

MADRAS RECORD OFFICE.

Government of Madras.

Revision

DEPARTMENT

G.O. No. 6-2	Pres. Mis.
Dated 2	1923

Not to be folded or roughly handled

2/17/23

Memorandum for Files
10

The statement which
the Hon. W. Phillips
desired to see has
been obtained from
the Examiner of
claims and is now
circulated, with the
original paper ~~on which~~
for final order

I should recd this
case to the Sub: for
estimating what the
financial result of
advising their recent
order will be, & ask whether
it is intended to have general
application in W. coast Lyed Shale
mine to submit to get what results for
I have M. to the point & signify

M. O.

W.D.

with his application to the
University of the State of New York
under the authority of the
acting Governor at the
City of New York on 5. 11. 1840
under date the 20. April last
the two cases were to be very
similar to the financial results
involved and unparliamentary.
The case of the University of the State of New York
is a case of the University of the State of New York

I agree with Mr. Arbutnot
A

REPORT of The EXAMINER of CLAIMS.

The undersigned has the honor to state in reply to
Proceedings of Government dated 11th ultimo & 19th Civil Pension
Department that the number of cases affected by Government of India
Waking dated 8 April 1868 & 19th 1866 are 11 and that the altera-
tion in them, and additional expense entailed upon Government if retrospec-
tive effect were given to the order are as follows:

1. *Swamy Moodilly* who received *Gratuity* Rs. 335⁰⁰ in 1858 and 1866 would receive Pension 8- from 22 Augst 1865. *He would then a Madras Govt. recommend the case to the Govt of India under the last para of 1st letter dated 26 March 1868 & 19th 1867. But and they sanction the same. Otherwise, no change - additional cost up to 28 Feb^y 1869 if pen- sion be granted & 18th 1867.*
2. *Scobla row* Pension 16-4- " " 24-8- from 1 Sept^{ber} 1865. *Govt. allow him to count his service under the Royal Govt of Madras. Change - additional cost up to 28 Feb^y 1869 if higher pension be given to Rs. 346-8- less the gratuity received the amount of which the Collector has been called upon to state, as the records of this office have been searched for the in- formation in hand.*
3. *Rama chroostena Putnack* Pension 20-3- in 1850 and 1867 would receive Pension 14-4- from 1 August 1866. *Additional cost up to 28 Feb^y 1869 none - but at the end of July 1870 it amounts with the other and pension will commence from August 1867. Known whether this money is due or not.*
4. *Syed Ishak* Pension 50- " " 70- from 16 February 1867. *Additional cost up to 28 Feb^y 1869 Rs. 4-8-*

If by "prospective effect" is meant that the ruling is to take effect only from 8 April 1868 the additional expense to Govt up to 28 ultimo will be Rs. 181-2-8- and 18th 1867 in the others no pension is claimable for the period as the amounts of the prospective grants are more than those of the pensions for the period of 10 months & 23 days. It is respectfully submitted however that there is no precedent for allowing an order like the one under consideration to take effect only from its date. When a request is presented for higher retired allowance is due to the individual from the date of his retirement, and was allowed to *Rangach* by the order of 8 April 1868.

Ronald
Examiner of Claims.

To
The Chief Secy to Govt
Civil Pension Department

This service was allowed to be taken for superannuation bill since 15 June 1868 P. D. 2nd Sept 1868. See C.D. and for pension vide P.D. 7th March 1869 & 19th.

13 March

Memorandum on a letter from Syed Saad
Lali Sahibdar of Belmanair North West District

Syed Saad was employed
as a Persian Munshi in the late
Jillat in North West from 1st January
1842 to 13th September 1843. On the abolition
of the Court his services were dis-
pensed with, and he received the
gratuity to which he was entitled
under the Rules then in force.
He subsequently held the Acting Ap-
pointment of Persian Munshi in
the since abolished Subordinate Court
from 27th December 1843 to 20th May 1844,
and on the 5th November 1844 obtained
a permanent post in the Revenue
Department.

In 1865 the Collector of
North West submitted to govern-
ment Syed Saad's request to be per-
mitted to refund the gratuity received
in 1843 in order that his previous
service might count for pension.
On this request Sir William Denison

remarked

From 11th February 1864/1865

Pension 1864, Defunct
from 1864

J. The Chief Clerk of the
Pension Department
1864/1865

1864/1865

1864

Enclosed the statement
called for in 1864
11th February 1864/1865
Pension Department

1864/1865

remarked: "The gratuity ought to have been refunded when he got a permanent appointment. There is no reason why we should break through a principle for the purpose of enhancing a man's pension."

Sir Thomas Eyre observed: "I don't think we can go back 20 years. There will be many of such applications." The Hon. Mr. Phillips concurred. Upon this the following order was passed under date the 26 September 1888 No. 64. "The Governor in Council considers that the refund of a gratuity granted so long ago cannot be allowed. The collector will inform the applicant accordingly."

And in disposing of his application for pension on the 21st April last. order No. 9, the Government remarked that "having previously ruled that the applicant could not be allowed to refund his gratuity, I do not see any reason for reconsidering

Letter dated 8th April 1888 No. 2116

re-considering that decision."

4. Syed Saad now represents that "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. He states that he can point to numerous similar cases but confines himself to that of Rangiah Naidoo a late clerk in the office of the Accountant General, Madras as representing his case in almost every feature, and he begs that the decision arrived at thereon by the Government of India, in opposition to the opinion held by this Government, may be made applicable to him."

5. The Examiner of claims in reporting on the foregoing letter remarks that the "terms of the ruling of the Supreme Government are general" and

62

Madras Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter papers:-

From Sycd Isahak — dated 20 Nov. 1868. At
Endorsement of the Examiners
of Carnis. } — P. Sec — 20/7

Order thereon 14 February 1869. No. 62.

W.D.

Before disposing of the foregoing application from Sycd Isahak, late Tahsildar of Palamanair, the Government resolve to request the Accountant General to furnish them with a statement showing what the financial result would be if retrospective effect were given, in

and he enquires "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."

Should the decision of Government be in the affirmative, it seems advisable that the Accountant General should be requested to furnish a statement showing what the effect would be in a financial point of view and that the statement should be submitted for the information of the Government of India.

M.A.

The order of Govt. dated the 25 Sept. 1868, is, I consider, a very proper order. Were it not for the recent Court from the S. C. of 8 April 1868, I should not hesitate about upholding it. As that Court laid down a new rule, I would, as herein proposed, submit a statement to be prepared by the Acc. Genl. showing how the rule will operate financially and also to what extent it is to be made applicable to those who are pensioned on or not.

After to have retrospective effect, there will be a very objectionable disturbance of matters related as finally decided, in the pensioners' pensioners' hands will come forward -

in cases similar to the
present, to the ruling
contained in the letter
from the Financial Secy.
to the Government of India
dated the 5th April 1868
p. 2116, and, 2nd, what
the financial result would
be if prospective effect only
were given to that ruling
in such cases.

To the Account General Dec. 11/2/69

Recd: 21st Apr. 1868
 8-10-1868
 8-10-1868

6910 90th of 1868
 11th of 1868
 11th of 1868

The Second Unit General

Recd. 11th of 1868
 1868, No. 62

Nos.
