1. Number of pages. 10
2. Date of repair. 17.6.36
3. Initials of Referencer.

M.R.O. 1—32 400—29-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Pension **DEPARTMENT.**

G.O. No. 680 — Proceedings Mis.

Dated 5 - 12 - 1870.

Not to be folded or roughly handled

17.6.36

Proceedings of the Madras Government, Pension Department,
20th May 1869.

Read the following papers:—

From the Judges of the Madras Court of Small Causes, to the Chief Secretary to Government, Fort Saint George; dated Madras, 15th March 1869, No. 19.

We have the honour to submit, for the orders of His Excellency the Governor in Council, the accompanying application for pension from Mr. D. Shaw, the Chief Clerk of this Court. Mr. Shaw always discharged the duties of his office carefully and zealously, and we trust that his application will meet with favourable consideration from His Excellency in Council.

2. We would also beg to urge upon His Excellency in Council that even though Mr. Shaw should not, strictly speaking, be entitled to the pension which he asks for, yet that it might be granted to him as a special case, in view of the contemplated changes in the constitution of the Court.

From Mr. D. SHAW, Chief Clerk of the Madras Court of Small Causes, to the Judges of the Madras Court of Small Causes; dated Madras, 27th February 1869.

I have the honour to request that you will be so good as to submit to Government this my application for a superannuation "Good Service" pension, with your recommendation thereon.

2. The Pension Register, in the prescribed form, is herewith forwarded.

3. I trust that there will be no objection to the period of my service in the late Supreme Court extending over twenty-two years, viz., from March 1836 to April 1858, being allowed to count towards pension.

4. I find that the services of one Mr. D. R. Passanha, formerly a Clerk in the Office of the Registrar and Prothonotary of the late Supreme Court, were taken into consideration and a compassionate allowance granted to him under the orders marginally noted.

Despatch from Secretary of State for India, to Governor of Fort Saint George, 24th January 1863, No. 1.
Order of Madras Government, 4th March 1863, No. 250, Public Department.
Order of Madras Government, 1st April 1863, No. 378, Public Department.

5. I take the liberty to enclose a printed copy of my testimonials, &c., and to request that the same may be submitted to Government, and their attention drawn to paragraph 53 of Mr. Thomas Jones' Memorandum, dated the 26th September 1868, on the reforms proposed to be introduced into the Madras Court of Small Causes.

6. If the enclosed certificate from the Registrar of the High Court should not be deemed to be a sufficient verification of my services in the office of the Registrar and Prothonotary of the late Supreme Court during the period between March 1836 and April 1846, I am prepared to make a solemn declaration in support of the statement of my services during such period.

7. In conclusion, I earnestly solicit that you will present my case as strongly as possible to the Government, in order that I may obtain a pension equal to one-half of my average salary during the last five years of service.

List of papers enclosed.

1. Register of application for Superannuation Pension under Pension Rules of 3rd May 1864.
2. Printed copy of testimonials, &c.
3. Certificate from Deputy Paymaster, Moulmein, dated 1st October 1839.
4. Certificate from the Registrar of the High Court, dated 24th February 1869.
5. Copies of orders of Court, dated 9th April 1846.

REGISTER of an application for Superannuation Pension, under Pension Rules published under date 3rd May 1864, from the establishment of the Madras Court of Small Causes.

1.	Full name of pensioner	Daniel Shaw.
2.	Sect or caste	European.
3.	Residence	Poonamallee road, Madras.
4.	Present post	Chief Clerk, Madras Court of Small Causes.
5.	Date of commencement of service	1st March 1836.
6.	Date of retirement from service	From date of pension being granted.
7.	Abstract of the grounds of application	Good service.
		Y. M. D.
8.	How long unemployed, and under what circumstances.	1. Resigned the service as to office of Deputy Sheriff from 4th March to 19th December 1857 ... 0 9 15 2. Do. do. on 15th April 1858. 0 0 1
9.	Total of service before 22 years of age	0 0 0
10.	Total of service not in pension grades	0 0 0
11.	Total of leave other than privilege and preparatory leave.—Sick leave from 28th October 1868 to 28th April 1869	0 6 0
	Grand total	0 6 0
12.	Total period in pension grades counted as service	32 3 26
13.*	Age of the applicant at the time of this application	58 8 0
		Feet. Inches.
14.	Height	5 5½
15.	Descriptive marks	Wart on the left side of the nose, and a mark of a cut on the back of the left hand.
		RS. A. P.
16.	Average salary of past five years	650 0 0
17.	Proposed amount of pension	325 0 0
18.	Date from which to commence	From date of pension being granted.
19.	Place of payment	Madras.

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

(Signed) T. M. BUSTEED,
First Judge.

Statement of total period of Service.

Establishment.	Post.	Pay.	Period. From	Period. To	Yrs.	Ms.	Ds.	Accountant General or Controller of Military Accounts' remarks.
		RS. A. P. Last pay.						
Registrar Supreme Court.	Clerk	60 0 0	1st March 1836.	30th Apl. 1839.	3	2	0	
Military Paymaster, Moulmein	Examiner	100 0 0	1st June 1839.	30th Sep. 1839.	0	4	0	
		Last pay.						
Registrar Supreme Court.	Clerk and Manager.	250 0 0	1st Nov. 1839.	8th Apl. 1846.	6	5	8	
Do.	Chief Clerk to Registrar and Prothonotary, (appointed by order of Court)	300 0 0	9th April 1846.	19th Dec. 1850.	4	8	10	Does not reckon for pension as the applicant resigned his post of Deputy Sheriff on the 15th April 1858, and thereby remained without permanent employ for years 1849-27, the time spent as Acting Chief Clerk in the Court of Small Causes.
Do.	Do.	300 0 0	20th Dec. 1850.	3rd Mar. 1857.	6	2	15	
Sheriff of Madras.	Deputy Sheriff	240 0 0						
Registrar Supreme Court.	Chief Clerk to Registrar and Protonotary.	300 0 0	4th March 1857.	19th Dec. 1857.	0	9	16	
Do.	Do.	300 0 0	20th Dec. 1857.	14th Apl. 1858.	0	3	25	
Court of Small Causes, Madras.	Acting Chief Clerk.	325 0 0	16th April 1858.	15th Apl. 1859.	1	0	0	
Do.	Do.	433 5 4	16th April 1859.	2nd Jan. 1860.	0	8	17	
Do.	Do.	325 0 0	3rd Jan. 1860.	14th Mar. 1860.	0	2	12	
Do.	Chief Clerk	650 0 0	15th March 1860.	27th Oct. 1868.	8	7	13	Verified up to 31st March 1869, (vide page 643, 1st volume of 1860,) with reference to the permanent appointment. This service can reckon for pension. (Sd.) T. TREVOR, for *Examiner of Claims.*
Do.	Do. (on leave)	325 0 0	28th Oct. 1868.	1st Mar. 1869.	0	4	4	
				Total	32	5	25	
					YRS.	MS.	DS.	
				Deduct service before 22 years of age	0	0	0	
				Deduct service not in Pension grades	0	0	0	
				Deduct leave	0	6	0	
					0	6	0	
				Net period of service	31	11	25	

Explanation of Column 8, with quotations of orders of re-instatement.	*Explanation of any degradation.*

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

From	To	Yrs.	Ms.	Ds.
28th Oct. 1868.	28th April 1869.	0	6	0
	Total of leave...	0	6	0

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

MADRAS,
SMALL CAUSE COURT,
15th March 1869.

(Signed) T. M. BUSTEED,
" G. E. COWER,
" C. RUNGANADA SASTRY,
} *Judges.*

5. 5.

STATEMENT of service of Mr. D. Shaw, Chief Clerk in the Court of Small Causes, Madras.

Post.	From	To	Period. Y. M. D.	Pay. RS. A. P.	Remarks of the Examiner of Claims.	Explanation of the Judges.
Clerk in the Office of Registrar and Prothonotary Supreme Court, Madras.	1st March 1836.	30th April 1839.	3 2 0	60 0 0 (Last pay)	Inquires whether the service shown in items 1 and 3 was of a permanent or temporary nature. Requests copy of order appointing Mr. Shaw to these posts, and a statement of the pay he drew in each, and the source from which it was paid.	The service shown in items 1 and 3 was of a permanent nature. There was no written order appointing Mr. Shaw to these posts. The certificate of the Registrar of the High Court and the Deputy Military Paymaster, Moulmein, forwarded with Pension Register, will verify his services in these posts. The pay in the Registrar's Office was drawn from fees which the Registrar received, under table of fees passed by the late Supreme Court with the sanction of the Governor in Council. The pay in the Paymaster's Office, Moulmein, was drawn from the Government Treasury there.
Examiner, Military Paymaster's Office, Moulmein.	1st June 1839.	30th Sept. 1839.	0 4 0	100 0 0		
Clerk and latterly Manager in the Office of Registrar and Prothonotary Supreme Court, Madras.	1st Nov. 1839.	8th April 1846.	6 5 8	250 0 0 (Last pay)	Inquires cause of breaks from 1st to 31st May, and 1st to 31st October 1839.	The break in May 1839 was caused by Mr. Shaw's resignation of his post in the Registrar's Office to take up the post in the Military Paymaster's Office, Moulmein, and the break in October 1839 was caused by his resignation of the latter post to take back the post in the Registrar's Office.
Chief Clerk to the Registrar and Prothonotary Supreme Court, Madras.	9th April 1846.	14th April 1858.	12 0 5	300 0 0	Requests copy of order of the Judges, referred to in Judges' letter, dated 9th April 1846. Inquires amount of pay and source from which it was drawn, and cause of break on 15th April 1858.	Copies of order of Supreme Court, dated 9th April 1846, appointing Mr. Shaw Chief Clerk to the Registrar and Prothonotary are forwarded with Pension Register. The pay was drawn from fees received by the Registrar, under table passed by Supreme Court with the sanction of the Governor in Council. Mr. Shaw resigned and gave over charge of the office of Chief Clerk to the Registrar and Prothonotary on 14th April 1858, intending to take charge on 15th idem of the office of Acting Chief Clerk, Court of Small Causes, to which he had been appointed. He did not, however, receive charge of the said office till the 16th April 1858.
Acting Chief Clerk, Court of Small Causes, Madras.	16th April 1858.	15th April 1859.	1 0 0	325 0 0	This service cannot be verified from the records of the Accountant General's Office. Inquires whether during this period Mr. Shaw held any permanent appointment, if so requests that the nature of it may be given with salary attached.	Mr. Shaw did not hold any permanent appointment during this period. The records of the Accountant General's Office must show his services from 15th April 1858 to 14th March 1860, as pay during all that period, was drawn from the Government Treasury upon pay bills passed by the Civil Paymaster.
Do. do.	16th April 1859.	2nd Jan. 1860.	0 8 16	433 5 4		
Do. do.	3rd Jan. 1860.	14th March 1860.	0 2 11	325 0 0		
Chief Clerk in the Court of Small Causes, Madras.	15th March 1860.	28th Feb. 1869.	8 11 17	650 0 0	Verified.	
Deputy Sheriff of Madras ...	20th Dec. 1850.	3rd March 1857.	6 2 15	240* 0 0	Inquires cause of break from 4th March to 19th December 1857.	This break was caused by Mr. Shaw's resignation of the office of Deputy Sheriff; but during this period he continued to hold the office of Chief Clerk to the Registrar and Prothonotary, Supreme Court.
Do. do.	20th Dec. 1857.	14th April 1858.	0 3 26	240* 0 0		
					Requests to be furnished with a detailed statement of all the leaves obtained by Mr. Shaw during his entire service.	Six months' sick leave, from 28th October 1868 to 28th April 1869, as shown in Pension Register.

* Inclusive of palankeen allowance of Rupees 30.

MADRAS,
15th March 1869.

(Signed) D. SHAW,
Chief Clerk, Court of Small Causes, Madras.

(Signed) T. M. BUSTEED,
(,,) G. E. COWER,
(,,) C. RUNGANADA SASTRY,
} *Judges.*

No. 398.

REPORT OF THE EXAMINER OF CLAIMS.

	YRS.	MS.	DS.
Service qualifying for pension is proved for a total period of...	8	7	13
	RS.	A.	P.
The pay of the applicant's permanent post was.....	650	0	0

Applicant will be eligible to a gratuity not exceeding Rupees 5200, equal to eight months' salary, under Clause 1st of Section 6 of the revised Pension Rules, on production of prescribed medical certificate.

FORT SAINT GEORGE,
ACCOUNTANT GENL.'S OFFICE,
15*th April* 1869.

(Signed) T. TREVOR,
for *Examiner of Claims.*

To the Chief Secretary to Government, Fort Saint George.

ORDER THEREON, 20th May 1869, No. 158.

Mr. D. Shaw, Chief Clerk of the Madras Court of Small Causes, has been in the public service for 32 years, 5 months, and 25 days up to the 27th October 1868, and now claims a good-service pension. Prior to December 1850 for 14 years, 3 months, and 18 days he held appointments in the Supreme Court, which being remunerated from sums received as fees, were not offices qualifying for pension. Subsequent to 1850, he served in all for six years, six months, and nine days as Deputy Sheriff, having resigned and been reappointed (after nine months and sixteen days) in 1857; and on 14th April 1858 finally resigned that appointment to take up the post of Acting Chief Clerk in the Court of Small Causes, where he continued to act for one year, ten months, and twenty-nine days till the 15th March 1860, when he was confirmed.

2. For the period during which he acted as Chief Clerk Mr. Shaw was without any permanent appointment under Government, and the break being more than a year, he will, if the rules be strictly applied to his case, lose the benefit of his previous service of six years, six months, and nine days, and be entitled, on production of a medical certificate, to a gratuity not exceeding eight months' pay, or Rupees 5200.

3. His Excellency the Governor in Council is of opinion that, though the continuity of Mr. Shaw's service is, according to the strict letter of the rule, interrupted by the break of one year, ten months, and twenty-nine days during which he acted as Chief Clerk, on resignation of the Deputy Shrievalty, yet he was to all intents and purposes still in the service of Government during that period, and should be allowed to count it towards his pension. Including this period and the time passed previously in pensionable grades, Mr. Shaw's service for pension amounts to seventeen years and twenty days. His Excellency in Council, having regard to the recommendation of the Judges, will be prepared, on Mr. Shaw's producing the necessary medical certificate, to recommend to the Government of India the grant to him of a pension of Rupees 166-8-0 per mensem under Clause 2nd, Section 6 of the revised Pension Rules.

(True Extract.)

Actg. Under Secy. to Govt.

To the Judges of the Madras Court of Small Causes.
,, Examiner of Claims.
,, Accountant General.

Rzd. J. Wright.

Govt. of Madras.

1869

PENSION.

To

THE JUDGES OF THE MADRAS COURT OF SMALL CAUSES, &c., &c., &c.

Dated May, 20th.

Read.

Encl.

G. O., 20th *May* 1869, *No.* 158.

MAY.

Intimating that, on Mr. Shaw's producing the necessary medical certificate, a recommendation will be made to the Government of India for the grant to him of a pension of Rupees 166-8-0 under the revised Pension Rules.

9

Proceedings of the Madras Government, Financial Department, 15th November 1870.

No. 25. Read the following letter from the Officiating Under Secretary to the Government of India, Financial Department, to the Chief Secretary to Government, Fort Saint George, dated Simla, 18th October 1870, No. 4273 :—

In acknowledging the receipt of your letter, No. 381, dated 13th September 1870, I am directed to state that Mr. Shaw, late Chief Clerk of the Court of Small Causes, Madras, was not entitled to any pension as Deputy Sheriff, that being an appointment to which no pension attaches. For the same reason, he was not entitled to any pension as Chief Clerk to the Registrar and Prothonotary of the Supreme Court. It is, therefore, impossible to consider him entitled to pension merely because he held *both* appointments.

2. The only service which Mr. Shaw has rendered of the class " eligible to pension" is from 15th March 1860, amounting to eight years, seven months, and twelve days. His only allowance, therefore, can be the gratuity attached to that service, and the Government of India sees no reason for going beyond the rules in Mr. Shaw's case.

—

Ordered that a copy of the above letter be furnished to the Accountant-General, Madras.

—

No. 26. ORDER THEREON, 15th November 1870, No. 462.

Communicated to the Accountant-General and the Judges of the Madras Court of Small Causes.

2. Mr. Shaw's gratuity will amount to Rupees 5,200.

(True Extract.)

(Signed) R. D. Ellis
Chief Secretary.

To the Judges of the Madras Court of Small Causes.
,, Accountant-General.
,, Civil Pension Department.

Exd. J. H. Burns.

Cons. 18 Decr 1870 No 458

Govt. of {1870} Madras.

Pension No. 1262

Pros of FINANCIAL. Govt.

To

THE JUDGES OF THE MADRAS COURT
OF SMALL CAUSES,
&c., &c., &c.

Dated November, 15th.

Recd. — " — *18* Encl.

G. O., 15th November 1870, *No.* 462.

NOVEMBER.
Nos. 25-26.

Communicating letter from the Government of India declaring Mr. D. Shaw, late Chief Clerk, Madras Court of Small Causes, entitled to a gratuity instead of a pension.

Order thereon 5 Decr 1870 No. 1262

Recorded

N. C.