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2. Date of repair. 15.6.36
3. Initials of Reference. f

M.R.O. 1—82 400—32-11-30

MADRAS RECORD OFFICE.

Government of Madras.

pension **DEPARTMENT.**

G.O. No. 595 Press ~~Mis.~~

Dated 2. 11- 1870.

Not to be folded or roughly handled

15/6/36

Proceedings of the Madras Government, Pension Department, 2nd November 1870.

Read the following Proceedings of the Board of Revenue:—

Submitting a letter from the Collector of Cuddapah regarding the payment to certain newly-appointed Tahsildars of the District of the full salaries of their office, pending the decision of Government on the applications for pension on behalf of the late incumbents, and inquiring whether so much of G. O., dated 13th October 1866, No. 332, as requires that, pending the grant of a pension, the acting incumbent shall draw full pay, must be considered as cancelled. (Dated 11th July 1870, No. 4814.)

ORDER THEREON, 2nd November 1870, No. 595.

In modification of the Order of the 13th October 1866, Pension Department, referred to by the Board in the foregoing Proceedings, the Government resolve to direct that, in the case of retirement of an officer on application for pension, an *acting* incumbent should be appointed on *acting pay*, until the final orders of Government on the application for pension are passed. The officer appointed should then (if he has proved himself qualified for the post) be confirmed retrospectively, and allowed full pay from the date from which the pension takes effect, or from that of retirement in case gratuity only is allowed to the retiring incumbent.

2. As regards persons not fully qualified under the Examination Rules to hold a post, but specially appointed under certain conditions, the Government, on re-consideration, are of opinion that full pay should be allowed when the vacancy is a full one.

(True Extract.)

H. E. STOKES,
Under Secy. to Govt.

To the Public Department.
" Revenue do.
" Public Works do.
" Military do.
" Board of Revenue.
" Accountant-General.
" Controller of Military Accounts.

Exd. J. H. Burns.

Pension Dep.

3

Memo for orders.

The Secretary of State in his despatch dated 24th March 1870 No. 403. ruled that no acting officer should be allowed the full salary of an office for any period antecedent to his permanent appointment thereto.

2. In Go. Revenue Department No. 880 dated 16th June 1870, the Govt. ruled that this despatch was applicable to certain cases in which it had been asked that the full pay of their offices should be allowed to certain acting Officers on the ground that the full pay was available: and the Govt. declared that this despatch would dispose of all similar applications in future.

When a man applies for pension - I do not think his place should be considered permanently vacant till it has sanctioned the pension - It is then only that he finally vacates office - In the interval, if it be necessary to relieve him from duty - or he be he is incapacitated by old age &c. an acting man or acting pay should not be known in detail. When he is finally pensioned, the acting man will draw full

3. The cases thus disposed of were in two series of quite different classes. One was dependent on a man who was appointed to act as Tahsildar in a fully vacant post, conditional on passing the special tests; and the other upon the possible rejection of an application for pension of a retiring incumbent.

4. The order which has hitherto regulated the latter class of cases is S.O. 13th Oct. 1866, No. 332. Pens. Dep.. This was issued to provide for the case of a medical certificate being found unsatisfactory; but and directed generally that on a post being vacated by an applicant for pension, the post should not be permanently filled up until orders were passed on the application,

pay from the date from which pt. of the pension to take effect.

Where an officer - not fully qualified to hold a post - is still specially allowed 6 ds. to, on certain conditions, he should draw full pay - as a matter of course during his incumbency. These cases are rare but do occur every year

I. O. S.

and that during the interval, an incumbent should be appointed to act on full pay. The Board now, with reference to S.O. 16th June 1870 Rev. Dep. ask whether the latter part of this order is now to be considered cancelled.

5. The Govt. in passing the order of 16th June ~~in question~~ do not appear to have had in view S.O. 13th July 13th Oct 1866. Pension Dep. This order was not at all referred to & had it been intended to modify it, the modifying order would have been addressed to the Pension Department. I submit that there is an essential difference between the two classes of cases to which the Secretary of State's ruling was applied. The men who are selected on the retirement of an incumbent are pensioners those who if fully qualified

it is intended should permanently occupy the posts; and it is only for convenience & to avoid possible complications which do not occur once in a hundred cases, that their formal confirmation is deferred. The order amounts to this, that until pensioned the applicant retains a lien on his appointment, but it does not otherwise affect in practice the status of the newly appointed men. It is fair to apply the Secretary of State's despatch to the other class of cases where unqualified men are appointed conditionally on passing the tests; but to apply it to those appointed on the retirement of permanent incumbents on pension at the expense of Govt. rewards would be to encourage, directly in proportion to the ~~delay~~ tardiness of District officers in forwarding Exc. of claims & of the Pension Department in disposing

of applications for pensions. The case which called forth the Secy. of State's despatch is also of quite a different character to those under discussion. It was the case of military officers acting for military absentees, detaining the available pay, when after six months absence the absentees ~~go~~ cease to draw half pay which is allowed for that period.

6. I submit that the old order should stand good in respect of fully qualified persons appointed ~~on the transfer~~ in the room of applicants for pension. If it be considered necessary to accommodate the hitherto existing practice to the terms of the Secretary of State's despatch, it may be ordered that the appointment of such persons

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in such cases, & the dependent appointments, shall at the time they are made be declard permanent, subject to the liens of the applicants for pensions & of the acting men on the appointments vacated.

As far as Govt is concerned as a party to the appointments such liens are not inconsistent with the permanency of the new appointments.

When not qualified & appointed conditionally, in passing should not of course draw full pay even though appointed to a pension vacancy; and it would seem ~~(though it is not necessary to avoid the risk)~~ that a link of this kind in a chain of acting appointments will effectually close below it

7. If it be decided to uphold

G. O. 13th Oct 1866, Pens. Dept.
G. O. 16th June 1870 No. 880
Rev. Dept. should be modified, and full pay allowed to the senior of men dependent on the Pension vacancy. Such modification ought to be made in the Revenue Dept. not in the Pension Dept.

H. L.

No. 4,814.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th July 1870.

Read the following letters:—

Read the following letter from G. VANSAGNEW, Esq., Collector of Cuddapah, to the Acting Secretary to the Board of Revenue, dated on circuit at Gurramkonda, 6th June 1870, No. 102.

ADVERTING to the Board's Proceedings marginally noted, sanctioning the nominations of K. Subarayudu and T. Jeyram Naidu as Tahsildars of Budweil and Prodatur, respectively, I have the honour to request that the requisite sanction may be obtained for disbursing to them the full salaries of their posts from the dates of their assuming charge thereof, funds being available in consequence of the permanent incumbents having retired on Superannuation Pensions.

No. 1,587, dated 5th March 1870.
,, 2,442, ,, 11th April ,,

2. The pension of the Prodatur Tahsildar has not yet been sanctioned, but the Register of application was submitted to Government, through the Accountant-General, on the 28th March last.

3. The pension to the Voilpad Tahsildar has been sanctioned by Government, but is still pending, and may so pend for a long time, the final confirmation by the Inspector-General of Hospitals of the Medical Certificate of incapacity furnished by the Zillah Surgeon.

4. Under these circumstances deputation allowance at 50 per cent. only can be allowed to the new Tahsildars under paragraph 7 of the Accountant-General's Circular* No. 15 of the 6th September 1869. Their own appointments in the districts of Godavery and Nellore have been filled up, and thus there is no portion of their former salaries available to them.

* Referred to in Board's Proceeding, No 7,636, dated 13th October 1869.

From the same officer, dated on circuit at Gurramkonda, 20th June 1870, No. 113.

IN continuation of my letter, No. 102, of the 6th instant, I have the honour to request sanction to disburse to the present Acting Tahsildar of Sidhout and to the Acting Town Sub-Magistrate of Cuddapah, the full salary of their respective posts, funds being available consequent on the retirement on pension of the Tahsildar of Pulivendla, and the promotion to that talook of the Tahsildar of Sidhout. The difficulty arises from the pension, although sanctioned by Government and in course of payment, being still subject to the confirmation by the Deputy Inspector-General on his next visits to Cuddapah of the Medical Certificate granted by the Zillah Surgeon.

THESE cases are similar to those disposed of in G. O., dated 16th June 1870, No. 880; but the Board resolve to take this opportunity of inquiring whether so much of G. O., dated 13th October 1866, No. 332, repeated in Section 88 of the Uncovenanted Civil Service Vade Mecum, as requires that pending the grant of a pension the acting incumbent shall draw full pay must be considered as cancelled.

(True Copies and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department.
,, the Collector of Cuddapah.

Exd. F. R. Bantleman.

Pn. 15 Sept 70 No 2209
Encl. 28 Sept 70 No 433-12
5 Sept 70 No 100-1

Read 10 Oct 1870
Answd 1870. Rep 46

Board of Revenue,

MADRAS.

PROCEEDINGS, 11TH JULY 1870, No 4,814.

Despatched July 70 Encl.

Received 25 August 70

JULY.

No. 4,814.

Salaries.—Letter from Collector of Cuddapah requesting sanction for payment of full salaries to certain public servants in District, holding acting appointments in consequence of certain other servants having applied for pension, submitted to Government, with request to state whether so much of G. O, dated 13th October 1866, No 332, as requires that pending grant of pension, acting incumbent shall draw full pay, must be considered cancelled.

Treasurer

A. Mr 595

Leave Revenue

R 6 Oct 70

13

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Minute

dated 11th July 1870 No. 4814.

Order thereon 2d November 1870 No. 595

In modification of the order of the 13th Octr. 1866 Pension Department referred to by the Board in the foregoing proceedings, the Govt. resolve to direct that in the case of retirement of an officer on application for pension, an acting incumbent should be appointed on acting pay, until the final orders of Govt. on the application for pension are passed. The officer appointed should then be confirmed retrospectively, & allowed full

Proc. of the Board of Revenue.

Submitting a letter from the Collector of Cuddapah regarding the payment of certain newly appointed Tahsildars of the District of the full Salaries of their Office pending the decision of Govt. on the applications for pension on behalf of the late incumbents; and enquiring whether assumed of G. O. of 13 Oct. 1866 No. 332 as requires that pending the grant of a pension the acting incumbent shall draw full pay must be considered as cancelled.

J. D. S.

(if he has turned himself disabled for the post)

full pay, from the
date from which the
pension takes effect,
or from that practic=
=ment, in case gratuity
-ity is allowed to the
retiring incumbent.

2. As regards persons
not fully qualified
under the examination
Rules to hold a post, but
~~state~~ specially appoint=
=ed under certain con=
=ditions, the Govt on
reconsideration, are of
opinion that full pay
should be allowed, when
the vacancy is a full one.

H.S.

To the Public Departt
To the Revenue Departt
To the Public Works Departt
To the Military Departt
To the Secretary to the Board of Revenue
" - Accountant General
" - Controller of Military Accounts

Dead 8/11/70
E - 80 Copies

Govt. of 1870 Madras.

To Pension

The Board of Revenue

Dated Nov^r 2 } 1870. No. 595

Recd.

Nos.

Passing orders respecting the salary to be drawn by an officer acting for another in the case of retirement on application for pension. and while such applications are still pending.

595