

(1) Number of pages

26

(2) Date of repair

17-7-42

(3) Initials of the Referencer

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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	315	Press Mis.
Dated	19-5-42	18

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

19th March 1881, No. 315.

Pension Contribution.

Read the following papers :—

From W. DONALD, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 9th November 1880, No. J.A.E-396 [Current No. 2467].

Pension Department.

I have the honor to lay before His Grace the Governor in Council the case of Mr. W. Taylor, at present employed as Tutor to the minor Zemindar of Parlákimedi, and to request that I may be favored with the orders of Government upon the question raised by the Collector of Ganjam whether a Register of Mr. Taylor's services should or should not be kept.

2. In 1872, Mr. Taylor was employed in the Educational Department as Head Master of the Zillah School, Cuddapah. In that year the Court of Wards proposed to engage his services, and accordingly required him to obtain leave to enable him to accept an appointment as Tutor to the minor Zemindar of Parlákimedi. The Director of Public Instruction would not consent to this arrangement, but suggested that Mr. Taylor should be permanently appointed, thereby severing his connection altogether with the Educational Department. The Director, however, promised that if Mr. Taylor gave up the Tutorship he would reappoint him to a Zillah School, in case there was a vacancy to which no one had a prior claim.

3. The Court of Wards then offered the Tutorship to Mr. Taylor, apparently without requiring him to obtain leave from the Educational Department; and on his accepting the appointment, the Court arranged with the Collector of Ganjam to pay to the credit of Government a monthly contribution under Section 35 of the Civil Pension Code (2nd Edition) on account of Mr. Taylor's pension and absentee allowance.

4. The Director of Public Instruction now states that Mr. Taylor has no lien on any appointment in the Educational Department. The Court of Wards, too, states that, when Mr. Taylor was engaged as Tutor to the minor Zemindar, it was understood by all parties concerned that he had no lien upon any appointment under Government; and the Court adds that the payment of pensionary contribution seems to have been sanctioned by them in view of the contingency of Mr. Taylor being readmitted to the Educational Department.

5. The provision in the Civil Pension Code that it must be so arranged that the officer does not forfeit the lien upon his substantive appointment under Government (Rule 17, Section 46) was not in force at the time when Mr. Taylor accepted the appointment under the Court of Wards; and it would appear that Government were aware of the terms of Mr. Taylor's engagement, but passed no orders in connection therewith. The G.O., No. 2002, dated 12th December 1876, Revenue Department, on the Proceedings in which the papers regarding Mr. Taylor are recorded, dealt with the salary to be given to the Superintendent of Wards at the Presidency.

6. The question whether Mr. Taylor's service does or does not reckon for pension should be authoritatively settled before this office can instruct the Collector of Ganjam regarding the maintenance of a Service Register on account of Mr. Taylor; and if it is ruled that his service is non-qualifying, orders are solicited regarding the refund of the contribution which has been paid on his account, and which amounts to Rs. 10,500 or thereabouts.

Referred to the Court of Wards for remark.

FORT ST. GEORGE,
15th January 1881.

(Signed) LORNE A. CAMPBELL,
Under Secy. to Govt.

Proceedings of the Court of Wards, dated 9th February 1881, No. 1300 (Miscellaneous)—[Current No. 323].

Read endorsement by the Under Secretary to Government, dated 15th January 1881.

The foregoing endorsement refers for the remarks of the Court of Wards a letter from the Accountant-General inquiring whether a Register should be kept of the services of Mr. W. Taylor, at present employed under the orders of the Court of Wards as Tutor to the minor Zemindar of Parlákimedi.

2. The conditions of Mr. Taylor's engagement with the Court are set forth in their Proceedings, dated 3rd December 1872, No. 2310, printed with G.O., 12th December 1876, No. 2002, Revenue Department, and the Court now submit, for the information of Government, copy of their Proceedings, dated 17th September 1880, No. 10158 (Miscellaneous), in which they stated that, when Mr. Taylor accepted the appointment at Parlákimedi, it was understood that he retained no lien on any appointment under Government.

3. One of the rules relating to "Foreign Service" of the present Pension Code (Section 46, paragraph 17) requires that an officer transferred should retain a lien upon his substantive appointment under Government. But, as the Accountant-General points out, this rule was not in force at the time Mr. Taylor accepted employment under the Court of Wards; had it been it is possible that the Director of Public Instruction would have seen his way to allow him to retain a lien on his appointment as Head Master of the Zillah School at Cuddapah.

4. The Pension Code in force at the time was the edition of 1872 under which the two essential requirements for rendering "Foreign Service" *qualifying* were—

- (a) that the officer should be transferred to such service "under the general or special sanction of the Government of India, on public or political grounds, and not only in the interest of the officer transferred;" and
- (b) that the usual pensionary contribution should be paid.

The second of these conditions has been duly fulfilled by the payment by the Court of Wards of the required sum month by month since the date of Mr. Taylor's engagement. But as regards the first, the Court have no information it would seem to depend upon whether the Director of Public Instruction was acting under the authority of Government when he arranged for Mr. Taylor's transfer. The Court of Wards may, however, be permitted to observe that the suitable education of minor proprietors, having for its object their being fitted to fill the responsible positions devolving on them by birth, is undoubtedly a public duty which it is incumbent on the Government to discharge whenever they undertake the wardship of private estates, and in India, where the selection is limited, the Educational Department is eminently the field whence to make it. But if hard bargains are driven with its members this field will be closed for the future.

5. One thing is clear that the Court of Wards supposed that Mr. Taylor was to be employed in service qualifying for pension, or they would not have paid the contribution to Government, and doubtless Mr. Taylor was under the same impression.

(True Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

ENCLOSURE No. 1.

Proceedings of the Court of Wards, dated 17th September 1880, No. 1058 (Miscellaneous).

Read the following letter from A. C. TUPP, Esq., Accountant-General, to the Secretary to the Court of Wards, dated Fort St. George, 7th September 1880, No. J.A.E.-266:—

With reference to your No. 9530, dated the 31st August 1880, forwarding copies of certain correspondence on the subject of Mr. Taylor's appointment as Tutor to the minor Zemindar at Parlákimedi, I have the honor to forward a copy of the letter, No. 2860, of 18th June 1880, from the Director of Public Instruction to the Collector of Ganjam, from which you will observe that Mr. Taylor did not retain a lien on any appointment under Government in the Educational Department, after he joined his appointment under the Court of Wards in December 1872.

2. I beg to inquire whether, when instructions were sent to the Collector of Ganjam to credit Government with the pensionary contribution on account of Mr. Taylor, the Court was aware that he did not retain a lien on any appointment under Government. If the Court considered that he did retain a lien, I shall feel obliged by your informing me on what appointment under Government he had a lien.

3. The favor of a reply, at as early a date as possible, is solicited.

From Colonel R. M. MACDONALD, Director of Public Instruction, to the Acting Collector of Ganjam, dated Madras, 18th June 1880, No. 2860.

Referring to your letter of the 31st May 1880, No. 1209, I have the honor to state that, in reply to an application, dated 16th October 1872, from the Court of Wards, for Mr. Taylor's services, Mr. Powell, the late Director of Public Instruction, declined permitting him to "take temporary leave in order to serve on probation as Tutor to the minor Zemindar of Parlákimedi," considering the injury likely to accrue to the Educational Department from such an arrangement to be so great that it would be "dereliction of duty" on his part "to assent to the measure." He, however, raised no objection to Mr. Taylor being permanently posted to the tutorship, and observed that, if circumstances should make that gentleman desirous of giving up the post, he would be "happy to reappoint him to a Zillah School in case of a vacancy existing to which no one had a prior claim."

2. Mr. Taylor's services having subsequently been engaged by the Court of Wards (Court's Proceedings, dated 3rd December 1872, No. 2310) he in letters, dated 13th and 20th December 1872, tendered his resignation of his appointment as Head Master of the Zillah School, Cuddapah, from the 31st idem, which was finally accepted in Proceedings of the 26th December 1872, and his name has not since been borne on the Educational Department.

3. In these circumstances, I consider that Mr. Taylor has no lien on the Educational Department.

It is perfectly clear from the records of the Court's office that at the time Mr. Taylor was engaged as Tutor to the minor Zemindar of Parlákimedi, it was understood by all parties concerned that he had no lien upon any appointment under Government. The payment of pensionary contribution seems to have been sanctioned by the Court in view of the contingency of Mr. Taylor being readmitted to the Educational Department.

(True Copies and Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

ORDER THEREON, 19th March 1881, No. 315.

The Government see no reason to suppose that Rule 17, Section 46, of the Civil Pension Code, was intended to have retrospective effect. Mr. Taylor's transfer had the full approval of Government, and a pension contribution should continue to be accepted from him.

2. Copy of these Proceedings will be forwarded to the Government of India.

(True Extract.)

E. N. OVERBURY,
Ag. Under Secy. to Govt.

To the Accountant-General.
„ Court of Wards.
„ Collector of Ganjam.
„ Director of Public Instruction.

—
No. 316.

Copy forwarded to the Government of India, Department of Finance and Commerce.

Ag. Under Secy. to Govt.

3/8/98

176

Govt. of (1881) Madras.
PENSION.

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

Dated March, 19th.

Issued

Recd.

Encl.

G.O., 19th March 1881, No. 315.

MARCH.

Pension Contribution. — Directing that the pension contribution of Mr. W. Taylor should continue to be received from him, because Rule 17, Section 46, was not intended to have retrospective effect.

7

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

19th March 1881, No. 315.

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From the Accountant-General, dated 9th November 1880, No. J.A.E-396 [Current No. 2467].
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[Current No. 323].

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" Court of Wards.

" Collector of Ganjam.

" Director of Public Instruction.

J. Wright.

no one had a prior claim

3/8/98

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" Collector of Ganjam.
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3/8/98

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Govt. of (1881) Madras.

PENSION.

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19th March, 1881.

and

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MARCH

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Pension DEPARTMENT.

No. *188*
396

Fort Saint George,
Accountant General's Office,
9th November 1880.

FROM THE ACCOUNTANT GENERAL
TO THE GOVERNMENT OF MADRAS,

To THE *Chief Secretary*
to Government

SIR,

I have the honor to lay before His Grace the Governor in Council the case of Mr. W. Taylor at present employed as Tutor to the Minor Zamindar of Parlakimidi, and to request that I may be favored with the orders of Government upon the question raised by the Collector of Ganjam whether a Register of Mr. Taylor's services should or should not be kept.

2. In 1872 Mr. Taylor was employed in the Educational Department as Head Master of the Zillah School, Cuddapah. In that year, the Com. of Wards proposed to engage his services, and accordingly required him to obtain leave to enable him to accept an appointment as Tutor to the Minor Zamindar of Parlakimidi. The Director of Public Instruction would not consent to the arrangement, but suggested that Mr. Taylor should be permanently appointed, thereby severing his connection altogether with the Educational Department. The Director however promised that, if Mr. Taylor gave up the Tutorship, he would re-appoint him to a Zillah School, in case there was a vacancy to which no one had a prior claim.

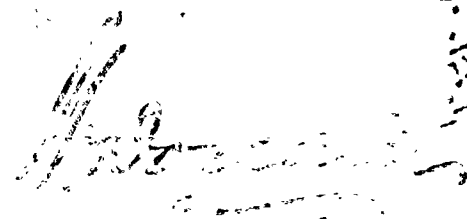
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5 The provision in the Civil Pension Code, that it must be so arranged that the Officer does not forfeit the lien upon his substantive appointment under Government (rule 17 Section 4, b), was not in force at the time when Mr. Taylor accepted the appointment under the Court of Wards; and it would appear that Government were aware of the terms of Mr. Taylor's engagement, but passed no orders in connection therewith; the G.O. No. 2002 dated 12th December 1876, Revenue Department, on the Proceedings in which the paper regarding Mr. Taylor are recorded, dealt with the salary to be given to the Superintendent of Ward at the Presidency.

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I have the honor to be,
Sir,
Your most obedient servant,

Off. Account. General.

RECEIVED
DEPARTMENT.

ACCT. GENL.'S OFFICE, MADRAS.

FROM
No. 288
396

FROM

THE ACCOUNTANT GENERAL, MADRAS.

To
The Chief Secretary
to Government

Date	No. of answer.
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S. J. J. J.

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Received 18th January, 1887.
Garden of Paradise - 21 -

Secretary

Correspondence
under the Government
Department of Finance
of the United States
of the Bureau of Finance
of the United States
of the United States

Deposited to the Court of Probate

for New York:-

2005-1-13

15 June 1881

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Ms. No 10158

Revenue Department

Proceedings of the Court of Wards

Dated 17 September 1880

Read the following
No. 266

From

The Accountant General

Madras

To

The Secretary to the Court of Wards

Sire

With reference to your No 530 dated the 31 August 1880 forwarding copies of certain correspondence on the subject of Mr Taylor's appointment as Tutor to the minor Zemindar at Parlakimedi I have the honor to forward a copy of the letter No 2860 of 18 June 1880 from the Director of Public Instruction to the Collector of Ganjam from which you will observe that Mr Taylor did not retain a lien on any appointment under Government in the Educational Department after he joined his appointment under the Court of Wards in December 1872.

I beg to enquire whether when instructions were sent to the Collector of Ganjam to credit Government with the pensionary

Contributed

to be returned

Ms. No 10158

Revenue Department

Proceedings of the Court of Wards

Dated 17 September 1880

Read the following
No. 266

From

The Accountant General

Madras

To

The Secretary to the Court of Wards

Sire

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Contributed

to be returned

Ms. No 10158

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Proceedings of the Court of Wards

Dated 17 September 1880

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From

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Madras

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to be returned

Contribution on account of Mr Taylor
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retain a lien on any appointment
under Government. If the Court considered
that he did retain a lien, I shall feel
obliged by your informing me on what
appointment under Government he had
a lien.

3 The favor of a reply at as
early a date as possible is solicited
I have to
General's Office. } (cc) W. Donald
7 September 80. } for Accountant

Enclosure.

No 2860.

From The Director of Public Instruction
Madras

The Acting Collector of
Ganjam

Referring to your letter, of the 31st
May 1880 No 1209, I have the honor to state
that in reply to an application dated
16 October 1872 from the Court of Wards for
Mr Taylor's services, Mr Powell the late
Director

15/7/80
Director of Public Instruction Declined
No 2342
No 2342
permitting him to take temporary leave of
in order to serve on probation at Tutu and be
to the Junior Zemindar of Purla Khimedi, had
Considering the injury likely to accrue under
to the Educational Department from
such an arrangement to be so great that per-
it would be "dereliction of duty" on home
his part "to assent to the necessity". He
however, raised no objection to Mr Taylor
being permanently posted to the Tutorship
-ship and observed that if circum-
stances should make that gentle-
-man desirous of giving up the post
he would be happy to reappoint him
to a Zillah School in case of a vacan-
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2
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tendered

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from the 31st Decr which was final-
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the 26th Decr 1872 and his name has
not since been borne on the Educa-
tional Department.

In these circumstances I
consider that Mr Taylor has no lien
on the Educational Department.

Office of the Director
of Pub. Instruction
Madras 18th June 1880

I have the
(sd) R. M. Macdonald
Director of Public
Instruction

(True copy)

(sd) H. B. Grigg
Director of Public
Instruction

It is perfectly clear from the re-
cords of the Cadets Office that at
the time Mr Taylor was engaged as
tutor

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tutor to the minor zemindar of
Purba Kinsidi, it was understood by
all parties concerned that he had
no lien upon any appointment under
Government. The payment of pen-
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been sanctioned by the Court in view
of the contingency of Mr Taylor's
being readmitted to the Educational
Department.

(True copies & extracts)

(sd) E. Giblin
Asst. Secretary

To

The Accountant General

(True copy)

E. Giblin
Asst. Secretary

Rajavallabha

Enclosure in the Progs:
of the Court of Wards
to the Secretary to Govt
A.D. dated 9th February 1881
Mis. No 1300

Lu A-32

Mis. No 1300

Revenue Department

Proceedings of the Court of Wards:
Dated 9th February 1881.

Read endorsement by the Under Secretary to
Government dated 15th January 1881.

The foregoing endorsement refers for the
remarks of the Court of Wards a letter from the
Accountant General inquiring whether a Register
should be kept of the Services of Mr W. Taylor,
at present employed under the orders of the
Court of Wards as Auditor to the Minor Zemindar
of Purba Kinnedi.

The conditions of Mr Taylor's en-
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Proceedings of 3rd December 1872 No 2310 printed with
G.O. 12th December 1876 No 2002 A.D. and the Court
now submit for the information of Government
copy of their Proceedings dated 17th September 1880
Mis. No 10158 in which they stated that, when
Mr Taylor accepted the appointment at Purba
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no lien on any appointment under Government.

3. One of the rules relating to "Foreign Service" of the present pension code (S. 46 para 17) requires that an officer transferred should retain a lien upon his substantive appointment under Government. But as the Accountant General points out, this rule was not in force at the time Mr Taylor accepted employment under the Court of Wards; had it been it is possible that the Director of Public Instruction would have seen his way to allow him to retain a lien on his appointment as Head-master of the Szillah school at Buddapah.

4. The Pension code in force at the time was the Edition of 1872 under which the two essential requirements for rendering "Foreign Service" qualifying were

(a) That the Officer should be transferred to such service "under the general or special sanction of the Govt of India, on public or political grounds, and not only in the interest of the officer transferred" and

(b) That the usual pensionary contribution should be paid. The second of these conditions has been duly fulfilled by the payment by the Court of Wards the required sum month by month since the date of Mr Taylor's engagement. But as regards the first, the Court have no information.

Ch

It would seem to depend upon whether the ²¹ ~~Director~~ ^{J.P.} of Public Instruction was acting under the authority of Govt when he arranged for Mr Taylor's transfer. The Court of Wards may however be permitted to observe that the suitable education of minor proprietors having for its object their being fitted to fill the responsible positions devolving on them by birth is undoubtedly a public duty which it is incumbent on the Govt to discharge whenever they undertake the wardship of private estates and in India where the selection is limited the educational department is eminently the field whence to make it. But if hard bargains are driven with its members this field will be closed for the future.

5 One thing is clear that the Court of Wards supposed that Mr Taylor was to be employed in service qualifying for pension or they would not have paid the contribution to Government and doubtless Mr Taylor was under the same impression.

(True Extract)

L. J. Taylor

As Secretary

To
The Secretary to Govt. P.D.
with copy of Court of Wards' Progs:
dated 17 Sept/80 no. 10158.

W. J. Taylor
3
Rajawade Sanshodhan Mandal

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L. J. J. J.

As Secretary

To The Secretary to Govt. P.D.

with copy of Court of Wards' Progs:
dated 17 Sept/80 no. 10158.

Not known
Rajawade

No. 12.12.76 No. 255-57

Revenue (1881) Sept.

No. 741.

Proceedings of the Court of Wards

No. 323

Dated 9 February 1881.

Received to — 50 —

Min. 1300.

Enc. 1.

Subj: to Govt remarks of the Court of Wards on letter from the Accountant General Enquiring whether under the circumstances stated a Register of Services of Mrs W. Taylor Tutor to the minor Zamindar of Parlatthimedi should or should not be kept.

No. 315 & 316.

2467. 323
Pension Department.

23

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From the Accountant General
dated 9 November 1880 No. 346.
Proceedings of the Court of Wards
dated 9 February 1881 No. 1300 (Min).

Order thereon 19 May 81 No. 315.

The Government
see no reason to dispute that rule 17
Section 46 of the Civil
Pension Code was
intended to have
retrospective effect.
Mr Taylor's transfer
had the full ap-
proval of Govt.
and a pension
contribution should
continue

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and a pension
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continue

12/6 No. 255-57

Revenue (1881) Sept

No 741

Proceedings of the Court of Ward

No 323

Dated 7 February 1881
Received 10 - 50 -

Mis. No. 1300.

Enc. 1.

Subj: To Govt remarks of the four
of wards in letter from the Accountant
General Enquiring whether under the
circumstances stated a register of
services of Mrs W. Taylor Tutor is
the minor Zamindar of Parlatthine
should or should not be kept

No 315 & 316

246/ 323
Pension Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From the Accountant-General
dated 9 November 1880 No 396.
Proceedings of the Court of Ward
dated 9 February 1881 No 1300
(Mis).

Order thereon 19 Aug 81 No 315.

The Government
See no reason to dis-
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Section 46 of the Civil
Pension Code was
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-proval of Govt.
And a pension
contribution should
Continue

MA

Continue to be ac-
-cepted from him.

2. Copy of these
Proceedings will be
forwarded to the
Government of
India

W. L. To The Acting Secy
Genl of War
Genl of War
Director of Public Works

N^o 316

Aug 16 C.
1880-1881

Copy forwarded to the
Genl of India Dept
of Finance & Commerce

Q. C. Pass to follow

Fort St George
19th March
1881

Depd 30-3-81

Vol. 188/3
Bolt. of 188/3

London

To
Mr. J. C. Mansfield

Dated 19
April 30 1883

Nos.

London Contribution Society
that the London Society
of the 17th. May 1883
continue to be in much
from him, because
rule of action 1883
and intended to have
rehabilitation effect

(1) Number of pages 26
(2) Date of repair 17-7-42
(3) Initials of the Referencer CR

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<u>315</u>	Press Mis.
Dated	<u>19-3-</u>	18 <u>31</u>

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

19th March 1881, No. 315.

Pension Contribution.

Read the following papers :—

From W. DONALD, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 9th November 1880, No. J.A.E-396 [Current No. 2467].

Pension Department.

I have the honor to lay before His Grace the Governor in Council the case of Mr. W. Taylor, at present employed as Tutor to the minor Zemindar of Parlákimedi, and to request that I may be favored with the orders of Government upon the question raised by the Collector of Ganjam whether a Register of Mr. Taylor's services should or should not be kept.

2. In 1872, Mr. Taylor was employed in the Educational Department as Head Master of the Zillah School, Cuddapah. In that year the Court of Wards proposed to engage his services, and accordingly required him to obtain leave to enable him to accept an appointment as Tutor to the minor Zemindar of Parlákimedi. The Director of Public Instruction would not consent to this arrangement, but suggested that Mr. Taylor should be permanently appointed, thereby severing his connection altogether with the Educational Department. The Director, however, promised that if Mr. Taylor gave up the Tutorship he would reappoint him to a Zillah School, in case there was a vacancy to which no one had a prior claim.

3. The Court of Wards then offered the Tutorship to Mr. Taylor, apparently without requiring him to obtain leave from the Educational Department; and on his accepting the appointment, the Court arranged with the Collector of Ganjam to pay to the credit of Government a monthly contribution under Section 35 of the Civil Pension Code (2nd Edition) on account of Mr. Taylor's pension and absentee allowance.

4. The Director of Public Instruction now states that Mr. Taylor has no lien on any appointment in the Educational Department. The Court of Wards, too, states that, when Mr. Taylor was engaged as Tutor to the minor Zemindar, it was understood by all parties concerned that he had no lien upon any appointment under Government; and the Court adds that the payment of pensionary contribution seems to have been sanctioned by them in view of the contingency of Mr. Taylor being readmitted to the Educational Department.

5. The provision in the Civil Pension Code that it must be so arranged that the officer does not forfeit the lien upon his substantive appointment under Government (Rule 17, Section 46) was not in force at the time when Mr. Taylor accepted the appointment under the Court of Wards; and it would appear that Government were aware of the terms of Mr. Taylor's engagement, but passed no orders in connection therewith. The G.O., No. 2002, dated 12th December 1876, Revenue Department, on the Proceedings in which the papers regarding Mr. Taylor are recorded, dealt with the salary to be given to the Superintendent of Wards at the Presidency.

6. The question whether Mr. Taylor's service does or does not reckon for pension should be authoritatively settled before this office can instruct the Collector of Ganjam regarding the maintenance of a Service Register on account of Mr. Taylor; and if it is ruled that his service is non-qualifying, orders are solicited regarding the refund of the contribution which has been paid on his account, and which amounts to Rs. 10,500 or thereabouts.

Referred to the Court of Wards for remark.

FORT ST. GEORGE,
15th January 1881.

(Signed) LORNE A. CAMPBELL,
Under Secy. to Govt.

Proceedings of the Court of Wards, dated 9th February 1881, No. 1300 (Miscellaneous)—[Current No. 323].

Read endorsement by the Under Secretary to Government, dated 15th January 1881.

The foregoing endorsement refers for the remarks of the Court of Wards a letter from the Accountant-General inquiring whether a Register should be kept of the services of Mr. W. Taylor, at present employed under the orders of the Court of Wards as Tutor to the minor Zemindar of Parlákimedi.

2. The conditions of Mr. Taylor's engagement with the Court are set forth in their Proceedings, dated 3rd December 1872, No. 2310, printed with G.O., 12th information of Government, copy of their Proceedings, dated 17th September 1880, No. 10158 (Miscellaneous), in which they stated that, when Mr. Taylor accepted the appointment at Parlákimedi, it was understood that he retained no lien on any appointment under Government.

3. One of the rules relating to "Foreign Service" of the present Pension Code (Section 46, paragraph 17) requires that an officer transferred should retain a lien upon his substantive appointment under Government. But, as the Accountant-General points out, this rule was not in force at the time Mr. Taylor accepted employment under the Court of Wards; had it been it is possible that the Director of Public Instruction would have seen his way to allow him to retain a lien on his appointment as Head Master of the Zillah School at Cuddapah.

4. The Pension Code in force at the time was the edition of 1872 under which the two essential requirements for rendering "Foreign Service" *qualifying* were—

- (a) that the officer should be transferred to such service "under the general or special sanction of the Government of India, on public or political grounds, and not only in the interest of the officer transferred;" and
- (b) that the usual pensionary contribution should be paid.

The second of these conditions has been duly fulfilled by the payment by the Court of Wards of the required sum month by month since the date of Mr. Taylor's engagement. But as regards the first, the Court have no information it would seem to depend upon whether the Director of Public Instruction was acting under the authority of Government when he arranged for Mr. Taylor's transfer. The Court of Wards may, however, be permitted to observe that the suitable education of minor proprietors, having for its object their being fitted to fill the responsible positions devolving on them by birth, is undoubtedly a public duty which it is incumbent on the Government to discharge whenever they undertake the wardship of private estates, and in India, where the selection is limited, the Educational Department is eminently the field whence to make it. But if hard bargains are driven with its members this field will be closed for the future.

5. One thing is clear that the Court of Wards supposed that Mr. Taylor was to be employed in service qualifying for pension, or they would not have paid the contribution to Government, and doubtless Mr. Taylor was under the same impression.

(True Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

ENCLOSURE No. 1.

Proceedings of the Court of Wards, dated 17th September 1880, No. 1058 (Miscellaneous).

Read the following letter from A. C. TUPP, Esq., Accountant-General, to the Secretary to the Court of Wards, dated Fort St. George, 7th September 1880, No. J.A.E.-266:—

With reference to your No. 9530, dated the 31st August 1880, forwarding copies of certain correspondence on the subject of Mr. Taylor's appointment as Tutor to the minor Zemindar at Parlákimedi, I have the honor to forward a copy of the letter, No. 2860, of 18th June 1880, from the Director of Public Instruction to the Collector of Ganjam, from which you will observe that Mr. Taylor did not retain a lien on any appointment under Government in the Educational Department, after he joined his appointment under the Court of Wards in December 1872.

2. I beg to inquire whether, when instructions were sent to the Collector of Ganjam to credit Government with the pensionary contribution on account of Mr. Taylor, the Court was aware that he did not retain a lien on any appointment under Government. If the Court considered that he did retain a lien, I shall feel obliged by your informing me on what appointment under Government he had a lien.

3. The favor of a reply, at as early a date as possible, is solicited.

From Colonel R. M. MACDONALD, Director of Public Instruction, to the Acting Collector of Ganjam, dated Madras, 18th June 1880, No. 2860.

Referring to your letter of the 31st May 1880, No. 1209, I have the honor to state that, in reply to an application, dated 16th October 1872, from the Court of Wards, for Mr. Taylor's services, Mr. Powell, the late Director of Public Instruction, declined permitting him to "take

temporary leave in order to serve on probation as Tutor to the minor Zemindar of Parlákimedi," considering the injury likely to accrue to the Educational Department from such an arrangement to be so great that it would be "dereliction of duty" on his part "to assent to the measure." He, however, raised no objection to Mr. Taylor being permanently posted to the tutorship, and observed that, if circumstances should make that gentleman desirous of giving up the post, he would be "happy to reappoint him to a Zillah School in case of a vacancy existing to which no one had a prior claim."

2. Mr. Taylor's services having subsequently been engaged by the Court of Wards (Court's Proceedings, dated 3rd December 1872, No. 2310) he in letters, dated 13th and 20th December 1872, tendered his resignation of his appointment as Head Master of the Zillah School, Cuddapah, from the 31st idem, which was finally accepted in Proceedings of the 26th December 1872, and his name has not since been borne on the Educational Department.

3. In these circumstances, I consider that Mr. Taylor has no lien on the Educational Department.

It is perfectly clear from the records of the Court's office that at the time Mr. Taylor was engaged as Tutor to the minor Zemindar of Parlákimedi, it was understood by all parties concerned that he had no lien upon any appointment under Government. The payment of pensionary contribution seems to have been sanctioned by the Court in view of the contingency of Mr. Taylor being readmitted to the Educational Department.

(True Copies and Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

PENSION DEPARTMENT, 19TH MARCH 1881, No. 315.

ORDER THEREON, 19th March 1881, No. 315.

The Government see no reason to suppose that Rule 17, Section 46, of the Civil Pension Code, was intended to have retrospective effect. Mr. Taylor's transfer had the full approval of Government, and a pension contribution should continue to be accepted from him.

2. Copy of these Proceedings will be forwarded to the Government of India.

(True Extract.)

E. N. OVERBURY,
Ag. Under Secy. to Govt.

To the Accountant-General.

„ Court of Wards.

„ Collector of Ganjam.

„ Director of Public Instruction.

No. 316.

Copy forwarded to the Government of India, Department of Finance and Commerce.

Ag. Under Secy. to Govt.

3/8/98

W.B.

Govt. of (1881) Madras.
PENSION.

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

Dated March, 19th.

Issued

Recd.

Encl.

G.O., 19th March 1881, No. 315.

MARCH.

Pension Contribution. — Directing that the pension contribution of Mr. W. Taylor should continue to be received from him, because Rule 17, Section 46, was not intended to have retrospective effect.

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

19th March 1881, No. 315.

Pension Contribution.

Read the following papers :—

From the Accountant-General, dated 9th November 1880, No. J.A.E-396 [Current No. 2467].
Proceedings of the Court of Wards, dated 9th February 1881, No. 1300 (Miscellaneous)
[Current No. 323].

ORDER THEREON, 19th March 1881, No. 315.

The Government see no reason to suppose that Rule 17, Section 46, of the Civil Pension Code, was intended to have retrospective effect. Mr. Taylor's transfer had the full approval of Government, and a pension contribution should continue to be accepted from him.

2. Copy of these Proceedings will be forwarded to the Government of India.

(True Extract.)

Ag. Under Secy. to Govt.

To the Accountant-General.

„ Court of Wards.

„ Collector of Ganjam.

„ Director of Public Instruction.

J. Wright.

Govt. of (1881) Madras.

PENSION.

THE ACCOUNTANT-GENERAL,
&c., &c., &c.

19th March, 1881.

19th

19th

Encl.

G.O., 19th March 1881, No. 315.

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Pension DEPARTMENT.

188
No. 396

18
9
Fort Saint George,
Accountant General's Office,
9th November 1880.

10711 127
FROM THE ACCOUNTANT GENERAL
TO THE GOVERNMENT OF MADRAS,

TO THE Chief Secretary
to Government

SIR,

I have the honor to lay before His Grace the Governor in Council the case of Mr. W. Taylor, at present employed as Tutor to the Minor Zamindar of Parlakimidi, and to request that I may be favored with the orders of Government upon the question raised by the Collector of Ganjam whether a Register of Mr. Taylor's services should or should not be kept.

2. In 1872 Mr. Taylor was employed in the Educational Department as Head Master of the Zillah School, Cuddapah. In that year, the Court of Wards proposed to engage his services, and accordingly required him to obtain leave to enable him to accept an appointment as Tutor to the Minor Zamindar of Parlakimidi. The Director of Public Instruction would not consent to this arrangement, but suggested that Mr. Taylor should be permanently appointed, thereby severing his connection altogether with the Educational Department. The Director however promised that, if Mr. Taylor gave up the Tutorship, he would re-appoint him to a Zillah School, in case there was a vacancy to which no one had a prior claim.

3 The Court of Wards then offered the Tutorship to Mr. Taylor, apparently without requiring him to obtain leave from the Educational Department, and on his accepting the appointment, the Court arranged with the Collector of Ganjam to pay to the credit of Government a monthly contribution under Section 35 of the Civil Pension Code (2^d Edition) on account of Mr. Taylor's Pension and absence allowance.

4. The Director of Public Instruction now states that Mr. Taylor has no lien on any appointment in the Educational Department. The Court of Wards too states that when Mr. Taylor was engaged as Tutor to the Minor Zamindar it was understood by all parties concerned that he had no lien upon any appointment under Government, and the Court adds that the payment of Pensionary Contribution seems to have been sanctioned by them in view of the contingency of Mr. Taylor being re-admitted to the Educational Department.

5 The provision in the Civil Pension Code, that it must be so arranged that the Officer does not forfeit the lien upon his substantive appointment under Government (rule 17 Section 4, 6), was not in force at the time when Mr. Taylor accepted the appointment under the Court of Wards; and it would appear that Government were aware of the terms of Mr. Taylor's engagement, but passed no orders in connection therewith; the G.O. No. 2002 dated 12th December 1876, Revenue Department, on the Proceedings in which the papers regarding Mr. Taylor are recorded, dealt with the salary to be given to the Superintendent of Wards at the Presidency.

b. The question whether Mr. Taylor's service does or does not reckon for Pension, should be authoritatively settled, before this Office can instruct the Collector of Ganjam regarding the maintenance of a Service Register on account of Mr. Taylor; and if it is ruled that his service is non-qualifying, orders are solicited regarding the refund of the contribution which have been paid on his account, and which amounts to Rs. 10,500 or thereabouts.

I have the honor to be,
Sir

Your Most Obedient Servant

H. Donald
Offg. Accounts General.

To the Court of Records

For Remark -
Self-Saint George
15 January 1887 - }
Under Secretary

Deposited to the Court of State

ACC'T. GENL.'S OFFICE, MADRAS.

FROM

No. 286
396

THE ACCOUNTANT GENERAL, MADRAS,

To
The Chief Secretary
at Lyons -

Dated 9/10/82
Recd. 11/- No. of answer.
Ansl.
Subject.

Subject.

Ergasilus schalleri

under the Commission

Information not available on

Minister of Education
11, rue de la Harpe, Paris

Wm. H. Davis

of J. A. M. M. M.

Should be done

Received 18th January 1881.
Guthrie & Partners - 21

W. G. L. G.
Secretary

Mis. No 10138

Revenue Department

Proceedings of the Court of Wards

Dated 17 September 1880

Read the following
N. J. A. &
266

From

The Accountant General

Madras

To

The Secretary to the Court of Wards

Sire,

With reference to your No 9530 dated the 31 August 1880 forwarding copies of certain correspondence on the subject of Mr Taylor's appointment as Tutor to the minor Zemindar at Parlakimedi, I have the honor to forward a copy of the letter No 2860 of 18 June 1880 from the Directors of Public Instruction to the Collector of Ganjam from which you will observe that Mr Taylor did not retain a lien on any appointment under Government in the Educational Department, after he joined his appointment under the Court of Wards, in December 1872.

I beg to enquire whether when instructions were sent to the Collector of Ganjam to credit Government with the pensionary

Contributions

to be returned

Contribution on account of Mr Taylor,
the Court was aware that he did not
retain a lien on any appointment
under Government. If the Court considered
that he did retain a lien, I shall feel
obliged by your informing me on what
appointment under Government he had
a lien.

3 The favor of a reply at as
early a date as possible is solicited

John George Scott
General's Office
7th September 80.

I have to
(Ed) W. Donald
for Accountant General

Enclosure.
No 2860.

From The Director of Public Instruction
Madras

To The Acting Collector of
Sanciam

Referring to your letter of the 31st
May 1880 No 1209 I have the honor to state
that in reply to an application dated
16th October 1872 from the Court of Wards for
Mr Taylor's services, Mr Powell the late
Director

Letter of 21 Oct/72
No 2342

Director of Public Instruction declined
permitting him to "take temporary leave
in order to serve on probation as Tutor & be
to the Junior Zemindar of Purla Khindi", had
Considering the injury likely to accrue under
to the Educational Department from
such an arrangement to be so great that per-
it would be "dereliction of duty" on hence
his part "to assent to the measure". He
however, raised no objection to Mr Taylor
being permanently posted to the Tutor
-ship and observed that if circum-
-stances should make that gentle-
-man desirous of giving up the post,
he would be "happy to reappoint him
to a Zillah School in case of a vacan-
-ancy existing to which no one had any
a prior claim".

2 Mr Taylor's services having
subsequently been engaged by
the Court of Wards (Court's Proceedings
dated 3rd December 1872 No 2310) he in
letters dated 13th and 20th December 1872
tendered

tendered his resignation of his ap-
-pointment as Head Master of
the Zillah School, Cuddapah
from the 31st idem which was final-
-ly accepted in Proceedings of
the 26th Decr 1872 and his name has
not since been borne on the Educa-
-tional Department.

In these circumstances, I
consider that Mr Taylor has no lien
on the Educational Department

Office of the Director
of Pub. Instruction
Madras; 18th June 1880

I have the
(sd) R. M. Macdonald
Director of Public
Instruction

(True copy)

(sd) H. B. Grigg
Director of Public
Instruction

It is perfectly clear from the re-
-cords of the Courts Office that at
the time Mr Taylor was engaged as
tutor

17 880
tutor to the minor Zemindar of
Purla Kinedi, it was understood by
all parties concerned that he had
no lien upon any appointment under
Government. The payment of pen-
-sionary Contribution seems to have
been sanctioned by the Court in view
of the contingency of Mr Taylor a-
being readmitted to the Educational
Department.

(True copies & extracts)

(sd) E. Gibson
As subsecretary

To
The Accountant General
-a-
(True copy)

E. Gibson
As subsecretary

Retd
Rajawathi

Enclosure in the Progs:
of the Court of Wards
to the Secretary to Govt
R.D. dated 9th February 1881
Mis. No 1300

Lu A-32

Mis. No 1300

Revenue Department

3 Proceedings of the Court of Wards.
Dated 9th February 1881.

Read endorsement by the Under Secretary to
Government dated 15th January 1881.
— " —

The foregoing endorsement refers for the
remarks of the Court of Wards a letter from the
Accountant General inquiring whether a Registrar
should be kept of the services of Mr W. Taylor
at present employed under the orders of the
Court of Wards as Auditor to the Minor Zemindars
of Parla Kinnedi

2 The conditions of Mr Taylor's en-
-gagement with the Court are set forth in the
Proceedings of 3rd December 1872 No 2310 printed on
G.O. 12th December 1876 No 2002 R.D. and the Court
now submit for the information of Government
copies of their Proceedings dated 17th September 1878
Mis. No 10158 in which they stated that, when
Mr Taylor accepted the appointment at Parla
Kinnedi it was understood that he retained

no lien on any appointment under Government.

3 One of the rules relating to "Foreign Service" of the present pension code (S. 46 para 17) requires that an officer transferred should retain a lien upon his substantive appointment under Government. But as the Accountant General points out, this rule was not in force at the time Mr Taylor accepted employment under the Court of Wards; had it been it is possible that the Director of Public Instruction would have seen his way to allow him to retain a lien on his appointment as Head-master of the Zillah school at Buddapah.

4 The Pension Code in force at the time was the Edition of 1872 under which the two essential requirements for rendering "Foreign Service" qualifying were

(a) That the Officer should be transferred to such service "under the general or special sanction of the Govt of India, on public or political grounds, and not only in the interest of the officer transferred" and

(b) That the usual pensionary contributions should be paid. The second of these conditions has been duly fulfilled by the payment by the Court of Wards the required sum month by month since the date of Mr Taylor's engagement. But as regards the first, the Court have no information.

It would seem to depend upon whether the ^{S.P.} Director of Public Instruction was acting under the authority of Govt when he arranged for Mr Taylor's transfer. The Court of Wards may however be permitted to observe that the suitable education of minor proprietors having for its object their being fitted to fill the responsible positions devolving on them by birth is undoubtedly a public duty which it is incumbent on the Govt to discharge whenever they undertake the wardship of private estates and in India where the selection is limited the educational department is eminently the field whence to make it. But if hard bargains are driven with its members this field will be closed for the future.

5 One thing is clear that the Court of Wards supposed that Mr Taylor was to be employed in service qualifying for pension or they would not have paid the contribution to Government and doubtless Mr Taylor was under the same impression.

(True Extract)

H. J. J. J.

As Secretary

To The Secretary to Govt S.P.

with copy of Court of Wards' Prop.
dated 17th Sept/80 No. 10158.

Handwritten notes:
3
Rajawade

No. 12. 12. 76 No. 255-57

Revenue (1881) Sept.

No. 741.

Proceedings of the Court of Wards

No. 323

Dated 9 February 1881.

Received 10 — 50 —

Min. 1300.

Enc. 1.

Subj: to Govt remarks of the Court of Wards in letter from the Accountant General enquiring whether under the circumstances stated a Register of services of Mrs W. Taylor Tutor to the minor Zamindar of Parlatkinedi should or should not be kept.

No. 315 & 316.

2467 323
Pension Department.

23

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From the Accountant-General
dated 9th November 1880 No. 323.
Proceedings of the Court of Wards
dated 9th February 1881 No. 1300
(Min.).

Order thereon 19th March 81 No. 315.

The Government
see no reason to sup-
-pose that rule 17
Section 46 of the Civil
Pension Code was
intended to have
retrospective effect.
Mr Taylor's transfer
had the full ap-
-proval of Govt.
and a pension
contribution should
continue

Continue to be ac-
-cepted from him.

2. Copy of these
Proceedings will be
forwarded to the
Government of
India

JMU To The Acting General
Court of Wards
Collector of ^{Gangapur} Public Pro-
Director of Public Pro-

Dec.
16 C.
L E 70-10 C.

N^o 316

Copy forwarded to the
Govt of India Dept
of Finance & Commerce

J. C. P. to follow

Sub. George
14th March
1881

Recd 30-3-81

13-11-90

Pension
Mr Taylor's Case

Given to
Obbt. of { 188 / } *Madras.*

Madras

To
Mr Taylor's Case

Dated
19 } *March* 188, No. 315
1881

Nos.

Madras Contribution - Meeting
that the Madras Contribution
of Mr. Taylor's Case should
continue to be received
from him, because
under the Act. 46 was
not intended to have
retrospective effect