1. [illegible] 14
2. Date of record: 5-8-25
3. Initials of Reference:

M.R.O. 1—32,400—22-11-20.

MADRAS RECORD OFFICE.

Government of Madras.

Pension **DEPARTMENT.**

G.O. No. 57	Press ~~Mis.~~
Dated 4 - 3	1868

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

4th March 1863, No. 57.

Pension.

Read the following papers:—

From the Acting Collector of South Canara, dated 4th October 1862, No. 16.
Report of the Civil Paymaster, dated 9th January 1863, No. 5.

ORDER THEREON, 4th March 1863, No. 57.

With his letter recorded above the Acting Collector of South Canara submits applications for pension on behalf of two superannuated servants on his establishment.

2. The first applicant, Ramayyar, has served only nine years in grades which can be verified by the Civil Paymaster, but, according to Mr. Hodgson's report, he was employed previously for nearly twenty-six years in the capacity of a Village Manegar. During that period, Mr. Hodgson states, he drew pay from the lump sum sanctioned for village establishments. The Civil Paymaster doubts therefore whether, under the rule quoted in the margin, that part of Ramayyar's service can be computed towards pension.

" Persons employed by public officers who draw a fixed monthly allowance for writers, with the detailed distribution of which the Government does not interfere, are not entitled to superannuation pension." (Extract Minutes of Consultation, dated 13th February 1838, No. 242).

3. The Governor in Council is clearly of opinion that the rule in question applies only to office establishments properly so called, to clerks and menial attendants, that is, who may be regarded as the private servants of the head of the office, being paid by him at rates fixed by himself. If, therefore, no other objection exists but that urged by the Civil Paymaster, this applicant may be allowed to count his service as a village officer towards pension.

4. His Excellency in Council entertains some doubt, however, as to the general admissibility of such service on other grounds. The duties performed by village servants are hardly such as to entitle them to pensionary support. Manegars are hereditary officers, and when any individual, not being a Mirasidar, is employed in that capacity, it is generally as a temporary expedient.

5. His Excellency in Council is not aware that hereditary office-bearers have ever been admitted to pension, while, on the other hand, it is an established rule that temporary employment, however long it may last, confers no claim to pension or gratuity. Further, Manegars are not included in the list of officers considered eligible for pension in the first appendix to the Rules of 1851.

6. Under these circumstances, His Excellency in Council requires further information in regard to this case. The Collector is accordingly requested to state the circumstances under which Ramayyar became employed as a village officer, and the nature of the duties performed by him. The report should be submitted through the Civil Paymaster, who will be good enough to add any remarks that may seem called for.

7. The second applicant, Mr. F. J. Brito, has served altogether for upwards of forty years, but a break occurs in the twenty-fourth year owing to his having resigned his appointment.

8. In connection with this break the Civil Paymaster observes that "in the Order of the Government of India, dated 7th May 1860, No. 4020, it is ruled that an officer resigning the service and getting employed again is not allowed to count his service prior to resignation towards pension, if the break between cessation of duty and re-employment was above twelve months."

9. Having obtained a copy of the above Order from the Civil Paymaster, and having referred to the original Resolution* of which that order is explanatory, His Excellency in Council is of opinion that the ruling, that anterior service is forfeited by resignation, is absolute, whatever may be the duration of the break following such resignation. His Excellency in Council is aware that, as a general rule, twelve months are allowed to elapse between two periods of service without the former being forfeited, but the order quoted by the Paymaster seems to admit of no such indulgence. On the contrary it draws a distinction between cases where the break is for the convenience of Government, and where, as in the present case, it is the voluntary act of the officer himself. "In the latter case," it is stated, "the time cannot be counted for a pension." His Excellency in Council resolves, therefore, to request the Civil Paymaster to explain the grounds on which he holds that twelve months' grace may be allowed from the date of resignation.

10. Pending the decision of this main point, it would be useless to discuss the minor question whether, in a case where twelve months' grace is allowed, re-employment within that period in a *temporary* capacity is sufficient to save to the officer that part of his service which preceded the break.

11. With reference, however, to the Paymaster's statement that, if Mr. Brito's former period of service be disallowed by reason of the break exceeding twelve months, he can only count eighteen-and-a-half years for a gratuity, His Excellency in Council would draw that officer's attention to the Order of Government, dated 16th March 1857, No. 60, recorded in the Civil Auditor's Manual at Chapter III, Section 160 (*b*). It would appear from that ruling that, unless resignation absolutely renders anterior service of no effect as regards claim to pension (and this is not the Paymaster's opinion), Mr. Brito would be entitled to count the whole of his service *for a gratuity*, whether the break therein exceeded twelve months or not.

12. His Excellency in Council desires that hereafter a separate report may be submitted on each application for a pension. The Civil Paymaster will, therefore, return for revision any register which may combine two or more cases in a single sheet, with an intimation that the practice has been found inconvenient.

(True Extract.)

W. H. KERR,
Deputy Secretary to Government.

To the Acting Collector of South Canara.
" Civil Paymaster.

Exd. T. O'Connor.

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* 8th March 1860, No. 1717.

803

3

No. 27.

South Canara Collr's Office on Circuit,
Kasergode, 19th November 1862.

From
A. P. Hodgson Esqre
Acting Collector of South Canara

To
The Officiating Civil Paymaster
Fort St. George

Sir,

Manager, Hattackary 1st June 1827
to 15th Jany 1831.
Ditto, Cumbla — 16th Jany 1831
to 25th Jany 1836.
Ditto, Punjur 26. Jany 1836
to 21st May 1841.
Ditto, Cumbla, 22nd May 1841
to 11 June 1850.
Ditto Nelleshwar, 12 June 1850
to 10 May 1853.

With reference to your Memorandum, dated the 6th Instant, No. 531, I have the honor to state that Ramaya was employed as a Revenue Manager from 1st June 1827 to 10th May 1853, & paid out of the allowance for Village Establishments. His name consequently did not appear in the returns furnished to the Audit Office, in which the pay of the Village Establishments had been shewn in the lump.

I have the honor to be,
Sir,
Your most Obt Servt.
Arthur P. Hodgson
Acting Collector

D/
8332

The Acting Collector of
S. Canara.
To
The Offg Civil Pay Master
Fort St George.

Dated 19th
Received } November 1862.

No. 27.

Stating with reference to his Memo of the 6th Instant No. 531, that Ramayya therein referred to, having been from 1st June 1827 to 10th May 1853, paid from the Village Establishment, his name did not appear in the Returns furnished to the Audit Office.

5

Statement shewing the Services of Francis Joseph Brito, late Certificate Clerk of the Mangalore Sea Customs House.

CIVIL PAYMASTER'S OFFICE 13 OC 1862

19 20 21 22 23

Employment	Period of Service	in each y. m. d.	Monthly Pay Rs. a. p.
Writer in the Zilla Court, North Malabar, at Tellicherry	From 26th August 1818 to 30th April 1823	4. 8. 6.	17. 8. ..
Without employ	" 1st to 31st May 1823		
Temporary appointment	" 1st June 1823 to 30th June 1824		
Writer in the Provincial Court at Tellicherry	" 1st July 1824 to 30th June 1827	3	42 .. ..
Ditto	" 1st July to 5th December 1827	.. 5. 5	40 .. ..
Land Customs Head Writer, Collector's Office, Mangalore	" 6th Decr 1827 to 28th Feby 1829	1. 2. 23	70 .. ..
Ditto	" 1st March 1829 to 31st October 1830	1. 8. ..	50 .. ..
Post Office Clerk of Mangalore	" 1st Novr 1830 to 15th March 1834	3. 4. 15	35 .. ..
Ditto	" 16th March 1834 to 30th June 1838	4. 3. 15	28 .. ..
Ditto	" 1st July 1838 to 28th February 1842	3. 8. ..	35 .. ..
Without employ	" 1st March to 30th November 1842	9	
Temporary appointment	" 1st December 1842 to 31st May 1843	6	
Without employ	" 1st June 1843 to 28th January 1844		
Certificate Clerk	" 29th January 1844 to 31st October 1846	2 9 3	25 .. ..
Ditto	" 1st November 1846 to 15th August 1850	3. 9 15	30 .. ..
Ditto	" 16th August 1850 to 31st July 1862	11 11 16	25 .. ..
	Total	40. 10. 8.	

Collector's Office
Mangalore
4th October 1862

Arthur

Acting Collector.

7

Statement shewing the Services of Ramaya, late Salt Mutsadi of Cundapur.

Employment.	Period of Service in each.	y.	m.	d.	Monthly Pay. Rs	a	p
Monegar of Caulcutchery, in Bekul.	From 1st June 1827 to 15th January 1831	3.	7.	15.	12.	"	"
Monegar of Coombla, in Do	" 16th January 1831 to 25th January 1836	5.	"	10	12.	"	"
Monegar of Gurpur in Mangalore.	" 26th January 1836 to 20th May 1841	5	3	25.	12.	"	"
Monegar of Coombla, in Bekul.	" 21st May 1841 to 11th June 1850	9.	"	22.	12.	"	"
Do of Nileshwar in do	" 12th June 1850 to 10th May 1853	2.	10	29	17.	8	"
Salt Mutsady of Meerady, in Cundapur.	" 11th May 1853 to 15th March 1857	3.	10	5	24	8	"
Peshcar of Malki	" 16th March 1857 to 15th Decr 1860	3.	9.	"	35.	"	"
Without employ	" 16th December 1860 to 5th March 1861	"	"	"			
Acting Sub. Magistrate at Cumpta, in North Canara.	" 6th March 1861 to 24th March 1862	1.	"	19	50.	"	"
Salt Mutsadi in Cundapur	" 25 ~~15~~th March to 31st July 1862	"	4	6	24	8	"
	Total	34.	11	11			

Collector's Kacheri,
Mangalore,
4th October 1862.

Ashmit Han...
Ag Collector.

Lr No 101

Enclosure No 2

To a letter from the Acting Collector of S. Canara to the Chief Secretary to Government Fort St George, dated 4th October 1862 No 101.

~~Statement shewing the Services of~~
~~F. J. Pinto, late Certificated Clerk~~
~~of the Mangalore Sea Custom House~~

No. 16.

Collector's Kachari,
Mangalore, 4th October 1862.

CIVIL PAYMASTERS OFFICE *
13 OC
1862

From
A. P. Hodgson Esqre
Acting Collector of South Canara
To
T. Pycroft Esqre
Chief Secretary to Government
Fort St. George

Sir,

I have the honor to forward a Register of applications for Superannuation pension in favor of two servants on my Establishment who are unfit for further active service from old age and infirmity. Medical Certificates to this effect, and Statements of their services are herewith forwarded.—

I have the honor to be,
Sir,
Your most Obedt Servant.

Arthur P. Hodgson
Acting Collector

Pen. No. 401

Enclosure No. 2.
In a letter from the Acting Collector of S. Canara to the Chief Secretary to Government, Fort St. George, dated 4th October 1862 No. 16.

Service list
Ramaya

Statement shewing the Services of Ramaya, late Salt Mahadi of Cundapur.—

11

A. P. HODGSON
8 SEP
1842

I hereby certify, that I have Examined Ramiah, and am of opinion, that he is incapacitated from the performance of duties requiring much bodily activity by the infirmity attendant upon old age.—

There is no reason whatever to think, that his disease or general infirmity has been caused by intemperance or other irregular living.—

Mangalore
7th September 1842.

Zila Surgeon

401
5 Enclos

Pension 1862 Department.

From
The Acting Collector of
S. Canara

To
The Chief Secretary to
Government.

Vide Pros: 18th April 1863 No. 106

Dated 4th } October 1862.
Received
21st January 1863. No. 16.
No. 26
Enclosures 5.

Forwarding a Register of Applications for Superannuation Pension in favor of two Servants on his Establishment.

7233

Enclosure No. 4
in a letter from the Acting Collector
of S. Canara to the Chief Secretary
to Government, Fort St. George, dated
4th October 1862 No. 76.

Medical Certificate in the case of
Ramayya, late Stall Mutsadi of
Candapur.—

A. P. HODGSON. 8 SEP 1859

13/

I hereby certify that I have examined Mr Waite and am of opinion that he is incapacitated for further service in consequence of his age and general debility.

He also suffers from Piles which prevent him from sitting long or walking far.

There is no reason whatever to think that his disease or physical infirmity has been caused by intemperance or other irregular living.

Kingstown
8th September 1862.

G. Macaughton

Enclosure No. 5.
In a letter from the Acting Collr
of S. Canara to the Chief Secretary
to Government, Fort St. George,
dated 4th October 1862 No. 16.

2 Medical Certificate in the case
of F. J. Brito, late Certificate Clerk
of the Mangalore Sea Custom House.

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following

From the Ag Collector of S. Canara } (Proceedings 4th October 1862 No. 16)
Report of the Civil Paymaster (" 9th Jany 1863 No. 5)

Order thereon 4th March 1863 No. 57

With his letter recorded above the acting Collector of S. Canara submits applications for pension on behalf of two superannuated servants on his Establishment.

2 The first applicant, Ramayyar, has served only 9 years in grades which can be verified by the Civil Paymaster, but, according to Mr. Hodgson's report, he was employed previously for nearly 26 years in the capacity of a village Manegar. During

that period, Mr Hodgson states, he drew pay from the lump sum sanctioned for Village Establishment. The Civil Paymaster doubts therefore whether, under the rule quoted in the margin, that part of Ramayyar's service can be computed towards pension.

"Persons employed by Public Offices, "who draw a fixed monthly "allowance for writers, with "the detailed distribution of which "the Govt. does not interfere "are not entitled to super- "annuation Pension." S. M. C. 1374 1830-40 p. 222

3 The G. in C. is clearly of opinion that the rule in question applies only to Office Establishments properly so called, to clerks & menial attendants, that is, who may be regarded as the private servants of the Head of the Office, being paid by him, at rates fixed by himself, ~~[illegible]~~ ~~[illegible]~~ ~~[illegible] of his salary.~~ If therefore no other objection exists, but that urged by the Civil Paymaster this applicant may be allowed to count his service as a Village Officer towards pension.

4 H.E. in C. entertains some doubt, however, as to the general admissibility of such service on other grounds![a] Maniyars are hereditary officers, and when any individual, not being a Mirasidar, is employed in that capacity, it is generally as a temporary expedient.

5 H.E. in C. is not aware that hereditary office-bearers have ever been admitted to pension, while, on the other hand, it is an established rule that ~~a~~ temporary employment, however long it may last, confers no claim to pension or gratuity. Further, Maniyars are not

[a] The duties performed by village servants are hardly such as to entitle them to pensionary support.

included in the list of Officers considered eligible for pension in the first appendix to the Rules of 1851.

6 Under these circumstances H. E. in C. requires further information in regard to this case. The Collr is accordingly requested to state the circumstances under which Ramayyar became employed as a village officer, and the nature of the duties performed by him. The report sd be submitted thro' the Civil Paymaster who will be good enough to add any remarks that may seem called for.

7 The second applicant, Mr F. J. Brito, has served altogether for upwards of 40 ~~[illegible]~~ years, but a break occurs in the 24th year owing to his having resigned ~~[illegible]~~ his appointment,

Note. From Mr Pelly's letter dd 16 Jan 62 it wd appear there are but 30 Maniegars in the whole of Canara, the majority of the Officers usually known under that designation being termed Potails. The applicant when employed as a Maniegar received from 12 to 17½ Rs per mensem

19

8 In connection with this break the Civil Paymaster observes that "in the ~~Res.~~ order "of the Govt of India dd 7 May 60, No 4020 it is "ruled that an officer re-"signing the service, & getting "Employed again is not "allowed to count his "service prior to resignation "towards pension, if the break "between cessation of duty "and re-employment was "above 12 months".

Having obtained a copy of the above order from the Civil Paymaster, & having referred to the original Resolution× of which that order is Explanatory, H. E. in C. is of opinion that the ruling, that anterior service is forfeited by resignation, is absolute, whatever may be the duration of the break following such resignation

× 8th March 1860, No 1717

H. E. in C. is aware that, as a general rule, twelve months are allowed to elapse between two periods of service without the former being forfeited, but the order quoted by the Paymaster seems to admit of no such indulgence. On the contrary it draws a distinction between cases where the break is for the convenience of Govt., and where, as in the present case, it is the voluntary act of the officer himself. "In the latter case", it is stated, "the time "cannot be counted for a "pension." H. E. in C. resolves therefore to request the Civil Paymaster to ~~state~~ explain the grounds on which he holds that 12 months' grace may be allowed from the date of resignation.

What time?
The break [illegible]
This is indicated in the
Resolution of March 50, but
the object of the 2nd Sec. of [illegible]
is to explain what [illegible]
time is [illegible] is the place
of [illegible] grace during the
break

10 Pending the decision of this main point, it would be useless to discuss the minor question, whether, in a case where 12 months' grace is allowed, re-employment within that period in a temporary capacity is sufficient to save to the officer the part of his service which preceded the break.

11 With reference however to the Paymaster's statement that, if Mr. Brito's former period of service be disallowed by reason of the break exceeding 12 months he can only count 18½ years for a gratuity H. E. in C. would draw that Officer's attention to the order of Govt 16 March 1857, No. 60, recorded in the Civil Auditor's Manual at Chap. II. Sec. 160(6). It would appear from that

ruling that unless resignation absolutely ~~invali-~~ renders ~~nugatory~~ ~~later~~ anterior service of no effect as regards claim to pension (and this is not the Paymaster's opinion), Mr. Brito would be entitled to count the whole of his service for a gratuity, whether the break therein exceeded 12 months or not.

2. H.E. in Council desires that hereafter a separate report may be submitted on each application for a pension. The Civil Paymaster will therefore return for revision any Register which may combine two or more cases in a single sheet, with an intimation that the practice has been found

inconvenient

1.

To The Ag. Collector of S. Canara Dt. 14th March 63
" — Civil Paymaster — Dt. do

Pensions

Pension 1863. Department.

No. 57

PROCEEDINGS OF GOVERNMENT,

F No 3177

Dated 4th March 1863

Passing orders on the applications submitted by the Ag Collr of South Canara for pensions on behalf of two superannuated Servants on his Estabt

57

9026