M.R.O. 1—77,006—8-6-37.

(1) Number of pages 14

(2) Date of repair 2-41

(3) Initials of the Referencer G

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 362 ~~Press~~ / Mis.

Dated 5-7- 1875.

Not to be folded or roughly handled

Proceedings of the Madras Government, Pension Department, *5th July* 1875.

Gratuity.

Read the following letter from J. A. BOURDILLON, Esq., Officiating Under Secretary to the Government of India, Financial Department, to the Hon. D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort St. George, dated Simla, 19th May 1875, No. 932 :—

I am directed to acknowledge the receipt of your letter, No. 135, dated 15th March 1875, forwarding, for transmission to the Secretary of State, a memorial from Mr. J. Garrett appealing against the orders of the Government of Madras declaring him not to be entitled to any retiring allowance in respect of the office of Canarese Translator.

2. It is observed that Mr. Garrett held the office of Canarese Translator under the Government of Madras in addition to his appointment as Director of Public Instruction in Mysore, and that his claim to gratuity on his becoming superannuated was disallowed by the Government of Madras with reference to Sections 8 and 9 of the Civil Pension Code.

3. I am to point out, however, that the rules referred to do not apply to the case of Mr. Garrett. Until the issue of the orders of the Government of Madras in the Educational Department, No. 255, dated 22nd July 1874, the allowance paid to a Translator in Madras was treated as the pay of a distinct appointment, and the orders passed in July 1874 declaring the allowance to be a local allowance cannot be retrospectively applied to Mr. Garrett, who retired in January 1874. The office of Canarese Translator having been a pensionable office at the time of Mr. Garrett's retirement, and Mr. Garrett having held it in addition to a pensionable office, he is, under Rule V. of Section 66 of the Civil Pension Code, entitled to claim a gratuity for the service of nine years, nine months, and four days which he rendered in that office. His Excellency in Council is, therefore, pleased to authorize the Government of Madras to sanction the grant to Mr. Garrett of a superannuation gratuity of Rupees 2,250.

Copy forwarded to the Accountant-General, Madras, for information and guidance.

To the Secretary to the Government of India, Financial Department, dated Ootacamund, 5th July 1875, No. 362.

With reference to paragraph 3 of your letter, No. 932, dated 19th May 1875, I am directed to state that there appears to be some misconception as to the grounds on which this Government declined to grant Mr. Garrett a retiring allowance.

2. That refusal had no reference to the Orders directing the pay of a Translator's office to be treated as a local allowance, but was based on the fact that Mr. Garrett's whole time as Translator was not retained for the service of the Madras Government. This is distinctly stated in the Order* passed on Mr. Garrett's letter, dated 24th September 1874.

3. Under these circumstances, I am to request that the reasons assigned for overruling the decision of this Government may be reconsidered.

(Signed) D. F. CARMICHAEL,
Officiating Chief Secretary.

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* G.O., dated 2nd November 1874, No. 656.

Exd. A. S. Rodgers.

Govt. of 1875 Madras.

PENSION.

To
The Secretary to the
Government of India,
Financial Department.

Dated July, 5th.
Issued
Recd.
Encl.

G.O., 5th July 1875, No. 362.

JULY.

Requesting, under the circumstances explained, reconsideration of the reasons assigned for overruling the decision of the Madras Government declining to grant Mr J. Garrett a retiring allowance in respect of the office of Canarese Translator to Government.

No. 932.

39

To

The Secretary to Government
Fort St. George
in the Pension Department -

Civil Dept.

Sir,

I am directed to acknowledge the receipt of your letter, No. 135, dated 15th March 1875, forwarding for transmission to the Secretary of State, a memorial from Mr. J. Garrett, appealing against the orders of the Government of Madras declaring him not to be entitled to any retiring allowance in respect of the Office of Canarese Translator.

2 It is observed that Mr. Garrett held the office of Canarese Translator under the Government of Madras in addition to his appointment as Director of Public Instruction in Mysore and that his claim to gratuity on his becoming superannuated was disallowed by the Government of Madras with reference to Section 849 of the Civil pension code -

3. I am to point out, however, that the rules referred to do not apply to the case of Mr. Garrett - Until the issue of the orders of the Government of Madras in the Educational

Dept.

Department No. 255 dated 22nd July 1874, the allowance paid to a translator in Madras was treated as the pay of a distinct appointment, and the orders passed in July 1874 declaring the allowance to be a local allowance cannot be retrospectively applied to Mr. Garrett, who retired in January 1874 - The Office of Canarese translator having been a pensionable office at the time of Mr. Garrett's retirement, and Mr. Garrett having held it in addition to a pensionable office, he is under rule 5 of Section 66 of the civil pension code entitled to claim a gratuity for the service of nine years, nine months and four days which he rendered in that Office - His Excellency in Council is therefore pleased to authorise the Government of Madras to sanction the grant to Mr. Garrett of a superannuation gratuity of Rs: 2250 -

Simla
The 19th May 1875

I have the honor to be,
Sir,
Your most obdt. Servant,

Jas. Bourdillon

Offg. Under Secretary to the
Government of India.

Copy forwarded to the Accountant General Madras for information and guidance.

20/5

No The Secy to the Govt of India of 15th March 1875 No. 135.

~~Financial~~ Pension 187~~3~~5 DEPARTMENT.

From No. 364

the Government of India Financial Department

No. 932

Dated 19th May }
Recd. 3rd June } 187~~3~~5.

No. 1330

S. C. Authorizing this
E. Govt to sanction the grant to Mr J. Garrett of a superannuation gratuity of Rs 2250 in respect of the Office of Canarese Translator to Govt.

Pension Dept

With Order No. 362

9+

PENSION DEPARTMENT.

No. 362.

7+

Dear Mr. Carmichael

It is of no consequence to us whether or no the Go of India choose to allow Mr. Garrett a gratuity but I think they should be made distinctly to understand & to meet the grounds on which it was refused here. As it is they have taken up Mr.

To The Secy to the Govt of India
dd 15th March 1875 No 135.

Pension ~~Financial~~ 1875 DEPARTMENT.

From No 364

Garrett's argument without looking at our reasons & have thought that in quoting §9 with §8 we referred to the latter part relating to local allowances. Mr. G.'s friend used those words. We never thought of them I can safely say the whole of the orders etc having been framed by me

Going with
[illegible]
Stonehouse
20/6.

Gratuity.

PENSION DEPARTMENT.

No. 362.

FROM

THE HON. D. F. CARMICHAEL,
Officiating Chief Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

With reference to paragraph 3 of your letter, No. 932, dated 19th May 1875, I am directed to state that there appears to be some misconception as to the grounds on which this Government declined to grant Mr. Garrett a retiring allowance.

2. That refusal had no reference to the Orders directing the pay of a Translator's office to be treated as a local allowance, but was based on the fact that Mr. Garrett's whole time as Translator was not retained for the service of the Madras Government. This is distinctly stated in the Order* passed on Mr. Garrett's letter, dated 24th September 1874.

3. Under these circumstances, I am to request that the reasons assigned for overruling the decision of this Government may be reconsidered.

I have the honor to be,
Sir,
Your most obedient servant,

OOTACAMUND,
5th July 1875.

Officiating Chief Secretary.

* G.O., dated 2nd November 1874, No. 656.

Exd. A. S. Rodgers.

1875.

FINANCIAL DEPARTMENT.

From
The Offg. Chief Secretary to Govt.,
Fort St. George,

To
The Secretary to the Govt. of India,
Financial Department,

Dated 5th July 1875.

Issued

Recd.

No. 362,

Enclosure.

Requesting, under the circumstances explained, reconsideration of the reasons assigned for over-ruling the decision of the Madras Government declining to grant Mr. J. Garrett a retiring allowance in respect of the office of Canarese Translator to Government.

Pension Department.

No. 362

11x

To

The Secretary to the Government of India,
Financial Department.

Sir,

With reference to paragraph 3 of Mr. Under Secretary Bourdillon's letter No. 932, dated 19th May 1875, I am directed to state that there appears to be some misconception as to the grounds on which this Govt. declined to grant Mr. Garrett a retiring allowance.

2. That refusal had no reference to the Orders directing the pay of a Translator's office to be treated

treated as a local allowance, but was based on the fact that Mr. Garrett's whole time as Translator was not retained for the service of the Madras Government. This is distinctly stated in the *Order passed on Mr. Garrett's letter dated 24th September 1874.

* G.O. 2nd Novr. 1874, No. 656.

3. Under these circumstances I am to request ~~that~~ the reasons assigned for overruling the decision of this Govt. may be reconsidered.

Ootacamund
5th July 1875.

Pns: 1875 — Department.

F. No. 567

No. 362

To

The Secretary to the
Government of India
Finl. Department.

Dated 5th July 1875.

Requesting under the circumstance explained reconsideration of the reasons assigned for over-ruling the decision of the Madras Govt. declining to grant Mr. J. Garrett a retiring allowance in respect of the Office of Canarese Translator to Govt.

c 28/6
30