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(2) Date of repair 20-5-41

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MADRAS RECORD OFFICE.

Government of Madras.

Revision DEPARTMENT.

G.O. No.	<u>725</u>	Press Mis.
Dated	<u>21-11</u>	18 <u>76</u>

Not to be folded or roughly handled

Pension.

Read again Proceedings of Government in the Pension Department, dated 3rd October 1876, No. 598.

Read also the following letter from Lieutenant-Colonel A. T. SEARLE, Superintendent of Army Clothing, to the Secretary to Government, Military Department, dated Madras, 31st October 1876, No. 71 (through the Controller of Military Accounts):—

I have the honor to forward, for disposal, the enclosed letter addressed to me by Mr. P. DeCeles, late Head Accountant in this Department, remonstrating against the mode in which the question of service was entertained towards awarding his pension as sanctioned in Proceedings of Government, No. 598, of 3rd October 1876, Pension Department.

From Mr. P. DECELES, late Head Accountant, Army Clothing Department, to the Superintendent of Army Clothing, Madras, dated Madras, 25th October 1876.

With reference to Order of Government, No. 598, dated 3rd October 1876 (communicated to me in your memorandum, dated 14th October 1876), awarding me a pension of Rupees 50 only from the 10th July 1876, I beg respectfully to submit the following remarks, and request you will be so good as to lay them before Government in view to a reconsideration of their decision.

2. I entered service in the Military Fund Office on the 10th May 1850, then in my nineteenth year of age, and continued there uninterruptedly (excepting a few months passed in the Office of the Inspector-General of Ordnance and Magazines) until the 31st October 1867, when I obtained employment in the Army Clothing Department. Here I served until the 10th July 1876, on which date I obtained a medical certificate of disqualification, so that I had completed in all (after deducting eight months passed on sick certificate) twenty-five years and six months' actual service, *all* counting for pension as will be seen below.

3. Previous to my leaving the Military Fund Office, and shortly after Government had undertaken its management, the Government of India were pleased to pass the following Resolution* with reference to the service of the employés in that Institution:—

* Government of India, Financial Department, No. 2226, dated 26th August 1867.
Madras Order, No. 3827, dated 4th October 1867.

“Considering all circumstances, the Governor-General in Council is of opinion that the best course will be to bring the establishment of the Military Funds under the same rules for pensions which are applicable to the Uncovenanted Servants of Government. Accordingly the employés of such establishments in grades eligible for pension will be allowed pensions and gratuities under the Rules of 13th April 1864, while those holding offices not recognized for pension will be allowed gratuities under the Rules contained in Financial Resolutions, dated 14th August 1857 and 6th June 1862, *service of each man being reckoned from the date of his original engagement.*”

4. From the above it will be seen that my “original engagement” being 10th May 1850, my service should, under the unqualified declaration contained in the last clause of the order, reckon from that date, Section 12 in the Civil Pension Code notwithstanding; and I submit, therefore, with all deference and respect, that the expunging of three years, four months, and ten days from my period of service is contrary both to the spirit and letter of the order. Had the order in question stopped short at the words “6th June 1862,” then undoubtedly Section 12 of the Code would have been applicable to my case, and the Order itself would be complete so far as regards past services also, unless it is to be inferred that in that case it would convey the idea that service should be reckoned only from the date on which Government took up the management of the Military Funds without taking into consideration the previous service of the employés—a circumstance which, I opine, the Government could not for a moment have contemplated. As the Order

*Proceedings of the Madras Government, Pension Department,
21st November 1876. No. 725.*

stands, therefore, I submit that Section 12 of the Civil Pension Code is wholly inoperative in my case, that is, if the words "service of each man being reckoned from the date of his original engagement" have any meaning at all.

5. Under these circumstances I respectfully submit that my claims were not properly and duly considered in fixing the amount of my pension, and I, therefore, earnestly beg that my case may be reconsidered and receive all the attention it deserves. Affecting, as the decision of Government will, in a great measure, my future, I trust that my application for the increased pension will be favorably received.

Read also the following letter from Colonel C. S. ELLIOT, in charge of the Office of Controller of Military Accounts, to the Secretary to Government, Pension Department, dated Fort. St. George, 7th November 1876, B:—

In forwarding letter from the Superintendent of Army Clothing, dated 31st October 1876, No. 71, submitting a letter from Mr. P. DeCeles, late Head Accountant of his establishment, requesting a reconsideration of the grant* to him of one-third pension instead of half-pay pension, as he had completed a period of more than twenty-five years' service from the date of his first entertainment in the Military Fund Office, I have the honor to inform you that the Government of India having in their Resolution recorded in Proceedings of Government, dated 4th October 1867, No. 3867, ordered that the employés of the Fund Office are to be allowed pensions under the rules applicable to the Uncovenanted Servants of Government, Mr. DeCeles' service was reckoned from and after the age of twenty-two years under Section 12 of the Civil Pension Code.

2. Mr. DeCeles is under an erroneous impression when he states that the last part of the above Resolution allows the service of each man to be reckoned from the date of his original engagement. It does not exempt him from the fundamental rules, but it removes the doubt whether the service is to be taken into account from the date of employment or from that of the transfer of the Funds to Government.

ORDER THEREON, 21st November 1876, No. 725.
The Government see no reason to reconsider their Order.
(True Extract.)

Acting Under Secretary.

To the Controller of Military Accounts.
„ Superintendent of Army Clothing, Madras.

Exd. T. O'Connor.

NOVEMBER

G.O., 21st November 1876, No. 725.

Dated November, 21st.
Issued
Recd.
Encl

THE CONTROLLER OF
MILITARY ACCOUNTS,
&c., &c., &c.

PENSION.

Govt. of 1876

The to
 18 The Co
 "Cath
 For aff -
 For see no reason
 for reconsideration of
 No. -
 MS 17
 X Proc. 3 sub. 4 Oct 67
 No 3827

+ yes - service - but not
pension - yielding service -
A man may have (2 often
does have) 30 years service,
whereof only 24 counts
towards pension, under
the Rules - & service beyond
under 22 years of age not being
'pension service' - by the Code
X

Order thereon 2^d Feb. 1876.
P. 725.

The Gov. are no nearer
to new order than their order

Dr

To The Controller of Public Accounts 1876. 11. 76
Capt. Dr. Army Clothing
[Signature]

Pension Dept.
 Dr. Cales - late H. Secy.
 Army Clothing Dept. -
 Under G.O. 3 Oct 76 No 598
 Mr. Dr. Cales was granted
 a pension $(\frac{1}{3})$ of £ 50 ----
 the objects to this for vote
 of pension on the ground
 that Resolution, for 20th
 Financial Op. 26th Aug. 67^x
 regarding military funds
 establishments. states that
 the Service of such men
 should be reckoned from
 the date of his official
 engagement. The case
 however runs correctly with
 the Com.roller - Mil. Dept. -
 - The scope of that Resolution
 was to place them at the
 "under the same rules for
 Pension which are applicable
 to the Unconquered servants
 of Govt".

and not to confer upon
them any additional
privileges, which would
be the case, if since
under 22 years old cannot.

Should Gov. however
regard the Klein claim
favorably, then the
question raised in
the first memo. (since
prior to 1858 ~~was~~ to
be allowed or not, the
applicant having
assigned his part to
the Nat. Fund in that
year) - will have
to be settled

47

16.12.76

To
 Lieut Col. A. J. Scarle
 Superintendent
 Army Clothing
 Madras

Sir

With reference to Order of Govern-
 ment No 598, dated 3rd October 1876 (com-
 municated to me in your memo dated
 14th October 1876) awarding me a Pension
 of 50 Rupees only, from the 10th July 1876,
 I beg respectfully to submit the following
 remarks and request you will be so good
 as to lay them before Government in view
 of reconsideration of their decision.

I entered service in the Military
 Fund Office on the 10th May 1850, then in
 my 19th year of age, and continued there
 uninterruptedly (excepting a few months
 passed in the Office of the Inspector General
 of Ordnance & Magazines) until the 31st
 October 1867, when I obtained employ-
 ment in the Army Clothing Department.
 Here I served until the 10th July 1876, on
 which date I obtained a Medical Certifi-
 cate of Disqualification, so that I had
 completed in all (after deducting 8 months
 passed on Sick Certificate) 25 years and 6
 months actual service, all counting for
 pension as will be seen below.

Previous to my leaving the Mil-
 Fund Office, and shortly after Government
 had undertaken its management, the
 Government of India were pleased to pass
 the following Resolution with reference

* Govt of India Financial
 Dept No 2226 dated
 26th Aug. 1867.
 Madras Order No
 3827 dated 4th
 October 1867.

Pension 1876 & 1877

Provision

To the Controller of
 Military Accounts

Recd 27th Nov 1876
 No 495

Resolution to pay
 half pension to Mr. Scarle
 as he is dead & dependent on
 Army Clothing Dept
 Madras

the service of the employees in that institution:-

Considering all circumstances, the former General in Council is of opinion that the best course will be to bring the Establishment of the Military Funds under the same rules for pensions which are applicable to the Uncovenanted Servants of Government. Accordingly the employees of such establishments in grades eligible for pension will be allowed pensions and gratuities under the Rules of 13th April 1864, while those holding offices not recognized for pension will be allowed gratuities under the Rules contained in Financial Regulations dated 14th August 1857 and 6th June 1862; service of each man being reckoned from the date of his original engagement."

From the above it will be seen that my "original engagement" being 10th May 1850, my service should, under the unqualified declaration contained in the last clause of the Order, reckon from that date, Section 12 in the Civil Pension Code notwithstanding, and I submit therefore, with all deference and respect, that the expunging of 3 years, 4 months and 10 days from my period of service is contrary both to the spirit and letter of the Order. Had the Order in question stopped short at the words "6th June 1862," then undoubtedly Section 12 of the Code would have been applicable to my case, and the Order itself would be complete so far as regards past services also, unless it is to be inferred that in that case it would convey the idea that service should be reckoned only from the date on which Government took up the management of the Military Funds without taking into consideration the previous service of the employees, - a circumstance which, I opine, the Government could not for a moment have contemplated. As the Order stands, therefore,

fore, I submit that ^{Section} ~~Clause~~ 12 of the Civil Pension Code is wholly inoperative in my case, that is if the words "service of each man being reckoned from the date of his original engagement" have any meaning at all.

Under these circumstances, I respectfully submit that my claims were not properly and duly considered, in fixing the amount of my pension, and I therefore earnestly beg that my case may be re-considered and receive all the attention it deserves. Affecting, as the decision of Government will, in a great measure, my future, I trust that my application for the increased pension will be favorably received.

I beg to remain,
Sir,

Yours most obed^t Serv^t
J. De Lisle

25th October }
1876 }

Office of Controller of Military Accounts,
Fort Saint George, 7th November 1876.

No.

B.

FROM

THE CONTROLLER OF MILITARY ACCOUNTS,

TO

The Secretary to Government
Pension Department

Sir

In forwarding letter from the
Superintendent of Army Clothing, dated
31st October 1876, No 71, submitting a letter
from Mr P. W. Clegg, late Head Accountant
of his Establishment, requesting a reconsi-
deration of the grant to him of 1/3 Pension,
instead of half pay pension, as he had com-
pleted a period of more than 25 years service
from the date of his first enlistment
in the Military Fund Office, I have the
honour to inform you that the Government
of India having their resolution recorded
in

Proceedings of
Government
Department, dated
3rd October 1876,
578

in Proceedings of Government, dated 4th October
1864, No 386, ordered that the employees
of the Fund Office are to be allowed Pensions
under the rules applicable to the uncovenanted
Servants of Government. Mr De Beles' service
was reckoned from and after the age
of 22 years under Section 12 of the Civil Service
Code.

2nd
Mr De Beles is under
an erroneous impression when he states that
the last part of the above Resolution
allows the Service of each man
to be reckoned from the date of his
original engagement. It does not exempt
him from the Fundamental Rules,
but it removes the doubt whether
the service is to be taken into account
from the date of employment
or from that of the transfer
of

15
of the Funds to Government.

I have the honor to be

Sir
Your obedient servant

W. A. M. Colonel

In charge of the Office of
Contr. of Mily: Accts.

[Signature]

G.O. 3^d October 1876 No. 598.

From *Pension 1876 Dept.*

The Controller of Mily. Accounts,
Fort St. George,

To *No. 781.*
The Secretary to Govt.
Pension Department

B

No.
Dated 7 November } 1876.
Received 8 ——— }

Enclosure 2

Endorsement.

Forwarded with Report
letter from the Clothing
Agent submitting an
application from Mr.
P. DeLles, late Head Accountant
of his Office for the grant
of half pay pension instead
of $\frac{1}{3}$ (as sanctioned) reckoning
his service from date of establishment
when he was below 25 years of age.

No. 725 of 76

1876
Through Controller of Military Accounts.

Army Clothing Department,
Madras, 31st October 1876.

No. 71

From

THE SUPERINTENDENT, ARMY CLOTHING,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MILITARY DEPARTMENT,

Fort Saint George.

SIR,

I have the honor to forward
for disposal the enclosed letter ad-
dressed to me by Mr. P. DeLles
late Head Accountant, in this De-
partment, remonstrating against
the mode in which the question of service
was entertained & towards awarding his
pension as sanctioned in Proceedings
of Government No. 598 of 3^d October
1876, Pension Department.

I have the honor to be

Sir

Your most Obedt. Servant
A. E. Arles J. H. Colours
Superintendent Army Clothing

From
The Superintendent,
Army Clothing,
Madras,

To

The Secretary to Government,
Military Department,
Fort Saint George.

Dated 31st } October 1876.
Received

No. 71 2462
One ENCLOSURE.

Forwarding a letter received
from Mr. R. S. Kelso late
of this office, regarding the
grant of furlough and
to him -

Recd. No. 7814/76

Govt. of 1876 Madras.

Pension

To The Controller of
Military Accounts

Dated 21st Nov 1876

D. O. 1st December -

G. O. 21st Nov 1876, No. 725

Nos.

Declining to
reconsider the G.O.
granting one third
pension to Mr. P.
DeBorles late Head
Accountant Army
Clothing Department
Madras.