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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 75 ~~Press~~ Mis.

Dated 25 3 1863

Not to be folded or roughly handled

Judicial Department.

No. 44.

From

A. J. ARBUTHNOT, Esq.,
Chief Secretary to the Government of Fort Saint George,

To

The SECRETARY to the GOVERNMENT of INDIA,
Financial Department.

Sir,

I am directed by the Governor in Council to solicit an early reply to my letter of the 22nd August 1862, No. 1,374, urging a reconsideration of the recent ruling that service on the Establishment of a Sudder Ameen or a District Munsiff does not entitle to pension or gratuity. Pending the receipt of further orders on this subject numerous applications from servants so employed are lying over in abeyance.

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

Fort Saint George,
13*th January* 1862.

Chief Secretary.

Exd. T. McMootry.

JUDICIAL DEPARTMENT.

No. 1,374.

FROM

T. PYCROFT, ESQ.,
Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to request that the Government of India may be moved to reconsider their recent ruling that servants on the establishment of a Sudder Ameen or a District Moonsiff, are not entitled to either pension or gratuity on retirement from the public service.

2. Hitherto they have usually been admitted to pension, but in June 1861, this was objected to by the Civil Paymaster, who quoted an Extract from a letter from the Government of India of the 21st May 1861, No. 6,347, paragraph 2, which runs thus:

"Persons employed by Public Officers (such as Moonsiffs and Deputy Collectors) who draw a fixed monthly allowance for works, with the detailed distribution of which the Government does not interfere, do not receive pay directly from Government, and cannot, therefore, be held to be entitled either to pension or gratuity."

3. The actual position of the Sudder Ameen and District Moonsiff's Establishments, is thus described in a Memorandum, 4th July 1861, from the late Sudder Court:

"District Moonsiffs and Moofty Sudder Ameens draw a fixed monthly sum for their Establishments, to be appropriated *with the sanction of the Zillah Judges,* in such manner as may contribute most to their efficiency; the appointment and removal of servants on their Establishments being vested in the Zillah Judges, and the Government does not interfere in the disbursement of the authorized allowance, or in the rates of pay, &c., for each servant entertained."

4. This Memorandum was communicated to the Civil Paymaster, and he was requested to make a further reference to the Government of India. He did so, and was informed in reply, 29th January 1862, that servants on District Moonsiffs' Establishments are not entitled to pension.

5. I am desired to state that, in the opinion of the Governor in Council, the Establishments of the District Moonsiffs of this Presidency should not be placed in the condition above adverted to. There appears to be no reason why a fixed Establishment should not be assigned to every District Moonsiff, as it is to every Talook Tahsildar. In this opinion the late Sudder Court entirely concur, and they have submitted as per margin, a scale of Establishments according to the revised rate recently sanctioned for a District Moonsiff's Court, viz., Rupees 120 a month.

9 *Goomastahs, one on Rupees 20, one on 14, two* at 11 each, and five at 10	Rupees	106
2 Peons on 5	„	10
1 Massaljee and Sweeper	„	4
	Rupees	120

6. The Government have sanctioned the adoption of this scale from the 1st proximo. I am to submit that a system which leaves the arrangement of the servants in these Judicial Establishments to vary according to the discretion of the several *Zillah* Judges, and, still more, which, on that ground, debars them from pension is very objectionable. There appears no reason why they should not be admitted to pension just as much as Moonshees or Goomastahs in a Talook Cutcherry. It has lately been an object to improve the condition of the District Moonsiffs' Courts. No greater incentive can be afforded to good conduct on the part of Native servants than the prospect of being able to retire on a pension when incapacitated for further labor. The great advantage of being able to hold out this inducement enables the Government to secure service on lower terms than they would otherwise have to offer, and gives them a strong hold over their servants whilst in their employment. The system of giving this class of servants

pensions has as before explained been the rule in this Presidency, and the withdrawal as now proposed of this privilege will entirely neutralize the good hoped by Government to be effected by the recent increase of the salaries of the District Moonsiffs themselves and of the aggregate pay of their Establishment.

7. In reference therefore to your letter, 28th April, No. 3,148, requesting that in such cases, pensions may not be granted in future, I am to solicit that this prohibition may be removed, and pensions and gratuities be permitted to be granted as heretofore to servants on the Establishments of District Moonsiffs and of the late Sudder Ameens. With regard to these latter I am to state that the Office of Sudder Ameen has just been altogether abolished, although some few of the former Sudder Ameens have been retained as additional District Moonsiffs to clear off arrears in some Zillahs where they were very heavy.

8. In regard to Deputy Collectors' Establishments, I am to forward a copy of the Proceedings of Government in the Revenue Department, of the 26th May last, No. 1,174.

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

Fort Saint George,
22nd August 1862.

Chief Secretary.

Exd. F. Cartledge.

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From W. WATERFIELD, Esq., Officiating Civil Auditor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 20th June 1861, No. 225.

With reference to Government Orders, Nos. 157 and 160, dated 29th April and 2nd May respectively, I have the honor to annex a letter from the Secretary to the Government of India from which it will be seen that Ponnumbala Pillay is not entitled to a gratuity.

Mr. Harber, Beadle of Saint Mary's Church, is entitled to a gratuity of 6 months' salary.

From C. H. LUSHINGTON, Esq., Secretary to the Government of India; to the Officiating Civil Paymaster, Madras, dated Fort William, 21st May 1861, No. 6,547.

In reply to your letter, No. 170, dated 1st instant, I am directed to explain that Rule 4 of the Notification, No. 36 of 14th August 1857, applies to all classes of servants, who receive pay directly from the Government and who are not entitled by the Rules to any fixed pensionary grant.

2nd. Persons employed by Public Officers (such as Munsiffs and Deputy Collectors) who draw a fixed monthly allowance for works with the detailed distribution of which the Government does not interfere, do not receive pay directly from the Government and cannot therefore be held to be entitled either to pension or gratuity.

Official Memorandum.

The undersigned has the honor to request that the Registrar of the Sudder and Foujdari Court will be good enough to inform him with reference to paragraph 2 of the enclosed letter from C. H. Lushington, Esq., Secretary to the Government of India, whether it is the rule in this Presidency that such Officers as District Moonsiffs and Mufti Sudder Ameens draw a fixed monthly sum for the payment of their Office Establishment and that Government does not interfere in its disbursement, or in the rates of pay, &c., for each individual entertained.

2nd July 1861. (Signed) W. S. WHITESIDE.

Official Memorandum.

With reference to the Official Memorandum from the Acting Deputy Secretary to Government, dated the 2nd instant, the undersigned has the honor to state that District Moonsiffs and Mufti Sudder Ameens draw a fixed monthly sum for their Establishments, to be appropriated with the sanction of *Zillah* Judges, [in such manner as may contribute most to their efficiency, the appointment and removal of servants on their establishments being vested in the *Zillah* Judges; and that the Government does not interfere in the disbursement of the authorized allowance or in the rates of pay, &c., for each servant entertained.

Sudder Court,
Registrar's Office,
4th July 1861.
To the Acting Deputy Secretary to Government.

(Signed) THOMAS WILKINS,
Acting Deputy Registrar.

Official Memorandum.

The undersigned in forwarding to the Civil Auditor, with reference to the subject of his letter, No. 225, dated the 20th ultimo, with its enclosure, the enclosed original Memorandum* from the Deputy Registrar of the Sudder Court, has the honor to draw his attention to the instances noted in the margin, from which it will be seen that, until very recently, it has been usual in this Presidency to grant pensions to servants on the Establishments of District Munsiffs in the same manner as to the other Uncovenanted Judicial Officers in the different Zillahs.

* Requested to be returned.

1. Somasoondra Pillai, late Head Gumastah in the Court of the District Moonsiff of Cuddalore, pensioned on the 2nd March 1858, on Rupees 4 per mensem.
2. Mutusami Mudali, late Head Gumastah in the Salem District Moonsiff's Court, pensioned March 2nd 1858, on Rupees 5-4 per mensem.
3. Ulagapragasa Pillai, late Gumastah in the Chellembrum District Moonsiff's Court, pensioned May 23rd 1859, on Rupees 4 per mensem.

2. The Memorandum of the Deputy Registrar of the Sudder Court shows clearly what the

sideration the Civil Auditor still finds himself unable to admit their claims to pension, he will be so good as to refer the matter for the decision of the Government of India.

Dated 8th July 1861. (Signed) W. S. WHITESIDE.

From W. WATERFIELD, Esq., Officiating Civil Paymaster; to T. PYCROFT, Esq., Chief Secretary to Government, Public Separate Department, Fort Saint George, dated 17th July 1861, No. 272.

With reference to the Official Memorandum from the Deputy Secretary, dated 8th instant, I have the honor to state that I am of course ready to refer the matter again to Calcutta, if desired: but it seems to me that the Establishments of District Munsiffs here are in precisely the same position as those in Bengal, and that therefore the Government of India did not pass their Order without complete apprehension of the subject.

2. The test seems to be whether the salaries are fixed by Government or left to the discretion of the local Officers.

3. I am aware that some pensions have been granted at variance with this rule, but not I believe on my recommendation.

GENERAL DEPARTMENT.

No. 103.

MEMORANDUM.

In continuation of Memorandum No. 80 of the 12th instant, the Officiating Civil Paymaster has the honor to forward herewith Extract of a letter† from the Under Secretary to the Government of India on the subject under reference.

† No. 1,005, dated 29th January 1862.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
27th February 1862.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

To the Chief Secretary to Government.

MEMORANDUM.

The undersigned has the honor to request that the Civil Auditor will have the goodness to inform him with as little delay as possible whether the question referred to in the Memorandum from this Office, No. dated 8th July 1861, and to which the Under Secretary to the Government of India furnished a reply in his letter to the Civil Auditor, No. 1,005, dated 29th January 1862, was, on that occasion, specially submitted for the orders of the Government of India or not.

22nd March 1862. (Signed) W. S. WHITESIDE.

GENERAL DEPARTMENT.

No. 148.

MEMORANDUM.

The Officiating Civil Paymaster has the honor to state, in reply to Memorandum from the Deputy Secretary to Government of the 22nd instant, that the question, "whether persons "employed by public Officers, such as Munsiffs and Deputy Collectors, who draw a fixed "monthly allowance for writers, with the detailed distribution of which the Government does "not interfere, are entitled to pension under the rules," was sent up from this Office complete with a copy of the Memorandum from the Deputy Registrar, Sudder Court, and appears from the reply‡ of the Under Secretary, which is dated "Council Chamber, Fort William," to have been duly submitted for the orders of the Government of India.

‡ No. 1,005, dated 29th January 1862.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
25th March 1862.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

To the Deputy Secretary to Government, Public Department.

EXTRACT of a letter from the Under Secretary to the Government of India, Financial Department, to the Officiating Civil Paymaster, Fort Saint George, dated 29th January 1862, No. 1,005.

I am directed to acknowledge the receipt of your letter, No. 280 of the 22nd July 1861, and its enclosures, re-submitting for decision, with reference to the cases noted in the margin, the question whether persons employed by public Officers, such as Munsiffs and Deputy Collectors, who draw a fixed monthly allowance for writers with the detailed distribution of which the Government does not interfere, are entitled to pensions under the rules.

Somasoondra Pillai, late Head Gumastah in the Court of the District Munsiff of Cuddalore, pensioned on the 2nd March 1858, on Rupees 4 per mensem.
Matusami Mudali, late Head Gumastah in the Salem District Munsiff's Court, pensioned on the 2nd March 1858, on Rupees 5-4 per mensem.
Ulagapragasa Pillai, late Head Gumastah in the Chellumbrum District Munsiff's Court, pensioned 23rd May 1859, on Rupees 4 per mensem.

2. In reply, I am desired to inform you that it is contrary to rule to grant pensions to such persons.

(True Extract.)

(Signed) W. DONALD,
Head Assistant to Civil Paymaster.

ORDER THEREON, 23rd April 1862, No. 631.

It has recently been ruled by the Government of India that servants on the Establishment of Sudder Ameens and District Munsiffs are not entitled to either pension or gratuity on retirement from the public service.

2. Hitherto they have usually been admitted to pension, but in June last this was objected to by the Civil Auditor who quoted an Extract from a letter from the Government of India of the 21st May* 1861, paragraph 2, which runs thus: "Persons employed by the public Officers (such as Moonsiffs and Deputy Collectors) who draw a fixed monthly allowance for works with the detailed distribution of which the Government does not interfere, do not receive pay directly from the Government, and cannot therefore be held to be entitled either to pension or gratuity."

* No. 6,347.

3. The actual position of the Sudder Ameen and District Moonsiff Establishments is thus described in a Memorandum from the Acting Deputy Registrar, Sudder Udalut, 4th July 1861: "District Moonsiffs and Mufty Sudder Ameens draw a fixed monthly sum for their Establishments, to be appropriated with the sanction of Zillah Judges, in such manner as may contribute most to their efficiency; the appointment and removal of servants on their Establishments being vested in the Zillah Judges, and the Government does not interfere in the disbursement of the authorized allowance, or in the rates of pay, &c., for each servant entertained."

4. This was communicated to the Civil Auditor, and he was requested by Memorandum of 8th July last, to make a further reference to the Government of India. He did so and was informed in reply, 29th January 1862, that servants on District Moonsiffs' Establishments are not entitled to pension.

5. It appears to the Government that the Establishments of the District Moonsiffs of this Presidency should not be placed in the condition above adverted to. They can perceive no reason why a fixed Establishment should not be assigned to every District Moonsiff, as it is to every Talook Tahsildar. The Government have lately recommended that Establishments of the same cost† should be assigned to all District Moonsiffs' Courts of whatever class. There could not be much difficulty in drawing out a scale applicable, with perhaps trifling modifications in a few instances, to all District Moonsiffs' Courts.

† Rupees 120 per mensem.

6. A system which leaves the arrangement of the servants of these Judicial Establishments to vary according to the discretion of the Zillah Judges, and still more which, on that ground, or any other debars them from pension, seems to the Government to be very objectionable. There appears no reason why they should not be admitted to pension just as much as Munshees or Goomastahs in a Talook Cutcherry. It has lately been an object to improve the condition of the District Munsiffs' Courts. No greater incentive can be afforded to good conduct on the part of a Native servant than the prospect of being able to retire on a pension when incapaci-

tated for further labour. The great advantage of being able to hold out this inducement enables the Government to secure service on lower terms than they would otherwise have to offer, and gives them a strong hold over their servants whilst in their employment. District Moonsiffs' Courts will never be what they should be, even though the salaries of the District Moonsiffs themselves, and the aggregate pay of their Establishment should be raised, so long as this distinction exists.

7. The Government resolve to communicate these views to the Court of Sudder Udawlut, and to request their opinion upon them, as also to desire them to submit an uniform scale of District Moonsiff's Establishment (modified if necessary in any special cases) at the enhanced rate of Rupees 120 per mensem recently recommended to the Government of India.

8. The question in respect to the right to pension on the part of servants on the Establishments of Deputy Collectors will be considered in the Revenue Department.

(True Extract.)

Chief Secretary

To the Sudder Court.
,, Revenue Department,
with a copy of the papers referred to.
,, Civil Paymaster.

Exd. T O'Connor.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Madras Government in the Judicial Department :—

Referring for consideration in the Revenue Department the question of granting Pension to servants on the establishment of the Deputy Collectors. } (Here enter 23rd April 1862, No. 631.)

ORDER THEREON, 26th May 1862, No. 1,174.

1. The Governor in Council observes that in this Presidency Deputy Collectors have never drawn a monthly allowance for the maintenance of their establishments. When the Government first proposed the appointment of Deputy Collectors, it was stated that the cost of their establishment would average 60 Rupees monthly for each Deputy Collector. This, however, was only intended as a guide in estimating the probable expense of the proposed scheme, and in the same letter the Government requested that the number and pay of the members of these establishments "should be left undefined for the present," the total amount of Rupees 3,600 per mensem entered in the tabular statement not being exceeded.

2. When the appointment of Deputy Collectors was sanctioned the establishments were fixed both as to numbers and salaries, and since then they have been revised by Mr. Pelly.

3. The Deputy Collectors' office servants have thus, from the first, been employed on exactly the same conditions as all other servants in the Revenue Department, and the Deputy Collectors cannot alter their numbers or rates of pay. They are in all respects the servants of Government, and receive pay directly from Government.

4. It is clear, therefore, that the ruling of the Government of India, forwarded by the Officiating Civil Auditor, does not apply to servants on the establishment of a Deputy Collector in this Presidency, and that such servants are certainly entitled to pensions and gratuities under the established rules in common with all other servants on the Collectorate establishments. And the Governor in Council considers it advantageous for the public service that the establishments of Deputy Collectors should continue in their present position in these respects. There is in fact no satisfactory reason why a clerk in a Deputy Collector's should be differently treated from one in an Assistant Collector's office, or why a Deputy Collector should receive an office allowance to be at his unfettered disposal while a Collector is tied down to a prescribed establishment. The duties entrusted to Deputy Collectors are of a highly important character, and it is very necessary therefore that the employment of their subordinates should be under due regulation, that these subordinates should be the servants of the Government, and that the encouragement to rectitude of conduct, which the certainty of support in their old age affords, should not be withdrawn.

5. The Governor in Council further remarks that, if their privileges as to pension and gratuity were withdrawn, it would be necessary to increase their salaries, which were fixed on the understanding that they should enjoy these privileges and are as moderate as possible.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.
,, Civil Paymaster.
,, Public Department.

Exd. S. T. Augustin.

Official Memorandum.

With reference to the Official Memo. from the Acting Deputy Secretary to Government dated the 2d instant, the undersigned has the honor to state that District Moonsiffs and Moofty Sudder Ameens draw a fixed monthly sum for their establishments, to be appropriated with the sanction of Zillah Judges, in such manner as may contribute most to their efficiency, the appointment and removal of servants on their establishments being vested in the Zillah Judges, and that the Government does not interfere in the disbursements of the authorized allowance or in the rates of pay &ca. for each servant entertained.

Sudder Court,
Registrar's Office,
4th July 1861.

Tho. Wilkins
Acting Dy. Registrar.

To,
The Acting Deputy Secretary
to Government.

[illegible] Vandluuen.

Dated and
Noted 4th July 18[illegible]
J. S. K.

Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again the following memoranda & reports from the Civil Paymaster

Here enter 27 June 61, No 231
27 June 61, No 232
7 August 61, No 313
28 Feby /62, No 108
19 Decr /62, No 581

Read also the following papers

From Ag Civil Judge of Honore { 14 Feby 62, No 116 }

From Civil Judge of Calicut { 21 March 62 No 131 }

From Civil Judge of Rajamundry { 18 March 62 No 53 }

Also read again the following Pro: of Govt

Here enter 20th June 61, No 221
5 Novr 61, No 360
13 March 63, No 396

Order thereon 25th March 1863 No 75

These papers

relate to applications for pensions and gratuities, preferred on behalf of various old servants ~~with~~ ~~attached to~~ of the Munsiff & Sudr Ameens Courts, but which have remained in abeyance pending the settlement of the question whether servants in their position were eligible to the benefits of the Uncov^d. Service Pension Rules.

2 The question having now been decided in their favor, the usual verification will be submitted by the Civil Paymaster in each individual case where a claim is made to a pension, a separate report is required, but the cases, in wh only a gratuity is sought, may be treated collectively at the Paymaster's convenience.

3 With these remarks the Gov^t resolve to retransmit to the Civil Paymaster all the papers received with his memoranda & reports abovementioned, as well as the papers relating to the case of Syed Mir adverted to in Pro: 5 Nov^r 61, No 360. The letters from the Civil Judge of Honore Calicut & Rajamundry, alluded to above, will also be referred to him, &

Pension 1863. *Department.*

No. 75

PROCEEDINGS OF GOVERNMENT,

Dated 25th March 1863

Forwarding to the Civil Payr. for verification certain applications for pensions and gratuities, preferred on behalf of various old servants of the Moonsifs' & Sudr Ameens' Courts, the question of whose eligibility to the benefits of the Un: Serv: Pension Rules having been decided in their favor.

the papers relating to the case of Ponnumbala Pillay, disposed of in Pro: 28th June 61, No 221, will be sent back with a view to the submission of a revised report.

RRH

To the Civil Payr. Dis: 253/63