

Pension (1897) Department.

ORDINARY MS.

G.O., No. 507

DATED 7-7-97.

[Despatch Abstract.]

Granting an increased pension of Rs. 129-5-0 pms
to Mr J. P. Fernandez, late D. Municipal of Puthur,
S. Canara D. with effect from 1st Feb 1897.

←

BACK PAPERS.

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

FURTHER PAPERS.

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

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O. No. 368 Pn. 10-V-97
also
READ the following papers

From the Secty. Genl. — dated 7th May 1897, No. ^{JA 8}/₂₄
Enst. to — do — 19th May 1897 No. 26
Letter from — do — 13th June 1897 No. ^{JA 8}/₅₆

Order, 7th July 1897 No. 507.

The 5 days' privilege leave which the petitioner enjoyed from the 26th to 28th Jan^y 1889 and the leave on Medical certificate that he availed himself of from the 4th to the 17th March 1889 have both been converted into casual leave and privilege leave respectively.

2. In view of his acting service of 7 months 4 1/4 days & of his good character, the Govt. is pleased to condone under art. 465 (A) (2) ^(a) of the C.S.R. a deficiency of 3 months and 2 days in the petitioner's service to complete 22 years' service; and accordingly the pension of Rs 123-6-11 granted to him in the G.O. read above will now be increased to Rs (129-5-0) one hundred and twenty nine and annas five p.m. with effect from 1st Feb^y 1897.

3. The petitioner's request for a half pension under the old rules for the above service is inadmissible.

(from orders)

sd/ 29.6.97 H. J. H. 1.7.97

To The A.G.
St. Judge South Canara
Petitioner.

H.M.

PENSION DEPARTMENT.

C. No.s. 391 + 465.

From the Acctt. Genl. 8/3-6-97 No. $\frac{8A8}{56}$

Dated 7th May 1897, No. $\frac{8A8}{24}$

*P. M.
Dmt. SO. accd. 11/11/97
24.6.97*

FOR ORDERS.

Flag D.

Flag A

In G.O. $\frac{368}{10-V-97}$ ^{Pension} Mr. Fernandez, late 1st Grade St. Munisip of Putter was granted a superannuation pension of Rs 123-6-11 p.m., for his qualifying superior service of 21 years, 7 months and 14 days. When his pension papers were with the ^{Acctt. Genl.} he addressed a petition to the Acctt. Genl. through the the St. Judge, South Canara, in which he made the following requests:-

- (1) that the 5 days' privilege leave which he enjoyed from the 24th to the 28th Jan^y 1889 and the leave on Medical Certificate that he availed himself of from the 4th Feb^y to the 17th March 1889 might be commuted into casual + privilege leave respectively,
- (2) that the deficiency of 3 months in his

*C161497
11/11/97*

total service which after such commutation amounted to 21 years, and 9 months according to his calculation might be condoned; and

(3) that a pension equal to $\frac{1}{2}$ average emoluments might be granted to him under clause III, para 16 of the old rules contained in Appendix No. 5 to the C.S.R.

This petition, the St. Judge says, was through an oversight not enclosed with the man's pension papers. He has now submitted it to Govt. The Acctt. Genl., who was referred to, says that there is no objection to the 1st request being complied with under art. 264 of the C.S.R. With regard to the 2^d request, it will be seen that, as stated by the Acctt. Genl., the total pensionable service of the petitioner is 21 years, 7 months & 14 days, and that the period by which his pensionable service will fall short of 22 years after granting the first request will be 3 months & 2 days, and not 3 months only, as erroneously calculated by the petitioner.

This deficiency, viz. 3 months & 2 days, exceeds the limit mentioned in article 465 (A) (1) of the C.S.R., and it cannot therefore be condoned either by this Govt. or by the Govt. of India.

The Acctt. Genl., however, says that the petitioner has also rendered acting service of 7 months & 14 days, and that the deficiency of 3 months & 2 days may, if Govt. sees fit, be condoned under art. 465 (A) (2) of the C.S.R., in which case he will be eligible for a pension of Rs. 129-5-0 p.m. equal to $\frac{22}{80}$ of average emoluments reduced by $\frac{4}{40}$ under art. 502, 518/6) & 521 (a) of the C.S.R. in lieu of

the pension of Rs. 123-6-11 already granted.

Regarding the 3^d request, the Acctt. Genl. remarks that the petitioner's claim to a half pension under the old pension rules is inadmissible, as he has not fulfilled the conditions prescribed in art. 451 of the C.S.R.

Orders are solicited as to whether the petitioner's first request should be complied with and the condonation of the deficiency asked for should be allowed.

His character is given as good. Submitted that he may be allowed the concession stated by the Acctt. Genl. to be admitted.

Yes
29
19/6/97

11/6/97
11/6/97

Pension (1897) Department.

CURRENT No. 465

From

The Accountant General

Order

No. 465

Dated 3rd June 97

Received 5th June 97

Registered 5th June 97

Enclosures 3

Spare copies. —

SUBJECT.

Reporting on a petition from Mr. J. P. Fernandez
late DT. Municipal of Paltan, for the grant of an
increased pension.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	368	Pension	10.5.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To.

The Accountant General of
Madras.

Through the District Judge of
South Canara.

Humble petition of J. P. Fernandes,
late 1st Grade District Munsif
of Puttur, Dated 6th March 1897.

Respectfully sheweth,

That with reference
to your Petitioner's application for
pension, submitted by the District
Judge, Petitioner begs to represent that
his active service amounts to 21 years,
7 months and 14 days, exclusive of the
sick leave twice enjoyed by him.

2. That your Petitioner,
while in charge of Kundapur Munsif's
Court, applied by Atillah No. 23
dated 2nd February 1889, for privilege
leave on medical certificate for 1 month
and 25 days, under Section 73, Rule 1 of
the Civil Leave Code, and the endorse-
ment thereon from your office, No. ADH,
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dated

dated 13th February 1889 recommended that Petitioner was eligible for the privilege leave for 1 month & 24 days on the 4th February 1889. But the High Court granted Petitioner privilege leave for only 5 days from the 24th to 28th January and sick leave from the 4th February to the 17th March 1889.

3. That under article 465 A(i) of the Civil Service Regulations, the local Government may, in all cases, condone a deficiency of 3 months in the qualifying service of a retired officer.

4. That under the former Pension Rules, District Munsifs were entitled to half pension after 22 years' active service. Vide Page 363, Clause III, para 16 of the appendix 5 to the C. S. Regulations, Second Edition.

Your Petitioner, therefore, humbly prays that Your Honor will be kindly pleased to recommend to His Excellency the Governor to commute the 5 days' privilege leave granted to Petitioner from 24th to 28th January 1889 into Casual leave

leave and the sick leave granted from 4th February to 17th March 1889 into privilege leave, to which he was entitled according to your office endorsement quoted above, and also to condone, under Article 465 A, clause 1, the deficiency of less than 3 months to make up his active service for 22 years in full, in consideration of his good service.

And your Petitioner shall, as in duty bound,

Ever pray,

Chandras

To

The Accountant General
Madras.

Through the District Judge,
South Canara.

Dated 6th March 1897.

Received.

Enclosure none.

Petition of J. P. Fernandes,
late 1st Grade District Minister
of Cuttur, praying:-

(1) that the 5 days' privilege
leave & sick leave of 1 month
and 14 days granted in 1889
may be commuted into
casual & privilege leave
respectively.

(2) that the deficiency of
less than 3 months may
be condoned to make
up his pensional service
for full 22 years under
the Civil Service Regulations.

No 1386

District Court, South Canara
26th April 1897

1870
From



The District Judge
of
South Canara.

To

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

Sir,

With reference to your letter No.
J. A. C. dated the 23rd Instant, I
have the honor to explain the delay
in the submission of the pension
application of Mr. J. P. Fernandes.

The final order of Government
on the petition of Mr. Fernandes
for further retention in service was
received by me only on 18th January
1897, and until then I was not sure
whether he was to be retired. Mr.
Fernandes retired on 6th February 1897.

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The same day I requested you to forward his Service Register which was received by me on 16th February 1897. As the entries in it subsequent to 1875 had not been filled up, information had to be called for from the Lower Courts as to the details of Mr. Fernandes' services in the several Courts of this District. These details were received in the last week of February and the 1st week of March. His pension application was prepared and forwarded with my letter No 778 i.e. within a month of his retirement. Hence no explanation was submitted when forwarding his pension application.

Mr. Fernandes' application for Condonation of service once sent to you was through an oversight not enclosed with the other papers. It is now enclosed.

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

He fort

District Judge.

Sd.

Forwarding explanation
of delay in the submission
of the Pension application
of Mr. J. P. Terresader,
with reference to the Act.
General's letter No. I-A-8
dated 23-4-97, and inclosing
certain papers called for

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension DEPARTMENT.



FORT ST. GEORGE,

Accountant-General's Office,

No. *922* ^{3rd June} 1897.
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From

*J. C. Harrison Esq.,**Mr* ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE *Secretary to Government*
Pension Department.

SIR,

With reference to your endorsement N^o 26 dated the 19th of May 1897 referring to me for remarks a petition from Mr J. P. Fernandez late a 1st grade District Munsif of Puttur, South Canara, praying for the grant of a pension equal to half of his average emoluments, I have the honour to report, as follows

Mr. Fernandez requests —

- (1) that the 5 days privilege leave which he enjoyed from 24th to 28th January 1889 and the leave on Medical Certificate

that he was absent from 4th February to 17th March 1889 may be commuted into casual and Privilege leave respectively.

(2) That the deficiency of three months in his total service which after such commutation amounts to twenty one years and nine months according to his calculation may be condoned and

(3) That a pension equal to half average emoluments, may be granted to him under clause III paragraph 16 of the old rules contained in Appendix 5 to the Civil Service Regulations.

There is no objection to the request being complied with under Article 264 of the Civil Service Regulations.

With

With regard to the 2nd request I have to observe that the total pensionable service of the applicant as already reported by this office in N^o. 108/22 dated 26th April 1897 is 21 years 7 months and 14 days and the period by which his service will fall short of 22 years after granting the first request will be 3 months and 2 days and not 3 months only as erroneously calculated by the applicant. As this deficiency in his service exceeds the limit prescribed by Article 465 A (1) of the Civil Service Regulations, it cannot be condoned either by the Local Government or by the Government of India. As however he has rendered also acting service amounting to 7 months and 14 days as detailed in the margin, the

from 25.10.73 to 24.11.73	.. 1 ..	deficiency may, if the
4.7.74 .. 17.1.75	= 6.14	Government see fit
	= 7.14	be condoned under Article 465 A (2) of

the Regulations, in which case he can
be granted a pension not exceeding
Rs 129. 5. - per mensem equal to $\frac{22}{100}$ th
average emoluments reduced by $\frac{7}{40}$ th
under Article 502, 518 (b) and 521 (a) of
the Regulations in lieu of the pension of
Rs 123. 6. 11 already granted to him
in Government Order No 368 dated 10th
May 1897.

As regards the 3rd request, I
would observe that the applicant's
claim to a pension equal to $\frac{1}{2}$ average
emoluments under the old pension
rules is inadmissible as he has not
fulfilled the conditions prescribed
in Article 451 of the Civil Service
Regulations.

The endorsement under reply
and its enclosures are returned

herewith

herewith.

I have the honor to be,
Sir,
Your most obed^t. Servant,
J. M. Harrison,
Offy. Accountant General.

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 MEANT FOR DESPATCH
 IN ORIGINAL

N.B. -

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

✓
Certified that the original of G.O. No. 507 Pension

dated the 2.8.99 has been destroyed with

reference to the instructions contained in G.O. No. 6,

Pension, dated 5th January 1898, the Accountant-General

having in his no. $\frac{ACN}{10}$ dated the 14.7.11 reported

the death of the pensioner.

Done

K. H. Cantain

Superintendent,
Pension Branch.

Name of Pensioner.	Designation.	Class of Pension.	Amount.
K. H. Govindawami Naik	Amin, St M. Ct. Mysore	Invalid Pension	Rs 4.1.1