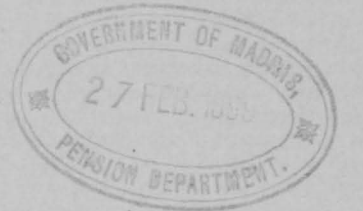


16-1-09 ✓

Pension
Revenue (1897) Department.

CURRENT No. 184



From The Superintendent
Madras Survey

See

Order, 13th March 1899 No 165.

Para. V. (3) of the Pension Rules.
(Quote.)

2. The petitioner is informed that further
petitions from him on this subject will remain
unnoticed.

No. 31
g

Dated 24 February

Received 27.2.99.

Registered 27.2.99.

Enclosures 3

Spare copies

1/3299

To
The Petr.

1/11/3/19.

Has the case the man now
cited been considered before?
1/4/20, where?

SUBJECT.

Memorial from
C. Vembuli Mudali, late
Accountant No. IV Party
Madras Survey —
Forwarding —

Sir,

On the 31st March 1891, Vembuli Mudali was thrown out of employ-
on reduction of establishment, and was granted a pension of
Rs. 5-15-9 p.m. with effect from 1st April 1891. Temporary em-
ployment was also found for him in the late Census Office from
1st April to 5th May 1891, and he was specially allowed to draw
pension and pay at the same time. In 1893 he claimed that this

PT

C. O. Form No. 15.

SURVEY OFFICE, MADRAS.

24 February 1899.

No. 31
g

From

G. P. Greene Esq.,

SUPERINTENDENT, MADRAS SURVEY,

To

The Secretary to Government
Revenue Department

Sir,

I have the honour to forward
a memorial from S. Vembuley Mudaly,
late accountant, N^o. IV Party, Madras
Survey, praying for enhanced rate
of pension.

I have the honour to be

See

Your most obedient Servant

B. Greene

Superintendent
Madras Survey.

BACK PAPERS.

G.O.	No.	Department.	Date.
	110. A	Pen	10-2-99
	868	do	17-11-97
	245	do	25-3-96
	1341/2	do	26-11-95
	221	do	5-3-95
	1079	do	10-10-93
	803	do	1-8-93
	593/4	do	17-6-93
	111 1/2	do	12-11-92
	725	do	13-8-92
	766	do	12-8-91

FURTHER PAPERS.

G.O.	No.	Department.	Date.

temporary service might be allowed to count under art. 403 CSR, but Govt. declines to reopen the case, as it was already fully considered by this Court by the Supreme Court. - Jo. 1074 / 10.3-93. He now asks for the same thing, but claims it under art. 413 which it is submitted, does not at all apply.

Lucy

The Draft may come

1073

87
11/3/9

To

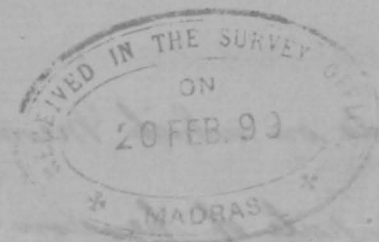
B.S.

His Excellency the Right Honorable

Sir Arthur Clibank Havelock

G. C. M. G.; G. C. S. C.

Governor of Madras.



The humble review

Memorial of C. Vemuliy Mudaly

late Accountant No. 4 Party

Madras Survey.

Most Respectfully sheweth:—

That Memorialist

was, after a Service of 20 years and 9. Months,
in the Madras Survey Department, discharged
on reduction of Establishment and granted a
pension of Rs. 5. 15. 9 per Mensem taking his
qualifying Superior Service to be 14. years and
11. Months.

2.

That Memorialist submitted

Memorials to the Local Government, the
Government of India and the Secretary of State
praying for condonation of the deficiency of one
month's Service to make up 15. years qualifying

Service and for the grant of Rs 8. 8. 9 equivalent to one third of average Emoluments, but Memorialist's prayer did not meet with the favorable Consideration of the Authorities -

3. That the grounds on which Memorialist based his claim for a higher rate of pension and the orders passed by the Authorities thereon are briefly set forth in the Memorial last submitted on the 4th November 1897, Copy of which Memorialist most humbly and respectfully begs now to enclose for the kind perusal and generous Consideration of his Excellency in Council -

4. That the last order passed by your Excellency's Government referred Memorialist to rule 5. (3) of the petition rules as follows -

5. "Petitions addressed to Government will be liable to Summary rejection in the following Case -

(3) "When a previous petition has been disposed of by the Madras Government, the Governor-General in Council or the Secretary of State and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the Case" -

5. That although the grounds set forth in the enclosed Memorial already submitted to

Government are sufficient in themselves to elicit favorable Orders your Memorialist is fortunate enough to be able to submit a new fact which affords ground for the reconsideration of your Excellency -

6. That the new fact is that Article 413. Civil Service Regulations provides that "if the substantive Office of an Officer is abolished within the meaning of Article 468, but the Officer is at the time on Special duty or is on abolition of his Office deputed on Special duty his Service on Special duty qualifies, but the duty must be Special - Mere employment in Continuation of permanent employment in a temporary appointment which happens at the time to be vacant does not qualify -

Memorialist was deputed to Census duty on 1st March 1891 and continued to be employed on that duty upto 8th May 1891 or for a period of 2. Months and 8. days - According to the Article of the Civil Service Regulations just quoted the whole period of 2. Months and 8. days should qualify whereas only one month or part of the period was allowed to qualify -

7. That Memorialist therefore most humbly prays that the one month and 8. days mentioned

in para b. above may be added to Memorialist's
qualifying Service which would then amount to
15. years and 8. days and that Memorialist may
be allowed a pension of Rs 8. 8. 9 under
Section 113 of the Civil Pension Code 6th Edition -

For which act of kindness Memorialist
will as in duty bound ever pray -

26th January 1899 } C. Vennily Mudaly
Late Accountant No 4 Party
Madras Survey.

Address: —

C. Vennily Mudaly
Late Accountant No 4 Party
Madras Survey.
Weaver Street, Alandur
Saint Thomas Mount

1899

To

His Excellency the Right
Honorable

Sir Arthur Clibank
Havelock

G. C. M. G.; G. C. I. C.

Governor of Madras

Dated 26th January 1899

Enclosure 1.

Subject

C. Vembily Mudaly late
Accountant No 4. Party
Madras Survey:—

The humble review Memorial
of— praying for higher
rate of pension under a
new fact which affords
ground for reconsideration

(Copy of the Memorial submitted on 4 Nov 97)

To

His Excellency the Right Honorable

Sir Arthur Clibank Havelock

G. C. M. G.; G. C. I. C.

Governor of Madras



The humble Memorial
of C. Vembily Mudaly late
Accountant No 4. Party Madras
Survey—

Most Respectfully sheweth:—

That ^{your} Memorialist served
on the Permanent Establishment of the Madras
Survey Department as accountant from 1st July 1870
to 1 April 1891 or for 20 years and 9 months—
His pay on date of discharge was Rs. 25 per
Mensem—

2. That of this service, 14 years and
11 months was Superior and 5 years and 10 months
Inferior—

3. That Memorialist was granted
a pension of Rs. 5. 15. 9 or $\frac{14}{60}$ th of average
Emoluments under Article 518 (b) of the Civil
Service Regulations, taking the Service Counting

for pension to be 14 years and 11 months -

4. That Memorialist applied to the Local Government, to the Government of India and to the Secretary of State, for condonation of deficiency of one month's service and for the grant of a pension of Rs. 8. 8. 9 or $\frac{1}{3}$ rd of average Emoluments under Section 113 of the Civil Pension Code 6th Edition taking the service counting for pension to be 15 years -

5. That either through Memorialist's misfortune or for the reason perhaps that his Memorials were not clearly worded, his prayers did not meet with the favorable consideration of the Authorities -

6. That being fully confident of the justice of his claim and of the soundness of British justice, Memorialist most respectfully begs to approach your Excellency with a very brief summary of the grounds on which he lays claim to the enhanced rate of pension -

7. The following are the grounds: -

(1st) Memorialist was not given the 3 months notice of discharge required by Article 478 Civil Service Regulations; for he was given

notice on 6th March 1891 and discharged from 1st April 1891 -

(2nd) Memorialist was deputed to the Census Department early in March 1891 and was employed there upto 8th May 1891, but the 1 month and 8 days service in the Census Office viz from 1st April to 8th May 1891 was not counted for pension -

(3rd) Memorialist was retransferred from the Census Office to the Survey Department from 9 May 1891 and continued upto 30 June 1891 to draw the same pay Rs. 25 and to perform the same duties as before discharge but the 1 month and 22 days service so rendered was not allowed to count for pension -

(4th) Memorialist should have been retained in the service for the short period of 1 month (by which his service fell short of 15 years) under G. O. No 720 dated 21st June 1890 (Pension) and allowed to count that service for pension, but although he was retained for 3 months continuously after the date of discharge, he was not allowed to count that service for pension -

(5th) That under Section 124 of the

Civil Pension Code 6th Edition and also under Article 465 of the Civil Service Regulations, both of which allow in his case a Condonation of one year's service, Memorialist applied for a Condonation of only one month, but this was not granted.

(6th) That although he was in Continuous and Active Service upto 30 June '91 he was allowed to count Service for pension only upto 31st March '91 and the remaining 3 months were arbitrarily and for no fault of the Memorialist treated as temporary Service and not allowed to count for pension.

(7th) That in the order of the Madras Government No 725 dated 13th August 1892 declining to grant the enhanced rate of pension, applied for, it is observed that "under the rules which were in force at the time he entered the service he would have been entitled only to a gratuity of Rs 300 while under the new rules he has been granted a pension of Rs 5. 15. 9 per month - He has thus benefited by the alteration of the rules."

Memorialist respectfully begs to submit that there is some misconception here -

Article 7. of the Civil Service Regulations clearly states that pensions are governed by the rules in force at the time of an Officer's discharge and not at the time when he entered the service. and foot note 2. to the same article provides for the non-introduction of any new rules - operating harshly -

Memorialist had 14 years and 11 months of Superior Service and 5 years and 10 months of Inferior Service and as his discharge was owing to a general reduction in the Department and beyond the Memorialist's Control he was entitled to Condonation of the one month's deficiency under Section 124 of the Civil Pension Code 6th Edition which remained ever valid so far as pensions under the old rules were concerned - If therefore your Memorialist had been allowed the Condonation of deficiency to make up 15 years of Superior Service under Section 124 of the Civil Pension Code or allowed to remain in Service till he could complete his 15 years of Superior Service under G. O. No 725 dated

21st June 1890 or permitted to count the 3 months notice of discharge as service for pension, he would have been entitled to a third pension under the old rules amounting to Rs 8. 8. 9 per mensem and not as alleged to a gratuity of Rs 300.

Your Memorialist therefore has not benefited by the pension under the new rules.

8th That the following Subordinates of the Survey Department were allowed to continue in service for short periods in order to enable them to earn a higher rate of pension:

Name	Service years	Date of Discharge	G.O. Sanctioning pension
C. Kumarasami			
Mudaly	18	1 st May '95	No 786 dated 15 th July '95
M. J. Wylie	18	15 th Jan '95	- 316 - - 28 th Mar '95
P. Rama			
Rao	22	4 th Feb '95	- 567 - - 27 th May '95
H. Andikesanulu			
Mudaly	13	3 rd April '96	- 613 - - 17 th July '96

(9th) That the following Subordinates of the Survey Department, some of whom were discharged before and some after the date of discharge of Memorialist, were allowed

a pension of $\frac{1}{3}$ of their pay for 15 years service under the old rules:—

Name	Service	Date of Discharge	G.O. Sanctioning pension
A. Kuppus Rao	15	21 st April '91	No 762 dated 26 th July '93
J. Sarnam Pillai	15	4 th Oct '88	- 779 - - 31 st July '93
Meer Mazaffer Hussain	15	23 rd Oct '92	- 686 - - 10 th July '93
T. S. Ponnusami Pillai	15	29 th April '89	- 548 - - 10 th June '93
R. Satharamier	15	10 th April '91	- 328 - - 15 th Mar '94

8 That the difference between the pension Rs 5. 15. 9 granted to Memorialist and the pension Rs 8. 8. 9 claimed is Rs 2. 9. 0 or nearly 43 per cent and is of the utmost importance to a poor man like the Memorialist.

9 That your Memorialist most respectfully begs that in the circumstances set forth above your Excellency will be graciously pleased to sanction a pension of Rs 8. 8. 9 instead of the pension of Rs 5. 15. 9 already granted.

For which act of kindness your Memorialist will as in duty bound ever pray.

(Signed) C. Vemuliy Mudaly

Sole accountant No 4 Party Madras Survey

Dated 4th November 1897

(True Copy)

26th January 1899

C. Vemuliy Mudaly

Sole accountant No 4 Party Madras Survey

Enclosure to Memorial dated
26th January 99

To

His Excellency the Right
Honorable
Sir Arthur Clibank Havelock
G. C. M. G.; G. C. I. C.
Governor of Madras

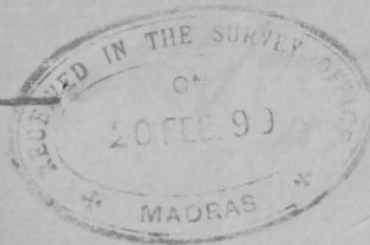
Dated 4th November 1897

Subject

C. Vembily Mudaly, late
Accountant No 4. Party
Madras Survey:—

The humble Memorial
of— Shewing a brief
Summary of the grounds
on which he lays claim
to enhanced rate of pension.

To



His Excellency the Right Honorable
Sir Arthur Clibank Havelock
G. C. M. G.; G. C. I. C.
Governor of Madras

May it please your Excellency:—

I the undersigned,

C. Vembily Mudaly, late Accountant No 4. Party
Madras Survey, beg most respectfully to submit
that I have this day addressed a Memorial
to your Excellency on the subject of the pension
I am now in receipt of.

2

Your Excellency's rule over
the people of South India is peculiarly noted
for its great humanity, justice and equity in
all matters that affected their interests even
to the smallest

3.

I pray your Excellency
will be graciously pleased to bestow a
thought upon my poor self and to peruse
my Memorial and to order such redress as
would seem fit in your Excellency's wise
judgment.

For which act of justice I shall
always

Paper taken out of the Records from the charge of the Referencer.

Press
Miscellaneous
Routine

No. 165, dated 13-3 1909

[illegible]