

10-35

Initials of reference.

M.R.O. 1-22,400-22-11-20.

MADRAS RECORD OFFICE.

Government of Madras.

pension DEPARTMENT.

G.O. No.	52	Press
		Mis.
Dated	13. 2	1861.

Not to be folded or roughly handled

948
10/7/25

Madras &
to wit...

I Hyginio D'Souza an Inhabitant
of Madras residing in New Town ^{hereby declare}
on oath that I was entertained as a Writer on
the Establishment of the late Board of
Trade at Madras on the 1st May in the Year
of Our Lord 1817, and served therein up to the
30th April 1821 a period of 4 Years.. I the
said Deponent further declare that on the
1st May 1821, I was transferred from the
Board of Trade Office to that of the Marine
Board, and served therein from that date to
30th September 1824, a period of 3 Years and
5 months; and that from 16th November 1824 to
21st July 1848, a period of 23 Years and 8 months,
I continued to serve in the same Office until
I was pensioned in the Year 1848..

Sworn to before me this 20th
day of November 1860..

W. Metcalke

Magistrate of Police..

H. D'Souza

To
 J. Pycroft Esq.
 Chief Secretary
 to Government
 Port St. George,
 The Petition of Aggino D'Souza
 a Pensioned Clerk of the
 Marine Board Office.

Humbly Sheweth,

1. That in 1848 an application was submitted
 to Government by the Secretary to the Marine Board
 for the grant of a Pension of a moiety of your
 Petitioner's Salary in consideration of his having
 served upwards of 30 years. That thereupon the
 Government referred the application to the Civil
 Auditor for the purpose of verifying your Petitioner's
 period of Service, but in consequence of a portion
 of your Petitioner's Service extending to 4 years
 (i. e. 4 years' Service on the Establishment of the
 late Board of Trade, and 3 years' Service
 in the Office of the Marine Board) not being
 found on Record, the Civil Auditor in
 reporting upon your Petitioner's application
 reckoned only 23 years and 10 months as your
 Petitioner's period of Service, whereupon
 the Government sanctioned a Pension of
 $\frac{1}{3}^{\text{rd}}$ or Purpees $\frac{1}{3}$ of your Petitioner's Salary,
 altho' he was entitled to one half agreeably
 to the Pension Rule, as he had actually served
 upwards of 30 years of continuous Service
 in the same Department, but only the whole
 of this period did not appear on the Records,
 as far as the Accountant General and Civil
 Auditor could discover.

Conceiving

2. Conceiving that your petitioner is able to show satisfactorily that his full period of service extends to upwards of 30 years by the Records of Government or of those of the late Board of Trade and Marine Board, your petitioner now ventures to address you on the subject in order to do so.

3. Your petitioner begs to state that he was at first entertained as a Volunteer in the Office of the Board of Trade in 1815, and served in that capacity for 2 years. At that time there were several other Volunteers in the said Office, who together with a number of extra hands, engaged once a year, were employed in preparing the two sets of Proceedings of the Board of Trade for transmission annually to the Honorable the Court of Directors. For this work the extra hands as well as the Volunteers were paid as Section Writers at the rate of 4 Rupees per Section.

4. It being found that this mode of performing the work entailed great expense on the State, the Board of Trade in 1817, with the sanction of Government discontinued the practice of employing extra hands and instead thereof determined on entertaining 10 hands from the number of Volunteers belonging to the Office on fixed salaries for the special duty of performing the aforesaid work. Under this arrangement the Board of Trade selected 10 hands from the number of Volunteers in the Office, among whom your petitioner was one, and employed them on the aforesaid special duty on fixed salaries of 6 Pagodas or 21 Rupees each. Thus these 10 writers altho' additional to the

the regular Establishment became fixed hands and must be considered as permanent ones, for it was not for a temporary work they were engaged.

5. Your petitioner was therefore entertained as a Writer on the Establishment of the Board of Trade on the 1st May 1817 on the aforesaid salary and served thereon up to 31st April 1821, a period of 4 years.

6. That during this period the salaries of the aforesaid Writers, among whom was your petitioner, were not drawn in the same Bill or Abstract as those of the regular Office Establishment but in the monthly Contingent Bills of the Office of the Board of Trade, the said Bills being duly entered in a book kept for that purpose.

Your petitioner, as well as those of the 9 other writers will appear in these Contingent Bills as having drawn salaries from the General Treasury from 1817 to 1821, and may be referred to if they are on the Records of the General Treasury or Civil Auditor, which it is presumed they must be as being vouchers whereon payments were made.

7. Previous to 1821 the Establishments allowed to the Board of Trade and Marine Board formed one Office consisting of two Departments the same Members and Secretary forming the two Boards. In 1821 the two Boards having been divided, your petitioner with some other writers were transferred to the Department of the Marine Board, wherein your petitioner continued to serve from 1st May 1821 to 31st September 1824, a period of 3 years and 5 months.

8. That on the abolition of the Board of Trade in October 1824, your petitioner along with some others were removed from their

their posts in the Marine Board Office to make room for some of the Writers of the Board of Trade Office who were transferred to the Marine Board Office, but owing to profits of business consequent on the 1st Purchase War, your petitioner was employed within a month in the same Office viz. on the 1st November 1834, from which date your petitioner served as a Supernumerary to the regular Establishment up to 31st January 1838, a period of 3 years and two and a half months. During this period also the salaries of your petitioner and the others were not drawn in the Office abstract but on separate bills, and your petitioner's name will appear in them if referred to.

9. From 1st February 1838 to 31st July 1848, a period of 10 years and 5 months your petitioner served on the regular Establishment of the Marine Board Office. Thus commencing from 1st May 1837 on which date your petitioner was first entertained, and ending 31st July 1848, your petitioner's service extends over a period of 11 years, which he humbly trusts he will be allowed to reckon as continuous and such as entitles him to the rate of Pension allowed by the Superannuation Pension Rules which were in force when he entered the Public Service for he had already served full 20 years reckoning from 1817, when the Revised Superannuation Rules came into force in 1837.

10. That in 1837, i. e. 20 years after your petitioner had entered the Public Service, the Revised Superannuation Pension Rules were established extending the period of service from 15 to 20 years to entitle the Government Servants to $\frac{1}{3}$ Pension and from

from 20 to 30 years to entitle them to Half Pension.

11. Your petitioner therefore humbly submits that the Revised new Rules cannot in fairness be made to have retrospective effect in cases where a Public Servant had already served a period of 20 years under the Old Rules, and who entered the Public Service and continued to serve therein under far different prospects than the new Rules offer, and hence he ventures to express his hope that the new Rules established in 1837 may not be made applicable to him.

12. Your petitioner begs further to represent that in January 1848 having become incapacitated from infirmity and old age to continue in the efficient performance of his duty, he laid his application before the Marine Board requesting to be transferred to the Pension Establishment, with a solicitation that, in consideration of his long, diligent, and faithful service, and good Conduct, besides his having entered the Public Service and served therein during a period when 20 years service entitled a servant to Pension of $\frac{1}{3}$ of his salary, he may be recommended for a Pension of $\frac{2}{3}$ of his salary, viz. 4 Rupees or 14 Rupees per mensem in consequence of his service being upwards of 30 years.

13. The Marine Board submitted this application to Government with their favourable support, and a recommendation that at least a Pension of a moiety of his salary viz. Rs. 10. 8. may be granted him.

The

14. The Government in their order No 38 dated 24th January 1848 upon the application directed the Civil Auditor in communication with the Accountant General to verify your petitioner's period of service and his average salary per mensem for the last 5 years and the Civil Auditor in his Letter to Government dated 4th July 1848 reported that the Records of the late Board of Trade lodged in the Accountant General's Office were in a state of Confusion and neither the Accountant General nor Civil Auditor were able to discover whether and for what period your petitioner had served formerly in the Office of the Board of Trade, adding however that your petitioner's service which could be verified was 23 years and 10 months and his average salary 21 Rupees per mensem. Whereupon the Government without making any reference on the subject to the Marine Board or calling upon your petitioner to prove the correctness of his statement with regard to the period of his service authorized the grant of a Pension of only 1/3rd or 7th of his monthly salary, altho he was entitled to at least one half of his salary agreeably to the Pension Rules and which your petitioner cherished the hope the Government would in their liberality have granted if not a higher rate.

15. Your petitioner begs leave moreover to state that subsequent to the Government granting the aforesaid Pension to your petitioner.

petitioner a Book belonging to the Records of the Board of Trade which appears to have been mislaid and not forwarded with the other Records to the Accountant General was found in the Marine Board Office containing Copies of the Contingent Bills of the Board of Trade from 1808 to 1824, a period of 17 years wherein your petitioner's name among others appears duly entered as having drawn salary from the General Treasury and consequently as having been employed as a Writer on the Board of Trade Establishment from 1st May 1817 to 30th April 1821. This Book may serve ~~as~~ as a proof in support of your petitioner's statement and may be called for and inspected by the Civil Auditor, independent of which the original Contingent Bills of the Board of Trade upon which the General Treasury made payments must show that your petitioner's salary was drawn in that manner and consequently that he had been employed on that Establishment for the aforesaid period. Therefore your petitioner begs a reference to these Bills may be made if practicable.

16. Besides this your petitioner's hand writing is to be found even now on the Records of the late Board of Trade and Marine Board in the Acts of Proceedings of those Boards, the forms of which are lodged in the Accountant General's

General's Office. These will testify to the fact of your petitioner having served in that Office as a Writer, and his hand writing can be even now attested as such by the old Writers who served with your petitioner in the Board of Trade Office and who are now in the Marine Board Office.

17. In further support of your petitioner's statement as to his period of service in the Board of Trade Office your petitioner begs to represent that the Superannuation Rules provide that "if the Records of the Office in which the applicant had been previously employed do not show his service, a written statement verified by the solemn affirmation of the applicant before a Magistrate on such points as are necessary shall be obtained and forwarded" in accordance with this Rule your petitioner has made the necessary Declaration before a Magistrate and begs herewith to forward the Affidavit.

18. Your petitioner humbly begs to express his hope that the circumstances above detailed will suffice to establish the fact of your petitioner having actually served in the Office of the Board of Trade for several years previously to his transfer to the Marine Board Office, and if the Government will consider it necessary that his period of service should be sacrificed your petitioner begs that the Civil Auditor may

Sup. Pen. Rules
Sec 9.
Art. 9. 11 June
1850.

may be called upon to report on the matter, when your petitioner humbly conceives that that authority will discover that your petitioner's service actually extends to upwards of 30 years at least, and not 23 years and 18 months as before reported.

19. On receipt of the Civil Auditor's Report which your petitioner humbly trusts will show that your petitioner's service actually extends to 30 years, your petitioner earnestly prays that, in consideration of your petitioner having been so long in receipt of a less amount of Pension than he is entitled to, agreeably to the Regulations, the Government will, in their strict sense of justice and generosity be pleased to sanction a Pension of a moiety of the monthly salary your petitioner drew, from the date he was pensioned, viz. Rs 10-8-0 and to authorize him to draw the difference between Rs 10-8-0 and 5-0-0.

20. Your petitioner being now old and infirm and his days numbered, he humbly trusts that this indulgence will be conceded, so that it may render his remaining short period of existence somewhat comfortable, without being subjected to the penury

penury and distress he has hitherto
endured from the inadequacy of his
Pension -

21. In which act of benevolence your
petitioner will be deeply grateful to
your Honor and the Government, and
as in duty bound -

Will Ever Pray.

J. B. S. Longa

Madras

5th December 1860

Madras

Marine Suppl^y Office20th December 1860

From

J. J. Franklin Esquire
Superintendent of Marine

To

J. Pycroft Esquire
Chief Secretary to Government
Fort Saint George

Sir

I have the honor to submit the accompanying petition from Mr. Higgins Deslaur, formerly a writer on the establishment of the Marine Board, who was pensioned on 7 Rupees a month, (the third of his salary) under orders of Government dated the 22^d July 1848, N^o 224.

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The Marine Board in applying for Mr. Deslaur's pension recommended, if the statements of his service, which he represented to have exceeded 30 years, proved correct, that he might be allowed the moiety of his salary, or 10½ Rupees a month. The verification could not be effected in this office, as the early years of his service had been passed in the Board.

Board of Trade, and the records of that office
had been made over to the Accountant General.
The Civil Auditor was likewise unable to
certify to more than ^{years. Months} 23-10 actual service,
and upon that the pension of one third
of his salary was granted under the Pension
Rules of 1831.

3 Since this our old contingent
charge account of the Board of Trade has
been found in my office, commencing from May
1808 and ending in the same month of 1818.
In this Mr. De Souza's name appears as
receiving pay from the 1st May 1817 to the
end of the period comprised in the account.
This is therefore clear evidence of his having
been entertained from that date according
to his own statement. It is, however, equally
clear that notwithstanding his engagement
was uninterrupted, he was on an extra establishment,
and did not come on the fixed establishment
till the 1st February 1828.

4 Mr. De Souza now prays that
the proper officer may be instructed to re-
examine the records of his service with the
aid of the lately found book, which is
herewith forwarded; and if that officer is
satisfied from that and the declaration on
oath

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oath attached to the petition that his services
did extend over the period of 30 years, that
the Government will be pleased to reconsider
their former orders and grant him the half
of his salary from the date on which he
was pensioned.

5 Mr. De Souza moreover points
out, and I think this view of the subject is
deserving of consideration, that at the time he
became a fixed servant of Government the
Superannuation Rules of 1827 were in force.
These Rules permitted to a public servant
of his grade incapacitated by sickness or old
age from a continuance of his duties, the grant
of a pension of $\frac{1}{3}$ salary after 15 and not
less than 22 years service, and of $\frac{1}{2}$ salary
after the last named period.

6 With these observations I beg
respectfully to leave the case for the consideration
of Government, believing that they will take
a favorable view of it if such can be done without
infringing any distinct Rules laid down for
observance on such occasions.

I have the honor to be

Sir

Yours Most Obedient Servant

Wm. Macdonald

Superintendent of Marine

Civil Audit Office
Fort Saint George
26th January 1861

General Dep.

From, W. S. Paynor Esq.
Off^r Civil Auditor.

To, J. Pycroft Esq.
Chief Secretary to Government.

Sir,

With reference to the order of Govt.
dated 10th Instant, referring for report an application
for an increased rate of Pension to Mr. D'Souza,
formerly a writer on the Establishment of the Marine
Board, I have the honor to state that the period
of Mr. D'Souza's service, which admits of verification
from the records of this office amounts, as stated
in the report of the Civil Auditor dated 17th July
1848, N^o 33, to 23 years & 10 months viz:-

From May 1821 to September 24. 3-5-0
" " February 1828 to June 1848 = 20-5-0
Total 23-10-0

Of the two periods then called
in question - the first of 4 years, from May 1817 to
April 1821, during which Mr. D'Souza states he
was employed on a fixed salary on the additional
Establishment of the Board of Trade in preparing
the Proceedings of the Board for transmission
annually to the late Court of Directors; was referred
for verification to the Accountant General, who however

was

From Civil Auditor
to the General Dep.
17th July 1858.
From Civil Auditor
to Civil Auditor
17th July 1848.
C. M. D. D. D.
22nd July 1848.
N^o 224.

Forwarded to the Civil Auditor
for report with reference to the correspondence
noted originally.

Fort St George
10 January 1861

N^o 224
C. M. D. D. D.

To the Civil Auditor - 26/1/61.

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Separate
Table 1860 Departs

From N^o 716

The Superintendent
of Marine

The Chief Secretary
to Government

Under Secy
Fort St George
Grand 21st December 1860

N^o 5924
Which and Government
for the purpose of consideration
of Government the accompanying
petition from Mr. D'Souza
D'Souza formerly a writer on
the establishment of the
Marine Board who was joining
on one third of his salary
to living under the circumstances
of his case that he may be allowed
the moiety of his salary from the
date on which he was pensioned
forward a Board in which
Mr. D'Souza seems to have been
long from the 1st May 1817

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1426

was unable to find in his office the Records appertaining to the Board of Trade, which he reported to be missing. A portion of this period, i.e. up to May 1818 has now been verified from an old Contingent Bill Book since discovered in the Marine Board office.

3^d

As regards the second period of 3 years, 2 months & 15 days, viz. from 16th November 1824 to 31st July 1828, Mr. D'Souza asserts that he served in the Marine Board office as a supernumerary to the regular establishment in consequence of a press of work arising from the 1st Burmese War. The period cannot be verified by this office, the charges appertaining to the Expedition to Burmah not appearing in the Civil Books. but the assertion is borne out by his affidavit, as required by G. O. dated 11th June 50, which embraces the full period of his service from May 1817 to 21st July 1848, showing it to have been continuous with the exception of a break of 1 1/2 month from 1st October to 15th November 1824.

4

In the absence of records, Mr. D'Souza's affidavit would be sufficient, under the rules, to reckon the time not capable of being otherwise verified, and which makes up the period of his service to 31 years & 15 days. But it is to be remarked that the time in question was not occupied on the regular establishment. and even admitting the first period of 4 years during which the applicant, although on an additional Establishment, was not employed on mere temporary work but on a regular duty of the office, and may therefore be allowed the benefit of the time. There

still

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Still remains the second period of 3 years, 2 months & 15 days, which appears to me to be clearly temporary, & to bar his claim to a higher rate of pension, as without it the period of service falls short of 30 years, the time necessary to give a title to pension equal to 1/2 salary.
5th The enclosures are herewith returned.

I have the honor to be,
Sir,

Your most obedient servant

[Signature]
Off^r Civil Auditor.

[Signature]

Public Department
 Separate Proceedings of the Madras Government
 Read the following
 From the Superintendent of
 Marine dated 20th Decr 1860.

From the Civil Auditor
 dated 26th Jan 7 1861 -

Order thereon dated 12th February 1861 No 52

Mr. D' Souza was
 recommended for
 pension by the Marine
 Board in 1848.

2. In the Register
 of application sub-
 mitted with the
 Secy's letter dated 24th
 Jan 7 of that year, the
 aggregate of service
 admissible under the
 pension rules was
 entered as 30 years and
 7 months. Of this period
 23 years and 10 months

Copy to Public 1861 Sep 1861
 From H. A.
 The Civil Auditor
 to the Chief Secretary
 to Government
 Dated 26th Jan 7
 Received E. J. [unclear] 1861
 No 57
 No 57
 Reported on the [unclear]
 of Mr. H. D' Souza formerly
 a member of the [unclear]
 of the Marine Board.

was verified by the Civil
Auditor. The remainder
was made up of 4 years
stated to have been paid
in the Office of the late
Board of Trade, and
3 - 2 - 15 in the Contingent
establishment of
the Marine Board. These
latter portions could
not be verified, as the
pay abstracts of the Office
of the Board of Trade
were not to be found,
and the charges for
additional establishment
for the Marine Board
during the Rangoon War
did not appear in the
Civil Accounts. Under
these circumstances,
Mr D'Souza was pen-
sioned, at the same
rate, as P. T. K. M.

Civ. Aud^r Man.
Chap. III 119.

5
Sd^o declining to exempt
him from the operation
of the order dated 19th
Decr 1837.

3. The Superinten-
dent of Marine
now reports that in
an old Contingent
Charge account of
the Board of Trade,
which has lately come
to light in his Office,
there are entries show-
ing that Mr D'Souza
received pay from
1st May 1817 to the
end of the period
comprised in the
account viz May
1818. Mr D'Souza
now prays that fur-
ther search may be
made with the ad-

of this newly discovered
document, and that
if this ~~was~~ additional
evidence and the Offi:
-sail he now submits
he held sufficient to
bear out his assertion,
Govt. will grant him
the higher rate of pen-
sion -

4. Mr. A. the G.
in C. observes that,
even admitting as
correct Mr. D'Souza's
statement regarding
that portion of his
service which the Civil
Audit is unable to
verify, it is quite clear
that the greater portion,
if not the whole, of
it was passed on con-
tingent or temporary
establishments, & that

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In a letter from the Super-
intendent of Marine to the
Chief Secretary to Government
Fort Saint George dated
21st December 1860 No:
5924. —

the aggregate of ad-
-missible service, i.e
of service in perman-
-ent appointments,
cannot, by any mode
of reckoning, be ~~made~~
brought up to 30
years.

The Govt must
adhere to the decision
they have already
come to.

d. G.

JP

To The Superintendent of Marine Des. 12/2/61.

Sept 1864
Feb 1864 Depart

1852

Proceedings of the

Feb 12 - January 1864

Declaring to find a
higher rate of interest to be
advisable than what has already
been paid.