M.R.O. 1—77,006—8-6-37.

(1) Number of pages

(2) Date of repair 28-5-41

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 63 Press / [✓ Mis.]

Dated 12-2-1877.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

12th February 1877, No. 63.

Pension.

Read again Proceedings of Government in the Pension Department, dated 25th August 1873, No. 440; 28th September 1875, No. 561; and 6th November 1875, No. 642.

Read also the following paper:—

From A. McC. WEBSTER, Esq., Collector of South Canara, to the Secretary to Government, Pension Department, dated Mangalore, 5th December 1876, No. 2206.

I have the honor to forward a petition* addressed to His Excellency the Governor-General of India and presented to me for submission to Government by Balthazar Fernandez, late Assistant Superintendent of Sea Customs at Barkur.

2. Petitioner was granted a pension equal to one-third of his salary in G.O., dated 25th August 1873, No. 440, and his application for its increase to an amount equal to half of his pay was rejected by Government in their Proceedings, dated 28th September 1875, No. 561, on the ground that his service as book-binder prior to his resignation in 1846 cannot be reckoned for pension under Section 5 of the Civil Pension Code. What petitioner now seems to urge is that this section applies to a resignation for pension, and that, as he resigned for this purpose only in 1873, when book-binders were eligible for pension, his service up to 1846 should be admitted.

* With its enclosures returned to the petitioner to be submitted through the local Government.

ORDER THEREON, 12th February 1877, No. 63.

With reference to the resolution of the Government of India, recorded in Proceedings of the Madras Government, dated 25th March 1876, No. 207, in supersession of their Order of the 25th August 1873, No. 440, the Government resolve to grant, under Sections 52 and 59 (c) of the Civil Pension Code (3rd Edition), to Mr. B. Fernandez an invalid pension of Rupees (15) fifteen per mensem, equal to a moiety of his salary for the last five years, to which he is entitled for his qualifying superior service of twenty-nine years, one month, and twenty-nine days.

2. The Government are pleased to overlook the break in the applicant's service in 1846 by resignation, as the Government, in G.O., 25th September 1875, No. 561, expressed their readiness to give Mr. Fernandez the benefit of the doubt, whether he resigned or was dismissed.

half his salary of

for

3. The difference between the allowances calculated at the higher rate and the rate at which he has drawn will be disbursed to Mr. Fernandez in arrears from the date of his retirement.

4. These Proceedings will be submitted for the approval of the Government of India together with all the papers appertaining to the case.

(True Extract.)

Acting Under Secy. to Govt.

To the Accountant-General, with Register.
,, Collector of South Canara.

Exd. A. S. Rodgers.

---

half his salary of Rs. 50. Unfortunately
for

Govt. of 1877: Madras.

PENSION.

To
The ACCOUNTANT-GENERAL,
&c., &c., &c.

Dated February, 12th.
Issued
Recd.

G.O., 12th February 1877, No. 63.

FEBRUARY.

Pension.—Resolving to grant, in supersession of the Order of Government, dated 25th August 1873, No. 440, an invalid pension of Rupees 15 per mensem to Mr. B. Fernandez, late Assistant Sea Customs Superintendent of Barkur, South Canara District.

To
His Excellency the Right
Hon'ble Lord Lytton,
Viceroy and Governor-General
of India,
Calcutta.

Memorial of Balthazar Fernandez, late Sea Custom Superintendent of Barkur in the District of South Canara, Mangalore dated 31st July 1876.

May it please your Lordship.

That your petitioner having served the Government from 1841 with zeal and integrity for a period of 39 years in grades eligible for pension and been declared by the Medical Officer in May 1873 to be incapacitated for further service, was recommended by the Collector for a pension equal to half his salary of Rs. 30. Unfortunately

for

for your petitioner the Madras Government sanctioned only a pension equivalent to one third of his pay on the ground that having been re-employed on the temporary Maramuth Establishment after his resignation in 1846 his service prior to that period could not count for pension. Your petitioner then represented that that Establishment was subsequently confirmed by order N° $\frac{122}{1851}$ of the Indian Government and that your petitioner consequently was entitled to reckon that service towards pension. The Local Government however while waiving their objection in this respect again declined to grant his application on the fresh ground that your petitioner's service as bookbinder

in

in 1846 was not countable under the rules then in force under Section 5 of the Civil Pension Code Second Edition.

Your petitioner begs to enclose copies of petitions addreſsed by him to the Madras Government and orders paſsed thereon and humbly begs to submit that the section of the Civil Pension Code quoted in the last order of the Local Government is not applicable to his case in asmuch as his resignation for pension is dated 21st May 1873 when the rule admitting bookbinders to pensions had long been in force.

Your Petitioner therefore begs to appeal to your Lordship from the above orders and humbly trusts that his case may be taken into your Lordships' favorable

consideration

consideration and that a pension equal to half his salary may be granted to him in accordance with Sections 17 & 45 of the Civil Pension Code and India Government order Nº 1407 dated 2d March 1869 for which act of kindness your Lordships' petitioner shall, as in duty bound, ever pray-

B. Fernandez

Ro 476
Financial Dept
19/8.

2618
[illegible]
6/11/73

To
The Right Honorable Vere Hobart,
Lord Hobart.
Governor and President in Council
Ootacamund.

Petition of Balthazar Fernandez,
late Sea Customs Superintendent
of Barkur, South Canara, dated
27th October 1873.

My Lord,

With reference to the Government order Nº 440 dated 25th August 1873 reducing the amount of pension payable to me from Rs. 15 to Rs. 10, i.e. from one half to ⅓ of my salary, I beg with due respect to submit the following circumstances for your Lordship's favorable consideration and orders-

Vide the accompanying list of my services.

2. The total period of my service amounts to 32-4-20 of which 29-1-29 were passed in superior grades, and even deducting the period of sick leave &c. viz 2 years and 4 days, the remaining service exceeds 25 years, and accordingly I would be entitled to one half pension, but

but I have been granted only 1/3 pension, the whole of my service prior to 6th March 1848 being excluded on the ground that my appointment to the Maramat Gumastaship on the 17th June 1847 (after resigning my service in the Mysore Territories) was not a permanent one.

Vide Paras 634 U. C. S. Vade Mecum.

3. According to the old rules service on a temporary Establishment which was subsequently made permanent, was counted towards pension; and under Section 45 rule 1, an officer who resigned the public service before the 8th June 1863 and was reappointed to the service within 1 Year after his resignation, is permitted to count his former service for pension. As the post of Maramut Gumasta to which I was appointed before the expiration of a year after I resigned my service in Mysore, was subsequently made permanent, and I am an old servant, my service qualifying for pension according to the old rules would be 30. 8. 16 and entitle me to half pension under rule 6 Section 61.

Vide Madras Government order of 4th March 1861, No 78.

4. In the case of servants of my grade whose service was not complete because of inferior

grade

Vide Orders Pension Deptt No 90 dated 8th Feby: 1873 & No 50 dated 15th July 1872.

grade and breaks, the Government were pleased, on a reconsideration of their case, to grant them pension equal to half their salary, counting the whole of their service both in inferior and superior grades, though one of them had been once admitted to gratuity, and the other was reported by the Collector not entitled to a pension.

5. I have always borne an unblemished character and I beg to submit that the fact of my having after my appointment as Sea Customs Superintendent in 1860, exerted myself to the utmost for the interests of Government, would be known from my having brought to the notice of the then Acting Collector Mr. A. P. Hodson the malpractices of the merchants, who were smuggling goods, erecting for that purpose sheds &c on the river bank, and put a stop to the clandestine landing of goods &c, and used my endeavours to check every fraudulent practice and to increase the customs revenue from Rs 6,840 (1861) to 47,261 (1870) which nearly equalled the revenue derived at the port of Mangalore and was double the

amount

11

amount collected at Kundapur.

6. Besides, the trade of the Port had considerably thrived during my incumbency and had risen from 7 to 10 laks; and I beg that the Government will be pleased to consider that under their order of 16th June 1860 such an increase entitled me to an enhancement of salary, which, if claimed and sanctioned at the time, would have now contributed to increase my pension, and that I have performed the duties of an important port on a small salary.

7. I therefore most humbly pray that Your Excellency will graciously be pleased to take the above circumstances into Your Excellency's benevolent consideration and grant me a pension of 15 Rs. equal to half my salary which will enable me to support myself and my large family in my old age.

With due deference & submission

I beg to remain,

My Lord,

Your most obedt. & humble servant.

B Fernandes

No. 579.

Ootacamund
1st Nov. 73

Transferred to
the Chief Secretary
to Govt with enclosure

By order
A. Awdry.
Pvt. Secy

Recd. 5th Nov/73

[illegible] of Sea Customs at Barcoor

15

Establishment	Appointment	Pay			Acting Allowance	Date of beginning	Date of end	Period reckoned as service			Period not reckoned as service			Remarks	How Verified
[illegible]intendent of Huzzoor [illegible]sion in 16 years	Stock binder & copyist in the Eng. Coll. Writers Establishment	12	"	"		1 January 1841	30th June 1846	5	5	16	-	-	14	under 22 years of age	[illegible] sent by Collector [illegible] original [illegible]
	Unemployed					1st July 1846	15th August 1846					1	15		
Revenue	Extra Moharrir Gumasta Huz.	5	"	"		16 August 1846	14th February 1847	"	"	"	"	5	29	This situation was subsequently confirmed as the [illegible] permanent Estt by Govt order No. [illegible] dated 21 March 1851 with reference to the letter of Govt of India No 122 dated 14th February 1851	
	Unemployed					15 February 1847	11 June 1847	"	"	"	"	4	[illegible]		
Ditto	Extra Moharrir Gumasta Huzoor	7				[illegible]	15th March 1848	"	"	"	"	8	18		
Customs	Acg. Sea Customs Gumasta	15	"	"	Acted on full pay	16 March 1848	31st October 1848	"	7	26	"	"	"		
do	Sea Customs Gumasta	15	"			1 November 1848	25 January 1853	4	2	25	"	"	"		
Revenue	Acg Gumasta H. Asst Collr's office	16	"	"	On full pay	26 January 1853	24 April 1853	"	2	29	"	"	"		
do	Acting 2d Record Keeper Huzoor	21	"	"	On half pay of the substantive & [illegible] & full pay of the latter for remaining 3 period	25 April 1853	8 January 1854	"	8	14	"				
Sea Customs	Sea Customs Gumasta Huzoor	15	"	"		9 January 1854	24th August 1854	"	7	16	"	"	"		
Revenue	Acg Huzoor Gumasta	21	"	"	On half pay of the substantive appt	25 August 1854	9 October 1854	"	1	15	"	"			
Do	Huzoor Gumasta	20	"	"		10 October 1854	6 Decr 1855	1	1	27	"	"			
Sea Customs	Acg Superintendent Sea Customs Mangalore	30	"	"	Do	7 December 1855	24th Decr 1855	"	"	15	"	"			
	Huzoor Gumasta	20	"	"		25 Decr 1855	30 June 1856	"	6	9	"	"	"		
Rev	Do Treasury Do	21				1st July 1856	2d Decr 1856	"	5	2	"	"	"		
	On sick leave					3d Decr 1856	18 Jany 1857	"	"	"	"	1	16		
	Huzoor Treasury Gumasta	21	"	"		19 Jany 1857	21 April 1857	"	3	3	"	"	-		
	On sick leave					22d April 1857	6 May 1857	"	"	"			15		
	Huzoor Treasury Gumastha	21	"	"		7 May 1857	30 June 1859	2	1	24	"				
	Head Gumasta Sea Customs Huzoor	25	"	"		1st July 1859	13 Decr 1859	"	5	13	"	"	"		
	On leave private affairs					14 Decr 1859	16 Feby 1860	"	"	"	"	2	3		
	No. Gumasta Sea Customs Huzoor	25	"	"		17 Feby 1860	1st May 1860	"	2	14			"		
	On sick leave					2d May 1860	21st May 1860	"	"	"			20		
	Hd Gumasta Sea Customs Huzoor	25	"	"		22 May 1860	31 May 1860	"	"	10					
Sea Customs	Acg Sea Customs Manager Barkur	25	"	"	On full pay	1 June 1860	30 Sept 1861	1	4	"					
	Sea Customs Manager Barkur	25	"	"		1 Octr 1861	31 July 1862	"	10						
	Asstt Supdt of Customs do	30	"	"		1 August 1862	5 Novr 1862	"	3	5					
	On leave on half pay					6 Novr 1862	9 Decr 1862					1	4		
	Asstt Supdt of Sea Customs Barcoor	30	"	"		10 Decr 1862	19 Decr 1864	2	"	10					
	Asstt Supdt of Sea Customs Barcoor	30	"	"		20 Decr 1864	12 Jany 1868	3	"	23					
	On leave on half pay					13 January 1868	22 Jany 1868				"	"	10		
	Asstt Supdt of Sea Customs Barcoor	30				23 January 1868	29 July 1868	"	6	5					
	On sick leave					30 July 1868	29 Novr 1868					4			
	Asstt Supdt of Sea Customs Barcoor	30				30 Novr 1868	14 Jany 1869	"	1	17					
	On sick leave					15 Jany 1869	14 Aug 1869					7	"		
	Asstt Supdt of Sea Customs Barcoor	30				15 Aug 1869	21 Septr 1870	1	1	16					
	On special leave					22 Septr 1870	5 Octr 1870				"	"	25		
	Asstt Supdt of Sea Customs Barcoor	30	"	"		6 October 1870	31 May 1873	2	6	25					
							Total service years	24	1	29	3	2	21		

25-2½

5 1-1-21
3-17

33-4-30

Fernandes

[illegible] N. 2618 of 73

17

Government of Madras.

PETITION DEPARTMENT.

& 2618

Endorsement on Nos. 2587, 2596 of 1873:

"The Government having passed one order on any appeal made to it, will not notice a second petition on the same subject, unless it contains some new and important matter." (Revised Petition Rules, para. 5.)

(By Order,)

J Stanwell

Ag Under-Secretary to Government.

Fort Saint George,
24th November 1873.

T.N.

To
H. S. Thomas Esqre
Collector of South Canara

Honored Sir,

The Government having reduced the amount of my pension from ½ to ⅓ of my salary on the grounds that the post of Uparamut Gumasta to which I was appointed was a temporary one, most respectfully I beg to represent that the post was since made permanent under Madras Government order of 4th March 1851 No 78 with reference to the letter of India Government dated 14th February No 122 and so my period of service in it is countable towards pension under para 634 U. C. S. vade mecum and I am entitled to half pension under Rule 6 Section 6.

I therefore beg Your Honor may be pleased to take my case into your benevolent consideration and recommend my case for the favorable consideration of Government so that I may get an increase of Rs 5 a month to my pension for this act of benevolence I shall, as in duty bound ever pray.

I beg to remain,
Honored Sir
Your most Obedt & humble servant
Signed/ B. Fernandes
Asst Superintendent of
Sea Customs of Barcur.

10th February
1874

Endorsement on Petition No. 1461/74 presented by Balthazar Fernandez, late Sea Custom Superintendent of Barkur, applying for enhanced pension.

"Petitioner's prayer has already been submitted for the consideration of the Board of Revenue."

South Canara Collector's Office,
Mangalore, 5th October 1874.

Dy. Hd. Asst. Collector
in charge.

Comp. B.V.R.

No. 2052.

Memo.

Mr. Baltazar Fernandez, late Sea Customs Assistant Superintendent of Barcoor, is informed that in their order dated 28th September 1875, No. 561, Pension Department, Government have declined to sanction an increase to his pension, as his service as Book-binder in 1846 is not reckoned for Pension.

Collectors Office
Mangalore,
23 October 1875.

Edwd Gibson
Ag: Hd. Asstt. Collector
in Charge.

p.f.

Endorsement on Huzur petition No. 215 of 1875 presented by Mr. B. Fernandez, late Assistant Sea Customs Supdt. of Barcoor, requesting information as to the grounds contained in the G.O. by which increased pension was refused to him.

—

The reason why the Petitioner was not allowed greater pension is correctly stated in Mr. Gibson's endorsement, dated 23rd October last. vide Sect. V. Civil Pension Cir. of 2nd [illegible]

Mangalore
28th January 1876.

J. G. Horsfall
Ag. Collector

No 2617

Enclosure
In a letter from the Collector of South Canara to the Chief Secretary to Govt of Fort St George dated 3rd Octr 1876
No 2206

Returned to the petitioner to be resubmitted through the Local Government of the petitioner is so advised.—

By Order &c

Buchanan
Under Secy to the Govt of India

Simla
Financial Department
The 6th September 1876

O.M. 634/77.

29

Pension ~~Revenue~~ DEPARTMENT.

No. 4877

From the Collector of South Canara
Dated 5th December 1876.

FOR ORDERS.

In their order 28th Sept. 75 No 561 the Govt. declined to count the Petrs Service as Bookbinder holding such service to have been inferior× — stating at the same time that but for this reason they would have been ready to overlook the break in his service.

× consequently not eligible at date of Petrs resignation June 30.1846

Subsequently× however in the case of one Pereira the point was referred to the Govt. of India — They ~~[illegible]~~ replied that the order making such Service eligible had have retrospective effect — Mr Pereira got the benefit of this order in an increased rate of Pension.

× Pen. G.O. 29th Sept. 75 – 563

26/11

It is submitted that the Petr is entitled to a similar concession & that the question of break in his service should not be brought forward again in that Govt. have already declared their willingness to overlook it.

The order shd have retrospective effect from date of Ptr's retirement.

W.D.
20.1.77

29

Part - No 4

FOR ORDERS.

O No 63 (P)

C: 22 January 77
R 27 — 77

No. 2206.

South Canara Collector's Office,
Mangalore 5 December 1876.

From

A. McC. Webster Esqre

Collector of South Canara

To

The Hon'ble W. Hudleston
Chief Secretary to Government,
Fort St George.

Sir,

I have the honor to forward a Petition* addressed to His Excellency the Governor General of India and presented to me for submission to Government by Balthazar Fernandez, late Assistant Superintendent of Sea Customs at Barkur.

* with its enclosures returned to the Petitioner to be submitted through the Local Government.

2. Petitioner was granted a Pension equal to 1/3 of his salary in G.O. dated 25th August 1873, No. 440, and his application for its increase to an amount equal to half of his pay was rejected by Government in their Proceedings dated 28th September 1875, No. 561, on the ground that his service as Bookbinder prior to his resignation in 1846 cannot be reckoned for

pension under Section 5 of the Civil Pension Code. What Petitioner now seems to urge is that this section applies to a resignation for pension, and that as he resigned for this purpose only, in 1873 when Bookbinders were eligible for pension, his service up to 1846 should be admitted.

I have the honor to be,
Sir,
Your most Obedt Servt

Collector.

G.O. 25 Augt 1873 No 440
G.O. 28th Sept/75 No. 361.

Pension 1877. Dept.
No. 4

From
The Collector of South Canara.

To
The Chief Secretary to Government Fort St George

Dated 5th Decr
Dispd. 20th " "
Received 26th " " } 1876.

No. 2206.

Enclosures No. (one.)

Subject.

Submitting a Petition addressed by Balthazar Fernandez, late Sea Customs Superintendent of Barkur, to the Governor General of India, praying for the increase of the rate of his Pension.

G.O. 63 of 77

Pension Department.

37

PROCEEDINGS of the MADRAS GOVERNMENT.

READ ~~the following letter~~ again

Proceedings of Government Pension Department dated 25th August 1873 No 440, 28th September 1875 No 361 and 6th November 1875 No 642.

Read also the following letter from the Collector of South Canara dated 5th December 1876 No 2206.

Order thereon 12th February 1877 No 63.

With reference to the Resolution of the Government of India, recorded in Proceedings of the Madras Government dated 25th March 1876 No 207 in supersession of their order of the 25th August 1873 No 440 the Government resolve to grant, under Sections 52 and 59 (c) of the Civil Pension Code (3rd Edition) to Mr B. Fernandez an invalid pension

pension of Rs /15/ fifteen per mensem, equal to a moiety of his salary for the last 5 years, to which he is entitled for his qualifying superior service of 29 years 1 month and 29 days.

The Government are pleased to overlook the break in the applicants service in 1846 by resignation as the Government in G. O. 25th September 1875 No. 561, expressed their readiness to give Mr. Fernandez the benefit of the doubt, whether he resigned or was dismissed.

The difference between the allowances calculated at the higher rate and the rate at which he has drawn will be disbursed to Mr. Fernandez in arrears from the date of his retirement.

These

These Proceedings wi be submitted for the approval of the Government of India together with all the papers appertaining to the case.

To
The Accountant General with Regr. } despd.
" Collector of South Canara { 24/2/77

JMG.

Govt. of {1877} Madras.

Fr. No. 2900/77

Pension

To
The Accountant General

Dated 2nd Feby } 1877, No. 63.
Recd. }

Nos.

Resolving to grant
in supersession of the
order of Govt. d/23rd Augt/73
No. 440, an invalid pension
of Rs. 15 per mensem to Mr.
B. Fernandez, late Asst.
Sea Customs Superinten-
-dent of Barkoor, South
Canara District.