M.R.O. 1—77,006—8-6-37.

(1) Number of pages 40

(2) Date of repair 26 - 2 - 42

(3) Initials of the Referencer

4

MADRAS RECORD OFFICE.

Government of Madras.

Pension **DEPARTMENT.**

G.O. No. 500		Press Mis.
Dated 30-5- 1891.		

Not to be folded or roughly handled

1c

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

30th May 1881, No. 500.

Pension.

Read the following papers:—

From the Archdeacon of Madras, dated 24th and 26th November 1880, Nos. 59 and 60.
Endorsement of the Ecclesiastical Department, dated 30th November 1880, No. 2267.
From the Accountant-General, dated 15th December 1880, No. J.A.E.-461.
Official Memo. to the Accountant-General, dated 4th and 25th February 1881, Nos. 12 and 23.
From the Accountant-General, dated 3rd and 11th March 1881, Nos. J.A.E.-604 and 624.

ORDER THEREON, 30th May 1881, No. 500.

Under the circumstances stated by the Accountant-General in his letter, dated 11th March 1881, No. J.A.E-624, the Government see no objection to Mr. Hyter holding the offices of Clerk to the Chaplain and Clerk to the Trustees of St. George's Cathedral in addition to the pension he has obtained for his service in the Military Department.

(True Extract.)

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

To the Archdeacon of Madras.
„ Accountant-General.

Exd. T. O'Connor.

Govt. of {1881} Madras.

PENSION.

To
The ARCHDEACON of MADRAS,
&c., &c., &c.

Dated May, 30*th*.

Issued

Recd. *Encl.*

G.O., 30*th May* 1881, *No.* 500.

MAY.

Pension.—Stating that the Government see no objection to Mr. Hyter holding the offices of Clerk to the Chaplain and Clerk to the Trustees of St. George's Cathedral in addition to the pension he has obtained for his service in the Military Department.

34

[illegible]
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letter differing in
the Pension Dept.
[illegible]
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[illegible]
[illegible]
[illegible]
26/3/81

O. M. No 12 –

With reference to his letter of 15 Dec 80 No $\frac{\text{IAE}}{461}$ the Acctt General is requested to report from what funds Mr Hyter is paid (1) as Clerk to the Chaplain and 2dly as Clerk to the trustees. An early reply is solicited

Fort St George.
4 Feby 81 –

Under Secy.

To The Acctt General

for

Madras. Nov 26. 1880.

To the Hon^{ble} R. Davidson C.S.I
Chief Secretary to Gov^{t}
Fort. S. George.

No 60.

Sir. In continuation of my letter to Gov^{t} N^{o} 59, dated November 24, 1880, I beg to mention that M^{r} F. Hyter, whom I found holding the office of Clerk at N. Black Town in 1858, when I was appointed to that Chaplaincy, was removed from that Church to the Cathedral, as clerk, and has held the latter office ever since; so that he has been a servant of Gov^{t} as Church Clerk continuously for many years, and has throughout his service discharged his duties in a very satisfactory manner.

I remain Sir
Your obedient servant
C. R. Drury
Archdeacon

Recd 1880 Depts.
(Mr. F. F. Hyter)
To the R. Davidson C.S.
Chief Secy to Govt
Fort S. George.

~~No 360~~
From the
Archdeacon of Madras
dated Nov 26. 1880.
Recd 27 Nov
1880.

In continuation of letter
No 57, mentioning that
Mr F. Hyter, who was
clerk of H. Blackburn Ch.
in 1859, was transferred to
Cathedral as Clerk and
has continued serving in
that capacity ever since

(Copy)

110

Fort Saint George
Acctt General's Office
15th December 1880.

No $\frac{I.A.E.}{461}$

From the Accountant General

To

The Secretary to Government
Pension Department
Fort St George

Sir,

With reference to your Endorsement No 221 dated the 30th November/80 on a letter from the trustees of St George's Cathedral (herewith returned) requestin that Mr Hyter, a clerk in the Military Account Depart who has retired on pension, should be allowed to cont to hold his appointment as Cathedral Clerk, withou sacrifice of pension, I have the honor to state tha ordinarily there would be no objection to compliance with this request, as the post of Cathedral Clerk is not in my opinion a pensionable one.

2. As however the words "Church clerks and other church servants" which occurred under Section 9 in the 3d Edition of the C.P. Code were expunged by the G after a reference made by Mr Probyn regarding the cla of Church servants whose whole time was retained f Govt service to retiring allowances, the case seem be one which should be referred to the Govt of

for Orders, because though the post of Cathedral Clerk may not be a pensionable Office Mr. Hyter's whole time was retained for the Public Service in his two capacities, and Section 14 Civil Pension Code formerly Section 9 appears to apply to him.

3. I enclose for the information of Government a copy of Mr. Probyn's letter and of the G. I. reply.

(True copy.)

Asstt. Acctt. Genl.

T. H.

No. $\frac{\text{I.A.E}}{595}$

Fort Saint George
Accountt. Genl.'s Office
22d. February 1881.
Despd. 23d.

Pension Departt.

From

The Accountant General
to the Government of Madras;

To

The Secretary to Government,
Ecclesiastical Department,
Fort Saint George.

Sir,

In reply to your Memo. No. 327 dated the 17th February 1881, I have the honor to state that the question whether Mr. Hyter can be allowed to continue to hold his appointment as clerk to the Cathedral Trustees, notwithstanding his having been pensioned from the Military Department was replied to in this Office letter No. $\frac{\text{I.A.E}}{461}$ dated the 15th December 1880, addressed to the Secretary to Government, Pension Department, copy whereof is herewith forwarded.

I have the honor to be,
Sir
Your most obedt. Servt.

Offg. Accountt. Genl.

A.D.

~~Pension~~ Eccles: (1881) Department

(Mr. Hyter)

From

The Accountant General

Madras

R. D.
24 FEB 81.

To

The Secretary to Government

Ecclesiastical Departt

Fort St. George

No: 46

No. $\frac{\text{I.A.E}}{595}$ Genl

Dated 22d
Received 24 } February 1881

No: $\frac{\text{I.A.E}}{595}$

States that Mr. Hyter can be allowed to continue the appointment as clerk to the Cathedral Trustees and forwards Copy of his reply to Pension Departt.

Mr. Mahomed Ghouse

Please let me know what has been done in the matter?

A.J.J.
25/2/81

Audit Department

Copy.

No. 10602.

Fort Saint George
Acctt. General's Office
19th January 1878.

From The Accountant General,
Madras,

To The Secretary to the
Government of India,
Financial Department.

Sir,

With reference to your letter No. 160 dated 14th January 1878 enquiring what was the significance of the phrase "All church servants" in my letter of the 22d ultimo requesting instructions, as to whether the concluding example of Section 9 of the Civil Pension Code refers to all church servants, or only to such as do not devote their whole time in Government Service, I have the honor to forward a Copy of Madras Government Order No. 2879. A. dated the 13th December 1877 with reference to which I wanted to know whether the Madras Government was right in deciding that service books are not to be kept by church servants.

There are some church servants as bearers, Chowkeydars, &ca. whose time is wholly given up to the service of Government. There are others who like, clerks, vergers, organists, &ca, do not give up their whole time to that service.

The Example appeared to embrace both classes of servants, though the spirit of the rule referred only to the last class.

I have &ca
(Sigd) L. C. Probyn
Accountt General

No. 806.

To
The Accountant General,
Madras.

Fin. Dept.

Sir,

With reference to the correspondence ending with your No. 10602 dated 19th January 1878, I am directed to say that the rule contained in Section 9 of the Civil Pension Code applies only to those Church Servants whose whole time is not retained for the service of the Government -

I have &ca
(Sigd) E. J. Sinkinson
Offg Under Secy to the
Government of India

Fort William
The 7th February 1878.

(True Copy)
W. Donald
Offg. Acctt General.

In No 2705

Ecclesiastical Department

172

R. D.
24 NOV 80

To
The Chief Secretary
to Government
Fort Saint George

Sir

We have the honor to report for the information of Government that Mr. W. J. Hyter clerk to the Chaplains and Trustees of the Cathedral in receipt of the salary as per margin has hitherto held also an appointment in the Military Account Department for which he received Rupees 100 per mensem.

Clerk to the Chaplains	Rs 25
Clerk to the Trustees	Rs 35
	Rs 60

2 Mr. Hyter has now retired from the latter office on a superannuation pension, but requests he may not be disturbed in his position as Cathedral clerk, and that his being a pensioner from one office may not prejudice his claim to both salary and pension.

3 Under the letter of Regulation as prescribed in section 112 of the Civil Pension Code, an officer holding two appointments and retiring from one should

forego the pension attached to the latter until he finally retires from the service and were this principle adhered to in the case of Mr Hyter, his pension from the Military Account Department would be held in abeyance until his connection with the Cathedral ceased.

4 We would submit however for consideration whether the above rule can be held to apply when one of the appointments held is not a pensionable one.

5 Section 14 of the Code rules that pension is not earned by a person whose whole time is not retained for the public service merely because he is paid for the work done by the state." and section 17 clearly enacts that the fact of a Public servant holding some other pensionable office gives him no claim to pension in regard to an office of the kind mentioned in section 14.

6 The Office of the clerk at the Cathedral appears to us to come within the provision referred to in section 14 his time in such Capacity not being wholly retained for the public service Consequently it is presumed that the salary assigned for the duty is payable in full without reference to any salary or pension claimable in virtue of other Government service.

We have the honor to be
Sir
Your Most Obedt Servants
C. R. Drury. Archdeacon;
Henry Pope
[illegible] Col. RA.
Charles A. Farrer

Trustees of Saint George's Cathedral Madras.

Cathedral Madras
20th November 1880.

In Eccl: 358/80

Madras 24th November, 1880.

No. 59.

To The Chief Secretary to Government.
Fort Saint George.

Sir, — I have been requested by the Church Committee of Saint George's Cathedral to forward to you the enclosed letter dated 20th November, 1880, requesting that Mr. F. Hyker, Clerk to the Cathedral Trustees, and Chaplains, may be allowed to continue in his appointment at the Cathedral, and draw his salary for the same as heretofore notwithstanding that he has been pensioned from the Military Account Department.

A legitimate reason for Mr. Hyker being allowed to do so is stated, as it appears to me in the letter herewith forwarded. I will only add, by way of recommendation, that I have known Mr. Hyker since 1858. He was Clerk of North Black Town Church when I was appointed to that Chaplaincy at that date, and I have had opportunities of observing him up to the time of my having been appointed Joint Chaplain to the Cathedral in 1875, and since then, that is for upwards of 5 years, I have been in constant communication with him as Cathedral Clerk. I am glad to testify that Mr. F. Hyker has always borne a very good character, and has as far as I have had anything to do with him, discharged his duties faithfully and conscientiously. His withdrawal from the Cathedral would be a great inconvenience not only to the Trustees but also to the Congregation, because he is admirably qualified for the responsible office which he holds, and it would be very difficult indeed to find another person equally well qualified to fill his place. —

I remain, Sir,
Your Most Obedt. Servant,
C. R. Drury
Archdeacon.

JBc

No 2267 Referred to the Accountant Genl.
for remarks.

R. Davidson
Chief Secretary.

ACCOUNTANT GENERAL'S OFFICE
1 DEC 80
MADRAS

30/11 To the Accountant Genl.

TO BE RETURNED WITH REPLY.

Eccles. 1880. Dept.
(English Church Establishments)
From the Archdeacon of
Madras.

To The Chief Secretary
to Government.

24 NOV 80

Dated 24th November.
Recd. — 24

Encl: 1.

No: 3558

No. 59.

Forwards letter dated 20th Novr. 1880, requesting that Mr. F. Hypher, Clerk to the Cathedral Trustees and Chaplains, may be allowed to continue in his appointment at the Cathedral, notwithstanding that he has been pensioned from the Military Account Department.

Referred

In No. 2705

Pension Depart.

No. 1AE/461

Fort Saint George
Acct General's Office
15th December 1880.
Desp. 16th

25

From
The Accountant General,
Madras,

To
The Secretary to Government,
Pension Department,
Fort Saint George.

Sir,

With reference to your Endorsement No. 2267 dated the 30th November 1880, on a letter from the trustees of Saint George's Cathedral (herewith returned) requesting that Mr. Hyter, a clerk in the Military Account Department, who has retired on pension should be allowed to continue to hold his appointment as Cathedral Clerk, without sacrifice of pension, I have the honor to state that, ordinarily, there would be no objection to compliance with this request, as the post of Cathedral Clerk is not in my opinion a pensionable one.

2. As, however, the words "church clerks "and other church servants" which occurred under Section 9, in the 3rd Edition of the Civil Pension Code were expunged by the Government of India after a reference made by Mr. Probyn regarding the claim of church servants, whose whole time was retained for Government service, to

retiring allowances, the case seems to be one which should be referred to the Government of India for orders, because, though the post of Cathedral Clerk may not be a pensionable office, Mr. Hyter's whole time was retained for the public service in his two capacities, and Section 14, Civil Pension Code, formerly Section 9, appears to apply to him.

3. I enclose for the information of Government a copy of Mr. Probyn's letter and of the Government of India reply.

I have the honor to be
Sir
Your obedient servant
W. Donald
Offg. Accountt. General.

Pension Deptt. 1880

From

The Accountant General No 9235

Madras

To

The Secretary to Govt

Pension Department

Fort St George

Dated 15th } December 1880.
Recd 17th }

No 998/461

Sec 3

Subject

Stating that the question whether Mr Hyter may or may not be allowed the pay of his appointment as Settlement clerk in addition to his "Pension in the Military Deptt is one which should be referred to the Govt of India for orders.

2685

Oct 500

Pension Deptt

No 23

29C

O. M.

The undersigned is directed to draw the attention of the Acctt General to the Official Memo: from this Deptt under date the 4 Feby 1881 No 12, and to request that the information therein called for may be furnished as soon as possible

By order

Fort St George
25 Feb 81

Sd. C. Overbury

Dy Under Secy

To The Acctt General

No 23.

Pension Departt. No. I.A.E / 604

Fort St. George
Accountt. Genl's Office
3d. March 1881.

From
The Accountant General
to the Government of Madras.

To
The Under Secretary to Govt.,
Pension Department,
Fort St. George.

Sir,

In reply to your Memo, No. 23 dated the 25th February 1881, I have the honor to state that the information regarding the Funds from which Mr. Hyter's services were paid 1st as clerk to the Chaplain and 2dly as clerk to the Trustees, not being procurable from this Office, a reference to the joint Chaplain of Saint Georges' Cathedral was made on the 11th Idem - But as no reply was received, a reminder has been sent to him on the 1st Instant. On receipt of reply the information called for in your No. 12 dated the 4th Ultimo will be furnished.

I have the honor to be,
Sir,
Your obedient Servt.

J. H. Hayston
Offg. Accountt. Genl.

Pension (1881) Department

From No. 416

The Accountant General
to the Govt. of Madras

To

The Under Secretary
to Govt., Pension Dept.
Fort St. George.

Dated - 3rd } pr I.A.E./604
Received 5th } March 1881.

No. I.A.E./604

Subject

States that the information called for, regarding the Funds from which Mr. Hyter's services were paid, has been referred to the Joint Chaplain of St. George's Cathedral and that the same may be furnished when received from him.

O.A. No. 500

Pension DEPARTMENT.

No. I.A.E./624

Fort Saint George,
Accountant General's Office,
11th March 1881.

FROM THE ACCOUNTANT GENERAL
TO THE GOVERNMENT OF MADRAS,

TO THE Secretary to Government,
Pension Department,
Fort Saint George.

SIR,

With reference to Mr. Under Secretary Campbell's Memo. No. 12 dated the 4th February 1881, requesting me to report from what funds Mr. Hyter is paid, 1st as clerk to the Chaplain and 2ndly as clerk to the Trustees of the Saint George's Cathedral, I have the honor to report that the whole pay of Mr. Hyter is debited to "Ecclesiastical."

Presuming that the information required is to enable Government to decide whether Mr. Hyter's services in the Ecclesiastical Establishment should or should not be counted towards Pension, I have the honor to state that the appointments which Mr. Hyter held on the Cathedral Establishment are not pensionable Offices. Vide Section 11 of the Civil Pension Code, vide also with special reference to Mr. Hyter's case rules 5 and 6 of Section 79 of that Code.—

I have the honor to be,

Sir,

Your obedient Servant

H. Hogstoun

Offg. Accountt. General

Pension (188/) DEPARTMENT,

Accountant General's Office, Madras.

~~No.~~ No. 482

From
THE ACCOUNTANT GENERAL,
Madras,

To
THE Secretary to Government
Pension department
Fort St. George

No. $\frac{\text{I.A.E}}{624}$

Dated
Recd. } 11th March 1881.
Ansd. 14-3-81

No. $\frac{\text{I.A.E}}{624}$

SUBJECT.

Reports that the whole pay of Mr. Hyter both as clerk to the Chaplain as well as to the Trustees is debited to Ecclesiastical & that the office is not pensionable one.

With order 500

Pension Department. 37c

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following ~~letter~~ Papers

From the Archdeacon of Madras dated 24th & 26th Novr. 1880 Nos. 2594/6
Endorsement of the Eccl Departt. dated 30th Novr. 80 No. 2267
From the Account General dated 15th Decr. 1880 No. $\frac{\text{I.A.E}}{461}$
Official Memo: to the Accountant Genl. dated 4th & 25 Feby 1881 Nos. 128 & 23
From the Accountant General dated 3d & 11 March 1881 Nos. $\frac{\text{I.A.E.}}{601 \& 624}$

Order thereon 30th May 1881 No. 500

Under the circumstances stated by the Accountant General in his letter dated 11th March 1881 No. $\frac{\text{I.A.E}}{624}$ the Govt. see no objection to Mr. Hyter holding the Offices of Clerk to the Chaplain and Clerk to the Trustees of St. George's Cathedral in addition to the pension he has obtained for his service in the Military Departt. –

To the Archdeacon of Madras
" " Accountants General

Ello

Despd 10-6-81

9-2-92

Govt. of {1881} Madras.

Pension

To

The Archdeacon of
Madras

Dated 30th May 1881, No. 500
~~Recd.~~ Rpld 16th June

F. No. 32 of 1892 (Red)

Nos.

Stating that the Govt see no objection to Mr J. Hyter holding the Offices of Clerk to the Chaplain & Clerk to the Trustees of St Georges Cathedral in addition to the pension he has obtained for his services in the Military Deptt.