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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	311	Press Mis.
Dated	16-6-	1873.

Not to be folded or roughly handled

Read the following papers:—

No. 405. From G. S. SAGE, Esq., District Engineer, Cuddapah, to Colonel G. W. WALKER, R. E., Secretary to Government, Public Works Department, dated Camp at Madanapally, 5th April 1873, No. 22.

I HAVE the honour to forward an application from Mr. Executive Engineer O'Ratigan applying for two years' furlough, and in so doing to state that Mr. O'Ratigan is quite unfit for work; that owing to this his work is getting hopelessly into arrears, and to recommend his being granted the leave applied for; if that cannot be done I would recommend his removal from this district as early as possible, and that an experienced and energetic officer be sent to relieve him at once, or things will come to a dead lock.

From P. O'RATIGAN, Esq., C. E., Executive Engineer in charge of Madanapally Range, to G. S. SAGE, Esq., District Engineer, Cuddapah, dated Madanapally, 31st March 1873, No. 1,443.

I HAVE the honour to inform you that I find on return to duty that I am unable to continue on at work; under the circumstances I beg that you will forward this my application for two years' furlough to Europe under Sections 6 and 7 of the Civil Service Regulations.

2. I shall also feel obliged by being relieved of the charge of the range as soon as possible, as I find that I am not up to much work at present.

REFERRED to the Controller of Public Works Accounts for report.

8th April 1873.

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government, P. W. D.

No. 406. From S. BROCK, Esq., Controller of Public Works Accounts, to Colonel G. W. WALKER, R. E., Secretary to Government, Public Works Department, dated Fort St. George, 9th April 1873, No. 81.

UNDER Rule A., Section 4 of the Civil Pension Code, it is necessary that Mr. O'Ratigan, whose Covenant is dated 8th

1 Original letter from District Engineer, Cuddapah, No. 22, dated 5th April 1873.

1 Do. from Mr. O'Ratigan, Executive Engineer, No. 1,443, dated 31st March 1873.

2. In the event of Mr. O'Ratigan electing the new Pension Rules, he will be eligible under Sections 7 and 10 of the Civil Leave Code to furlough for two years, with allowances equal to one-half of his average salary during the past three years.

3. Section 10 of the Civil Pension Code rules that service under a Covenant which contains no stipulation regarding pension does not qualify unless specially

permitted by the Government of India. See also G. O. in the Financial Department, No. 64, dated 10th February 1871.

* 9th July 1861, *vide* Gazette of the 11th April 1862.

Arrived at Madras in October 1859, *vide* G.O., No. 2,501, dated 24th October 1859.

Appointed Acting 2nd Assistant District Engineer, 13th September 1861.

Mr. O'Ratigan's Covenant is for ten years from the date of his appointment* to the effective establishment of the Department Public Works, and it is expressly provided in the Covenant that Mr. O'Ratigan shall be entitled to all the rights and privileges in respect to pay, promotion, furlough, retiring pension, etc., appertaining to the grade in the effective establish-

*Proceedings of the Madras Government, Public Works Department,
29th May 1873.*

ment of the Public Works Department to which he may have been appointed. It is presumed therefore that Mr. O'Ratigan is entitled to reckon towards the leave now applied for his service under that Covenant, and that he may be classed with those referred to in Rule B., Section 1 of the Civil Leave Code.

REFERRED through the District Engineer, Cuddapah, to Mr. O'Ratigan, who will notify his election of Pension Rules in accordance with Rule A., Section 4 of the Civil Pension Code.

15th April 1873.

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government, P. W. D.

No. 407. From G. S. SAGE, Esq., District Engineer, Cuddapah, to Colonel G. W. WALKER, R. E., Secretary to Government, Public Works Department, dated Camp at Pedda Tippiasamudram, 23rd April 1873, No. A. 12.

I HAVE the honour to enclose an original letter from Mr. Executive Engineer O'Ratigan, giving his decision as to the Pension Rules, etc., and also to forward his medical case, backed by Inspector General, Medical Department, and to request his leave may be sanctioned at once and an officer appointed to take charge of his range, as he is in such a bad state of health that I am relieving him with a view to his immediate departure.

From P. O'RATIGAN, Esq., C. E., Executive Engineer in charge of Madanapally Range, to G. S. SAGE, Esq., District Engineer of Cuddapah, dated Madanapally, 22nd April 1873, No. 91.

As requested by the Secretary to Government in his endorsement on Controller's letter, No. 81, dated 9th April 1873, I have the honour to state that I accept the new Pension Rules referred to by the Controller, in lieu of those in force on the date I signed my Covenant.

2. Whilst on this subject I beg to state, with reference to the subject mooted by the Controller, viz., that my service for pension does not commence until my transfer to the effective establishment, that under the new rules I am of opinion that I should be allowed to count towards pension the whole of my service in India from the date on which I reported my arrival at Madras, as has been done in the case of others who came out in the same year on a similar Covenant to Bengal and Bombay. I am also informed that all other Civil Engineers that have since come out to Madras have been allowed to count service from the date on which they reported their arrival at Madras.

3. My Covenant binds me to serve ten years in India from the date of my appointment to the effective establishment, but there is nothing in this clause, I submit, to support the Controller's view that service for pension only commences on the same date. This clause was inserted, as explained to myself and others at the India Office, simply to compel me under a penalty to serve ten years in India after being appointed to the effective establishment, before I could be allowed to resign if such had been my wish.

4. Under the explanation offered above, I beg to request that Government will be pleased to allow me to count the whole of my service in India towards pension, as I supposed was the case until the receipt of the Controller's memorandum under reference.

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29th May 1873.*

5. In conclusion, I beg to enclose a Medical Certificate* for two years' leave to Europe, and to request that the leave applied for may be granted as soon as possible. I shall also feel obliged by you arranging to relieve me of the charge of my office as soon as possible, as I have again had another severe attack of fever which has weakened me very much, and I am told that I ought to get out of India at once.

No. 408.

ORDER THEREON, 29th May 1873, No. 1,445.

ESTABLISHMENT, No. 53.

His Excellency the Governor in Council observes that Mr. O'Ratigan's Covenant, which is dated 8th of June

1859, provides that "when he shall have been pronounced sufficiently qualified by the President of the College or Institution where he shall be pursuing his studies to be transferred to the effective establishment of the Public Works Department, he shall be transferred to that service with the rank to which, in the opinion of the Government, his attainments entitle him, and shall be then entitled to all the rights and privileges in respect of pay, promotion, furlough, retiring pension, and other benefits appertaining to the grade in the effective establishment of the Public Works Department to which he shall be appointed."

2. Mr. O'Ratigan arrived in India in October 1859, and having undergone a preliminary training with satisfactory results was brought on the effective establishment of the department on the 9th July 1861, and is accordingly, in the opinion of His Excellency in Council, entitled to count service from the date of his arrival in the country.

3. Under Rule A., Section 4 of the Civil Pension Code, Covenanted Civil Engineers of the Public Works Department whose Covenants are dated before the 8th June 1863 have the option of electing between the rules in that Code and those which were in force when they executed their Covenants, and Mr. O'Ratigan having elected the new Code Rules should have his pensionary allowances regulated accordingly.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government.

To Mr. O'Ratigan, through the District Engineer, Cuddapah.
To the Controller of Public Works Accounts.
,, Pension Department.

Exd S. T. Austin.

Govt. of 1873 Madras.

Pension
PUBLIC WORKS.

No 351

To

Mr. O'RATIGAN,

&c., &c., &c.

Dated May 29th.

Recd. *H 2 - a -*

Encl. *9*

G. O., 29th May 1873, No. 1,445.

MAY

Nos. 405 408

Mr. Executive Engineer O'Ratigan.—
Passing orders on the application from
Mr. O'Ratigan for two years' furlough.

With an order No 311

Enc.

Order the same 16th June 1873 No 311

Communicated to the office in tant General G. O. 29th May 1873

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To the office in tant General G. O. 29th May 1873

With an order No 311