

(1) Number of pages 8(2) Date of repair 12.10.42

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## MADRAS RECORD OFFICE.

Government of Madras.

*Pension* DEPARTMENT.G.O. No. 1198Press  
~~Mis.~~Dated 11.11

1861 .

Not to be folded or roughly handled

10  
GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

11th November 1881, No. 1198.

**Retiring Allowances.**

Read again—

G.O., dated 21st September 1881, No. 948, Pension Department.

Read also the following paper:—

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Secretary to Government, Pension Department, dated Fort St. George, 17th October 1881, No. J.A.E.-344.

Pension Department.

With reference to the Proceedings of Government, No. 948, dated the 21st September 1881, I have the honor to state that, in my opinion, the Resolution of the Government of India in the Public Works Department, No. 1086-G, dated 18th August 1881, refers only to officers who retired from the Public Works Department under the Resolution in the Department of Finance and Commerce, No. 2079, dated 31st July 1879. The terms of the Resolution appear to me to be justly applicable also to any others who, after their services have been dispensed with by the Public Works Department, have, through their own efforts, obtained employment under a Local Fund Board prior to the date of issue of the present edition of the Pension Code; but the Resolution is not, I think, applicable to subordinates of the Public Works Department, who, in accordance with the practice formerly in force, were transferred from service under Government to service under the Local Funds.

2. Exemption from the letter of Section 177 of the Civil Pension Code was accorded to the officers who retired under the Resolution above quoted, presumably because the corresponding sections of the Pension Code, which was in force when the officers in question took service under Local Funds, *i.e.*, Sections 106 and 107, did not in express terms include re-employment under Local Funds as re-employment which involved the necessity for refund of pension and gratuity, and consequently, therefore, the officers who took such re-employment might justly plead that they had entered on Local Fund service in the belief that they were entering a service to which that section of the Pension Code did not apply. The argument, moreover, of Government that it was not competent to it to enforce a refund of the bonuses in question, was an unanswerable one, and to some extent, doubtless, influenced the Government of India in according the exemption in question to these officers.

3. At the same time the Government of India still retains the right to lay down the terms on which pensions shall be granted to, and shall be drawn by its officers, and it has provided in Section 177 of the fifth edition of the Civil Pension Code, issued on 6th April last, that an officer who has obtained compensation pension, if re-employed, may retain his pension in addition to his pay, provided that, if he is employed in a Government establishment or *in an establishment paid from a Local Fund*, or by a Guaranteed Railway Company, the sum total shall not exceed the pay of the appointment on abolition of which the pension was given.

4. It appears to me that the word Local Fund here used includes all Local Funds, and that the fact that the Local Fund service may be distinct from Government service is not material, if the funds from which the pay is drawn are public funds. The wording of the latter part of the section shows clearly that it is immaterial whether the re-employment is in pensionable or non-pensionable service.

## ORDER THEREON, 11th November 1881, No. 1198.

Under the circumstances stated by the Examiner of Public Works Accounts and the Accountant-General, no orders are necessary in the case of the twenty-six persons whose names are entered in Statement No. 1 submitted by the Examiner of Public Works Accounts. The Examiner will inform the applicants accordingly.

2. The case of M. Agnisawmy Pillay and those of the other individuals referred to in the Statements Nos. 2, 3 and 4 will be disposed of in separate orders.

(True Extract.)

*Acting Under Secy. to Govt.*

To the Examiner of Public Works Accounts, with copy of G.O.,  
dated 21st September 1881, No. 948  
,, Accountant-General.

Exd. J. Wright.

Govt. of (1881) Madras.  
PENSION.

To  
THE EXAMINER OF PUBLIC  
WORKS ACCOUNTS,  
&c., &c., &c.

Dated November, 11th.

Issued

Recd.

Encl.

G.O., 11th November 1881, No. 1198.

NOVEMBER.

*Retiring Allowances.*—Stating that no orders are necessary in the cases of the 26 persons thrown out (Public Works employes) whose names are entered in the Statement No. 1 submitted by the Examiner, Public Works Accounts, and that separate order will issue in the cases of the other individuals.

FROM THE EXAMINER P.W. ACCOUNTS.

MADRAS.

TO THE SECRETARY TO GOVERNMENT.

PENSION DEPARTMENT.

NO. 432.X.

MADRAS, 14<sup>th</sup> DECEMBER 1881.

SIR,

I HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT OF  
THE PROCEEDINGS OF GOVERNMENT IN THE PENSION DEPARTMENT  
NO. 1198 DATED 11TH. NOVEMBER 1881, AND TO REQUEST THAT A  
COPY OF G.O. PENSION DEPARTMENT NO. 948 DATED 21ST. SEPTEMBER  
1881, REFERRED TO THEREIN, MAY BE COMMUNICATED FOR THE INFOR-  
MATION OF THIS OFFICE.

I HAVE THE HONOR TO BE.

SIR,

YOUR MOST OBEDIENT SERVANT.

*D. P. Conway*

EXAMINER P.W. ACCOUNTS.

ST. 10  
14/12

all  
13/12

*Pension 1881. Receipt  
N<sup>o</sup> 1864*

FROM THE EXAMINER P.W. ACCOUNTS,

MADRAS,

TO THE SECRETARY TO GOVERNMENT,

PENSION DEPARTMENT.

NO. *732-X*

DATED *14<sup>th</sup>* DECEMBER 1881.

RECD. *15* — — —

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G.O. PENSION DEPARTMENT NO. 948  
DATED 21ST. SEPTEMBER 1881-----  
ASKS FOR A COPY OF-----

*Furnished (vide Memo 123/81) -  
21/12*