

(1) Number of pages 8

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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.

773

Press
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Dated

21-10-

1872.

Not to be folded or roughly handled

29/8/80

*Proceedings of the Madras Government, Pension Department,
21st October 1872.*

Read again Proceedings of Government, Revenue Department, dated 14th June 1859, No. 784.

Do.	of Financial Department,	dated 18th August 1869,	No. 363.
Do.	of Pension	„ „ 15th March 1870,	„ 118.
Do.	of Financial	„ „ 19th August 1870,	„ 348.
Do.	of „	„ „ 16th „ 1871,	„ 329.

Read also the following papers :—

From the 2nd Member of the Board of Revenue in charge of the Inam Department, dated 20th May, 7th July, and 12th August 1871, Nos. 328, 438, and 585.

From the Acting Accountant-General, dated 2nd February 1872, Nos. 154 to 158.

From the Acting Secretary to the Government of Fort St. George, to the Secretary to the Government of India, Financial Department, dated 3rd May 1872, No. 315.

The Government of India having objected* to the grant of gratuities to certain servants on the establishment of

* *Vide* letter from Under Secretary to Government of India, No. 2273, 22nd July 1871. the Inam Commissioner, who were discharged on reduction of establishment

after short periods of service, as reported in the statement submitted by this Government for the 4th quarter of 1870-71, on the ground that, where men have been entertained with the knowledge that the establishment was only temporary and was shortly to be reduced, short service should not be regarded as giving a title to gratuity on discharge, I am directed to draw the attention of the Government of India to a letter from this Government, dated 30th June 1870, No. 971, and the Order thereon, dated 29th July 1870, No. 2286.

2. It will be seen that the order of the 29th July 1870 is couched in general terms; that no restrictions as to length of service are imposed, but on the contrary that it is expressly laid down that “all service in the Inam Commission shall count towards pension in accordance with the operation of the general rules.”

3. On the authority thereby conveyed gratuities have from time to time been granted to employes on the Inam Commissioner's Establishment for various short periods of service; and, as several applications are now pending, I am to point out that the order of the 22nd July 1871, No. 2273, is tantamount to a withdrawal of the privilege conceded by the order of the 29th July 1870, No. 2286, and introduces a condition not imposed by that order or by the general rules.—*Vide* Section 56, Civil Pension Code.

4. The former order quotes paragraph 2 of a letter from the Government of India, No. 3187, dated 24th November 1870, which, however, makes no mention of

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21st October 1872.*

the period of service giving a title to pension, and, if construed with reference to the preceding paragraph, was obviously not intended to impose any restriction not contained in the order of the 29th July 1870, No. 2286. The fact that, in respect of the grants to which the Government of India took exception, service exceeded five years in all the cases and in one extended to eight years and three months, would seem to indicate that service should at any rate exceed the latter period, but the term "short service" is not defined in the communication referred to; and, under the general rules, service exceeding five years, even in the case of inferior servants, gives a title to gratuity.

5. With reference to that portion of the letter of the 22nd July 1871, No. 2273, which implies that the servants of the establishment of the Inam Commissioner were entertained with the knowledge that the establishment was only temporary and was shortly to be reduced, I am directed to observe that, on the

* *Vide* G. O., Revenue Department, dated 14th June 1859, No. 784.

organization of the Department in 1859, this Government approved* the proposal of the Inam Commissioner that service

in the Department should count for pension. Having regard, therefore, to the expectations legitimately created by that order, to which no objection was raised for more than ten years and a half, it must be admitted that, though the subordinates of the Department might have anticipated a reduction of the establishment at no distant date, yet they had reasonable grounds for believing that their service in it, to whatever it amounted, would count.

From the Officiating Under Secretary to the Government of India, Financial Department, to the Acting Secretary to Government, Fort St. George, dated Simla, 11th July 1872, No. 862.

I am directed to acknowledge the receipt of your letter, No. 315, dated 3rd May 1872, regarding the title to gratuity on discharge of officers entertained in the establishment of the Inam Commissioner with the knowledge that the establishment was only temporary and was shortly to be reduced. In reply, I am to say that, in the case of all persons engaged subsequent to this date, the provisions of Civil Pension Code, 22 (a) 1, should be applied, but that the decision on the claims of all men already on the establishment is left to the discretion of the local Government.

ORDER THEREON, 21st October 1872, No. 773.

Under the authority conveyed by the letter from the Government of India above recorded, His Excellency the Governor in Council is pleased to grant to the under-mentioned employés on the establishment of the Inam Commissioner, who have been thrown out of employment after completing the periods of service specified, the gratuities noted opposite to their respective names.

2. The Member of the Board of Revenue in charge of the Inam Department should give all employés on the establishment engaged subsequent to the 11th

*Proceedings of the Madras Government, Pension Department,
21st October 1872.*

July 1872 clearly to understand that service in that Department will not be allowed to reckon towards retiring allowance:—

Names.	Present post.	Service.			Last salary.			Gratuities granted.		
		YS.	M.	D.	RS.	A.	P.	RS.	A.	P.
1. Mandayam Anandampillai Sengarachi	Examiner ...	3	5	17	60	0	0	180	0	0
2. Colappanjeri Masilamani Mudali.	Clerk... ..	3	4	5	19	8	0	58	8	0
3. Venbakam Somasi Parthasaradhi Aiyangar	Reader ...	3	9	27	25	0	0	75	0	0
4. Chendrageri Krishnaya	Gumastah ...	6	11	4	20	0	0	120	0	0
5. Coimbatore Venkatramaiya	Correspondence Clerk.	4	8	20	30	0	0	120	0	0

(True Extract.)

Acting Under Secy. to Govt.

To the Second Member of the Board of Revenue in charge of the Inam Department.

.. Accountant-General.
.. Revenue Department.

Exd. J. Wright.

28TH MAY 1884, No. 683, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—again the following G.O., dated 25th April 1884, Mis. No. 1749, Revenue :—

Read—the following letter from W. WILSON, Esq., Director of Revenue Settlement and Agriculture, in charge of the Inam Department, Madras, to the Secretary to Government, Revenue Department, dated 8th April 1884, No. 106 :—

In G.O., No. 773, dated 21st October 1872, it was directed that “all employes on the establishment of the Inam Commissioner engaged subsequent to the 11th July 1872, should be given clearly to understand that service in the Inam Department would not be allowed to reckon towards retiring allowance.”

2. In Section 75 * (a) of the Civil Pension Code, it is laid down that service in the Inam Department of Madras qualifies for pension provided the officer was not

engaged on the understanding that his appointment was only temporary, or that he would be liable to be discharged after a short period of service.

3. I shall be obliged by your informing me whether the above quoted order of 1872 is intended, as it may very reasonably be interpreted to do, to apply only to officers entertained in the public service for the first time. I ask this question in regard to the following circumstances. The death of the head of the subordinate establishment and the arrangement made in consequence thereof make it necessary to bring in an outsider to fill up the Examinership, an office to which is attached a salary of Rs. 70 a month, as there is no one on the present establishment who could be appointed to it. I propose to fill the appointment by the transfer of a very competent officer who now draws Rs. 50 in the Settlement Central Office, but before doing so I wish to know if the order of 1872 would prejudice his service for pension. If in the opinion of Government it would, I have the honor to request that Government will be pleased to exempt this officer, Maganti Subba Rao, from the operation of the order so far as it would prejudice his service for pension. He has been in the public service for 23 years.

Order—dated 25th April 1884, Mis. No. 1749, Revenue.

Referred to the Accountant-General for report.

(True Extract.)

(Signed) H. E. STOKES,
Secretary to Government.

READ—also the following letter from H. F. CLOGSTOUN, Esq., Accountant-General, Madras, to the Secretary to Government, Revenue Department, dated, Fort St. George, 9th May 1884, No. I.A.E.-49 :—

With reference to your endorsement No. 1749, dated the 25th April 1884, referring to me for report letter No. 106, dated the 8th idem, from the officer in charge of the Inam Department, requesting certain information regarding the character of service rendered in the Inam Department, I have the honor to invite attention to the orders noted in the margin, and to state that Section 79 of the Civil Pension Code provides that if an

Granting gratuities to five employes of the establishment of the Inam Commissioner.

OCTOBER.

G.O., 21st October 1872, No. 773.

Dated October, 21st.

To
THE INAM COMMISSIONER,
Madras.

PENSION.

Colt. of 1872, Madras.

officer of the Inam Department is engaged on the understanding that his appointment is only temporary, or that he will be liable to discharge after a short period of service, his service in the department does not qualify for pension. In their Order No. 773, dated 21st October 1872, Pension Department, this Government directed that all employes on the establishment of the Inam Department engaged subsequent to the 11th July 1872, should be made clearly to understand that service in that department would not be allowed to reckon towards retiring allowance, thus practically declaring that all appointments filled up after that date were temporary, and the holders liable to discharge after a short period of service. If the post of Examiner in the Inam Department is likely to last for a period which would justify its being regarded as other than temporary, it is open to Government to declare, in modification of its Order of 21st October 1872, above referred to, that service in it shall be pensionable.

2. There do not appear to me to be any grounds for the assumption which Mr. Wilson makes in paragraph 3 of his letter, that the Government order of 1872 may have been intended to apply only to officers entertained in the public service for the first time. The policy seems to have been that temporary hands should be engaged for temporary work, and that all charges for gratuity and pension should be avoided.

ORDER—dated 28th May 1884, No. 683, Revenue.

Miscellaneous.

The Government observe that the Inam Commission has been in existence since 1859, and considering the amount of work still before it in connexion with the enfranchisement of service inams, no term within which it is likely to come to an end can be stated. In these circumstances, His Excellency the Governor in Council is of opinion that the order of 1872 went too far, and is pleased to rule that service on the office establishment of the Inam Commissioner, which is not entertained for mere temporary duty, shall count for pension.

(True Extract.)

Wilson
Secretary to Government.

To the Inam Commissioner.
„ the Director of Revenue Settlement and Agriculture.
„ the Board of Revenue.
„ the Pension Department.
„ the Accountant-General.

Exd. W. H. French.

100 Copies.

80
Inam 1884 12 Sept

Gobt. of (1884) Madras.

REVENUE.

No 650

Issued

Recd.

Encl.

G.O., 28th May 1884, No. 683.

Ad 12-6-84

MAY. ✓

18/6

Inam Department.

Ruling that service in the —, which is not entertained for mere temporary duty, shall count for pension.

Order Inam 19 June 1884 No 551
Recorded
S. H.