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MADRAS RECORD OFFICE.

Government of Madras.

Revision DEPARTMENT.

G.O. No. *189-190*

Press
Mis.

Dated

30-3-1874.

Not to be folded or roughly handled

ly

No. 190.

FROM

C. G. MASTER, Esq.,

Acting Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

FINANCIAL DEPARTMENT.

SIR,

The Government of India in the Resolution noted in the margin permitted Mr. J. Smith, now employed as a Mechanical Engineer on the

No. 55, dated 15th January 1874.

Ulsoor Water Works, Bangalore, to draw his Marine pension in addition to the full pay of his present appointment with retrospective effect from September 1870.

2. Mr. Smith has now addressed this Government again and requested that he may be allowed to draw his pension in arrears from the 13th January 1867, being the date on which he completed his ten years' service as a warrant officer of the Bombay Marine.

3. At that time Mr. Smith was employed in the Public Works Department, and as he was then distinctly informed that the Rules would not admit of his drawing his pension while in Government employ, His Excellency the Governor in Council is unable to support his request.

4. I am, however, directed to point out that Mr. Smith might have been allowed to draw his pension in addition to his salary in 1868 in accordance with the Resolution of the Government of India, No. 3018, dated 24th October 1868, and, under these circumstances, I am to recommend that sanction be accorded to his doing so retrospectively.

5. If the present recommendation is acceded to, Mr. Smith will draw his pension in arrears from the date of that Resolution up to the 31st March 1870, when on his services in the Public Works Department being dispensed with, he was admitted to his Marine pension of 2s. 6d. per diem.

6. The total amount at two shillings per Rupee will be Rupees 655.

I have the honour to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,
30th March 1874.

*Acting Secretary to Government.**Proceedings of Government, Pension Department.*

Read the following letter from Mr. J. SMITH, Mechanical Engineer, Ulsoor Water Works, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Ulsoor Water Works, 17th February 1874.

I beg you will be so good as to forward the enclosed petition to His Lordship in Council.

To

THE RIGHT HONOURABLE LORD HOBART,

Governor in Council, Fort St. George.

The humble petition of JOHN SMITH, Mechanical Engineer, Ulsoor Water Works, Bangalore.

SHOWETH,

That your petitioner once more solicits permission to address your Lordship in Council with the respectful assurance that justice will be done him.

2. That from the Proceedings of the Madras Government, Military Department, 4th February 1874, No. 415, it is ruled in the resolution quoted therein that His Excellency the

Governor-General in Council is pleased to permit your petitioner to draw his pension 2s. and 6d. a-day, with retrospective effect from September 1870, in addition to the full pay of his present appointment.

3. That the justice of the principle contained in the above resolution being conceded, your petitioner respectfully submits that by the special terms of his covenant (which necessarily supersedes all local rules) he is fairly entitled to his pension of 2s. and 6d. a-day from the 13th January 1867.

4. Your petitioner, therefore, humbly prays that your Lordship in Council will be pleased to order that the arrears of pension unpaid and due to him (as per covenant) from 13th January 1867 to 31st March 1870, viz., for 1172 days, amounting to Rupees 1,465, be paid to your petitioner he being justly entitled thereto.

And your petitioner, as in duty bound, shall ever pray.

17th February 1874.

(Signed) J. SMITH.

Transferred to the Pension Department, with reference to Order of Government in that Department, No. 539, dated 18th October 1873.

FORT ST. GEORGE,
20th February 1874.

(Signed) A. C. SILVER, Colonel,
Secy. to Govt., Mily. Dept.

ORDER THEREON, 30th March 1874, No. 189.

On the expiry of his ten years' service in the Marine Department, Mr. Smith was distinctly informed that the pension to which he was entitled under his covenant could not be drawn as long as he remained in the employment of the Government. He elected to remain on those conditions, and has no claim of right to be allowed to draw any portion of his pension in arrears.

2. It is, however, observed that after the promulgation of the Government of India Resolution, No. 3078, dated 24th October 1868, Mr. Smith might, like other officers, have been permitted to draw his pension in addition to his salary, and, under these circumstances, His Excellency the Governor in Council will recommend to the Government of India that this indulgence be granted to him retrospectively.

(True Extract.)

(Signed) L. A. CAMPBELL,
Acting Under Secy. to Govt.

1874.

FINANCIAL DEPARTMENT.

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

Dated 30th March 1874.

Recd.

No. 190.

Enclosure.

Requesting sanction to Mr. J. Smith, Mechanical Engineer on the Ulsoor Water Works, Bangalore, drawing his pension in addition to his salary in 1868 in accordance with the Resolution of the Government of India, No. 3018, dated 24th October 1868.



Pension Department

Memorandum for Orders.

O. G. O. 5th July, 1868 No. 446.

T. G. O. (P. M. D.) 26th Aug 67.
N: 586.

II. G. O. (P. M. D.) 27th April 67.
N: 1254.

Mr. Smith, an engineer of the Bombay Marine, was lent to this Government in the year 1864. On the 13th Jan. 1868 he gave notice that he intended to resign the ^{line} service in a year's time.

At the end of that time the Superintendent of the Bombay Marine wrote and asked that Mr. Smith might be sent to Bombay to be paid up, discharged and pensioned. This Government asked, if it was necessary that Mr. Smith should attend in person at Bombay to obtain his pension and the Bombay Government replied that it was not. They communicated a report from their Accountant General, who pointed out that while Mr. Smith continues in Govt. employ.

employ, he cannot draw his pension, i.e. if his pay be defrayed from Imperial Funds."

3. This letter and reports were communicated to Mr. Smith, with reference to an order in which he had been informed that, on learning that he had been pensioned from the Bombay Marine, this Government would allow his continued employment in the Madras D.P.W. under the terms of the U.C. Service.

4. In March 1870 Mr. Smith's services were dispensed with, as he was no longer required at the Lawrence Asylum work. He was then admitted to the pension granted him by the Bombay Marine in 1867 and was also granted a gratuity for his subsequent services under this Government.

5. In the meantime the Govt. of India had passed the

O. G.O. (D.P.W.) N. 1159.
2nd May 71

T. G.O. (Fin. & Dep.) 28th Aug 70
N. 284.

* it was made payable
from 31 March 1870

II G.O. (Fin. & Dep.) N. 571.
10th Aug. 70

i.e. between 67 and 70.

vide G.O. 13th Nov. 1868 No 511

2 G.O. 26th July 1869 No 320.

O. See also letter in
G.O. (Fin. & Dep.) 23 Feb 70
No. 390.

T. G.O. (Fin. & Dep.) 5th Dec 70
No. 497.

Two resolutions, noted in the margin. The first sanctioned all good service pensioners, civil and military, being allowed to draw pension in addition to the salary of any post in which they might be employed and the second directed that previous sanction must be obtained from the Government of India.

6. Mr. Smith, on receiving the order allowing him to draw his pension only from the 31st March 1870, called attention to the earlier of the above resolutions and claimed his pension under it in arrears from 1867. This claim was referred to the Bombay Government, who rejected it through a report from their Accountant General; first, because he did not retire in 1867 and secondly because it did not appear that the second

second resolution had been
 complied with and sanc-
 tion been obtained from
 the Government of India
 p. This report was commu-
 nicated to Mr. Smith, who
 appears to have raised
 no objections then but, in
 April last year, he again
 came forward and refer-
 ring to the Bombay report
 asked that the sanction of
 the Government of India
 might be obtained for ar-
 rears of pension, being paid
 to him from the 13th Jan^y. 1867
 to the 31st March 1870

8. This was refused on the
 ground that the later of
 the above resolutions did
 not apply to Mr. Smith's
 services during that period,
 as he did not vacate his office
 when he became entitled
 to his pension in the Marine
 Department. Sanctions,
 however

T. The date on which his Marine
 service ended.
 II The date on which his ADM
 service ended.
 @ J.O. Pres. Rsp. 18th Nov 539.

There was indeed a
 mis-conception here. He did
 not vacate his office
 before he left the
 Government at the
 request of the Adm. Secy
 see J.O. 26th Nov 539
 (P.O.)

67

however, for his being allowed
 to draw his pension in addition
 to the pay of the office, he was
re-employed in, in September 1870,
 was applied for and accorded
 9. Mr. Smith now says
 "that the justice of the principle"
 "being conceded" he is by the special
 terms of his covenant (as a
 Marine Engineer) "fairly entitled"
 to his pension of 25 6d a day
 from the 13th Jan^y. 1867, on
 which his ten years of marine service
 expired

10. The answer to this is
 that Mr. Smith, although
 distinctly told at the expiry
 of his 10 years' service in the
 Marine Department, that
 his pension could not be drawn
 while he continued in Govt.
 employ still chose to remain
 on under those terms and,
 when asking for arrears of
 pension in 1870, based his
 claim on the resolution of the
 Government of India

O. Such was the rule then
 in force.
 See J.O. 26th Nov 539

dated 28th October 1868. and
not on his covenant.

11. It would appear, how-
ever, that from the date of
that resolution all pensioners
who were in Govt. employ
were allowed their pensions
in addition to their salary
and similarly Mr. Smith
might have been allowed
his. If so, he may now be
fairly granted his pension
in arrears from the date of the
resolution.

Yd

Mr. Smith became
entitled to pension on
the 13 January 1867
but was told by the
Bombay Govt. that
he could not ~~take it~~ draw
it while he continued
in the employment
of the Madras Govt.
As he was in the re-
ceipt of good salary
& allowances he nat-
urally preferred to
retain his position

vide correspondence
recorded in S. O. 27
April 1867 No 254
O. W. D.

under the Madras
Govt. ^{retiring on} a pension of
half a crown a day.
Had his case however
come up a few months
later he would have
been entitled to the
benefit of the ruling
of the Govt. of India
(in Oct 1868 No 3078)
that "an officer who
"having retired on a pen-
"sion obtained not on
"medical certificate,
"but after a prescribed
"period of service
"is subsequently em-
"ployed in any pub-
"lic capacity, shall
"draw his pension in
"addition to the salary
"of the office to which
"he may be appointed"

It seems but reason-
able that an applica-
tion should be made to the
Govt. of India (with ref. to
the resolution quoted above
& a subsequent one of 30
June 1869 No 1582 requir-
ing full report in such
cases) for permission to
allow Mr. Smith to draw
his ^{in arrears} pension from
13 January 1867 to 30 March
1870

I think to
certify
Yd

5.3.74

Desd 13/4/74

India DEPARTMENT.

No. 190

To

The Secretary to the Government
of India,
Financial DEPARTMENT.

Sir,

* No 55 d: 15th Jan'y 74.

The Government of
India in the Resolution
noted in the margin
permitted Mr. J. Smith
now employed as a ~~Mechanic~~
-cab Engineer on the ~~Deccan~~
-cable Works, Bangalore,
to draw his Marine
pension in addition to
the full pay of his pre-
-sent appointment
with retrospective
effect from September
1870.

2. Mr. Smith has now
addressed this Govern-
-ment again and re-
-quested that he
may be allowed
to

C: 7. March 74
R: 9.

to draw his pension in arrears from the 13th January 1867 being the date on which he completed his ten years service as a warrant officer of the Bombay Marine.

3. At that time Mr Smith was employed in the Public Works Department and as he was then distinctly informed that the Rules would not admit of his drawing his pension while in Government employ, His Excellency the Governor in Council is unable to support his request.

4. I am, however, directed to point out that Mr Smith might have been allowed to draw his pension in addition to

to his salary in 1868 in accordance with the Resolution of the Govt of India No 3018, dated 24th October 1868, and under these circumstances, I am to recommend that sanction be accorded to his doing so retrospectively. If the present recommendation is accorded to, Mr Smith will draw his pension in arrears from the date of that Resolution up to the 31st March 1870 when on his services in the P.W. D. being discontinued, he was admitted to his Marine pension of 2⁶ per diem. The total amount at Two Shillings per Paper will be Rs 655.

Port Louis George
30th March 1874

16 copies Govt of India
10 Collection Copies

Mr. Smith

26/5/11

Order 1874 — DEPARTMENT.

7. 11. 313

No. 190

To

The Secretary to the
Government of India
Financial Department.

Dated 30th March 1874.

Requesting sanction
to Mr. Smith's offer
- clearing & engineering
on the Allahabad
Rivers, Bangalore
drawing his services
in addition to his salary
in 1868 in accordance
with the regulations of
the Govt. of India No. 3418
dated 24th October 1868.