1. Number of pages. 1 = 30.
2. Date of repair. 22-7-36
3. Initials of Referencer.
P
25-7-36

M.R.O. 1—82 400—29-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 224 Press / Mis.

Dated 17 - 4 - 1872

Not to be folded or roughly handled

PENSION DEPARTMENT.

No. 224.

FROM

D. F. CARMICHAEL, ESQ.,
Acting Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to submit the following case for the favourable consideration and orders of the Government of India.

2. K. Murtyappa, late 9th Gumastah of the Karkal Munsif's Court, after a total service of thirty-four years, six months, and two days in grades partly inferior and partly superior, was removed from his post on the report of the Munsif that he was incompetent *from old age* to perform his duties, his removal being confirmed by the High Court on appeal. He is, however, declared by the Medical Officer to be "physically fit for the performance of his duties," and is, therefore, ineligible under the rules for pension or gratuity.

3. As the man was serving in an inferior grade at the time of his removal, he is not entitled to a superannuation pension, although his age is stated to be fifty-nine years, and a medical certificate of incapacity cannot be dispensed with; but, on the same grounds as those stated in Mr. Chief Secretary Ellis' letter of the 5th November 1867 when making a similar reference, I am to suggest that, as a special case, a gratuity of Rupees 60, equal to six months' pay, be granted to K. Murtyappa, to which sum he would have been entitled had he been declared unfit for further service.

I have the honour to be,
Sir,
Your most obedient servant,

FORT ST. GEORGE,
17th April 1872.

Acting Secretary to Government.

Exd. J. H. Burns.

1872.

FINANCIAL DEPARTMENT.

From
The Acting Secretary to Government,
Fort St. George.

To
The Secretary to the Govt. of India,
Financial Department.

Dated 17th April 1872.

Recd.

No. 224.

Enclosure.

Recommending the grant, as a special case, of a gratuity of Rupees 60 to K. Murtyappa, late a Gumastah of the Karkal Munsif's Court.

No 1035.

Memorandum.

With reference to the Acting Under Secretary's Memo: dated 29th May 1872, requesting to be informed whether the order of the High Court declaring K. Murtyappa late 9th Gumastah in the Karkal District Munsif's Court, to be incapacitated from old age, was passed after inspection of K. Murtyappa or whether it was based solely on the report of the District Munsif or Civil Judge, the undersigned is directed to state that the services of Murtyappa were dispensed with by the Civil Judge of Mangalore on account of his being incapacitated from old age to serve longer and that on appeal to the High Court against the said order the High Court declined to order his reinstatement. A copy of the

Proceedings of the High Court is herewith forwarded for the information of the Government. The Proceedings were passed without a personal inspection of the Appellant.

High Court of Judicature, Madras, 5th June 1872.

Wigram

Acting Registrar,
Appellate Side

To The Acting Under Secretary to Government.

Exd G. Varadaraiulu

No. 105.

Proceedings of the High Court of Judicature at Madras, 18th January 1871.

Read letter dated 20th December 1870 from the Civil Judge of Mangalore forwarding for the orders of the High Court a petition presented by Murthyappa late 9th Gumastah in the Karkal District Munsif's Court appealing against the order of the Civil Judge dispensing with his services.

The Petitioner is represented to be incapacitated from old age for further service The High Court cannot interfere for the purpose of ordering his reinstatement.

(True Extract)

Wigram

Acting Registrar,
Appellate Side.

adaraiulu

Pension 1872 Departt

No. 845
845

Memo: from the Ag.
Registrar of the High
Court appellate Side

Dated 5th June 1872
Recd. 6 — " —

States that the Services of K. Murtyappa late 9th Gumastah in the Karkal District Munsiffs Court were dispensed with by the Civil Judge of Mangalore on account of his being incapacitated from old age to serve longer and that on his appeal to the High Court against the said order the High Court declined to order his re-instatement

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No. 6

Civil Court Mangalore 29th June 1872.

From
A. C. Burnell Esqre
Ag. Civil Judge,
Mangalore

To
C. A. Galton Esqre
Ag. Under Secretary to Government,
Pension Dept., Fort St George.

Sir,

With reference to your Memo: dated 29th May last, No. 51, I have the honor to state that no further information in regard to the character and services of K. Murtyappa therein referred to is procurable.

I have the honor to be
Sir,
Your most obt. Servt.

A. Burnell
Ag. Civil Judge.

Ex: S. Rangappa

Revenue Deptt.
Sept (1872) No 963.
From
Ag Civil Judge,
Mangalore
Dated 9th Inst
Recd 23rd Inst 1872
No 6
Enclosure - none.
Note. Nothing that no
further information
regarding the services
and character of
K. Murtyappa
is procurable.

No 4. Mangalore 9th March 1872

5

From
M. J. Walhouse Esqre
Civil Judge of Mangalore

To D. F. Carmichael Esqre
Acting Secretary to Government
Fort St. George

Sir,

I have the honor to lay before Government for their orders, a case of application for gratuity on behalf of K. Murtyappa late 9th Gumasta of the Karkal Munsifs Court, dated 1st November 1871, with its enclosure, which has been returned by the Accountant General with his Memo. of 25th January last for want of a medical certificate of inability to serve longer. The Applicant was removed on the 14th September 1869, upon report of the Munsif that he was incompetent from old age to perform his duties, and after confirmation of his removal by the High Court in appeal, he applied for a gratuity equal to six months pay, his service having been wholly in ineligible grades. The Accountant General having on the 14th November 1871 required a medical certificate the enclosed one was furnished in which however the Zillah Surgeon declares the Applicant fit to perform his duties. As the Accountant General now asks for a certificate which it is impoſsible to obtain I do not know what course is to be taken in behalf of the poor Gumasta who by his long service is in my opinion entitled to the bounty of the Government after having lost his situation. I have therefore thought it neceſsary to submit the case for the consideration of Government and would suggest that the required medical certificate of inability may be dispensed with in the present case, as I hope it is done in the case of Officials affected by the 55 years Rule, the present applicant having past that age at the time of his removal.

2. The voucher referred to in Para 37 of the Accountant Generals memo: is enclosed.

I have the honor to be,
Sir,
Your most obedient servant.

Civil Court
Mangalore
9th March
1872.

M J Walton
Civil Judge

Exd
L. Rangappa.

To

The Court of the Principal Sadr Amin
of Mangalore

Report of Mir Zulfakarali, Civil Record-keeper dated 25th September 1871.

On a comparison of the dates in the list received with the Civil Court's letter of the 4th Instant, with the diaries of the Kap Munsif's Court, as requested in that letter, it appears from the diary of the 16th March 1835 that Murtiappa was appointed as a Gumasta on a salary of Rs 2½ from 11th February 1835 and from the diary of 13th May 1837 that he was appointed as acting Amin on that date.

The diaries of 1st August 1835 and August 1836 bear no mention of Murtiappa.

Signed/ Mir Zulfakarali

"/ A. Annasamy
Principal Sadr Amin

(True Translation)

Civil Judge

Pension
1872 Dept.

No 4532

From the Civil Judge
Mangalore

Dated 6th
Recd 16th March 1872.

No 4.

Enclosures 3.

No

Submitting for orders a Free of Application for a Gratuity in which the Acct. General re-quires a Medical Certificate of inability which it is impossible to get for reasons stated.

PENSION REPORT DEPARTMENT.

Fort Saint George,
Accountant General's Office
The 25 January 1872.

No. 278

I, Robert Dempster Acting Zillah Surgeon of Mangalore do hereby Certify on honor that I have personally examined R Murtiappah la 9th Gumasta of Karakal Munsiff's Court & find that he is physically fit to perform his duties

R Dempster
Acting Zillah Surgeon
Mangalore.

Mangalore
2nd December 1871

15. Insertion in the Leave Statement, of the period of absence with loss of full and half pay, respectively, during the period of

16. Insertion in of the Register, of the proposed amount of Gratuity.
17. Information as to whether the applicant received any gratuity for past service in consequence of the abolition of his Office on the
if so, a copy of the order sanctioning such gratuity must be furnished.
18. For deletion of Remarks at foot of the Register, if the applicant did not receive any gratuity.
19. For the deletion of grounds of retirement, &c., other than those required under N.B. at foot of the Register.
20. Discharge Certificate from the Superintendent of Police shewing the period of the applicant's employment in the new Police, and why his services were dispensed with.

17

PENSION REPORT DEPARTMENT.

Fort Saint George,
Accountant General's Office
The 25th January 1872.

1. Register of Application on behalf of late [illegible] [illegible] d/ 1st [illegible] /71
1. Medical Certificate
D/ 2nd December /71

2

To

The Civil Judge
Mangalore

THE undersigned has the honor to return the papers connected with the

~~Pension~~ ……………………
Gratuity ……………………
~~Compassionate Allowance~~…
case noted in the margin, received with ~~letter~~ Memo.
dated 20th Jany/72 No. 4 — for want of Nos. 25 & 37

It is particularly requested that an EARLY reply may be sent, and that this Memo. be re-transmitted.

Beeceah
Offg Assistt to the Accountant General.

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1. Detail, with dates, of local posts. } *Vide* paras. 133, 134, 135, and 141, of Chapter III. of the
2. ,, ,, of pay. } Civil Auditor's Manual.
3. ,, of leaves enjoyed other than privilege or preparatory, during the whole period of Service, *vide* Government Notification, published at page 540, 2nd Volume of the Gazette for 1863.
4. Full name in item 1 of the Register of application.
5. Certificate of age attested by Head of Department.
6. ,, that alleged services from to are proved from the records.
7. ,, of past character, *vide* page 99, 2nd Volume of the Official Gazette for 1862.
8. Explanation of apparent breaks.
9. ,, ,, degradation.
10. Insertion of desired place of payment.
11. Printed form of application for under the new Rules published at page 631, of the 2nd Volume of the Gazette for 1866.
12. Printed form of application for gratuity under the old Rules, which can be had from the Superintendent of Stationery.
13. One Register (printed) of all applications for gratuity should be sent to this Department, as required under the recent Orders of Government, instead of the separate manuscript Registers for each individual, herewith returned.
14. Insertion in item 15 of the Register of all descriptive marks agreeably to Notification published at page 802, of 2nd Volume of the Gazette for 1866.
15. Insertion in the Leave Statement, of the period of absence with loss of full and half pay, respectively, during the period of
16. Insertion in of the Register, of the proposed amount of Gratuity.
17. Information as to whether the applicant received any gratuity for past service in consequence of the abolition of his Office on the
if so, a copy of the order sanctioning such gratuity must be furnished.
18. For deletion of Remarks at foot of the Register, if the applicant did not receive any gratuity.
19. For the deletion of grounds of retirement, &c., other than those required under N.B. at foot of the Register.
20. Discharge Certificate from the Superintendent of Police shewing the period of the applicant's employment in the new Police, and why his services were dispensed with.

1. Testimonials of character or Certificates given to applicant by the Head of an Office, or, (in the absence of such Certificates), an affidavit signed before the Head of the Department, in support of the applicant's service from to which cannot be proved from the official records, and a statement of contemporary employés as required by the Notifications published at page 995, 2nd Volume of *Fort St. George Gazette* for 1868, and at page 1,576, 2nd Volume of do. for 1870.

22. Explanation of the cause of delay in submission of application until when the applicant appears from the statement of service to have ceased to do duty on the

23. Explanation why the applicant was retained in Government service from to when the Medical Certificate was dated *vide* Government Notification, published at pages 603 and 473, 1st and 2nd Volumes, respectively of the Official Gazette for 1866.

24. Explanation why the applicant was recommended in of the Register, for a gratuity of Rupees equal to months salary, when he is eligible to the gratuity of Rupees equal to months salary under the

4

one is informal ✓ 25. Medical Certificate in prescribed form shewing the applicant's inability to serve longer at the present
  a. Vide Government Notifications, published at pages 740 and 632, Volume 1 of Gazette for 1858 and 1863, respectively.
  b. Agreeably to the Orders of Government, dated 14th June 1866, No. 224, as the applicant's service exclusive of the periods

  amounts to
  c. Vide Government Notification, published at page 705, 1st Volume, and page 450, 2nd Volume of the Official Gazette for 1865 and 1866, respectively.

Vide Inspector General's Circular No. 1,517, dated 25th April 1868, Indian Medical Department.

26. Explanation why Medical Certificate is dated after the applicant ceased to do duty, instead of on, or before, his retirement from Government service.

27. Transmission of the True Copy of the order of

28. Translation of the orders of under which the applicant

29. Explanation as to whether the applicant applied for during his life, if so, when he applied, and when he died.

30. Explanation as to whether the applicant's heirs applied for the arrears of due to the applicant up to the date of decease, together with date of application for

31. Insertion in the 1st and 2nd sides of the Register, of the correct periods of years.

as pencilled, instead of years.

32. Insertion in the Register of application as to whether the applicant for Compassionate allowance has been employed since the date of the abolition of Office in , and whether holds any employment at present.

33. English Translation of affidavit to be given, on the back of the same (herewith returned), so as

34. Signature of the applicant, to be affixed at foot of affidavit in

35. Transmission of the Printed Memo. from this Department, dated as required therein, as the cannot be disposed of without it.

36. Insertion in Clause 3 of Item No. 7, in the 1st side of the Register, of the date, and No. of the Order of Government, under which the applicant was thrown out of employ by reduction of Establishment.

37. Extract from the Zilla Courts decrees appointing the applicant on the 11th February /35 should be sent -

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REGISTER OF AN APPLICATION FOR GRATUITY UNDER PENSION RULES, PUBLISHED UNDER DATE 3RD MAY 1864, FROM THE ESTABLISHMENT OF THE Civil Court OF Mangalore.

1	Full name of the Person by whom the Gratuity is applied for	Kalliaupur Murtiappa			
2	Present post	Late 9th Gumasta of the Karkal Mff's Court.			
3	Date of commencement of service...	11th February 1835.			
4	Date of retirement of service... ...	14th September 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.~~			
			Years.	Months.	Da
6*	How long unemployed, and under what circumstances.	~~1. Resigned the service from to~~			
		2.† Reduction of Establishment from 1st Septr 66 to 30th Septr 66.	"	1.	"
		~~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		30.	6.	2.
9	Total of leave other than privilege and preparatory leave		"	2.	"
	Grand Total...		30.	9.	2.
10	Total period counted as service		4.	"	"
11‡	Age of the applicant at the time of this application		59.	"	"
			Rs.	A.	P.
12	Salary per mensem at the time of application...		10.	"	"
13	Proposed amount of Gratuity		60.	"	"

* *N. B.*—The reason of the applicant's retirement and of his being unemployed for the periods given being left, the other grounds of retir 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~~
~~Amount of gratuity granted was Rs. A. P.~~
~~Refund of gratuity was credited to the account for the month of 187~~ .

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

Sheristedar.

Statement of total period of Service.

Establishment.	Post.	Pay. Rs.	A.	P.	Period. From	To	Yrs.	Ms.	Ds.	Accountant-General or Controller of Military Accounts, Remarks.
Cap Mff's Court.	5th Gumasta.	2.	8.	"	11th Febry '35.	12th May 1837.	2.	3.	"	
	Amin.	3.	"	"	13th May 1837.	18th June 1846.	9.	1.	7.	
"	5th Gumasta	3.	"	"	19th June 1846.	13th Jany '48.	1.	6.	25.	
"	4th ditto.	4.	"	"	14th Jany '48.	21st Febry '54.	6.	1.	9.	
"	Ditto.	5.	8.	"	22d Febry '54.	31st May 1856.	2.	3.	7.	
"	3d ditto.	8.	"	"	1st June 1856.	17th Decr '57.	1.	6.	17.	
"	Ag: 2d do	9.	"	"	18th Decr '57.	31 August '62	4.	8.	14.	
Vittal Mff's Court.	2d ditto.	14.	"	"	1st Septr '62.	31st Augt '66.	4.	"	"	
Karkal Mff's Court.	9th ditto.	10.	"	"	1st October '66.	13th Septr '69.	2.	11.	13.	
						Total......	34.	6.	2.	

	Years,	Months,	Days
Deduct service before 22 years of age	"	"	"
Deduct service not in Pension grades	30.	6.	2.
Deduct leave	"	2.	"
	30.	8.	2.
Net period of Service......	3.	10.	"

G.O. 20 Augt/56 No 1282

Explanation of Column 6 with quotations of orders of reinstatement.	Explanation of any degradation.
The applicant was Gumasta in Vittal Mf's Court on the abolition of which Court on the 1st September 1866 he was out of employ until he was appointed in the Karkal Mf's Court on the 1st October 1866.	None

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

From	To	Yrs.	Ms.	Ds.
26th August 1864.	26th October 1864.	"	2.	"
	Total of leave...	"	2.	"

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

The character of the applicant was reported to be good, the records of the Court do not contain any unfavorable remarks.

Civil Court Mangalore OFFICE,
The 1st November 1871.

M. J. Saltoun
Civil Judge

No.

REPORT OF THE

	Years.	Months.	Days.
Service qualifying for pension is proved for a total period of...			

Applicant is eligible to a gratuity of Rupees equal to months' salary unde clause Section of the Revised Pension Rules.

Office,
187

To
The Chief Secretary to Government,
Civil Pension Department.

PENSION 187 , DEPARTMENT.

From the

Fort Saint George,

To the Chief Secretary to Government,

Civil Pension Department.

Dated }
Received } 187 .

Enclosures.

Verifies the service

of

late

borne on the establishment of the

PENSION 187 , DEPARTMENT.

From the Civil Judge
Mangalore

To the Accountant-General or Controller
of Military Accounts.

Dated 10th }
Received } November 1871.

Register of an application for Gratuity in behalf
of K. Kallianpur Murtiappa
late 9th Gumasta of Karkal Munsif's Court
borne on the establishment of the Civil Court of Mangalore
No. 224 of [illegible]

ORDER OF GOVERNMENT.

Memorandum for orders.

Letter from the Civil Judge of Mangalore dated 9th March 1872 No. 4.

The Civil Judge of Mangalore submits the following case for orders_

K. Murtyappa, late 9th Gumasta of the Karkal Munsif's Court, after a total service of 34 yrs. 6 m. 2 dys. in grades partly inferior and partly superior was removed from his post on the report of the Munsif that he was incompetent from old age

age to perform his duties, his removal being confirmed by the High Court on appeal. Application has been made on his behalf for a gratuity of Rs 60 equal to 6 months pay. He is, however, declared by the Medical Officer to be physically fit for the performance of his duties and is therefore ineligible under the rules for pension or gratuity. The Civil Judge suggests that the required Medical Certificate of inability may be dispensed with in the present case as is done in the case of officials affected by the 55 years rule. In a former case of a somewhat similar nature, referre for the orders of the Government of India, they declined to grant the full amount of the gratuity which would have been admissible had the Applicant been pronounced by competent Medical authority to be unfit for further service, but one half of that amoun was sanctioned as a special case.

As the man was serving

-ing in an inferior grade at the time of his re-moval, he is not entitled to a superannuation pension gratuity although his age is stated to amount to 59 years. and under the rules the Medical Certificate cannot be dispensed with; but it seems somewhat hard that he should forfeit his claim by removal, in the face of the Medical Certificate now granted.

C.A.L.

K. Murtyappa, late 9th Gumasta of the Karkal Munsif's Court.

O No. 224
" 723

I submit that an appln. may go up to Calcutta for a full gratuity (only 60 Rs.) as a special case.

It wd. also be well to recom-mend that the 55 year rule be applied to all classes – at present it applies only to inferior service classes: so that a Gomasta on 10 Rs. or a Peon can hang on our hands for ever, unless an obstinate Doctor backs him up –

D G – 11/4

C: 12 April

Yes. J.D.S.

I would rather not. The additional work would be very heavy.

J.D.S.

Pension Department.

No. 224.

To

The Secretary to the Government of India,

Financial Department.

Sir,

I am directed to submit the following case for the favorable consideration and orders of the Government of India.

2. K. Murtyappa, late 9th Gumastah of the Karkal Munsiff's Court, after a total service of 34 yrs. 6 m. 2 d. in grades partly inferior and partly superior was removed from his post on the report of the Munsiff that he was incompetent from

from old age to perform his duties, his removal being confirmed by the High Court on appeal. He is, however, declared by the Medical Officer to be "physically fit for the performance of his duties" and is therefore ineligible under the Rules, for Pension or Gratuity.

3. As the man was serving in an inferior Grade at the time of his removal, he is not entitled to a Superannuation pension, although his age is stated to be 59 years, and a Medical Certificate of incapacity cannot be dispensed with—

but

but on the same grounds as those stated in Mr. Chief Secretary Ellis' letter of the 5th November 1867 when making a similar reference, I am to suggest that, as a special case, a gratuity of Rs 60 equal to six months pay be granted to K. Murtyappa, to which sum he would have been entitled had he been declared unfit for further service.

Fort Saint George
the 17th April 1872

C.A.

16/4.

W Ellis [illegible]
20 C [illegible]

K. Murtyappa
late 9r Gumastah,
Karkal Munsiff's
Court

22/6/85

Pens. 1872 Department

No. 224

To
The Secretary to the
Government of
Fin. Department.

Dated 17th April 1872.

Recommending the grant as a special case, of a gratuity of Rupees 60 to K. Murtyappa late a Gumastah of the Karkal Munsiff's Court.

[illegible]