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MADRAS RECORD OFFICE.

Government of Madras.

Pension

DEPARTMENT.

G.O. No. 814

Press
Mis.

Dated 2 12 1872

Not to be folded or roughly handled

No. 814.

FROM

THE HON. W. HUDLESTON,

Chief Secretary to the Government of

TO

THE SECRETARY TO THE GOVERNMENT

SIR,

I have the honour to submit, for the favourable con-

2nd December 1872, No. 813.

Government

noted Proceed

recommending the grant of a pension of Rupees 13-5-4 p

Bootchiah, late Carpenter Maistry in the Government V

under the circumstances stated therein.

I have the honour

Sir,

Your most o

FORT ST. GEORGE,

2nd December 1872.

Proceedings of Government, Pension

Read again Proceedings of Government, Pension Dep

1864, No. 155, and 21st September 18

Read also the following papers:—

From the Superintending Engineer, 1st Division, dated

„ Officiating Accountant-General, dated 24th Se

„ „ „ „ dated 7th Octo

ORDER THEREON, 2nd December 1872,

With the letter above recorded, the Superintendi
submits a petition from W. Bootchiah, late Carpenter

Workshop, Dowlaishwarum, praying that he may be allowed the benefit of the Resolution of the Government of India marginally noted, declaring that members of the regular permanent establishments attached to the Workshops at Dowlaishwarum and Madras are entitled to the benefit of the Uncovenanted Service Rules.

	y.	m.	d.
<i>On Temporary Establishment.—</i>			
From 1st December 1834 to 30th June 1846	11	7	0
<i>Break.—Government Workshop, Dowlaishwarum, 1st October 1847 to 30th June 1857</i>	9	7	0
<i>Permanent.—Department of Public Works Establishment, 1st May 1857 to 31st March 1863</i>	5	11	0
<i>Government Workshop, Dowlaishwarum, 1st April 1863 to 31st March 1870... ..</i>	7	0	0
Total	34	1	0
Deduct service on temporary establishment	11	7	0
And leave	0	7	25
Net qualifying service	21	10	5

service on the permanent establishment of the Department of Public Works (5 years and 11 months) the petitioner was granted a gratuity of Rupees 105, under date 2nd April 1864, which he has not refunded. On his retirement in 1870 application was made on his behalf for the grant of a pension equal to one-third of his salary, but negatived on the ground that service prior to 1st May 1857 and subsequent to 31st March 1863 was of a non-qualifying nature.

3. The petitioner now claims the benefit of the Resolution adverted to above, which bears a date subsequent to his retirement, and the first question for decision, therefore, is whether retrospective effect can be given thereto. From an examination of its terms, it is evident that the Resolution was merely declaratory of rights which should never have been called in question, and that its object was not to confer any new boon. Such being the case, the Government are decidedly of opinion that the petitioner is entitled to the benefit of the Uncovenanted Service Rules, provided no valid objection can be taken under those rules to his counting the two periods of service passed on the Workshop Establishment.

4. The papers connected with this case having been referred for report, two objections to the grant of pension are raised by the Officiating Controller of Department of Public Works Accounts and by the Officiating Accountant-General, respectively. The former advances an objection based upon Financial Resolution of the Government of India, No. 2605, dated 9th August 1871, to the effect that Maistries are not entitled to pension, and, further, that the class of servants on the establishment attached to the Dowlaishwarum Workshop who are to be considered entitled to the benefit of the Uncovenanted Civil Service Pension Rules has not been defined. The Resolution, however, does not appear capable of bearing the interpretation put upon it. It refers apparently to a totally different class of Maistries, viz., foremen of gangs, whereas Bootchiah was a skilled workman on rates of pay ranging from Rupees 15 to Rupees 40, and, further, it expressly affirms the impossibility of defining by any specific rule the nature of the employment which should be regarded as qualifying for pension. The question as to whether service should be regarded as "superior" or "inferior" must, in the absence of any express rule, be determined with reference to the circumstances of each case, and, in the opinion

of Government, Bootchiah's service in the Workshop comes under the former category.

5. The Officiating Accountant-General's objection is to the effect that the petitioner is debarred from counting service prior to the 1st April 1863, owing to his failure to refund the gratuity granted under date 2nd April 1864, so that even supposing he is permitted to reckon as qualifying his service in the Workshop, he is entitled to a gratuity of six months' pay only, viz., Rupees 240, and not to a pension.

6. The Government are, however, of opinion that the circumstances of petitioner's case are such as to entitle him to the indulgence of being permitted to refund the gratuity drawn. His service was continuous from 1st October 1847 to 31st March 1870, the date of his retirement. His transfer from the regular establishment of the Department of Public Works to the Workshop in 1863 appears to have been owing to a reduction of establishment, on which occasion the Government directed the submission of applications for pensions and gratuities on behalf of those whose services were dispensed with. Bootchiah's previous service in the Workshop from 1st October 1847 to 1st May 1857 was excluded from the computation, and the gratuity calculated with reference solely to the period of service passed on the regular establishment. The question of the eligibility of service in the Workshop was not raised till 1867, more than three years after a gratuity had been granted to petitioner, and as he was not permitted to reckon it, it may fairly be presumed that he was informed at the time that service on such an establishment did not qualify. It would be unjust, therefore, to subject the petitioner to so great a penalty as the loss of pension for accepting what was offered him under an erroneous impression as to his rights for which he cannot be held responsible.

7. Under these circumstances, His Excellency the Governor in Council resolves to submit Bootchiah's case for the favourable consideration of the Government of India, with a view to the grant of a pension of Rupees 13-5-4, equal to one-third of his salary for the past five years, with effect from 1st April 1870.

(True Extract.)

(Signed) C. A. GALTON,
Acting Under Secy. to Govt.

Exd. J. Wright.

1872.

FINANCIAL DEPARTMENT.

From
The Chief Secretary to Government,
Fort St. George,
To
The Secretary to the Govt. of India,
Financial Department.

Dated 2nd December 1872.

Recd.

No. 814.

Enclosure.

Submitting, for favourable consideration and orders, Proceedings of Government recommending the grant of a pension of Rupees 13-5-4 per mensem to Bootchiah, late Carpenter Maistry in the Government Workshop, Dowlaishwarum.

Pension Department.

No. 814.

To

The Secretary to the Government
of India,
~~Fin.~~ Department.

Sir,

I have the honor to
submit, for the favorable considera-
tion and orders of the Govt. of
India, a copy of the marginally
noted Proceedings of this Govt.
recommending the grant of a
pension of Rs 13-5-4 per mensem
to Wondavilly Bootchiah late
~~carpenter~~ ^{Maistry} in the
Workshop of Dowlaishwarum
under the circumstances stated
therein.

cel.

Fort Saint George
2^d December 1872

12 copies with Procs.

7/9/21
12/5/21

15/1/73
James
L. D. D. D.

110
No. 814

To
The Secretary to the
Government of India
Office of Department.

Dated 2nd Dec^r 1872.

Submitting for favorable
consideration, the
recommendation of the
Board of a pension of
Rs. 13-5-4 per mensem
to Goodrich late
Carpenter residing in
the Fort Works, Roor-
kee.