

Number of pages. 8
Date of repair. 22-5-36
Initials of Referencer. 17-1-36

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MADRAS RECORD OFFICE.

Government of Madras.

Pension

DEPARTMENT.

G.O. No. 187-223

Press
Mis.

Dated 27.4.7

1869.

Not to be folded or roughly handled

LB

Proceedings of the Madras Government, Financial Department,

9th April 1869.

Read again Proceedings of Government, Pension Department, dated 4th October 1866, No. 322.
No. 26. Read also the following petition from P. SAMY MOODELLY, through the Examiner of

Claims, to the Accountant General, Fort Saint George ; dated Madras, 3rd February 1869.

Understanding that a decision has been passed by the Government of India, allowing, in the case of persons who were thrown out of employ prior to 1860 and thereupon received a gratuity, but who subsequently were re-employed and had completed a service entitling them, taken with the former, to a pension, the option of refunding the amount of their gratuity in order to their obtaining such pension, or, in other words, allowing their whole service to count for pension as if there had been no break ; and as I am one of those who lost my appointment through abolition of office, I beg respectfully that the decision above referred to may be made applicable to my case, and that a pension may be granted to me on my refunding the amount of gratuity which I received in 1838. My whole service under Government extends to upwards of thirty years which was passed in qualifying grades. I had the misfortune twice, before the last occasion, to be thrown out of employ in consequence of the abolition of offices in which I was serving. I received a gratuity of Rupees 210, in 1838, when I first lost my employment, which I refunded on making application for a pension, which, however, the Government ordered to be returned to me with an additional amount of gratuity. When I lost my last appointment in the Madras Collectorate, the then Collector, Mr. Cunliffe, appointed me as a Stamp Vendor, as he thought that I was still able to work, and that I could afterwards obtain a pension for my former effective service. The Government, however, were pleased to rule otherwise, greatly to the disappointment of my long-cherished hope of some permanent income from Government in this time of my decline. But as I understand that the Government have now provided for persons situated in like circumstances as myself who have lost their employment through no fault of their own getting pensions, I earnestly beg that you will submit my case to the Government with your favorable recommendation for the grant to me of a pension, as I am prepared to refund gratuities which I have received from the public treasury.

MEMORANDUM.

No. 139A.

Submitted to Government for consideration and orders, with the remark that the case of this petitioner is similar to that of Syed Ishak now before Government.

FORT SAINT GEORGE,
ACCOUNTANT GENERAL'S OFFICE,
9th February 1869.

(Signed) W. DONALD,
Examiner of Claims.

To the Chief Secretary to Government, Fort Saint George.

No. 27. ORDER THEREON, 9th April 1869, No. 180.

Ordered that the following letter be addressed to the Government of India.

(Signed) R. S. ELLIS,
Chief Secretary.

No. 28. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 9th April 1869, No. 81.

Referring to paragraph 3 of your letter, dated the 26th May 1863, No. 2157, and to the ruling contained in your letter, dated the 8th April 1868, No. 2116, I am directed to submit, for the favorable consideration and sanction of the Governor General in Council, the accompanying application from Pondicherry Samy Moodelly, late Jawabnaviss in the office of the Collector of the Madras district, praying that he may be allowed to refund the gratuities which he has received, and that he may be granted a pension instead, for his service of nearly thirty years.

2. P. Samy Moodelly entered the public service on the 2nd January 1827, and served as an English writer and Jawabnaviss for a period of 29 years 7 months and 8 days in the offices of Carnatic Register, Tanjore Commissioner, and the Collector of Madras. He was also employed or eight months as a Stamp Vendor, which however does not count for pension.

*Proceedings of the Madras Government, Financial Department,
9th April 1869.*

3. When the Tanjore Commissioner's office was abolished in 1838, Samy Moodelly was thrown out of employ and received a gratuity of Rupees 210. He re-entered the service in 1842, and was employed for nearly eighteen years under the Collector of Madras. On the amalgamation of the Madras and Chingleput districts in 1860, he was thrown out of employ.

4. In September 1865, Samy Moodelly refunded the gratuity of Rupees 210 which he received in 1838, and an application was submitted by the Collector of Madras on the 7th February 1866, for a pension on his behalf. Under the rules in force at the time this Government were precluded from allowing the refund of gratuity. They, therefore, directed its return to Samy Moodelly, and sanctioned the grant to him of a further gratuity of Rupees 125.

5. Under the ruling contained in your letter of the 8th April 1868, No. 2116, I am directed to request that the sanction of the Government of India may be accorded to Samy Moodelly being permitted to refund the gratuities which he has received, and to a pension of Rupees 8-4-0 per mensem, equal to one-third of his average salary for the five years preceding his loss of employment, being granted to him instead. The pension to have effect from the 22nd August 1865, the date of Samy Moodelly's application.

(Signed) R. S. ELLIS,
Chief Secretary.

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Proceedings of the Madras Government, Financial Department,
16th June 1869.

No. 25. Read the following letter from the Under Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George; dated Simla, 29th May 1869, No. 639.

I am directed to acknowledge the receipt of your letter, No. 181, dated 9th April 1869, submitting the recommendation of the Government of Fort Saint George for the grant of a pension to Poodicherry Samy Moodelly, late Jawabnavis in the office of the Collector of the Madras District, who was discharged in May 1860 in consequence of the abolition of his office.

2. It is observed that P. Samy Moodelly, on the occasion of a former discharge from Government employment in 1838 in consequence of abolition of office, received a gratuity of Rupees 210, and that again, in consequence of the loss of his appointment in May 1860, he was allowed a further gratuity. The gratuity obtained in 1838 not having been refunded on re-employment, the Madras Government rejected the claim to pension preferred by P. Samy Moodelly after his discharge in May; but with reference to the orders of the Government of India, passed in Financial Resolution of the 8th April 1868, on the case of Custoori Rungah Naidoo, the local Government now submits the application of P. Samy Moodelly for favourable consideration.

3. In reply I am to state that the case of P. Samy Moodelly is not analogous with that of C. Rungah Naidoo, although, as regards the non-refund of gratuity, the circumstances of the two cases are alike: the Government of Fort Saint George overlooks the important difference between the two cases, viz., that whereas C. Rungah Naidoo's final connexion with Government ceased at a time when the rules allowed of the grant of pensions to servants thrown out of employment on reduction of establishment; no rules providing for the grant of pensions in such cases existed at the time when P. Samy Moodelly was finally discharged from the public service. It was not till the 20th September 1860 that the rule was laid down for the first time whereby persons discharged from the public service could be allowed pension, and then again the rule was restricted to persons who had served thirty years or more; and not until more than two years after, or in November 1862, was it ruled that persons whose service fell short of thirty years, as in the present case, could be allowed pension on reduction of establishment.

4. The rule of November 1862 cannot be allowed to have retrospective effect, and hence the Governor General in Council is unable to sanction the admission of P. Samy Moodelly to pension.

No. 26.

ORDER THEREON, 16th June 1869, No. 264.
Communicated to the Pension Department.
(True Extract).

Actg. Secy. to Govt.

To the Pension Department.

Ed. A. S. Rodgers.

1869.

FINANCIAL DEPARTMENT.

From

*The Chief Secretary to Government,
Fort Saint George.*

To

*The Secretary to the Govt. of India,
Financial Department.*

Dated 9th April 1869.

Recd.

No. 181.
Enclosure.

APRIL.

Nos. 26-28.

Forwarding, for favorable consideration, application from T. Samy Moodelly, late Jawabnavis in the office of the Collector, Madras district, praying that he may be allowed to refund the gratuities which he has received, and that he may be granted a pension instead.

Proceedings of the Madras Government, Financial Department,
16th June 1869.

No. 25. Read the following letter from the Under Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George; dated Simla, 29th May 1869, No. 639.

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ORDER THEREON, 16th June 1869, No. 264.
Communicated to the Pension Department.
(True Extract).

W. D. A. S. Rodgers
Actg. Secy. to Govt.

To the Pension Department.

Encl. A. S. Rodgers.

5. P. S. 32. 1870 No. 528

Govt. of 1869; 200 Indras.

FINANCIAL.

THE PENSION DEPARTMENT.

Dated June, 1869.

G. O., 16th June 1869, No. 264.

JUNE.
Nos. 25-26.

Communicating letter from the Government of India declining to admit P. Samy Moodelly, late Jawabnavis in the office of the Collector of Madras, to pension.

MDL in order No. 223

Order thereon 27th July 1869 No. 223

Ordered that the foregoing letter be communicated to the Secy. in Genl. and Comdr. of Military Secy. for their information.

1869 28. 11.

To the Secy. in Genl.
Comdr. of Military Secy.

X with petition Dec^r 4/1850