

1. Number of pages 30
2. Date of repair 6-6-36
3. Initials of Repairer H. J. 3

M.R.O. 1-82,400-28-11-80.

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	389	Press Mis.
Dated	18-8-	1870.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Pension Department,
18th August 1870.*

Read the following papers :—

From the Principal of the Presidency College, dated 17th February 1870.

Do. Registrar of the Madras University, „ „ „ „

Reports of the Examiner of Claims, dated 18th May 1870, Nos. 614 and 615.

ORDER THEREON, 18th August 1870, No. 389.

His Excellency the Governor in Council cannot concur in the reports of the Examiner of Claims that the Rev. P. Percival is entitled, in respect of his service as Professor of Vernacular Literature in the Presidency College, and Registrar of the Madras University, to a pension of Rupees 151-8-0 per mensem, and in addition to a gratuity of Rupees 3600.

2. He observes that even supposing that the Registrarship to the University is to be considered a Government appointment and, as such, to confer a right to pension, the principle implied in the Examiner of Claims' reports, that the Rev. Mr. Percival's claims to be separately treated in respect of the two offices are well-founded, is erroneous and opposed to the spirit and letter of the rules. Pension is granted, not in virtue of particular appointments held by the applicant, but in virtue of his entire service in the employment of the State in grades recognised as eligible. The appointments held only influence the amount of the pension which is to be calculated with reference to the applicant's gross emoluments.

3. But His Excellency in Council is further of opinion that the Registrarship of the University should not be considered a public office which confers a right to pension from the State. Under the bye-laws of the University the appointment is vested in the Senate, and office is held only for a period of two years, after which formal re-appointment constituting a new tenure is necessary. Further the salary of the Registrar is, in fact, at present in great part, and will eventually be entirely, defrayed from the University fees; and for this reason, ought not to be admitted in the computation of a pension to be paid from State Funds.

4. The Right Honourable the Governor in Council is, therefore, constrained to negative Mr. Percival's claims to any retiring allowance on account of the office of Registrar, and resolves to grant to him only the monthly pension to which he is entitled for his service as Professor of Vernacular Literature for thirteen years, ten months, and eighteen days, viz., Rupees (151-8-0) one hundred and fifty-one and Annas eight, which is sanctioned with effect from 1st January 1870.

(True Extract.)

Under Secy. to Govt.

To the Principal of the Presidency College, Madras.

„ Registrar of the Madras University.

„ Accountant-General.

Exd. J. Wright.

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My dear Stokes.

On a careful consideration of
 P. Menio: and Mr. Abrahams,
 remarks the Govt decided
 in Council yesterday, to
 adopt Mr. Abrahams
 views and to exclude
 Mr. Perain's remarks as
 Register - from consideration

Obt. of 1870: 24th

PENSION.

THE PRINCIPAL OF THE
 PRESIDENCY COLLEGE.

Dec, Dec, Dec,

Date: August, 18th.

Recd.

Encl.

G. O., 18th August 1870, No. 389.

AUGUST.

g. I. 25th January 1855 No 794

Three

the pensionary allowances to which he would be entitled on retirement. Mr. Trevor who was then Acting Examiner of Claims, sent in three reports; in the first two of which he took no notice of the University Registrarship. In the third, however, he stated that on 31st Decr 1869 Mr. Percival would be entitled to a pension as Professor of Rs 157-8-0 per annum, and as Registrar of the University to a gratuity of Rs 3600 or 12 months' pay. Mr. Donald in his present reports has merely followed Mr. Trevor -

3. I submit that these reports are quite wrong. It is quite opposed to principle and the letter of the rules that the claims of a servant holding several appointments under Govt. should be separately considered with respect to each; nor can any precedent be cited for the course proposed by Messrs. Trevor and Donald. The principle which runs through

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through the rules, though not expressly stated, is that a man claims pension not in virtue of particular appointments, but in virtue of his entire service in the employment of the State in grades recognized as eligible. The intention clearly is that the appointment or appointments held by the applicant at the time of his retirement, or rather within five years of it, shall only influence the amount of the pension. It would obviously be impossible to work any other principle in practice. If a man claims in respect of two appointments held by him at the close of his service, there would often be difficulty in deciding to which of those appointments his previous service in other appointments should be tacked on to give claim to pension. Or it might even be questioned whether such tacking on should be allowed at all.

Sy.

By the letter of the Rules the pension is to be a proportion of his (the applicant's) average salary (including personal allowance, if any) during the previous five years. The meaning clearly is that his whole emoluments in the shape of remuneration for service ^{to the State} should be reckoned, and had separate claims been contemplated or imagined possible, the words used would have been "salaries" or "salary or salaries." Supposing it admitted the University Registrarship confers a right to pension, I submit the proper course in the present case is to add the pay of it to that drawn by Mr Percival as Professor and calculate the pension with reference to the gross amount. If this be done he will be entitled under Section II clause 1 to a pension limited to Rs 2,000 per annum or Rs 166-8-0 per mensem and to nothing more.

A

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4 A question however arises whether the Registrarship of the University is a State appointment, and ought as such to be recognized as conferring claims to pension. The point was incidentally raised in the discussion about Mr Percival's retirement and Mr Powell wrote as follows: - "Looking at the position of comparative independence which by its charter the University seems intended to occupy, and which I cannot but think is essential to its successful working, and remembering that the appointment of the Registrar is under the sanctioned regulations of the University expressly vested in the Senate, I doubt if the view taken by the Examiners of Claims" (which regarded it as an ordinary State appointment) "is correct." The Government refused to apply to the Secretary of State for permission to retain Mr Percival as Registrar, and thus through

not containing an express
ruling on the point, then
order tacitly assumes
that the appointment is
an ordinary one. I
submit - that this is the
correct opinion. At
present Mr Percival's
whole salary is paid by
Government, though a
certain portion of it is
covered by fees, and,
even should the receipt
from fees eventually
suffice for or exceed the
charges and a University
fee fund be established,
the fund would probably
be held a local fund
for pension purposes,
though this is somewhat
doubtful as the orders
at present stand. The
Director of Public Instru-
tion about two months
ago asked for a ruling
on the status as regards ^{pension of masters paid from the} school fee
fund, but I believe orders
have

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have not yet been passed.
5. The case of the Rev.
Mr Percival is one of
some importance as its
treatment will be made
a precedent within a
very few years when
Mr Gordon, who is similarly
situated, retires.
6. A third question
arises, whether the Registrar,
if held to be a Govt. ^{educational} appoint-
ment, is a member of the University,
and an Educational appoint-
ment; and would confer
a claim to pension after
twelve years' service.
In 1853 the Council of Directors
in extending the benefit
of pension to the Educational
Department generally,
ruled that Principals &
heads of ^{colleges or} schools were to
be ranked in the same
class as law officers and
native judges in respect
of the periods qualifying
for pension (i.e. 12, 22, and
27 years are ^{to be} substituted
for

for 15, 25, and 30 years
the ordinary periods).
The Secretary of State has
since ordered (23rd Decr
1865 No 290) that "Educational
Officers" ^{who enter the service} to be taken to
mean all officers employed
in the Educational Depart-
ment or confined to those
who like Principals and
Heads of Colleges and
Schools are engaged in
the direct work of instruc-
tion (and inspection?).
I submit that the obvious
reason of the concession
indicates that this latter
is the correct construction
and that mere ministerial
officers, like the University
Registrar, are sufficiently
provided for by the
ordinary pension rules.
Mr Percival gets the benefit
of the rule in being
allowed as a Professor
pension after thirteen
years' service.

after 25 years of age are alone
entitled to the benefit of the
old Rule - So the phrase
"Educational Officers"

viz. the difficulty of obtaining
men qualified for work of that
kind at 25 years of age & the con-
siderable hardship on them if
required to serve the ordinary
time for pension.

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7. If Govt agree in the
view advocated in para 3
of this Memorandum, viz;
that Mr Percival's two
appointments cannot be
separately treated, this
third question is un-
important as his service
as Professor entitles
him to pension; but if it
be held that separate
grants should be allowed
and that the Registrar
is an Educational Officer
within the meaning of the
Secretary of State's despatch,
then Mr Percival as
Registrar must get a
second pension at $\frac{1}{3}$ 2

He would then, having drawn al-
together a salary of Rs 9600 per
annum, get a pension, amounting
to 257.8.0 per annum; whereas
it is expressly laid down that
pensions to officers drawing less 8.

than Rs 12000 per annum must
not exceed Rs 2000, or Rs 166.8.0

Salary, or Rs 100, and not
a mere gratuity, - for
he has served 12-1-8.

As Mr Percival
was the first Registrar
appointed for the Madras
University there is no
precedent in this

Presidency

Presidency. I submit
that this case is too
clear to need reference
to ascertain how Registrars
have been treated in
Bombay and Calcutta,
and that Mr. Percival
should be at once
granted a pension of
Rs 106-8-0, and no
gratuity.

ALS

I have gone fully into the claim
as it is possible that Govt. in
arriving at a decision on
Mr. Percival's application for
exemption from the 55 years
rule, may have been influ-
enced by the reports made as
to the ^{retaining} allowances to
which he would be entitled.

ALS

I am of opinion (1) that the two abovementioned
-ments cannot be separately dealt with. As
Professor he is entitled to a pension of
Rs 151-8-0 & this I would give him at
once. I am of opinion (2) that the Registrar.

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-ship is not an Educational appoint-
ment in the sense that a long period
of service specially qualifies for pension.
I am in doubt (3) whether it is to be
regarded as a post appointment at
all - but rather incline to think it should
be. Govt. really provide the money - for the
less I believe do not cover the other expenses
the Senate. I would refer this point
to the Govt. for it will create
precedent. If it is a post appointment
the salary should, as the Under-
secretary of Finance, be reckoned in determining
total pension. ~~As a result~~ If it is
not, Mr. Percival's claim will be as the
Under Secretary's Fee Fund - which is I believe
for its other members. Any
pension & a gratuity from post
appointment or 2 pensions.
with W. H. S. J. D. S.

I am no magistrate for
 opening this position
 to the Secretary of State
 the responsibility of the
 University is not a
 formal appointment
 at all. It is made by
 the Senate and under
 the rules it is made
 for two years only.
 When Mr. Samuel Staniel
 the app. the limitation
 to two years was not
 in force and the
 bye law was passed
 which however did not
 exempt him from its
 operation, Mr. Staniel
 was disturbed. Supposedly
 he might have been reappointed
 every two years. I feel sure
 that under the circumstances
 the Govt. of India will register
 his claim to pension.

Recd by Percival
 Pension -

(10)

Journal

by that the Reg-
 istration can't count
 for pension -

A. A.

Pension O. No. 389 of 70.

C. 24 Jan 70
 C. 27/7/70 A. 137

REGISTER OF AN APPLICATION FOR GRATUITY UNDER PENSION RULES,
 PUBLISHED UNDER DATE 3RD MAY 1864, FROM THE ESTABLISHMENT OF THE
 University OF Madras

1	Full name of the Person by whom the Gratuity is applied for,	Peter Percival
2	Present post	Registrar of Madras University
3	Date of commencement of service...	4 th April 1857
4	Date of retirement of service ...	31 st December 1869.
5*	Abstract of the grounds of application.	1. Injured while in the execution of public duty. 2. Inability to serve longer. 3. Reduction of Establishment. } Superannuation Years. Months. Days.
6†	How long un-employed, and under what circumstances	1. Resigned the service from to 2. † Reduction of Establishment from to 3. Suspended from to 4. Dismissed for misconduct from to
7	Total of service before 22 years of age....	" " "
8	Total of service not in Pension grades....	" " "
9	Total of leave other than privilege and preparatory leave....	" " "
	G. and Total...	" " "
10	Total period counted as service.	12 2 24
11†	Age of the applicant at the time of this application.	66 Rs. A. P.
12	Salary per mensem at the time of application.	300 - - -
13	Proposed amount of Gratuity... ..	3600 - - -

* N. B.—The reason of the applicant's retirement and of his being unemployed for the periods given being left, the other grounds of retirement and reasons of break in employment should be erased with red ink.

† It is hereby certified that no gratuity was drawn by the applicant on reduction of Establishment in the year.
 It is certified that gratuity having been granted was refunded to the amount of Rs. As. P.
 Order sanctioning payment of gratuity was.
 Amount of gratuity granted was Rs. As. P.
 Refund of gratuity was credited to the account for the month of 186

† I do hereby certify, that to the best of my belief the applicant's age above stated is correct

P. Percival.

Statement of total period of Service.

Establishment.	Post.	Pay.		Period.				Accountant General or Controller of Military Accounts Remarks.	
		Rs.	A. P.	From	To	Yrs.	Ms.		Ds.
Madras University	Registrar	300		1st April 1857	31 Decr. 1869	12	8	24	Unifired. The applicant does not appear to have had any leave which does not count for pension <i>H. Donald</i> Examiner of Claims
Total.....						12	8	24	
Deduct service before 22 years of age				Years. Months. Days					
Deduct service not in pension grades				"					
Deduct leave				"					
Net period of Service.....						12	8	2	

Explanation of Column 6 with quotations of orders of reinstatement.

Explanation of any degradation.

Detail of leave on half pay and full stoppage of pay.

Remarks by the Head of the Office on past character and conduct of the applicant throughout the service.

From	To	Yrs.	Ms.	Ds.
Total of leave...				

The Luck
The 17th Feb 1870. }
Office, }
1869. }

S. Prival

No. 614
REPORT OF THE Examiner of Claims

Service qualifying for pension is proved for a total period of... .. 12. 8. 24
Applicant is eligible to a gratuity of Rupees 3600 equal to 12 months salary, under Clause 1 Section 6 of the Revised Pension Rules. and under the terms of Notification of Government of India dated 25th January 1865 No 794 Home Department published at page 302 of

H. Donald
Examiner of Claims

Fort Saint George
Account General's Office, }
18th May 1870. }

To
The Chief Secretary to Government,
Civil Pension Department.

REGISTER of an application for Superannuation Pension under
published under date 3rd May 1864, from the Establishment of
the Presidency College of Madras

1	Full name of Pensioner...	Peter Percival								
2	Sex or caste...	European								
3	Residence ...	The Luz Madras								
4	Present post ...	Professor of Vernacular Literature								
5	Date of commencement of service...	12 th February 1856								
6	Date of retirement from service ...	31 st December 1869.								
7*	Abstract of the grounds of application.	<table border="0"> <tr> <td>1. Good service ...</td> <td>to</td> <td rowspan="3">Superannuation</td> </tr> <tr> <td>2. Inability to serve longer ...</td> <td>to</td> </tr> <tr> <td>3. Reduction of Establishment</td> <td>to</td> </tr> </table>	1. Good service ...	to	Superannuation	2. Inability to serve longer ...	to	3. Reduction of Establishment	to	
1. Good service ...	to	Superannuation								
2. Inability to serve longer ...	to									
3. Reduction of Establishment	to									
8*	How long unemployed, and under what circumstances.	<table border="0"> <tr> <td>1. Resigned the service from</td> <td>to</td> </tr> <tr> <td>2.† Reduction of Establishment from</td> <td>to</td> </tr> <tr> <td>3. Suspended from</td> <td>to</td> </tr> <tr> <td>4. Dismissed for misconduct from</td> <td>to</td> </tr> </table>	1. Resigned the service from	to	2.† Reduction of Establishment from	to	3. Suspended from	to	4. Dismissed for misconduct from	to
1. Resigned the service from	to									
2.† Reduction of Establishment from	to									
3. Suspended from	to									
4. Dismissed for misconduct from	to									
9	Total of service before 22 years of age ...									
10	Total of service not in Pension grades ...									
11	Total of leave other than privilege and preparatory leave ...									
	Grand Total...	13-10-18								
12	Total period in Pension grades counted as service ...	66								
13†	Age of the applicant at the time of this application ...	5 4 1/4								
14	Height ...									
15	Descriptive marks.—	Blue eyes, light complexion								
16	Average salary of past 5 years ...	Rs. 475-5-4								
17	Proposed amount of Pension...									
18	Date from which to commence ...	1 st January 1870								
19	Place of payment ...	Madras								

* N. B.—The reason of the applicant's retirement and of his being unemployed for the periods given being left, the other grounds of retirement and reasons of break in employment should be erased with red ink.

† It is hereby certified that no gratuity was drawn by the applicant on reduction of Establishment in the year. It is certified that gratuity having been granted was refunded to the amount of Rs. A. P.

Order sanctioning payment of gratuity was A. P.

Amount of gratuity granted was Rs. 155 .

Refund of gratuity as credited to the account for the month of

I do hereby certify, that to the best of my belief the applicant's age above stated is correct.

Edmund Ross, Esq.
Principal, Pres. Coll.

PENSION 1869, DEPARTMENT

PENSION 1869, DEPARTMENT.

From the Registrar of Claims
Fort Saint George,

From the Registrar of the
Madras University

To the Chief Secretary to Government,
Civil Pension Department.

To the Accountant General or Controller
of Military Accounts.

Dated 18th May 1869
Received 20th May 1869

Dated 17th February 1870
Received 20th May 1870

Enclosures



Register of an application for Gratuity in behalf

of Peter Percival
late Registrar

of Peter Percival
late Registrar

borne on the establishment of the University
of Madras

ORDER OF GOVERNMENT.

Statement of total period of Service.

Establishment.	Post.	PAY.			PERIOD.				Accountant General or Controller of Military Accounts Remarks.	
		Rs.	A.	P.	From	To	Yrs.	Ms.		Ds.
Presidency College	Professor of Vernacular Literature	500			12 th February 1856	31 st Decr 1869	13	10	18	Verified. Pay drawn up to 31 st Decr 69 only. The applicant does not appear to have held any leave which does not count for pension. <i>Donald</i> Examiner of Claims
Total.....							13	10	18	
Deduct service before 22 years of age							Years.	Months.	Days.	
Deduct service not in Pension grades										
Deduct leave										
Net period of Service.....							13	10	18	

Explanation of Column 8 with quotations of orders of reinstatement.

Explanation of any degradation.

None					237 None				
Detail of leave on half pay and full stoppage of pay.					Remarks by the head of the Office on past character and conduct of the applicant throughout the service.				
From	To	Yrs.	Ms.	Ds.	It gives me much pleasure to testify to the great ability shown by Mr. Maxwell in the discharge of his duties during the seven years I have been Principal of the College.				
Total of leave...									

Principal, Presidency College,
The 17th February 1870.

OFFICE,
1870.

Edmund Maxwell Esq.
Principal, Presidency College.

No. 615
REPORT OF THE Examiner of Claims.

Service qualifying for pension is proved for a total period of... .. 13 - 10 - 18

In the last 5 years of his service the average pay of the applicant's permanent post was 455 - 4 - 4

Applicant is eligible to a pension of Rupees 151-8-11 per mensem, equal to 1/3rd of his average salary during the last 5 years, under Clause Section of the Revised Pension Rules.

the terms of Regulation No. 5 of 1865, published in the Official Gazette at pages 302 & 356 respectively.

The average salary of the applicant is Rs. 455 & not Rs. 475 as shown in item 16 of the Register.

The salary of the applicant is not shown correctly. He drew only Rs. 400 a month up to 31st March/69 and not Rs. 500 during the whole period of service as shown in the Register.

Fort Saint George
Accts. Genl. Office,
18th May 1870.

To

The Chief Secretary to Government,
Civil Pension Department.

Donald
Examiner of Claims

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Pension Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter papers

From the Principal of the
Residency College
Registrar of the Madras
University
Reports of the Examiner of
Claims

Here enter 17th February 1870.

18th May 1870
Nos 614 and 615

Order thereon 18th August 1870 N^o 389.

I. D. S.

His Excellency the
Governor in Council can-
not concur in the reports
of the Examiner of Claims
that the Rev. P. Perival
is entitled, in respect of his
service as Professor of Ver-
nacular Literature in
the Residency College, and
Registrar of the Madras
University

PENSION 1867⁰ DEPARTMENT.

N^o 423.

From the Examiner of Claims
Fort Saint George.

To the Chief Secretary to Government,
Civil Pension Department.

Dated 18th May 1870
Received 20 May 1870

Enclosures.

CR 616-

PENSION 1867⁰ DEPARTMENT.

N^o 422

From the Principal of the
Residency College.

To the Accountant General or Controller
of Military Accounts.

Dated 17th February 1870
Received 20 May 1870



Register of an appli-

cation for Superannuation Pension in behalf

of Mr. P. Perival

late Professor of Vernacular Literature
borne on the establishment of the
Residency College.

O. H. 389

ORDER OF GOVERNMENT.

1867⁰ August 18th N^o 389

University, to a pension of
Rs 151-8-0 per mensem,
and in addition, to a gra-
-tuity of Rs 3600.

2. He observes that even
supposing that the Regis-
-trarship to the University
is to be considered a good
appointment and, as such,
to confer a ^{right} ~~claim~~ to pension,
the principle implied in
the Examiner of Claims'
reports, that the Revd Mr.
Percival's claims to be se-
-parately treated in respect
of the two offices are well
founded, is erroneous, and
opposed to the spirit and
letter of the rules. Pension
is granted, not in virtue
of particular appointments
held by the applicant,
but in virtue of his entire
Service

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Service in the employment
of the State in grades re-
-cognized as eligible. The
appointments held, only in-
-fluence the amount of
the pension which is to
be calculated with refer-
-ence to the applicant's
gross emoluments.

3. But His Excellency
in Council is further of
opinion that the Registrar-
-ship of the University
should not be considered
a public office which
confers a right to pension
from the State. Under the
by-laws of the University
the appointment is vested
in the Senate, and office
is held only for a period
of two years, after which
formal reappointment
constituting

constituting a new tenure,
is necessary. Further the
salary of the Registrar
is, in fact, at present in
great part, and will eventu-
ally be entirely, defrayed
from the University fees,
and for this reason, ought
not to be admitted in the
computation of a pension
to be paid from State
Funds.

4. The Right Honor-
able the Governor in
Council is therefore con-
strained to negative
Mr Percival's claims to
any retiring allowance,
on account of the office
of Registrar, and resolves
to grant to him only
the ^{monthly} pension to which he
is

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is entitled for his service
as Professor of Vernacular
Literature for 13 years
10th 18th
viz: Rs (51-8-0) one hundred
and fifty one and
eight annas eight, which is
sanctioned with effect from
the 1st January 1870.

H.S.D.

The Principal of the Presidency
College, Madras
Registrar of the Madras
University
Accountant General

20 copies

