

*Proceedings of the Madras Government, Pension Department,
22nd March 1869.*

Read the following letter from SYED ISACK, late Tahsildar of Palmanair, North Arcot District, to the Chief Secretary to Government, Fort Saint George; dated Madras, 20th November 1868.

I beg most respectfully to submit, for your consideration, the following circumstances with reference to the Order of Government in the Pension Department, dated 21st April 1868, granting me a pension equal to one-third my salary, but declining to allow me to refund the gratuity which I had received in December 1843, when I was thrown out of employ by reduction of establishment, to the prejudice of my obtaining a pension equal to one-half my salary, although I had passed in qualifying grades the period necessary to entitle me to the higher rate of pension.

2. Instances are not wanting where individuals have been allowed to refund their gratuity during a break of service, and to count the time preceding that break towards pension. I can point to numerous such cases; but I shall confine myself to that of Rangiah Naidoo, a late Clerk in the Office of the Accountant General, Madras, as representing mine in almost every feature, and beg that the decision which was passed thereon by the Government of India, in opposition to the opinion held by this Government, may be made equally applicable to my case.

3. Rangiah Naidoo, like myself, lost his appointment through reduction of establishment in the latter part of the year 1843, and received a gratuity. He was subsequently re-employed. The rules then in force (which are equally applicable to my case since the interval of my non-employment and subsequent re-employment was embraced within the period during which those rules were in operation) did not require a refund of gratuity for obtaining a pension; therefore, as the Government of India have decided, the fact that gratuity has not been refunded cannot prejudice a man's future claim to pension, if such gratuity were given and received during the operation of rules which contained no provision that it should be refunded *in order to obtain a future pension*. It is not denied that such provision does not now exist; but by the decision of the Supreme Government, it is not to affect retrospectively public servants who might happen to have been recipients of a gratuity long before its promulgation. They accordingly ruled that Rangiah Naidoo might be granted a half-pay pension on his refunding the gratuity which he received in 1843. Under this decision, on a case which in every respect is analogous to mine, as an examination of my papers will show, I respectfully claim to be allowed to refund the gratuity which I received in 1843, and beg that I may be granted a half-pay pension in lieu of the present one-third rate which has been granted to me.

4. I beg also to state that it was some thirteen years after Rangiah Naidoo's discharge and grant to him of a gratuity that the late Court of Directors ruled that service preceding such discharge should not count for half-pay pension: my discharge and re-employment were also antecedent to that ruling; by a parity of reasoning, therefore, if that ruling did not bar Rangiah Naidoo's right to half-pension, any more, I respectfully submit, can it mine.

5. Furthermore, in 1864, one Mooneappa Moodelly, late Writer on the establishment of the District Engineer, Presidency, was allowed to refund his gratuity by monthly instalments of Rupees 2½ per mensem.

6. I beg furthermore briefly to advert to my services, which have not altogether been devoid of merit. When the Madras Railway was being opened out, I was instrumental in pointing out to the authorities concerned a suitable pass through Palmanair, the discovery of which was at the time found to be a matter of no little difficulty. In proof of this, I beg to enclose an authenticated copy of a letter addressed to the Collector by Major (now Major General) J. J. Pears on the subject. I was moreover mentioned with praise in the *District Gazette* for my zeal in the collection of the revenues; and, in short, I have ever striven to serve the Government faithfully, who will, I trust, give my present application their favorable consideration.

7. I beg, in conclusion, that if this Government should still decline to grant my prayer, my case may be submitted to the Supreme Government, as was done in the case of Rangiah Naidoo.

Occurrence

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*Proceedings of the Madras Government, Pension Department,
22nd March 1869.*

From Major J. J. PEARS, c. b., Engineer, to the Collector of North Arcot; dated Kangoody,
4th August 1852.

I consider it due to the Police Ameen of Kangoody to inform you that, during the time I have been occupied in this neighbourhood, I have received great assistance from that Officer, and that through his instrumentality, and that of peons placed temporarily by him at my disposal, supplies of every description have been very readily procured.

2. The employment of this Officer during several years in this Zemindary has given him the opportunity, (of which he appears to have availed himself with much energy and intelligence,) of becoming acquainted with the several passes along the ghauts, and he has readily afforded me much useful and accurate information on that subject.

(True Copy).

(Signed) G. VANS AGNEW,
Acting Collector.

No. 2017.

MEMORANDUM.

The undersigned has the honor to forward the letter from the late Tahsildar of Palmanair to Government for their orders.

2. It will be observed that Syed Isack was granted pension by Government Order, dated 21st April 1868, No. 109, Pension Department, and that the ruling of the Government of India in Rangiah Naidoo's case is contained in their letter, dated 8th idem, No. 2116, Financial.

3. As the terms of the ruling of the Supreme Government are general, the undersigned has the honor to inquire whether the cases of the other individuals who were pensioned upon the stricter reading of the old order are to be revised, and the higher pensions to which they now become entitled granted to them with retrospective effect.

FORT SAINT GEORGE,
ACCOUNTANT GENERAL'S OFFICE,
8th December 1868.

(Signed) W. DONALD,
Examiner of Claims.

To the Chief Secretary to Government, Fort Saint George.

ORDER THEREON, 22nd March 1869, No. 107.

Under the ruling contained in the letter from the Financial Secretary to the Government of India, dated the 8th April 1868, No. 2116, His Excellency the Governor in Council is pleased to permit Syed Isack, late Tahsildar of Palmanair, of the North Arcot District, to refund the gratuity which he received in 1843, and to authorize the Accountant General to disburse to Syed Isack the higher rate of pension of Rupees (75) seventy-five per mensem, to which he will be eligible from the 15th February 1867 when the gratuity has been refunded.

(True Extract).

Ag. Under Secy. to Govt.

To the Accountant General.

„ Examiner of Claims.

„ Collector of North Arcot.

To Syed Isack.

Exd. A. S. Rodgers

List

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter again Proceeding

of Government dated 21st April 1868 No. 109.

Read also the following

Petition from Syed Isack.
Pensioned Tahsildar of Palmanair (Here entered 20th November 1868.)

Endorsement of the Examiner of Claims (— 8th Decr 1868 No. 2017
Order thereon 22nd March 1869 No. 107.

Under the ruling contained in the letter from the Financial Secretary to the Government of India dated the 8th April 1868 No. 2116; His Excellency the Governor in Council is pleased to permit Syed Isack late Tahsildar of Palmanair of the North Arcot District to refund the gratuity which he received in 1843; and to authorize the Accountant

Govt. of 1869: Madras.

PENSION.

To

THE ACCOUNTANT GENERAL.

Secy, Secy, A.

Dated March, 2nd.

Recd.

Secy.

G. O., 22nd March 1869, No. 107.

MARCH

Permitting Syed Isack, Pensioned Tahsildar of Palmanair, to refund the gratuity received by him in 1843, and sanctioning a higher rate of pension of Rupees 75 per mensem to that individual.

7
Accountant General to
disburse to Syed Isack the
higher rate of pension of
Rupees (75) Seventy five per
mensem to which he will be
eligible from the 15th February
1867 when the gratuity has
been refunded.

Accountant General
Examiner of Claims
Collector of North Arcot.
Syed Isack.

Desd. 2/4/69.

LC 40-27

Recd. 21st April 1868 No. 109

Pension to Syed Sahib
late Tahsildar of
Palmanour District

Bot. of 1869 Rupees

Pension

To

The Accountant General

4-2-2

Dated March 22nd 1869, No 109
Recd.

Nos.

Permitting Syed Sahib
Pensioned Sahibdar of
Palmanour to refund the
gratuity received by him in 1843
and sanctioning a higher
rate of pension of Rs 75 per
mensem. That individual

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To

The Honorable R. S. Ellis, C. B.

Chief Secretary to Government

this the Examiner of Claims.

Honorable Sir,

I beg most respectfully to submit for your consideration the following circumstances with reference to the order of Government in the Pension Department dated 21st April 1868, granting me a Pension equal to one-third my salary; but declining to allow me to refund the gratuity which I had received in December 1843, when I was thrown out of employ by reduction of establishment, to the prejudice of my obtaining a Pension equal to one-half my salary, although I had passed in qualifying grades the period necessary to entitle me to the higher rate of Pension.

2 Instances are not wanting where individuals have been allowed to refund their gratuity during a break of service, and to count the time preceding that break towards Pension. I can point to numerous such cases, but I shall confine myself to that of Rangiah Naider a late clerk in the Office of the Accountant General Madras, as representing mine in almost every feature - and beg that the decision which was passed thereon by the Government of India, in opposition to the opinion held by this Government, may be made equally applicable to my case.

3 Rangiah Naider, like myself, lost his appointment through reduction of establishment in the latter part of the year 1843 - and received

a gratuity. He was subsequently re-employed. The rules then in force (which are equally applicable to my case since the interval of my non-employment and subsequent re-employment was embraced within the period during which those rules were in operation) did not require a refund of gratuity for obtaining a Pension - therefore, as the Government of India have decided, the fact that gratuity has not been refunded cannot prejudice a man's future claim to Pension, if such gratuity were given and received during the operation of rules, which contained no provision that it should be refunded in order to obtain a future Pension. It is not denied that such provision does not now exist; but by the decision of the Supreme Government, it is not to affect retrospectively public servants, who might happen to have been recipients of a gratuity long before its promulgation. They accordingly ruled that Rangiah Naidoo might be granted a half pay Pension on his refunding the gratuity, which he received in 1843. Under this decision, on a case which in every respect is analogous to mine - as an examination of my papers will show. I respectfully claim to be allowed to refund the gratuity, which I received in 1843 and beg that I may be granted a half pay Pension, in lieu of the present one-third rate, which has been granted to me.

4 I beg also to state that it was some 13 years after Rangiah Naidoo's discharge and grant to him of a gratuity, that the late Court of Directors ruled that service preceding such discharge should not count for half pay Pension; my discharge and re-employment were also antecedent to that ruling by a parity of reasoning therefore if that ruling did not bar Rangiah Naidoo's right to half Pension any more, I respectfully submit, can it mine.

5 Furthermore, in 1864 one Mooneappa Moodelly, late writer on the Establishment of the District Engineer Presidency, was allowed to refund his gratuity by monthly instalments of Rs. 2½ per mensem, which goes to strengthen my case.

6 I beg furthermore briefly to advert to my services, which have not altogether been devoid of merit. When the Madras Railway was being opened out, I was instrumental in pointing out to the authorities concerned, a suitable pass through Palmanair, the discovery of which was at the time found to be a matter of no little difficulty. In proof of this, I beg to enclose an authenticated copy of a letter addressed to the Collector by Major (now Major General) J. I. Pears on the subject. I was moreover mentioned with praise in the District Gazette for my zeal in the collection of the Revenues, and in short, I have ever striven to serve the Government faithfully, who will, I trust, give my present application their favorable consideration.

I beg in conclusion, that if this Government should still decline to grant my prayer, my case may be submitted to the Supreme Government as was done in the case of Rangiah Naidoo.

I beg to remain
Honorable Sir,
Your most obedient servant.
Yd. To. hak

Madras
20th November
1868

Late Jasildar of Palmanair.
North Arcot District.

No 2017

The undersigned has the honor to forward the letter from the late Scheldad of Patmanian to Government for their orders.

It will be observed that aged servant was granted pension by Government Order dated 21st April 1868 & to 109 Pension Department, and that the ruling of the Government of India in Punjab's Pension Case is contained in their letter dated 8th June 1872 2116 Financial

As the terms of the ruling of the Supreme Govt are found, the undersigned has the honor to enquire whether the cases of the individuals who were pensioned upon the strict reading of the old order and to be revised, and the higher pensions to which they now become entitled granted to them with retroactive effect.

For Mr George
West's Pension Office
8th Decr 1868

Approved
Secretary of Claims

To The Acting Secretary to Govt
Civil Pension Dept

Pension 1868 Dept 2116

No 2017

Indorsement of the
Department of Claims

Dated 8th Decr 1868.
No 2

Forward the Pension

of aged old male and engaged
as the terms of the ruling
of the Govt of India in
the case of Punjab's Pension
are givened whether the
cases of individuals who
were pensioned under the
old order be revised and
the higher pensions to
which they now become
entitled granted to them
with retroactive effect.

Pension 1868 Dept 2116

No 1164

From aged old male who
the Department of Claims

At the Chief Secretary to Govt

Dated 20th November 1868

Representing that
under the ruling of the
Govt of India in the case
of Punjab's Pension
the Punjab be allowed to
repeal the Statute which
was granted to him in
Decr 1863, in view to it
obtaining a pensionary
to his salary.

To Mr A. H. A. 107
701

1. Number of pages, 1 to 8
2. Date of repair, 4-12-38
3. Initials of Examiner, [initials]

M.B.O. 1-32 400-32-11-80

MADRAS RECORD OFFICE.

Government of Madras.

Finance

DEPARTMENT.

G.O. No. 107	Press Mis.
Dated 22. 3	18 69.

Not to be folded or roughly handled