M.R.O. 1—77,006—8-6-31.

(1) Number of pages 54.

(2) Date of repair 16.1.41.

(3) Initials of the Referencer G

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 267 Press/Mis.

Dated 9-5- 1874.

Not to be folded or roughly handled

No 6123
50

MYSORE COMMISSION

(1)

Mysore Chief Commissioners Offic

From,

The Officiating Secretary
to the Chief Commissioner
of Mysore

To.

The Chief Secretary
to Government
Fort Saint George

Dated Bangalore the 5th Febry: 187

Sir,

With reference to your letter date the 15th December 1873, No 1294, forwardin for information copy of a Memorandum from the Accountant General of Madras reporting that Mr Garrett, Director of Public Instruction in Mysore is entitled to a gratuity of Rupees 2250 from the Madras Government on his retiring fro the post of Canarese Translator, I am directed by the Offg: Chief Commissioner to forward a copy of Mr Garrett's service Roll, and to suggest that His Excellency the Governor in Council may be moved to sanction payment of the gratuity referred to.

I have the honor to be
Sir,
Your most Obedient Servant
A Wellesley
Officiating Secretary

Application for Pension or Gratuity.

Date of application.

Name of applicant.

Last appointment.

Class of pension or gratuity.

Amount of pension sanctioned.

Amount of gratuity sanctioned.

Date of commencement.

Date of sanction.

Application for Pension or Gratuity.

1. **Name of Applicant.** John Garrett
2. Father's Name. Philip Garrett
3. Sect or Caste.
4. Residence. 23 Prince Consorts Road, Belsize Park London NW
5. Present or last employment. Director of Public Instruction Mysore
6. Date of beginning of service. 1st January 1858
7. Date of end of service. 21st January, 1874
8. Length of service including breaks — Yrs. M. D. 16.0.21
   - of which superior — 16.0.21
   - inferior — none
   - Non-qualifying and breaks — 2.3.0
9. Class of pension or gratuity applied for, and cause of application * Superannuation Section 58
10. (Average) emoluments or pay. Rs 900 monthly
11. **Proposed pension.**
12. **Proposed gratuity.** X
13. **Date from which to commence.** January 22nd 1874
14. **Place of payment.** London
15. **Age of Applicant on this date.** 58 Years
16. **Height.** 5 feet 7½ inches
17. **Marks.** X
18. **Date.** December 23, 1873

Signature of Head of Office.

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* If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

History of the Service (shewing breaks) of John Garrett Director of Public Instruction in Mysore

Establishment.	Appointment.	Pay.	Acting Allowance.	Date of Beginning.	Date of End.	Period reckoned as Service.	Period not reckoned as Service.	Remarks.	How verified.	Remarks by Accountant General.
						Y. M. D.	Y. M. D.			
Mysore Educational Department	Director of Public Instruction	Rs 900	—	1st Jany: 1858	21st Jany: 1874	13.9.21	2.3.0			
"	Principal of High School	Rs 500	—	1st March 1858	19th Oct 1859	1.7.19	—	By Chief Commrs Dufter up to 1862/3 By acct: Depts from 63/4		
"	Director of Public Instruction	Rs 900	—	20th Oct: 1859	21st Jany 1874	12.0.3	2.3.0			

Remarks by Head of Office.

1. As to character and past conduct of Applicant. Unexceptionable -
2. Explanation of any suspension or degradation.
3. Regarding any gratuity or pension already received by Applicant, See Ch: XX.
4. Explanation under Section 47, Rule 1, so far as the Head of the Office can give it.

} None

5. Any other Remarks. Applicant is incapacitated by
for further effective service.

(sd) J. D. Gordon

Signature.

Certificate and Report of Accountant General.

Certified that (subject to the remarks below recorded) qualifying service in Superior grades have been duly proved for Thirteen years seven months days; and that a Pension not exceeding Rupees 300 per mensem is admissible under Section of the Civil Pension Code. The calculations have been duly verified.

(sd) H. Hudson

Deputy Accountant General
in Mysore.

"Copy"

A. Wellesley

Offg Secretary

CC

Pro: In No 81 of 1874

O. No. 267 of 1874

Pension 1874. Department

No 81

O. No. 267/74

From

Offg
The Secretary to the Chief Commissioner
of Mysore.

To The Chief Secretary
to Government
Fort Saint George

P. O. 360/74

Dated 5th February

Despatched "

Received 6 — " — " —

Enclosures No. 1

General No. 6123

No. 50.

With reference to letter No. 1294 dated 15th Decr 1873, forwards a copy of Mr. Garrett's Service Roll, and suggests that His Excellency the Govr in council may be moved to sanction payment of the gratuity referred to.

O. No. 267 of 1874

Pension 1874 Department

9

From

Offg
The Secretary to the Chief Commissioner
of Mysore.

To The Acting Under Secretary to Government
Pension Department
Fort Saint George

P. O. 360/74

Dated Bangalore 16th March

Despatched

Received

No 169

Enclosures No.

General No. 6820

Fl No. 57.

Your Official Memorandum No. 8 dated 6th Instant requesting to be informed whether the resignation of his appointment by Mr. J. Garrett director of Public Instruction has been accepted, and if so, from what date.

Has the honor to state in reply that Mr. Garrett's resignation has been accepted from the 21st January 1874, the date on which his pension takes effect.

"By Order"

Offg Secretary.

c 21/3.
@24—

(13)

whole . 1 & 4

(71)

D.O. [illegible]

Some questions having been raised regarding the gratuity to Mr Garratt Canarese Translator to this Government and Director of Public Instruction in Mysore, I have been advised to obtain your opinion on them demi-officially before any further official papers on the matter are put on record.

Please see your letter in the accompanying G.O. and Donald's report on Mr Garratt's application which is also sent herewith.

The 1st point is (see sections 8 and 9 of the Pension Code) Would a translator who held no other appointment under Government be entitled to pension.

2nd Q. If not is Mr Garratt as Director of Public Instn: in a Native State a person

whose

whose whole time is given up to the regular service of Government?

3rd Q. If so, will this fact enable him to draw any retiring allowance for his services as translator notwithstanding the fact that had he been only translator he would not have been entitled to any such allowance.

4th How, under any circumstances, can Mr Garratt be granted a gratuity for one portion

of

l his service quite indepen-
ently of the pension granted
him for the rest.
Should he not get only
he pension, but have its
mount calculated on
is average emoluments
including his pay as
ranslator.

No. 100

DEMI OFFICIAL.

Accountant General's Office.

Madras, January 8th 1874.

My dear Mr Campbell

I reply to your questions in their order

I think a translator who held no other appt under Govt if he performed no other work would be entitled to retiring alle.

Service in the Mysore Commission I have always supposed to be Govt. Service but if it be held not to be so (I see you use the words "in a native state") then of course a person who is Director of P. I. in Mysore & Govt. translator cannot be said to devote all his time ~~[illegible]~~ to the service of Govt.

And his claim to retiring alle as translator would be vitiated

Supposing Mr Garrett to be in a position to claim his service in both appts as under Govt then Ch XIII Sec 66 (b) 5 would entitle him to the sum of his pension separately—

Everything depends upon the view taken of service in the Commission & this is a point for the decision of the Govt. of India - yours truly

Inre
Question of
a gratuity to
Mrs J Garrett

1/8

Lorne Campbell Esq
Under Secretary
Chmaster. Madras

Garretts resignation of the Office of Director of Public Instruction, Mysore, has been accepted and if so from what date, as Mr Garretts resignation of the Office of Canarese Translator has been made contingent on the result of his application to the Government of Mysore.

By Order
(Sigd) J. Sturrock
Ag Under Secy

To
The Ag Secy to the Chief
Commr of Mysore
Bangalore

OFFICIAL MEMORANDUM.

Pension Department.
No. 8
MADRAS,
Dated 6th of March
Received 1874.

THE Under Secretary to Government, Public, &c., Departments is directed to request the Ag Secretary to the Chief Commissioner of Mysore, with reference to his letter to the address of the Chief Secretary to the Government of Madras No. $\frac{6123}{50}$ dated 5th Feby 1874, to state whether Mr Garrett's

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From
The Director of Public Instruction
Mysore and Coorg
To,
The Under Secretary of State for India
India Office, London

Sir,

As the Assistant Financial Secretary's letter of the 17th instant states that my application to be admitted to the benefits of the more favourable leave rules recently sanctioned for the higher classes of uncovenanted servants cannot be complied with, I have the honor to request permission to retire from the service on one-third pension, under Chapter XII. Section 56(b) and Section 61, of the Civil Pension Code, on the expiration of my leave on the 21st January next.

My reason for writing thus early is that there may be sufficient time to refer to Mysore and Madras on the subject should it be necessary to do so.

I have only been 16 years in the Service of Government, but have resided 33 years in India, and at my age do not think it would be wise to return to that Country; but should like to appear before the Medical Board of the India Office as soon as convenient.

I have &c

(signed) John Garrett
Director of Public Instruction
Mysore and Coorg
and Canarese Translator to the
Government of Madras

23, Prince Consorts Road.
Belsize Park, N.W.
October 21, 1873.

India Office
22nd October 1873.

Sir,

I am directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 21st Instant, and to acquaint you in reply that you have permission to appear before the Medical Board which meets at this Office every Thursday at One O'Clock.

I am &c

(signed) F. I. Hobart
Asst. Fin. Secy.

I. Garrett Esqre.

India Office
24th. October 1873.

Sir,

With reference to your letter of the 21st., and to the reply from this Office of the 22nd. Instant, I am directed by the Secretary of State for India in Council to forward herewith for your information Copy of the report of the Medical Board at this Office on your case.

I am &c

(signed) F. J. Hobart
Asst. Finl. Secy.

J. Garrett Esqre.

Medical Board
India Office
23rd October 1873

We certify, after having taken the usual obligations, to have carefully examined Mr. J. Garrett Madras Uncovd. C. S., and find that he left India in January 1873, and arrived in England in April, on leave on private affairs. He is in good health and fit for duty.

(signed) J. R. Martin
(") J. Fayrer M. D. S. M.
(") F. Collins S. M.

From
The Director of Public Instruction
Mysore and Coorg

To,
The Under Secretary of State for India
India Office, London.

Sir,

I have to acknowledge with thanks the receipt of the Financial Secretary's letter of the 24th instant, forwarding copy of the report of the Medical Board on my case.

In reply I beg to repeat my request for permission to retire from the Service on pension, under Section 56(b) and Section 61(a) of the Civil Pension Code.

The report of the Medical Board states that I am in good health and fit for duty. I am happy to acknowledge that this is the case at present, but I have resided 33 years in India, and during the latter part of the time had to exercise great care to preserve my health. In fact I was hardly equal to the fatigue and exposure involved in the frequent travelling which my duties required, and the Chief Commissioner of Mysore advised me as a friend to avail myself of the order then in force, which allowed uncovenanted servants to resign the service at the age of 55, if they felt unequal to the proper discharge of their duties.

I am now 58 years of age, and when I left India in January last, on furlough, it was with the distinct understanding that I should be at liberty to retire on pension at the expiration of my leave.

Under these circumstances I would respectfully urge that my application be granted

I have &c

(signed) J. Garrett

Director of Public Instruction
Mysore & Coorg
And Canarese Translator to the
Govt. of Madras

23 Prince Consort's Rd.
Belsize Park N.W.
October 25, 1873

India Office
28th October 1873.

Sir,

I am directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 25th Instant, and to acquaint you in reply that your application for permission to retire from the uncovenanted Service must be addressed to the Government of Madras, to whom a Copy of this Correspondence will be forwarded.

Why? – He must
hold a translating
office under this Govt.
His principal employ
was under Mysore

I am &c

(signed) F. J. Hobart
Asst. Finl. Secy.

J. Garrett Esqr.

J.J.C.

No. 7.

Copy Correspondence
Mr. J. Garrett.

Referred to in Financial Letter to
Madras. No. 120, dated 6th Novr. 1873

~~Pub 1646/73~~
Pen Sec No. 744 of/73

35

No. 462.

Report of the Accountant General

The undersigned has the honor in returning the letter from the Secretary of State relative to Mr. J. Garrett's application for permission to retire received under Endorsement of Government in the Pension Department dated 9th Instant, to report that Mr. J. Garrett's Service as acting Canarese Translator to Government from 13th February 1861 to 16th January 1862, and as permanent Translator from 17th January 1862 to 20th January 1873 (the latter being the date on which he availed himself of the furlough which will expire on the 20th January next) has been verified from the records of this Office.

Mr. J. Garrett had leave on Medical Certificate to Europe from 10th February 1868 to 10th May 1869 and exclusive of

Canarese Translator to Govt. from 13th February 1861 to 20th January 1873 — y. m. d. 11 - 11 - 7.
Lt. Service in Acting Appointment from 13th February 1861 to 16th January 1862 — 0-11-2
" Leave from 10th February 1868 to 10th May 1869 — 1-3-1 } 2-2-3
Nett. 9-9-4

ord. 26/5/1874

of that and of the period when he acted
he has nett Service of 9 Years, 9 Months
and 4 days for which a Superannuation
gratuity of Rs 2250 equal to 9 Months pay × Rs 250 a month
is admissible under Sections 46 Rule 3, 53 and
57 of the Civil Pension Code.

Mr J. Garrett it is seen from
the Correspondence was certified by the
Medical Board of the India Office to be
fit for duty.

Fort St George
Actt Genls Office
19th December 1873

W. Donald
Offg. Dy. Actt. General.

To
The Under Secretary
to Government
Pension Department

2161

India Office, London
6 November 1873.

Financial
No 120.

Letters from Mr Garrett 21st & 25th October 1873
" 10 — " — 22d & 24th (with Encl.) & 28 Oct/73

1/12

My Lord,

I forward herewith, for your information copy of correspondence with Mr J. Garrett, Director of Public Instruction, Mysore and Coorg, and Canarese Translator to your Government relative to his application for permission to retire from the Uncovenanted Service.

I have the honor to be
My Lord,
Your Lordship's most obedient
humble Servant,

Argyll

His Excellency,
The Right Honorable,
The Governor in Council,
Fort St George.

Pub. 27 Jany/73 Nos 17-18 Mis.
— 9 Feby/61 — " — 32-33 — " —
— 17 Jany/62 — " — 30 — " —

No. 6 ~~Public~~ Pension 1873 Dept
F.
Financial
6 Novr. 1873

The
Letter to Fort St. George
No. 120.

K No. ~~[illegible]~~

No. 744.

P.O. 360

Referred to the ~~Controller of Military Accounts~~ Accountant General for the usual verification. and Report.—

Fort Saint George,
9 Decr. 1873.

To
The ~~Controller of Military Accounts.~~ Accountant General

Under Secy. to Government.

876

O. No. 267/8/74

Forwards copy of correspondence with Mr. J. Garrett, Director of Pub. Instruction, Mysore & Canarese Translator to the Madras Govt. relative to his application for permission to retire from the Uncov: Service

Accountant General's Office
Recd 11
Ansd 2 1873

Th

297

13795

Pub: Order No. 360
Pens: Order No. 267

Recd. 20th Novr./73 via Brindisi

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(41)

P ~~Revenue~~ Department

Memo: for Orders.

Pro. of Govt. Public Dept. permitting Mr. J. Garrett, Canarese Translator to Govt. to resign his appointment under the Madras Govt. } (P.O. 27 March/74 No. 360.)

What have we to do with this case, beyond accepting the resign.? Surely the pension question concerns the Mysore Govt. & not this Govt. — ~~[illegible]~~ It appears that he makes no applic. for pension as Translator

Something more than merely recording the Public Department Order of 27 March/74 No. 360 seems necessary, because one of the questions raised in the enclosures has been ruled by the Accountant General, Mr. Campbell thinks, wrongly, and there is a letter from the Secretary Commissioner of Mysore asking that this Government will sanction payment of the gratuity alluded to in Government Proceedings 15th December 1873 No. 1294, still undisposed of.

2. In the Report from

the Accountant General dated
19 December 1873 No. 462, it is
stated that "Mr. J. Garrett
"had leave on Medical Certificate
"to Europe from 10 February 1868
"to 10 May 1869 and exclusive
"of that and of the period, when
"he acted, he has nett service of
"9 Years, 9 months and 4 days, for
"which a superannuation gratuity
"of Rs 2,250 equal to 9 months' pay
"is admissible under Sections 46. Rule 3
"53 and 57 of the "Civil Pension Code."

Note:- As there is no
Rule 3 to Section 46 in the
2nd Edition of the Civil
Pension Code, this opinion
must refer to the
old Code. Rule 3 Section
46 of that Code, corres=
=ponds with Sec: 66/~~4~~
5 of the New Code, and
is the same as the Govt.
of India notification
dated 2nd October 1872
No. 3382, quoted in
Accountant General's
Memorandum recorded
in Government Proceedings of
15 December 1873 No. 1294.

3. The section under which
the Accountant General considers
Mr. Garrett entitled to a gratuity
says that "if an officer has
"held more than one appointment,
"in respect of each of which, if
"he had held it separately and
"alone, pension or gratuity would
"have been admissible to him
"the pension or gratuity - - - - -
"admissible to him is the sum
"of the several pensions or gra=
"tuities - - - - - - - - which would
"have been admissible to him
"if he had held each office sepa=
"rately and alone.
". - - - - - - An officer is not
"entitled, for service in an office
"conjointly with another office, to
"any pension or gratuity which
"would not have been admissible
"to him if he had held the office
separately

"separately and alone" -

4. The question then is, whether the Office of Translator to Government if held alone, would entitle the holder to pension or gratuity.

5. Mr Ledwick has demi-officially expressed an opinion that if such an officer held no other appointment under Govt. and performed no other work, he would be entitled to retiring allowance.

Certainly
DB

6. In this case Mr. Garrett was Director of Public Instruction in Mysore as well as Canarese Translator to the Govt. of Madras, and as it is laid down in Sec. 8 of the Civil Pension Code that "Pension and gratuity are not "earned by a person whose whole "time is not retained for the "service of Govt. merely because he is "paid by Govt. for work done "for it" (E.g. Advocate General, Solicitor to Govt. &c.) and in Sec. 9 that "on the same principle a "public servant who holds some other

This is I think necessary, where the public time is occupied to his own advantage. Here Mr Garrett earned a [illegible], which claims no
DB

"other pensionable office earns no "pension or gratuity in respect of "an office of the kind mentioned "in Sec. 8 or in respect of duties paid for by a "local allowance" it would appear that the draft now circulated is correct in alleging that "Mr Garrett is not "entitled to any retiring allowance "in respect of the office of Canarese "Translator."

Why not refer the case to Calcutta & get a decisive ruling
- DB

7. There is a certain amount of contradiction between the sections above quoted - The plain rule laid down in Sec. 8 and 9 is certainly qualified by the ruling under Sec. 66 (b) 5 for while it is plainly impossible that any officer could devote his whole time to both or either of two appointments which he might hold and that therefore he could not earn Pension or gratuity for both, it is admitted

in the second ruling that there are cases in which an officer so situated may receive the sum of the several pensions or gratuities which would have been admissible to him if he had held each office separately and alone.

8. The Accountant General took no notice of Secs. 8 & 9 in making his recommendation.

I agree with [illegible] that there is no claim in respect of the service which Mr Garrett has been performing for this Govt. as the translator [illegible]. [illegible] the Mysore Govt. accordingly.

4/5 — [illegible]

Compd M.I.

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(41)

Note.

Mr. Garrett having been allowed to retire from the office of Public Instruction in Mysore his resignation of the office of Canarese Translator has at his own request¹ been accepted. The order was passed in the Public Depᵗ. & has now been communicated to the Pension Depᵗ.

2. Mr. Garrett was under the impression that his pension would be calculated

¹ See his letter 29th Oct. 73.

n both offices
hat this was an
rror as pointed
out by the Accountant
General. The latter
however seems also
to have been mistaken
for he said+ that
Mr. Garrett was
eligible for a gratuity
for his services as
Translator whereas
§§. 8 & 9 Civil Pension
Code preclude his
being granted any
retiring allowance
as his whole time
was not retained
for the service of

+ See in G.O. 15 Dec 73 No 1294.

Government.

3. No Translator seems ever to have applied for any retiring allowance: certainly none was granted. Mr. Garrett does not do so now as Translator & on this account as well as because the Accountant General's opinion as to his admissibility to a gratuity was, in a way endorsed by being+ communicated to the Supreme Administration it might be as well simply to record the Public Dep: order annulling

+ See G.O. 15th Dec 73 No: 1294.

the acceptance of
Mr. Garrett's Dispensation

4 An alternative order
pointing out that
no gratuity can be
granted to him has
however been also
drafted.

Sec.

Note on Mr. J
Garrett's claim to
a gratuity for services
as Canarese Translator.

Minute for orders

Retirg allowance of Mr J. Garrett, Canarese Translator to Govt

8 Dec 267/74

Pension Memo
Fr orders

C 27th April 74 R 5th May 74

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(53)

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ papers:-

Despatch from the Secretary of State for India	Dated 6th November 1873, No 120.
Letter from the Offg Secretary to the Chief Commissioner of Mysore	Do 5th Feby 1874, No 6123/50
	Do 16th March 1874.

Report of the Offg Dy Acctt Genl D. 19 Decr 1873 No

Order thereon, 27th March 1874 No 360

Mr J. Garrett is permitted to resign the office of Canarese Translator to Government from the 21st January 1874, the date on which his resignation of the office of Director of Public Instruction was accepted by the Government of Mysore.

(True Extract)

(Signed) D. F. Carmichael
Ag Chief Secretary

To J. Garrett Esqr.
the Pension Dept with original papers.

Govt. of 1874 Madras.

No 197

Pension

To The Pension Departt.

F. 298 | F. W. 338 | F. W. 477

Dated 27th March 1874, No 366

Recd.

7 May Nos. 1874

Permitting Mr. J. Garrett to resign the office of Canarese Translator from the 21st January 1874 the date on which his resignation of the office of Director of Public Instruction was accepted by the Govt. of Mysore

with order No 267

Mis: Pub Pros: 6th Decr 73 No 1252
Pub: Pros: 15th Decr 1873 No 1294.

Order Memo 9 May 1874 No 267

Recorded.

2. The Government observe that under 879 C.P. Code Mr. Garrett is not entitled to any sitting allowance in respect of the office of Canarese Translator.

Sd

12/5/80

To J. Garrett Esquire
" the Accountant General
" Secretary to the Chief Commissioner of Mysore

despd 15/5/74.

C 27th April /74 R 5th May