

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____ *CP*

MADRAS RECORD OFFICE.

Government of Madras.

Revenue

DEPARTMENT.

G.O. No.	<i>656</i>	Press Mis.
Dated	<i>22-11-</i>	18 <i>74</i> .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Pension Department,
2nd November 1874.*

Read the following letter from J. GARRETT, Esq., late Canarese Translator to Government, to C. G. MASTER, Esq., Acting Secretary to Government, Fort St. George, dated London, 24th September 1874 :—

I have the honor to acknowledge the receipt of Proceedings of the Madras Government, Pension Department, 13th August 1874, in which it is stated that "the Government regret that Mr. Garrett should have been misled by the opinion of the Accountant-General, which was subsequently found to be erroneous, but are unable to grant him a gratuity as the rules do not admit of it."

2. As it appears to me, as it did to the Accountant-General, that the rules do admit the payment of the gratuity in question, I submitted the case, with all the correspondence, to a highly competent authority, of long Indian experience, which I here venture to transcribe for the consideration of Government.

"The first thing with which I am struck is that the Government of Madras in the Pension Department should have overruled the same Government in another department after the Accountant-General had so distinctly stated that you were entitled to the gratuity.

I am of opinion that your claim may be sustained on the following grounds :—

1st.—Your remuneration as Canarese Translator was, in fact, the pay of the appointment and was so regarded by the Financial Department, inasmuch as when on furlough you were allowed to draw a portion of it. Had it been a 'local allowance' the whole would have been passed to your *locum tenens*.

2nd.—You were appointed to the office in 1861 (acting) many years before the introduction of the coded rule excluding 'local allowances' from the pension and gratuity claims, and therefore to give the rule retrospective effect would seem inequitable.

3rd.—Your appointment as Canarese Translator was under a different local Government from that of Director of Public Instruction in Mysore, and the pension given you for the latter office is paid, as the salary was, wholly from the revenues of Mysore, which are quite distinct from the revenues of the Government of India.

P.S.—On looking again at the Code it seems very obvious to me that as the office of Translator to Government is invariably held by an officer who fills another appointment, and as there must be some twenty Translators to Government throughout India, their case, if it had been intended to exclude them from pension or gratuity, would certainly have been quoted as examples under Section 8 of the Civil Pension Code."

3. Should any doubts still be entertained on the subject I would respectfully beg that the case may be submitted for the consideration and orders of the Government of India.

ORDER THEREON, 2nd November 1874, No. 656.

Mr. Garrett will be informed that his claim to a gratuity was disallowed because as Translator his whole time was not retained for the service of the Madras Government and that by Section 5, Civil Pension Code, 2nd Edition, an officer's claim to gratuity is governed by the rules in force at the time when he resigns.

(True Extract.)

Acting Under Secy. to Govt.

To J. Garrett, Esq.
,, the Accountant-General.

Ed. A. S. Rodgers.

35
23 Belvoir Crescent, London, N W

Sept 24, 1874.

From

J. Garrett, Esq.

late Canarian Translator to Government.

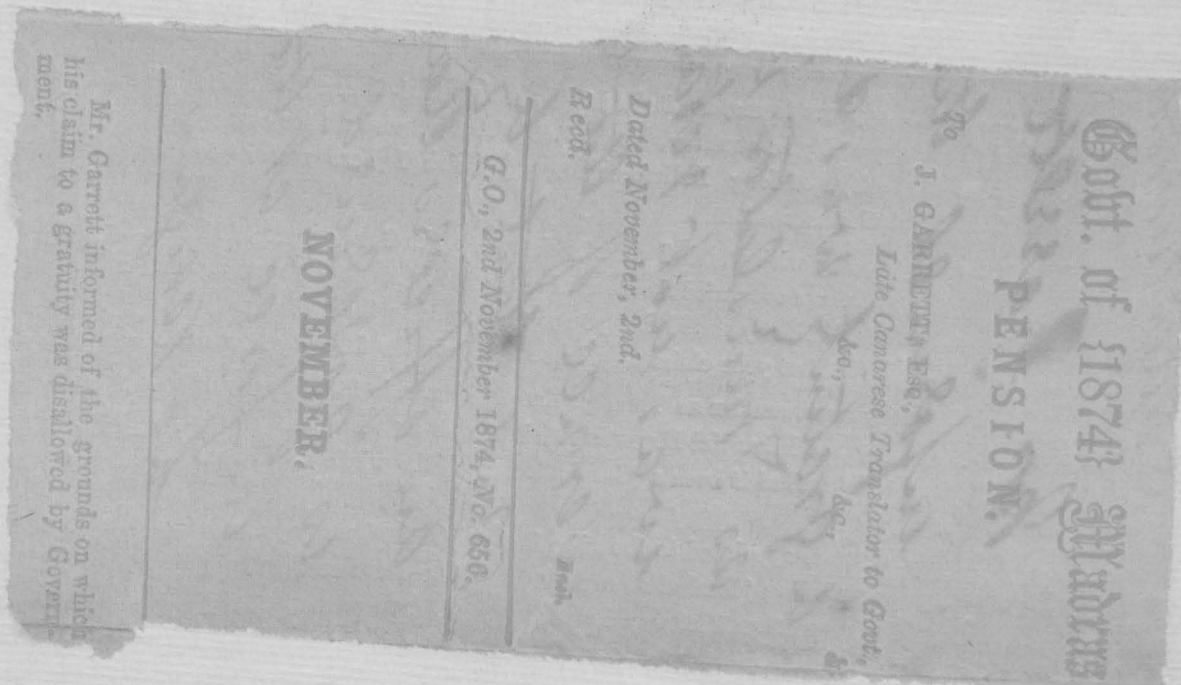
To

The Chief Secretary to Government
Port St. George.

Sir

I have the honour to acknowledge the receipt of Proceedings of the Madras Government Pension Department, 13th August, 1874, in which it is stated that the Government regret that Mr Garrett should have been misled by the opinion of the Accountant General which was subsequently found to be erroneous, but are unable to grant him a gratuity as the rules do not admit of it."

As it appears to me, as it did to the Accountant General, that the Rules do admit the payment of the gratuity in question, I submitted the case, with all the correspondence, to a highly competent authority, of



long Indian experience, which I here venture to transcribe for the consideration of Government.

"The first thing with which I am struck is that the Govt of Madras in the Pension department, should have overruled the same Government in another department, after the Accountant General had so distinctly stated that you were entitled to the Gratiuity.

"I am of opinion that your claim may be sustained on the following grounds:-

1 "Your remuneration as Canarese Translator was in fact the Pay of the appointment, and was so regarded by the Financial department, inasmuch as when on furlough you were allowed to draw a portion of it. Had it been a local allowance the whole would have been passed to your home tenors.

"2 You were appointed to the office in 1861 (noting) many years before the introduction of the coded rule excluding local allowances, from the pension and gratuity claims, and therefore to give the rule retrospective effect.

would seem inequitable.

"3. Your appointment as Canarese Translator was under a different local Govt. from that of Director of Public Instruction in Mysore, and the pension given you for the latter office is paid, as the salary was, wholly from the revenues of Mysore, which are quite distinct from the revenues of the Government of India."

"4. On looking again at the Code it seems very obvious here, that as the office of Translator to Government is invariably held by an officer

who fills another appointment, and as there were the same twenty Translators to Govt. throughout India, their case, if it had been intended to exclude them from pension or gratuity, would certainly have been quoted as examples under Section 8 of the Civil Pension Code."

"Should any doubts still be entertained on the subject, I would respectfully beg that the case may be submitted

for the consideration and orders of the
Government of India.

I have the honour to be

Sir

Your most obedient servant,

J. Garrett.

Late Sanskrit Translator to Government

The Hon. Secy.

with Mr. Webb

Sept. 24, 1874.

For. 13th Aug 1874
C. 12460

Received 1874
Sept 24
C. 12460

Order Memo 28th March 1874

Mr. Garrett is he
informed that his claim to
a grant was disallowed because
as translator his whole time
was not retained for the
service of the Sanskrit Department
and that by § 5 of the Act of 1874
his officers claim to grant
to be paid by the rules
in force at the time when
he resigned. &c

To J. Garrett Esq. } dated
To Mr. Webb Esq. } 10/11/74

226
227
10/174

12/5/86
Govt. of 1874 Madras

Pension

5.42.109
1874
To J. Garrett Esq.
Late Canarae Head
- later to Government.

G. O. 2^d November, 1874. No. 656

Nos.

Mr. Garrett informed
of the grounds on
which his claim to
a gratuity was dis-
-allowed by Govern-
-ment—