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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.

605

Press
Mis.

Dated

22-10-1879.

Not to be folded or roughly handled

PENSION DEPARTMENT.

Pension.

No. 685.

FROM

J. H. GARSTIN, Esq.,
Acting Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

SIR,

In the letter marginally noted it was brought to the notice of the Government of India that in the case of C. Gopal Rao, lately Civil Record-keeper in the District Court, South Arcot, whose services had been dispensed with in the recent revision of Judicial Establishments, a compensation retiring allowance was strictly not admissible, as, though there is a saving on the entire scheme, there is none in respect of the applicant's appointment.

2. The Accountant-General now reports that there are several other similar cases and suggests "it would be very advantageous if a ruling in this matter were obtained from the Government of India, as it is scarcely possible for the provisions of the Civil Pension Code to be literally carried out."

3. The High Court calculated that eleven compensation pensions of the monthly total of Rupees 122-8-0, and fifty-two compensation gratuities amounting to Rupees 3,588-8-7, would have to be granted, but the Accountant-General has recently stated that some of the persons referred to "have been found eligible to other retiring allowances, while a few have been retained in service, and applications on their behalf for personal allowances are now being received."

It is, therefore, impossible to calculate the exact amount of such pensions and gratuities, but it seems probable that it will be something less than the sums given above, and to meet this charge and pay any small personal allowances that may be granted there is a net saving of Rupees 4,362 per annum on the revision scheme as reported by the Accountant-General. In addition to this there is a further sum of Rupees 8,160 per annum which had been saved by the abolition in 1876 of a Munsif's Court in South Canara and of a Subordinate Court in the Godavari in 1877.

4. The reorganization of Judicial Establishments in this Presidency has thus resulted in a total saving of Rupees 12,522, and under these circumstances I am to request that this Government may be authorized to sanction all the compensation retiring allowances involved thereby, even though in some cases the removal of an applicant may have caused no saving as far as his appointment is concerned.

I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
22nd October 1879.

Acting Secretary to Govt.

Read the following paper :—

From A. C. TUPP, Esq., Officiating Accountant-General, to the Acting Chief Secretary to Government, dated Ootacamund, 24th September 1879, No. 221-N.

Treasury Account Department.

I have the honor respectfully to state that District Judges in forwarding applications for pensions and gratuities on behalf of persons who have been thrown out of employ in consequence of the recent reorganization of Judicial Establishments find themselves unable, in some cases, to state (in the register of application) with reference to Rule 6, Section 59 of the Civil Pension Code, that the abolition of the applicants' appointments has produced a real saving to Government. The District Judges, however, report that a certain lump sum was saved to Government in consequence of the revision of the respective Courts, and that that amount is included in the aggregate sum of Rupees 1,770 referred to in G.O., No. 2,343, dated the 19th November 1878, Judicial.

2. Rule 6, Section 59 of the Civil Pension Code, says that "the discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of this section; the abolition must produce a *real* saving to Government. Particulars of the saving effected should be fully set forth in every application for compensation pension. The saving should always exceed the cost of the pension, &c." And the note to this rule directs that "compensation pension be granted only to an officer discharged from the public service when, *on a reduction of establishment*, his appointment is abolished," and prescribes further that "such abolition must produce a real saving to Government in respect of the cost of the appointment, &c."

3. In my letter to Government, No. 26-N, dated the 20th August last, I reported that, for the reasons therein given, it was impossible for this office to state even approximately the probable cost of compensation pensions and gratuities consequent on the reorganization, but that such retiring allowances might be granted only to the extent of the aggregate saving of Rupees 4,362 per annum or Rupees 363-8-0 per mensem *minus* the extra expense to Government caused by the retention in service of P. Subbáchari, and the amount of any personal allowances which may be hereafter sanctioned by Government.

4. In the absence of any specific provision in the Civil Pension Code to meet cases of the nature of those under reference difficulty is experienced in disposing of the applications for pensions or for gratuities. The latter are payable once for all, and it may be taken as certain that their aggregate amount will much exceed the Rupees 363-8-0 referred to above.

5. It appears to me that it would be in many respects very advantageous if a ruling in this matter were obtained from the Government of India, as it is scarcely possible for the provisions of the Civil Pension Code to be literally carried out in these cases, and as a local Government is, it is respectfully submitted, precluded from sanctioning any departure from the rules. Hardship will be caused if pensions or gratuities (as the case may be) are not sanctioned until every case is before Government; and yet, if this course is not followed, it will be impossible effectually to check the grants with the savings.

6. I beg that I may be favored with the early orders of Government on this reference to enable me to dispose of the cases already received in this office.

ORDER THEREON, 22nd October 1879, No. 684.

The Government of India will be addressed on the subject. Meanwhile the individual cases should be disposed of.

(True Extract.)

LORNE A. CAMPBELL,
Under Secy. to Govt.

Exd. C. Howarth.

Regt. No.

HOME 1879 DEPT.

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From the Government of
Fort St. George.

Dated 22nd Oct. 1879.

No.

Issued

Enclosures

Recd.

Spare copies

D. No.

Progs.

L. No. 635.

No.

Pension.—Requesting authority to sanction all the compensation retiring allowances involved by the recent reorganization of Judicial Establishments, even though in some cases the removal of an applicant may have caused no saving as far as his appointment is concerned.

N^o 685

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To the Secy. of India.

Home Revenue & Agricultural
Dept.

d: 16 Sept. No 599.

MA

Sir
in the letter
marginally noted
it was brought to
the notice of the Secy.
of India that in the
case of C. Jagan Rao
late Civil Record Keeper
in the District Court
S. Arcot whose services
had been dispensed
with in the recent
reorganization of Judicial
Establishments at
compensation retiring
allowance was
thought not admissible
as though there
is a saving on the
entire scheme there
is none in respect
of the applicant.
appointed.

2. The Acc^y Genl.

now reports that there are several other similar cases and suggests "it would be very advantageous for ruling Wta in this matter were obtained from the Govt of India as it is scarcely possible for the provisions of the Civil Pension Code to be literally carried out."

3. The High Court calculated that eleven compensation pensions of the monthly total of Rs 122-8-0 and fifty-two compensation gratuities amounting to Rs 3588-8-7 would have to be granted but the Act-Govt has recently stated that some of the persons referred to have been

judicial p.O. 135/79
No. 2414.

Dec in p.O. 11 Feb 79
No 266 Judicial
29 Nov 77 No. 2826

found eligible to other ^{allowances} ~~voting~~ while a few have been retained in service and applications on their behalf for personal allowances are now being received."

It is therefore impossible to calculate the exact amount of such pensions & gratuities but it seems probable that it will be something less than the sum given above and to meet this charge and pay any small personal allowances that may be granted there is a net saving of Rs 4362 per annum on the revision scheme as reported by the Act-Govt. In addition to this there is a further sum of

No \$/60 per annum
which had been
saved by the abolition
in '76 of a Municipal
Court in S. Canara
& of a subordinate
Court in the
Godavery in '77

4. The reorganization
of Judicial Establishments
in this Presidency
has thus resulted
in a ^{total} saving of
Rs 12522 and
under these
circumstances I am
to request that this
Govt. may be authorized
to sanction all the
compensation & retiring
allowances involved
thereby even though
in some cases the
removal of an official
may have caused
no saving as far as
his appointment
is concerned.

Ans
8/10

Order confirmed - Dec 1-11-79
22 October 1879
H. C. P. 1-11-79

