

(1) Number of pages 28

(2) Date of repair 7. 41

(3) Initials of the Referencer G

MADRAS RECORD OFFICE.

Government of Madras.

Session DEPARTMENT.

G.O. No.	194	Press Mis.
Dated	21-5-	1878.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

21st May 1878, No. 194.

Pension.

Read the following paper :—

From L. C. PROBYN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 20th March 1878, No. 1611.

Audit Department.

I have the honor to forward, for the orders of Government, copy of a letter received from the Collector of Kistna, No. 580, dated 1st instant, bringing to notice the case of an invalid Police pensioner who has been re-employed under Government since February 1870, and has drawn, in addition to his pension, the pay of his new appointment, which exceeded the pay of the appointment on which he was pensioned, in contravention of Section 97 of the Civil Pension Code. The Collector, in calculating the amount to be recovered from the pensioner, has disallowed the monthly difference between his former pay and the amount of pay and pension drawn by him during re-employment.

2. Under Section 97 of the Code, however, the pensioner is entitled to the pay of his new appointment, and forfeits only the pension due for the period he was re-employed. The amount of pension from 8th February 1870 to February 1878 is Rupees 338-10-0, Rupees 45-8-0 of this has not been drawn, so that the balance to be recovered is Rupees 293-2-0.

ENCLOSURE No. 1.

From W. WILSON, Esq., Collector of the Kistna District, to the Accountant-General, Madras, dated Masulipatam, 1st March 1878, No. 580.

I have the honor to report that one Syed Ali, who obtained an invalid pension of Rs. 3-8-0 per mensem in the Guntur Taluq on 19th November 1869, was appointed as a Batta Amin on Rupees 12 a-month in the District Munsif's Court of Guntur on 8th February 1870. From that time he drew both his pay and pension up to January 1877.

2. In the District Gazette, No. 5, of 10th March 1877, a Circular was published to the effect that the pensions of all pensioners who fail to report the fact of their being in public or private employ on a monthly salary should at once cease and no further payment be made until the orders of Government have been received. Thereupon the Tahsildar of Guntur reported Syed Ali's case to the Huzur on 7th May 1877. His pension was at once stopped, pending further orders; and the Tahsildar was called upon to report how he certified on monthly pension lists that Syed Ali was not in any Government employ.

3. The Tahsildar reported that he always inquired regarding the employment of pensioners at the time of signing their pension receipts, but Syed Ali never intimated to him that he was employed as a Batta Amin in the District Munsif's Court, nor did he ever wear a badge like other batta peons; and that as the pensioner is not illiterate and certified every time he took his pension that he was not employed in any Government service the responsibility rests on him and on the officer who employed him.

4. From the pensioner's kyfiet taken before the Tahsildar it appears that he never reported his employment to the taluq officials, because he did not know that it was necessary to do so, and that he reported the fact to the Tahsildar when he asked him about it.

5. In his petition to the Treasury Deputy Collector, dated 16th August 1877, Syed Ali stated that he always informed the Tahsildar of his employment when he went to take his pension, and that the Tahsildar once told his Sheristadar to take a deposition from him, but it was not taken.

6. As Syed Ali was a Police Constable when he obtained his pension, the Superintendent of Police was written to, and he replied in his letter, dated 31st January 1878, that the salary of Syed Ali, late 1st-Class Constable, was Rupees 7-8-0 per mensem when he was pensioned in 1869, and that he was dismissed on medical certificate of unfitness for further service.

7. It appears from Section 98 of the Civil Pension Code that a person who has obtained an invalid pension may be re-employed in some other branch of the service, and from Section 97 it appears that the sum total of pay and pension is not to exceed the pay of the former appointment which he held when the pension was granted.

8. The pensioner is sixty-three years old and has expressed a wish to resign his present appointment if the rules do not allow him to continue in service, and to receive his pension as usual. He has drawn a higher salary than his former pay Rupees 7-8-0.

9. The excess drawn by him from the date on which he was employed as Amin up to end of February 1878 is shown below:—

		RS.	A.	P.
Amount drawn by the pensioner in February 1870—				
From 1st to 7th, at Rupees 3-8-0	.. .. .	12	8	0
„ 8th to 28th, at „ 15-8-0	.. .. .			
From 1st March 1870 to 28th February 1878 at Rs. 15-8-0, viz.,	.. .. .	1,488	0	0
Rs. 12-0-0 pay,	.. .. .			
Rs. 3-8-0 pension.	.. .. .			
Total	.. .. .	1,500	8	0
Deduct amount properly due to him at Rupees 7-8-0 a-month under Section 97 of the Civil Pension Code	.. .. .	726	8	0
Excess drawn	.. .. .	774	0	0
Deduct amount of undrawn pension from 1877 to February 1878, at Rupees 3-8-0	.. .. .	45	8	0
Balance overdrawn	.. .. .	728	8	0

10. This amount should be recovered either from the party himself or from the officer who employed him if he knew the facts, or from both.

From L. C. PROBYN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 30th April 1878, No. 1781.

Audit Department.

In continuation of my letter, No. 1611, dated the 20th March last, I have the honor to report that the Collector of Kistna, in his letter of the 24th instant, No. 833, states that the date on which the pensioner was re-employed was the 16th April 1873, and not the 8th February 1870, as reported in his letter of the 1st March last. The amount to be recovered from the pensioner is therefore only Rupees 159-4-0 the amount of pension drawn by him from date of his re-employment up to 31st January 1877, which he should have forfeited under Section 97 of the Civil Pension Code.

ORDER THEREON, 21st May 1878, No. 194.

The Government presume that Syed Ali still retains his appointment of Batta Amin. The amount (Rupees 159-4-0) of pension irregularly drawn by him from the 16th April 1873 until the 31st January 1877 will now be recovered from him by monthly instalments of Rupees 4-8-0.

2. In future the officer employing a pensioner will at once report the circumstance to the Accountant-General or District Treasury Officer.

(True Extract.)

L. A. CAMPBELL,
Under Secy. to Govt.

To the Accountant-General.
„ the Collector of Kistna.
„ all Heads of Departments.

Exd. T. O'Connor.

For ders

Letter No 580 from the collector of
 Dist. a: 1st March 78.
 -do -do: 10th from acct. sent.
 d: 20 March 78.

A Police constable
 invalided in by
 was employed
 in 70 as a bullock
 carrier in a
 mooniffs court.

Stop his Pension. His invalid pension
 fully refunded of 3-8 has been
 29/2 ^{sent} drawn by him
 Yes. if he retains in addition to
 his post of Amier. his pay as Amier.
 Otherwise Report again which is 12 Rs

Govt. of 1878: 31st March.

PENSION.

To THE ACCOUNTANT-GENERAL,

Ac.

Ac.

Ac.

Dated May, 21st.

Issued

Recd.

Encl.

G.O., 21st May 1878, No. 194.

MAY.

Pension.—Directing that the pension irregularly
 drawn by Batta Amin Syed Ali from the 1st
 April 1873 until the 31st January 1877, should be
 recovered by monthly instalments of Rupees 4-8-0.

Pension.—Directing that the pension irregularly drawn by Batta Amin Syed Ali from the 15th April 1873 until the 31st January 1877, should be recovered by monthly instalments of Rupees 4-8-0.

per mensem.
The Pensioner allows
pension to be
drawn in addition
to pay provided
the sum total
does not exceed
the pay drawn
on retirement
but in this case
the constables pay
was only 7-8-0
so that he shd.
not have been
allowed to draw
his pension.

The collector thinks
the Sahibdar
to blame but

proceeds.
I think the mistake
is that the hand drawn
not understood
the rules. I don't
understand the meaning
of a Batta from
a fixed salary.

I think the Batta
from employment was
occasional. on
temporary absence
(Batta) for the time
being. L.H.

I think the Sahibdar
must have been
causing the blame
is it likely that the
Sahibdar shd not have
known or meant that the
man - pensioner was
employed in same district
Court? and stopping the
pension to refund - it
amounts to cancelling the
pension - I would remove
the man from his present
appointment - ~~see~~ + call on
see

the latter says
the Pensioner is
not-illiterate &
certified every time
he took his pension
that he was not
employed in fort
service.

He can easily
remain on as
an alien but Rs
293-2-0 have
to be recovered
from him. Should
this be done
in the lump or
by instalments?
If the latter what
should be the
amount monthly?
L.H.

Pension Dep:

For order

Can report whether
the man was killed
a pension of the office
appointing & paying
whether the man
did certify in writing
as to his death says such
time as so pending
the certificate

Q Nov 1911

Ch. 28-3-78

C. 27-4-78. R. 4-5-78

Note.

Under the rules the
man's pension
necessarily ceases
if it & his pay are
in excess of the
salary he drew
when pensioned.

As a matter of
fact it was at once
stopped about May
77 when it was
discovered that
he had been reemployed.

He will get his
pension again when
his present employ-
ment ceases but
unless he retains
the latter there

With the no likelihood
of his paying the
money he has
drawn.

It is suggested that
he might be allowed
now an amount
of his present
Salary equal to the
pay Rs 7-8-0 he
draw on retirement
that the balance
Rs 4-8 might go
to pay off what is
due by him.

At this rate it will
^{take him}
~~require~~ 5 1/2 years
to do so.

Since 73 Balta
Amelur & Balta
peons are paid

I wd sanction this
arrangement

Very truly
Yours

see ^x f. 0. 4 No 76 No:
2272.

fixed salaries &
are on the permanent
establishment.

Provision for their
pay pension is
made from the fees
collected.

As to the Schindar
it is observed that
he took action as
soon as he saw
the circular in
the District Gazette
regarding the rule
it is probable he
had forgotten it
before.

The officer appointing
the Amelur acted
quite regularly but
it might be a good

thing to require
that an officer
employing a pensioner
should give notice
of the fact to the
District Treasury
officer or account-
ant Genl.

See

all

Note

In case of Syed Ali
a pensioner who
on reemployment
irregularly drew
his pension.

We order this

30/4

MS

for 1/5

for 4/5

C. No. 194

C. 27-4-78. R. 4-5-78.

No. 480

From

The Collector

Distric District

To

The Accountant General
Madras.

Sir

I have the honor to report that
one Syed Ali who obtained an invalid pen-
sion of Rs. 3-8-0 per mensem in the Quarter
Salary on 19 November 1869 was appointed as a
Batta khair on Rs 12-0-0 a month in the District
Munsiff's Court of Quarter on 8 February 1870.
From that time he drew both his pay and pension
upto January 1877.

2 In the District Gazette No 5 of 10
March 1877 a circular was published to the effect
that the pensions of all pensioners who fail to re-
port the fact of their being in public or private
employ on a monthly salary should at once
cease and no further payment be made until
the orders of Government have been received.
Thereupon the Tahsildar of Quarter reported
Syed Ali's case to the Nazir on 7 May 1877.

His

His pension was at once stopped pending further orders; and the Tahsildar was called upon to report how he certified on monthly pension lists that Syed Ali was not in any Government employ.

3. The Tahsildar reported that he always enquired regarding the employment of pensioners at the time of signing their pension receipts but Syed Ali never intimated to him that he was employed as a Batta Amin in the District Munsiff's Court nor did he ever wear a badge like other Batta peons, and that as the Pensioner is not illiterate and certifies every time he took his pension that he was not employed in any Government Service the responsibility rests on him and on the officer who employed him.

4. From the Pensioner's Kyfiat taken before the Tahsildar it appears that he never reported his employment to the Taluk officials because he did not know that it was necessary to do so, and that he reported the fact to the Tahsildar when he asked him about it.

5. In his petition to the Treasury Deputy Collector dated 16 August 1877, Syed Ali stated that he always informed the Tahsildar of his employment when he went to take his pension and that the Tahsildar once told his Shrivastadar to take a deposition from him but it was not taken.

6. As Syed Ali was a Police Constable when he obtained his pension, the Superintendent of Police was written to and he replied in his letter dated 31st January 1878 that the salary of Syed Ali late 1st Class Constable was Rs. 7-8-0 per mensem when he was pensioned in 1869 and that he was dismissed on medical certificate of unfitness for further service.

7. It appears from Sec 98 of the Civil Pension code that a person who has obtained an invalid's pension may be re-employed in some other branch of the service and from Section 97 it appears that the sum total of pay and pension is not to exceed the pay of the former appointment which he held when the pension was granted.

8. The pensioner is 63 years old and has expressed a wish to resign his present appointment if the rules do not allow him to continue in service and to receive his pension as usual. He has drawn a higher salary than his former pay Rs. 7-8-0.

9. The excess drawn by him from the date on which he was employed as Amin up to end of February 1878 is shown below.

Sub.

Amount drawn by the pensioner in February 1870.

From 1st to 7th at Rs 3-8-0 } Rs. 24-0-0
" 8th to 28th at Rs 15-8-0 } 12-8-0

From 1st March 1870 to 28th
February 1878 at
Rs. 15-8-0 viz. Rs 12 pay } 1488-0-0
Rs 3-8-0 pension. }
Total 1500-8-0

Deduct amount properly due to
him at Rs 7-8-0 a month under
Sec. 97 of the Civil Pension Code } 727-8-0

Excess drawn 773-0-0

Deduct amount of undrawn
pension from 1877 to February 1878 } 45-8-0
at Rs 3-8-0

Balance overdrawn 727-8-0

10. This amount should be recovered
either from the party himself or from the
officer who employed him if he knew the facts
or from both.

I have &c.

J. Leguif M. Wilson

Collector

True Copy

R. Donald
offg Dy Commr Genl

Compd

Audit DEPARTMENT.

No. 1611

Fort Saint George,
Accountant General's Office,
20 March 1878.

FROM THE ACCOUNTANT GENERAL
TO THE GOVERNMENT OF MADRAS,

TO THE Chief Secretary to Government
Pension Department

SIR,

I have the honor to forward, for the orders
of Government, Copy of a letter received from the Col.
Lieut of Kistna, N. 580 dated 1st Instant, bringing
to notice the case of an invalid Police pensioner
who has been re-employed under Government since
February 1870, and has drawn, in addition to his
pension, the pay of his new appointment, which
exceeded the pay of the appointment on which he
was pensioned, in contravention of Section 97 of the
Civil Pension Code. The Collector, in calculating the
amount to be recovered from the Pensioner, has dis-
allowed the monthly difference between his former
pay and the amount of pay and pension drawn
by him during reemployment.

2 Under Section 97 of the Code, however, the
Pensioner is entitled to the pay of his new appoint-
ment, and forfeits only the pension due for the
period he was reemployed. The amount of
pension from 8th February 1870 to February 1878 is

R

R. 338-10-... R. 115-8-... of this has not been drawn,
so that the balance to be recovered is R. 293. 2-...

I have the honor to be

Sir

Your most Obedt. Servant

Le Roy

Accountant General

20/11/6

Pension 1878. Department

From

The Accountant General

Madras.

To the Chief Secretary to

Government

Pension Deptt.

Dated 20th March 1878.

Recd. 21st April 1878.

Despatch 21st April 1878.

N^o 1611-Inst.

Forwarding

for orders of Govt. the
case of a Pensioner who has
been re-employed under Govt.
since Febry. 1870, and has
drawn, in addition to his pen-
sion, the pay of his new ap-
pointment, which exceeded the
pay of the apptt. on which
he was pensioned in consequence
of Act 97 of the C. Code.

CC No. 194

27/6/78. R. 4-5-78.

Audit DEPARTMENT.

3

No. 1381

48

21

Fort Saint George,
Accountant General's Office,
30th April 1878.

FROM THE ACCOUNTANT GENERAL
TO THE GOVERNMENT OF MADRAS,

To THE Chief Secretary
to Government
Pension Department
Co to command
SIR,

In continuation of my letter N^o 1611
dated the 20th March last, I have the honor
to report that the Collector of Kistna, in his
letter of the 24th Instant, N^o 833, states that
the date on which the Pensioner was re-em-
ployed was the 16th April 1873, and not the
8th February 1870 as reported in his letter
of the 1st March last. The amount to be recover-
ed from the Pensioner is therefore only Rs. 159-4-
the amount of pension drawn by him from
date of his re-employment up to 31st January 77,
which he should have forfeited under Section 9
of the Civil Pension Code.

I have the honor to be
Sir
Your most Obedt. Servant

Levee
Accountant General

Comptroller

Trincom 78/ Department

No. 55

From
The Accountant General
Madras

To The Chief Secy.
to Govt.
Madras-Secretary

Dated 30 April 1878
Recd. 1 May
Copy to 4 May

Reporting on continuation of letter No. 1511 of the 20 March last, that the date from which the Prov. was re-employed was the 16 April 1873, and that the amount to be received from him was Rs 154-4-

10/10/1878

9.4.78. Person charged 1179 4 1878

Prin

DEPARTMENT.

List showing the distribution of the Proceedings of Government,
dated 24 May 1878 No. 194.

Revenue Department, for information and for communication to Subordinate Officers	...	100
Public Works Department	do. ...	100
Military Department	do. ...	100
<i>Public</i>		
JUDICIAL.		
Honorable the Judges of the High Court, for information and for communication to	...	50
Subordinate Officers	do. ...	33
Inspector-General of Madras Police	do. ...	3
Inspector-General of Jails	...	3
Magistrates of the Town Police Court	...	3
Do. of the Egmore Police Court	...	10
Judges of the Madras Court of Small Causes	...	10
Advocate-General	...	10
Government Solicitor	...	10
Administrator-General	...	25
Coroner of Madras	...	10
Inspector-General of Registration	...	10
<i>Sheriff Madras</i> <i>Consty Engrs for Railways</i>		
PUBLIC.		
Surgeon-General, Indian Medical Department, for information and for communication to	...	20
Subordinate Officers	...	6
Sanitary Commissioner	...	3
Health Officer	...	3
Committee for the Examination of Assistants	...	3
Private Secretary to His Excellency the Governor	...	3
Government Astronomer	...	3
Superintendent, Government Central Museum	...	3
Chemical Examiner	...	3
Superintendent of Stationery	...	3
Supervisor of the Government Press	...	10
Protector of Emigrants	...	10
Tamil Translator to Government	...	10
Teloogo do. to do.	...	10
Malayalim do. to do.	...	10
Canarese do. to do.	...	10
Hindustani do. to do.	...	10
Postmaster-General	...	6
Superintendent, Electric Telegraphs	...	6
Examiner of Medical Accounts	...	6
<i>Govt of Madras</i> <i>Govt of Madras</i>		
POLITICAL.		
Resident in Travancore and Cochin	...	6
Government Agent at Chepauk	...	10
Government Agent at Tanjore	...	10
Political Agent at Poodocottah	...	10
Collector in charge of the Special Agent's Department at Cuddalore	...	10
Officer in charge of the Stipend Pay Office at Vellore	...	10
ECCLESIASTICAL.		
The Right Reverend the Bishop of Madras	...	3
Venerable Archdeacon of Madras	...	10
Senior Chaplain of the Church of Scotland	...	10

MARINE

{ Master Attendant, Madras, for information and for communication to Subordinate Officers. 22/

FINANCIAL

{ Accountant-General
Commissioner of Paper Currency

6/11
1/11

EDUCATIONAL

{ Director of Public Instruction
Commissioner for the Uncovenanted Civil Service Examinations

18/11
1/11

Division Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter S.

From Act. Genl 20th March 78 No. 1611
30th April 78 No. 1781.

Order thereon 20th May 1878 No. 194.

The Government presume that Syed Ali still retains his appointment of Batta Amin. The amount, (Rupees 159-4) of pension irregularly drawn by him from the 16th April 1873 until the 31st January 1877 will now be recovered from him by month by instalments of Rs 4-8-0.

2. In future the officer employing a pensioner will at once report the circumstance to the Accountant

To,
The Accountant General
Collector of Nistina.
all ^{Branch} Departments. } General or District Treasury Officer. J. S.

16/11



[Faint, illegible handwritten text, possibly bleed-through from the reverse side.]

Refund of money
drawn by Syed Ali
Batta Amara

Boat. of 1878

Amara

To

Mr. Secy. H. General

Dated
Recd.

21st May 1878, No. 194

Nos.

by Mr. Secy. H. General

Amara

Mr. Secy. H. General

Amara