

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	61	~~Press-~~ Mis.
Dated	30-1-	1971.

Not to be folded or roughly handled

H
22-6-36

N^o 561

Chingleput Civil & Session Court

10th October 1870.

From, R. W. Barlow Esquire
M. Civil and Session Judge of
Chingleput.

To
The Honorable D. J. Ellis C. B.
Chief Secretary to Govt.
Fort St. George.

Sir,

With reference to the order of the
Government, N^o 396, dated 19th August 1870,
sanctioning a half pension, or Rs. 7-8-0 per
Mensem, to Chittoor Mahomed Ismail Sahib,
a late Gumastah on the establishment of
this Court, on condition of his refunding the
gratuity drawn by him in 1843, and only a one
third pension, or Rs. 5 per Mensem, should he
not so refund, I have the honor to state
that he wishes to make the refund, but
begs that after the immediate recovery,
on account of the said gratuity, of the
arrears of pension now due to him up to
the end of August last, the remainder
may be recovered by monthly instalments of
Rupees 3-8-0, to be deducted from his Pension,
as I believe the Petitioner to be in very
straitened circumstances, I beg to recommend
that

that the indulgence requested may be allowed him.

2. I observe that Rupees 28 of the said gratuity have already been recovered, from his salary, formerly, as shown by the entry at the foot of the register of application for pension already submitted to Government.

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

W. J. Barlow
M. Civil & Session Judge

Ex.
J. D.
H. W.

Memo for orders

Inmail Saket, a
quincassa in the Civil Court at
Chinghaput, died (up to 1843)
54. 8m 15d. and got a gratuity
on reduction of Establishment
of Rs 140. He subsequently served
for years 21-2-23.

2 His case was
disposed of in G.O. 19 August
1870 No 396. He was granted a
pension of $\frac{1}{3}$ pay or Rs 5 from
11 November 1869 for his service
subsequent to reduction; &
was told that on his refunding
the gratuity drawn in 1843
he would regain his previous
service and would be allowed
a half pension of Rs 7-8-0.

3 He now applies -
that the arrears which have
accrued since November 1869
may be set off against the
gratuity, & that henceforward
until the whole gratuity is
paid off, Rs 3-8 per mensem
may be stopped from his pension.

4 The proposal is not
very clearly put by the Acting

Pass: Dec 19 August 1870
No 396

20th Dec 1870.
Chinghaput
Chief Secretary to Govt
of Chinghaput

20th Dec 1870
Recd 13th Dec 1870

30th Dec 1870. G.O. 61. -
No 541.

Recommend that the sum
due to Chinghaput (Kachin) be
paid a lot of money of the
Chinghaput Civil Court (Kachin)
to in the Govt Order. No 396 dated
19th Aug 1870 up to the end of
Aug. Each may be recovered
on account of the gratuity drawn
by him, & that the amount
of the said gratuity may be
recovered by monthly instal-
ments of Rs 3-8-0, to be drawn
from his Pension.

Mr. T. H. ...

Civil Judge. The intention probably is that the arrears should be taken to have accrued from November 1869 at Rs 7-8-0 per mensem, the rate granted conditionally on refund; & that Simail Sahib should draw Rs 4 per mensem until the balance of the gratuity is paid off. The arrears at Rs 7½ up to 11th November 1870 amounted to Rs 90, leaving Rs 50 still due.

5 I don't know of any exact precedent. The man is clearly entitled to Rs 5 per mensem whether he refunds or not, & the case is thus distinguished from Rangayya Nayudu's & Mr Schweukis, whose applications have recently been refused by Government. In those cases the pensions were forestalled, gratuity having been drawn equivalent to the pension for many months; but in the present case the pension of Rs 5 has not been forestalled. If Govt sanction

the

the proposal they will run no risk of loss. If the man were to die before the gratuity were paid off, Govt, having been paying him at a lower rate than he is actually entitled to, would, on the contrary, gain. They can afford without risk to give him the Rs 5 and to allow the arrears at that rate (not at Rs 7.8.) to be set off against the gratuity. This however is a measure of consideration which is not asked for.

6 Orders are requested

H.S.

M

I should conclude
this I.D.S.

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read ~~the following letter~~ again

Pros of Government, dated 19th August 1870 N^o 396.

Read also the following letter from the Acting Civil and Sessions Judge of Chingleput, dated 10th Oct^r 1870 N^o 561

Order thereon 30th Jan^y 71 N^o 61

J. D. L.

The request preferred by the petitioner is not very clearly stated by the Ag Civil Judge.

I report that in the latter part of para 5 of the memo I made a mistake in stating that the Gov^t could afford to allow the applicant Rs 5 per mensem & to set off the arrears at that rate. Gov^t w^d in such case receive absolutely nothing, except the arrears at Rs 5. The man is not entitled to the higher pension until he repays future the applicant. The Government take it to be that the arrears of pension should be considered to have accrued at Rs 7-8-0 per mensem & that in future the applicant

drawing Rs 4 per mensem - an indefinite period to make
should be considered to his election. The G. O. at present
appropriate the difference Drafts case requires him to make
between that sum & Rs 7-8-0 his election at once but concedes
per mensem, or Rs 3-8-0 to him time to make the
to the liquidation of refund
the gratuity. H.S.

2. The Govt observe that
the arrears must be held
to have accrued, not at
the rate of Rs 7-8-0 but
at Rs 5, the rate to which
the applicant is actually
entitled. The Government
will allow him to set
off the arrears, at this
rate against the gratuity
and will permit him
to refund the balance
by such instalments
deducted from his
pension

of Rs 5 per mensem as
he may wish to pay
He will be admitted to
the higher pension of Rs 7-8-0
per mensem from the
date on which the refund
shall be complete

To the Civil Judge of Chingleput
- " - Collector of Chingleput
- " - Accountant General } Dec 30/1/71

Pension to be allowed to
-mail Sahut-

Govt. of 1871; 20 mrs.

To
Said

The Govt. of
Said

Dated 30 January
Recd. 1871, No. 61

Nos.

Permitting Mahomed
Said to receive the
balance of gratuity by
each individual from
his pension of 5 Rs. per
as he may wish to pay.

1/1/71
1/1/71
1/1/71