* Father's name. *Thakhtaya*

Shuragar *Cultivation* *Kerkar* *Kasaragod.*

Offence *Possession of Contraband Salt Earth, Section 74 of Madras Act V of 1889.*

Finding *Guilty*

Sentence *Four rupees fine or 16 days rigorous imprisonment*

Class Magistrate.

The accused having pleaded guilty to the charge, viz, seizure of 6 seers of salt earth in his house he is convicted under section 74 (b) of Act V of 89 and sentenced to pay a fine of Rs 4 or to suffer 16 days rigorous imprisonment.

The seizure will be confiscated
5. 3. 98 Signed / S. Anandabau
2^d class Magistrate

P. S. The accused admits that he is a retired Police Constable and draws a pension. A copy of this judgment will be forwarded to the Collector as required by the Magisterial Standing order on the subject.

Sd/ S. Anandabau
2^d Class Magistrate
approx. 20/6
D. Anandabau

Confid
H.R.

For Ag Collector

For Ag Collector

For Ag Collector

For Ag Collector

Refon No. 266 of 98.
acc



SOUTH CANARA COLLECTOR'S OFFICE,
Mangalore
22nd June 1898.

FROM

W. B. Ayling Esquire,
Acting Collector of

South Canara.

TO

THE CHIEF SECRETARY TO GOVERNMENT,

Pension Department,

Fort St. George.

Through the Accountant General,
Madras.

20/6

Sir,

Puchkad Santappa, Pensioned 2nd class Constable No 504 of the South Canara District and Holder of Permanent Pay Order No 19508 22.7.92 has been convicted of the offence of possessing 6 seers of Contraband salt-earth in his house and sentenced to a fine of Rs 4 or 16 days rigorous imprisonment by the II class Magistrate of Kihohwer. I have the honor to submit his case for the consideration of Government under article 383 of the Civil Service Regulations and to solicit instructions as to whether the payment of pension to the above individual may under the circumstances be continued. Copy of Judgment in Calendar Case No 283/98 on the file of the said Magistrate

Magistrate is enclosed for information.

2. The above prisoner is in receipt of a pension of Rs 1. 3. 9 per mensem under G.O. No 595 dated 12 July 1892 and his age is 60 years. The payment of his pension has been withheld since 1st March 1898. Possession of 6 seers of Contraband salt-earth can scarcely be deemed to be "Serious Crime" or "grave misconduct" entailing forfeiture of pension under article 383 of the Civil Service Regulations, I would not recommend stoppage of the pension.

3. In this connection I beg to bring to the notice of the Government that there seems to be some doubt as to whether Collectors are bound to report every case in which a Government prisoner is convicted of a criminal offence, or can exercise their own discretion in deciding whether the offence is of sufficient gravity to call for report; and would request the favor of orders on this point.

I have the honor to be,

Sir,

Your most obedient servant,

D. M. M.

For Ag. Collector.

28

Fort St. George

Accountant-General's office

S.A.D.
191

8th July 1898.

Submitted to Government for orders with reference to para: 3 of Government order No 798 Pension, dated 6th September 1892.

W. H. R.
Accountant-General.

X

The Secretary to Government.

Pension Department.

10/7

Pa.
Sub. to the

$\frac{D}{4}$ 1,000-84-97.

Pension
REVENUE DEPARTMENT.

No. 536

Notes cancelled under No 603, Recd 13-8-98

From the Collr. of South Canara.

Malice

Dated 22nd June 1898. No 266
Acctt - Gml. 1/8th July 1898 No 266
FOR ORDERS. The Under Secy

Please see the Collector's letter of 22nd June 1898, No 266. In March 1898, Pensioned Police Constable P. Santappa was convicted of possessing 6 seers of contraband salt earth in his house and sentenced to a fine of Rs. 4/- and 15 days' rigorous imprisonment. The payment of his pension has been withheld from 1st March 1898. The Collector says that the possession of 6 seers of contraband salt earth can scarcely be deemed to be serious crime or grave misconduct entailing forfeiture of pension under art. 383 C.S.R., and accordingly does not recommend the stoppage of pension. Orders are solicited.

2. Please see also para 3 of the Collector's letter. The Collector says that he feels doubtful whether he is bound to report every case in which a Govt. pensioner is convicted of a criminal offence or can exercise his own discretion in deciding whether the offence is of sufficient gravity to call for report, and accordingly requests orders on the point. As each case has to be decided by Govt. on its merits, it is submitted that the Collector ought to report every case to Govt.

This has been decided the other way

Let I the present case of P. Santappa. Submitted that

C3077/98.
D 21/7/98

the offence is not sufficiently
serious to warrant withdrawal
of the pension. The
pension is a men-
suration of Rs 1.2.9
per mensem.

II The general
question as to the
Collector's discretion to
report such cases.

The existing
rule is contained
in para 3 of G.O. No 798
Pension of 6 Sept 1892.

"The Govt cannot
lay down any rule as to
what should be deemed
a serious crime for the
purposes of Article 888
C.S.R. Each case must
be disposed of on its
merits and it will be
left to the Collector
to bring such cases
to the notice of the
Govt as they consider
serious."

This rule seems
sufficiently explicit &
Collector may submit
it. Yes

FOR ORDERS.

Agree in this case
8/8
3077/8

Para 2 of this G.O. was
modified 1890. 6182-2-87
but para 3 is still in force.

Yes
8/8
3077/8

F 1,000 - 30-9-97.
17

CN. 536.
Pension
REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:-

From the Collector of South Canara 22nd June 1898 No 266
Acc.

" Acctt. Gub. 25th July 1898 No. 342
191

Order, 12th Aug 1898 No 603.

In the opinion of H.E. the Govern-
ment in Council, the offence of which the pensioner Santappa
was convicted is not sufficiently serious to warrant the
withdrawal of his pension, which will accordingly be con-
tinued to be paid to him.

2. With reference to para. 3 of the
Collector's letter read above, his attention will be drawn
to para 3 of G.O. 798 Pension, 26th Sept 1892.

W.S.
5.8.98.
To
The A.G.
" Collr. of S. Canara.

/from orders/
M.S.
5.8.98

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

189 . .

READ AGAIN G.O., No.

189

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING WANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

- A = Copy in full.
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