1. Number of pages 1-18
2. Date of copy 28.2.36
3. Initials of Reference

M.R.O. 1—32400—29-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Pension **DEPARTMENT.**

G.O. No. 259 Press Mis.

Dated 19 8 1869.

Not to be folded or roughly handled

Proceedings of the Madras Government, Pension Department,
19th August 1869.

Read again Proceedings of Government, dated 17th June 1869, No. 183, Pension Department.

Read also the following papers :—

From the Civil and Session Judge of Nellore.

Requesting, with reference to G. O., No. 183, dated 17th June 1869, the decision of Government as to whether he is responsible for the whole of D. Runga Row's salary, from 11th December 1868, or only for the difference between his pension and salary. } (Here enter 3rd July 1869, No. 27).

Referred to the Accountant General for his remarks.

FORT SAINT GEORGE,
15*th July* 1869.

(Signed) H. E. STOKES,
Actg. Under Secy. to Govt.

From the Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 22nd July 1869, No. 106.

Post-Audit Department.

I have the honour to acknowledge the receipt of the Order of Government in the Financial Department, dated 15th instant, forwarding for my remarks a letter from Mr. Cockerell, the Civil and Session Judge of Nellore, on the subject of the retrenchment directed to be made from his salary in G. O., dated 17th ultimo.

2. Adverting to the second paragraph of Mr. Cockerell's letter, I beg to observe that the only action taken by this Department in the above matter has been the issue of a pension certificate, in which the date of the commencement of Runga Row's pension is stated to be the 11th December 1868, and this is correct, although from Mr. Cockerell's oversight he has been drawing Rupees 50 per mensem for four-and-a-half months instead of Rupees 25, the pension to which he was entitled. No retrenchment has as yet been issued against the Civil Judge's salary, nor have any instructions been issued to the Collector directing him to pay Runga Row his pension from 11th December 1868 to 30th April 1869, and I fail, therefore, to perceive in what respect Mr. Cockerell has grounds to complain. Whether it was the intention of Government that the full sum of Rupees 50 per mensem for the period in question should be recovered from Mr. Cockerell, or whether it was meant that the difference between the salary and pension should only be recovered, may perhaps admit of a doubt; but looking to the order passed by Government in a similar case under date the 22nd June last, I am of opinion that the difference only should be recovered.

3. With reference to Mr. Cockerell's remarks regarding the responsibility incurred by the Accountant General in allowing the error which he had committed to remain unnoticed for three months, I have the honour to observe that the case in question was taken up for report in its due order upon the roster. From the commencement of the present year to the 30th April last, no less than 524 pension and gratuity applications were filed in this office. This large and unwonted influx of cases was chiefly caused by Mr. Pelly's revision of establishment, and it became necessary for me in consequence to ask the Government to strengthen the Pension Department by a temporary establishment which was granted on the 19th March last. The delay, therefore, in taking up Runga Row's case was not due to any remissness on the part of my establishment, but to an exceptional pressure of work in the Pension Department, with which the department was unable to deal.

4. But I submit that Mr. Cockerell's view in regard to the responsibility of the Accountant General is altogether a mistaken one. This office, it must be remembered, is no longer one of pre-audit, but simply one of check, and the responsibility for erroneous payments, therefore, rests not upon it, but on the officer through whose orders or instrumentality such payments are made. In the case now under consideration, it was clearly the duty of the Civil Judge to have made himself acquainted with the Pension Rules, which are on the record of every Court, and to which the attention of every Officer of Government has of late been repeatedly called in the *Gazette*. Having failed in this duty, Mr. Cockerell cannot, I submit, evade the responsibility for his error by throwing the blame upon others.

Proceedings of the Madras Government, Pension Department, 19th August 1869.

ORDER THEREON, 19th August 1869, No. 259.

The Government concur with the Accountant General in his opinion, that for the reasons stated no responsibility can attach to his office for the erroneous retention of Runga Row in the service after he was duly certified to be unfit for further service. Under the circumstances, they direct that the difference between the pay and pension for the period of the retention shall be recovered from Mr. Cockerell.

2. The Government had no intention, when passing their order of the 17th June 1869, No. 183, to impute to Mr. Cockerell disingenuousness of any kind.

(True Extract).

Actg. Under Secy. to Govt

To the Civil and Session Judge of Nellore.
" Examiner of Claims.
" Accountant General.

Govt. of 1869 Madras.

PENSION.

To

THE CIVIL JUDGE of NELLORE, &c., &c., &c.

Dated August, 1869.

Read.

Endorsed.

G. O. 19th August 1869, No. 279.

AUGUST.

Concurring in the Accountant General's opinion that no responsibility attaches to his office for the erroneous retention of Runga Row, and directing that the difference between pay and pension for the period of retention be recovered from Mr. Cockerell, Civil Judge.

EXAMINED
1869
BY

No. 27 Zillah Court Nellore
3d July 1869.

From J. R. Cockerell Esquire
Civil & Session Judge
Nellore

To

Honorable R. S. Ellis C.B.
Chief Secretary to Govt.
Fort Saint George

Sir,

I have the honor to acknowledge the receipt of the Proceedings of Government dated 17th Instant, granting a pension to Runga Row late Fouzdari Translator on the Establishment of my Court and holding me responsible for his pay between December 11th and April 30th last, as I retained his services during that period in contravention of the Notification of Government dated 4th October 1866 which ordained the discard of Govt. servants so soon as the services have

× No. 183, Pension Department.

× Pension Department.

been pronounced by Medical authority unfit for further Service.

2. In pursuance of these Proceedings, the Accountant General has transmitted to the Collector instructions to pay Runga Row his pension from the 11th December. The Acting Collector at my request has kept the order in abeyance pending the result of the present reference to Government.

3. The effect of the instructions of the Accountant General is to impose upon me the payment of the whole of the salary of the Fouzdari Translator between the 11th December and the 30th April. I interpret the Proceedings differently from the Accountant General. I interpret them to

hold me responsible for the difference between the pension granted to Runga Row and the salary of the Fouzdari Translator for the interval in question.

4. If the interpretation placed upon the Proceedings by the Accountant General is the correct interpretation, the anomaly will be produced of Runga Row having received during the last five months in which he performed the duties of the Office of Fouzdari Translator one half more than the pay of the Office. He will have received Rs. 75 per month instead of Rs. 50.

5. I beg to be permitted to bring prominently to the notice of the Government the Conduct of the Accountant General

throughout the subject of the above Proceedings. I respectfully submit that, if one Officer is pecuniarily responsible for the exact observance of the pension rules, all Officers concerned ought to share the responsibility, & the penalty imposed should be accurately adjusted accordingly. In the present instance the application for Rungaraw's pension was forwarded by me to the Accountant General on the 22d January last. On the face of the application it was stated that Rungaraw had been retained in his Office & that his services were not to be dispensed with until the 30th of April. The application was not noticed by the Accountant General for three months, that is to say

Note
Warned be employed for the next sent to solicit such cases in future

until the 29th April, when I was called upon by the Examiner of Claims for an explanation.

6. I venture to urge that my responsibility ceased at the date of the transmission of the application from hence. Were this otherwise, the amount of the pecuniary penalty devolving upon me would be dependent upon a contingency beyond my control, namely, upon the comparative watchfulness of the Accountant General.

7. In laying this matter before the Govt. I, of course, do not refer to the Accountant General personally, but as the Head of an Office whose special function it is to watch the financial proceedings of the Heads of Offices in the Provinces; and, of course therefore to exercise promptitude in pointing out their errors.

8

8. I request the Government will decide:—

1st Whether I am responsible for the whole of Runga Rao's salary, or only for the difference between his pension and salary?

2d. Between what dates?

9. In Para 2 of the Proceedings under reference, the Government remark; "The Civil Judge explains that the reason of this retention was the difficulty of obtaining a qualified candidate for the post", "and he states that, had he not overlooked"—

10. I beg respectfully to point out that I assigned no such reason. What I said was that I had

retained Runga Rao because I had overlooked the Notification forbidding retention in such cases. I did not attempt any excuse for the oversight, as I discerned clearly no excuse was possible. I added to this confession of my error a few words to the effect that, in consequence of having overlooked the Notification, I had supposed myself free to exercise my discretion & had accordingly exercised it in the way I thought most conducive to the interests of Government.

The distinction between my statement & the wording of the Proceedings is important; because, as the Proceedings now stand, they appear to accuse me of putting forward disingenuous reasons which the Government find inadmissible in palliation

of my error.

11. And the Proceedings of Government been in the words of my letter to the Examiner of Claims, they would have revealed themselves as an order inflicting on me a bare fine. They are not Proceedings making a retrenchment because by the word retrenchment is implied the recovery of money spent on work not contemplated & not required by Government & which Govt will not accept. In the present instance the work was contemplated; although provision was made for it; & the work has been done & the Government have received the benefit of it.

12. I beg humbly to

to submit that the imposition of a fine on the Head of an Office for an oversight, is unusual.

I have the honor to be
Sir,
Your Most Obed. Servt.

H. Colvile
Civil & Sessn Judge

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

June 1869 No 183 Pens. Deptt. Read again Proc of Govt dated 17th
also
Read the following letters.

From the Civil & Sessions Judge of Nellore Recd 3d July 1869 No 27
From the Accountant General " " 22d " " No 106

Order thereon 19th August 1869 No 259.

The Government concur with the Accountant General in his opinion, that for the reasons stated no responsibility can attach to his office for the erroneous retention of Runga Row in the service after he was duly certified to be unfit for further service. Under the circumstances

Pension Dept. No 259

Recd 19 Aug 1869

Copy Pay Branch

Govt Dept Secy

Recd 15 Sept 1869

circumstances, they direct that the difference between the pay and pension for the period of the retention shall be recovered from Mr. Cockerell.

2. The Government had no intention, when passing their order of the 17th June 1869 No 183 to impute to Mr. Cockerell disingenuousness of any kind.

Civil & Sessions Judge of Nellore
Examiner of Accounts
Accountant General.

Govt. of {1869} Madras.

Pension

To

The Civil Judge of
Vellore &c

Dated August 19 } 1869, No. 259
Recd.

Nos. August

Concurring in the Advocate General's opinion that no responsibility attaches to his office for the erroneous retention of Runga Row and directing that the difference between pay and pension for the period of retention be recovered from Mr Cockerell the Civil Judge &c.