

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.G.O. No. *410*Press
Mis.

Dated

*3 - 5 - 1882*Not to be folded or roughly handled*100*
5-1-36

FROM CIRCULATION

WITH REMARKS.

no 447

Peterson Hengue.

Despatch order,

prepare send me
a draft note for

by the approval of the 28/4

Pension Dept.

Location

With reference to
Rule 2 Section 100 of the
Civil Pension Code (5th Edition)
which requires reasonable
notice to be given to an
officer in permanent
employ before his services
are dispensed with on
the abolition of his office
the Right Hon^{ble} the
Governor in Council
directs that ~~as a departure~~
~~from the~~ such
notice should in all
cases be ^{given} in writing.

(By order of the Rt. Hon^{ble}
the Governor in Council)

15/5/82

FW
15/5

Attest
28 May 1882

Aug

26. 42410 d/ 3-5-82.

Notification

Wata 22nd } May
 } 1882

N^o 463

Respectfully,
Please find for the
Best General Office, and
not for certain that whether
there is, it is not a rule
already in force (Departmental or
otherwise), already directing
that the notice should be
in writing.
Yours
J. H. P.

Sir,
I have made enquiries in the
Account General's Office, and have
been told that there is no rule,
Departmental or otherwise, requiring
the notice to be given in
writing. - M.G.

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	410	Press Mis.
Dated	3 - 5 -	1882.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

READ—the following G.O., dated 23rd February 1882, No. 479-C, Public Works :—

Read—the following letter from P. O. SHANGARAN, Writer, Public Works Department, to the Superintending Engineer, 4th Circle (through the Executive Engineer, West Coast Division), dated Calicut, 19th December 1881, and endorsement by Major H. R. MEAD, R.E., Superintending Engineer, 4th Circle, dated Coimbatore, 6th February 1882 :—

With reference to your honor's memorandum, No. 619 W.C., of 20th September 1881, regarding the alleged warning being served upon me in March 1880, I beg most respectfully to adduce my claim under the following grounds as to the non-serving of the same :—

1. I was not entitled to the short-notice pay claimed, as I was then (when my services were dispensed with on 10th June 1880) on the Imperial Petty Establishment (*vide* Examiner's letter, No. 558 S.E., 2nd, dated 30th September 1880, to the Superintending Engineer, marked A).
2. In the subsequent endorsement made by Major Morant, R.E., on my second application, dated 5th September 1880, in which, though I have stated his No. 399, he recommends favorably to the Superintending Engineer (*vide* 3rd page of enclosure B).
3. The pencil remark of Clerk Moothuvaloo Pillay on the 4th page of enclosure C, being my first application for short-notice pay, by the order of Major Morant to the Head Clerk, clearly shows that the alleged warning was not served upon me.
4. That a statement was submitted from this office to your honor on the 14th May 1880, two months previous to the alleged warning being served upon me, in which names of clerks on whom notices were served and not served were invariably entered, and my name was not included in it. This also tends to corroborate as to the non-serving of the warning in question.
5. As my former services were brought under the Pension Rules by G.O., No. 406 W., dated 15th February 1881, and thereby establishes my claim of short-notice pay, I beg your honor will kindly peruse the enclosed papers and take my case into consideration and recommend for the same under Section 100, Rule II, of the Civil Pension Code, for which act of kindness I shall ever remain grateful.

Endorsement, No. 48.

Submitted to the Chief Engineer, Public Works Department, through the Examiner, Public Works Accounts.

2. The petitioner was employed as Storekeeper on the Imperial Petty Establishment when he was thrown out of employ (June 1880), but such appointments were subsequently made pensionable under G.O., No. 1051, of 10th October 1881. Under these circumstances, this application for short-notice pay which he now claims is submitted for the sanction of Government under Clause 2, Section 100, of the Civil Pension Code.

3. The Superintending Engineer considers that the applicant is legally entitled to the short-notice pay, but that had the gratuity been refused as it might have been in justice no claim could have been made.

Read—the following endorsement from D. C. GORDON, Esq., Examiner of Public Works Accounts, dated 20th February 1882, No. 554 S.E., 4th:—

Forwarded to the Chief Engineer, Public Works Department, for favor of disposal, with the remark that sanction to the gratuity in lieu of notice claimed on behalf of P. O. Shangaran must be accorded by Government in the Pension Department.

2. The services of P. O. Shangaran were dispensed with at a time when the establishment on which he was employed was considered temporary, but which was subsequently declared pensionable (*vide* letter from the Government of India, communicated with G.O., No. 406 W., dated 15th February 1881). Under these circumstances, it is for Government to decide whether or not the claim can be entertained.

Order—dated 23rd February 1882, No. 479-C.

Transferred to the Pension Department.

(By Order.)

(Signed) ROSS THOMPSON, Lieut.-Col., R.E.,
Acting Under Secy. to Govt., P.W.D.

READ—the following Official Memorandum from J. A. DAVIES, Esq., Acting Under Secretary to Government, Pension Department, to the Examiner of Public Works Accounts, dated Fort St. George, 10th March 1882, No. 27:—

The accompanying papers relating to the claim of Storekeeper P. O. Shangaran, of the West Coast Division, are referred to the Examiner of Public Works Accounts for usual report. It must also be certified whether due notice was or was not given to petitioner, as this material point appears to be in dispute.

READ—the following letter from D. C. GORDON, Esq., Examiner of Public Works Accounts, to the Secretary to Government, Pension Department, dated Madras, 19th April 1882, No. 42-X:—

With reference to the Official Memorandum, No. 27, dated the 10th ultimo, from the Acting Under Secretary to Government in the Pension Department, I have the honor to forward, herewith, copy of letter, No. 71, dated 31st March 1882, received from the Superintending Engineer, 4th Circle, with copy of Executive Engineer's (West Coast Division), No. 268, dated 12th September 1881, from which it will be observed that no *written* notice was served upon late Storekeeper Shangaran, but that he was only *verbally* warned in March 1880 that his services will be dispensed with in June 1880.

2. As the status of the members of the Imperial Petty Establishment of this Presidency was only temporary at the time (June 1880) when Shangaran's services were dispensed with, it is probable that a *written* notice was considered unnecessary. It is left, therefore, for Government to decide whether the claims to gratuity in lieu of notice preferred on behalf of Shangaran can or cannot be entertained.

3. The original papers received with the official memorandum are returned.

ENCLOSURES.

From the Superintending Engineer, 4th Circle, to the Examiner, Public Works Accounts, dated 31st March 1882, No. 71.

With reference to your No. 402-S.E.—IV, of the 29th instant, I have the honor to forward copy of Executive Engineer's letter, No. 268, of 12th September 1881, together with its enclosure, from which it will be seen that no written notice was served on late Storekeeper Shangaran, and that he was only verbally warned in March 1880 that his services will be dispensed with in June 1880, when he was actually thrown out of his employ.

2. The enclosures of your letter under reply are herewith returned.

From the Executive Engineer, West Coast Division, to the Superintending Engineer, 2nd Circle, dated 12th September 1881, No. 268.

In reference to your No. 547, dated 18th instant, I have the honor to state that no written notice was served on P. O. Shangaran, late Storekeeper, as he at the time, June 1880, his services were dispensed with, was on the Imperial Petty Establishment, which was then on a temporary footing (*vide* Examiner's letter, No. 558-S.E., 2nd C., dated 30th September 1880, and Major Morant's reply, No. 399, dated 25th June 1880, to the Storekeeper's petition).

2. P. O. Shangaran presented the petition personally, and before despatching it, a copy was taken, and the date (13th August 1881), No. 237, was registered in the despatch register.

ORDER—dated 3rd May 1882, No. 410, Pension.

As it is certified that notice was given to the petitioner, his claim is inadmissible.

(True Extract.)

J. A. DAVIES,
Acting Under Secy. to Govt.

To the Examiner of Public Works Accounts
" Superintending Engineer, 4th Circle.
" Public Works Department.

Exd. J. Wright.

Gobt. of [1882] Madras.
PENSION.

Order, dated 3rd May 1882, No. 410.

Gratuity in lieu of Notice.—Stating that claim for gratuity in lieu of notice is inadmissible to P. O. Shanganai, late Storekeeper of the West Coast Division, it being understood that such notice was given to him.

3/1743/81

549
17 June 82

To,

Major J. L. L. Morant R.E.
Executive Engineer
West Coast Division

Thro: The Officer in Charge of
Calicut Sub Division

Respected Sir,

With reference to your instructions to R. P. Lennon Esq. Sub Engineer, to relieve me from my duty I beg most respectfully to represent that the three months notice allowed by Section 59 Rule 2 of the Pension Code not having been served ~~on~~ me, I humbly beg to claim the three months pay of which the notice has fallen short as per sections alluded to above and solicit your honor's kind protection and support to this my humble prayer. For which act of kindness I shall remain ever grateful.

I beg to remain

Sir

your most obdt servant

Calicut

10th June 1880

P. O. Shanganai

Late store-keeper

Wth 135 Enclosed. n. to the Executive Engineer. West Coast Div for

Chub.

As per

10/6/80

From the foregoing it will be seen that the Executive Engineer is of opinion that I am not entitled to the benefit of the section

Vol. 345
29-6-80

Major Orlanmund
25th June 1880.

Nº 399

The Section 59 Rule 2 of the
Civil Pension Code authorizes
3 months' notice to be given
to an Officer in the Permanent
Establishment before his services
can be dispensed with on
the abolition of his Office. His
and other privileges provided
in the Code for an Officer
in permanent employ cannot
be claimed by the petitioner
who belonged to a Petty Establish-
ment for which they were not
intended. It however appears
that Shangarn was given a
written warning in March last that
his services would be dispensed
with in June 1880.

Per Mount
Executive Engineer Major. &c.

From the foregoing it will be seen that the Executive
Engineer is of opinion that I am not entitled to the benefit of the
section.

Copy 14-6-80

My dear friends are to ask you to experience to have
only the 3 months' practice extended to us or not around upon the
Stone Harbor Eldonpage.

Pro duobus
vintallibus. 7. oct. M.
(true copy)

an. 1232

1060
11-15-80

2/1743/81

The Superintending Engineer
2nd Circle

Thrs. the Executive Engineer
West Coast Division

Most respected Sir,

Having been advised by the Examiner P. W. Accounts,
I beg most respectfully to lay the following circumstances for your favor-
able consideration and if necessary for submission to the Chief Engineer, with
such support as you may consider necessary, requesting at the same
time that you will be so good as to excuse me for thus intruding upon
your valuable moments.

I was a member of the Petty Establishment and was employed in the capacity of a Store-keeper. This post I had held for a period of 4 years, but owing to the late reorganization and reductions in the Department, I extremely regret to state that my services, like those of many others, have been dispensed with on the 15th June 1880. I received no notice whatever as required under Sec: 59 Rule 2 of the Pension Code, but seeing that such notices have invariably been given to other Clerks similarly thrown out I have taken the liberty of soliciting the attention of my Divisional Officer to the benefit of the section referred to and the following is the copy of the order passed on my petition.

No. 399. The Sec. 59 Rule of the Civil Pension Code authorizes 3 months' notice to be given to an officer in the Permanent Estab't: before his services can be dispensed with on the abolition of his office. This and other privileges provided in the Code for an officer in Permanent employ cannot be claimed by the Petitioner who belonged to a Petty Estab't: for which they were not intended. It however appears that Shaugran was given a verbal warning in March last that his services would be dispensed with in June 1850."

From the foregoing it will be seen that the Executive Engineer is of opinion that I am not entitled to the benefit of the

Under these circumstances I beg that you will be so good as to take my unfortunate case and claim into your benign consideration and to extend to me the benefit of the section referred to, if it does not already apply to me as stated by the Executive Engineer and in consideration of the service I have hitherto faithfully rendered, obtain sanction for the disbursement of the 3 months' gratuity to which I feel I am entitled to in the absence of notice provided in that section, which though a trifling

16-9-8a

ENCLOSURE
EXAMINER P. W. ACCOUNTS
8 FEB 82

ENCLOSURE
EXAMINER P. W. ACCOUNTS
10 MAY 81

ENCLOSURE
EXAMINER P. W. ACCOUNTS
10 SEP 80

ENCLOSURE
EXAMINER P. W. ACCOUNTS
13 APR 82

ENCLOSURE
EXAMINER P. W. ACCOUNTS
10 MAR 82

1175
3/9/82

15'

Report of
application
of this case
given to the
Clerk of the court
for his office
18/7/82

174381
Public Works Department, Madras
No 558 S.E. 2^d

Y^r m^{rs}

The Offg Examiner P. W. Accounts
Madras

S.

The Superintending Engineer
Second Circle

Madras 30th September 1880

Si

x. herewith returned

With reference to your endorsement No 76
dated the 16th September 1880, on petition from late
Storekeeper P. C. Shengoren, I have the honor to state
that as Shengoren was a member of the Imperial Petty
Establishment, which is at present on a temporary footing
in the Presidency, he is not entitled to the gratuity
in lieu of notice, admissible to members of the
permanent Establishment, under Section 59, para
2, of the Civil Pension Code.

I have Y^{rs}
(Signed) H. Leary
For Offg Ex^r P. W. Accounts

N^o 941
w.c.

Copy forwarded to the Executive Engineer
West Coast Division with reference to his endorsement dated
8th September 1880 on petition from P. Q. Shomgorem late
Storekeeper, West Coast Division dated 5th Idem and for
communication to the petitioner.

(By order)

(Signed) P. Amachellum

H^d Clerk Sup^y: Engrs: Office 2^d circle

Sup^y: Engrs: Office 2^d circle

1st October 1880

(True copy)
N^o 463

Forwarded to P. Q. Shomgorem for

his information.

Calicut
S. Petal
1880

Executive Engineer

West Coast Division

ENCLOSURE
8 FEB 82
MINER P. W. AGOOLIN

ENCLOSURE
13 MAR 82
MINER P. W. AGOOLIN

ENCLOSURE
13 APR 82
MINER P. W. AGOOLIN

In N^o 232
C/12/110

N^o 1743
21/12/81

Read - The following G. O. dated 25 Feb 1882 OR 479
Public Works

Read - The following letter from

The Superintending Engineer
II Circle

Through the Executive Engineer

West Coast Division and Engrs: Office

Most respected Sir,

With reference to your honor's Memorandum
N^o 619 of 20th September 1881 regarding the alleged warning
being served upon me in March 1880, I beg most respectfully to
adduce my claims under the following grounds as to the non-
serving of the same:

Encls: 3.

x copy

1. I was not entitled to the short notice pay claimed
as I was then (when my services were dispensed with in June 1880)
on the Imperial Petty Establishment. (Vide Examiner's letter N^o.
5588 E 2nd dated 30th September 1880 to the Sup^y: Engineer marked A)

2. In the subsequent endorsement made by Major
Morant R.E. on my second application dated 5th September 1880
in which though I have stated his N^o. 399 he recommends favora-
bly to the Superintending Engineer. (Vide 3 page of Encl. B)

3. The pencil remark of Clerk Moothewaloo Pillay
on the 4th page of enclosure C, being my first application for short
notice pay, by the order of Major Morant, to the Head Clerk, clearly
shows that the alleged warning was not served upon me.

4. That a Statement was submitted from this office to
your honor on the 14 May 1880, two months previous to the alleged
warning being served upon me, in which names of Clerks on
whom notices were served and not served were invariably

entered

interest and my name was ^{not} included in it. This also tends to corroborate as to the non serving of the warning in question.

5 As my former services were brought under the Pension Rules by G. O. No. 406 W. dated 15 February 1881 and thereby establishing my claim of short notice pay, I beg your honor peruse the enclosed papers and will kindly take my case into consideration and recommend for the same under Section 100 Rule 2 of the Civil Pension Code, for which act of kindness I shall ever remain grateful.

I beg to remain
Sir,
your most obedt Servant.

P. O. Mangarau
Writer, D.P.W.

Calcutta

19 December 1881

No: 48

Submitted to the Chief Engineer
P. W. Department through the Examiner Encls. 3.
P. W. Accounts.

The Petitioner was employed as store-keeper in the Imperial Petty Establishment when he was thrown out of employ (since 1880) but ~~as~~ such appointments were subsequently made pensionable under G. O. No. 1051 of 10th October 1881. Under these circumstances this application for short notice pay which he now claims, is submitted for the sanction of Government under Clause 2 section 100 of the Civil Pension Code.

The Superintendent Engineer considers that

that the applicant is legally entitled to the short notice pay but that had the gratuity been refused as it might have been in justice no claim could have been made.

Comptroller
6th February/82 }

Major R.F.
Supy. Engineer IV circle



From

The Supy Engineer,
Fourth Circle.

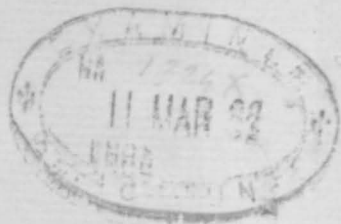
Dated 6th
resp: 7th } February /82.

No. 48

Storekeeper J. Changaren
of the West Coast Du-

Submitting for
favorable consideration
application from —
dated 19th December /81,
claiming short notice
pay.

In No. 239
Sub 47/82



Read - The following
Endorsement No 554 S.E. 4
dated 20th February 1882.

P. W. C. No 1175

E-4

Read 21 Feb 82
3
No 479. C of 23rd Feb 82

Transferred to
The Pension Department
(By order)

P. W. C. No 1175
As under Secy to Govt P. W. C.

Forwarded to the Chief
Engineer Public Works Depart-
ment for favor of disposal, with
the remark that sanction to the
gratuity in lieu of notice claimed
on behalf of P.O. Shanganan
must be accorded by Government
in the Pension Department.
2. The services of P.O. Shanganan
were dispensed with at a time
when the Establishment on
which he was employed, was
considered temporary, but which
was subsequently declared
pensionable. Vide letter from the
Government of India communi-
cated with G.O. No 406-W dated
15th February 1881. Under those
circumstances, it is for govern-
ment to decide whether or not
the claim can be entertained

D. C. Gonsouy

Examiner P. W. Accounts
Page 207

Sub 47/82




1881.
 Public Works Department.

N^o 232

No. 479. C
 Dated 23 Feb/02
 Despatched
 Received 24 —

Enc 5.

SUBJECT.

Req. the claim of
 Storekeeper P. Shanga-
 ran of the West Coast
 for short notice
 pay.

24/2

June 44/82

No 27

17th Feb

O. M.

Acc 232

The accompanying
 papers relating to the
 claim of Store Keeper
 P. Shanganam of the
 West Coast Division
 are referred to the
 Examiner Public Works,
 Account for usual
 report. It must also
 be certified whether
~~the~~^{due} notice was or
 was not given to P.
 as this material point
^{appears to be}
 in dispute.

Fort St George
 10 March 1882

Jur
9/3/82

To the Examiner P.W. acc^{ts} in the Paper

4
Memorandum
No 27

5 6P

29

FROM THE EXAMINER P.W. ACCOUNTS,

MADRAS.

TO THE SECRETARY TO GOVERNMENT,

PENSION DEPARTMENT,

NO. 428

MADRAS, 14th APRIL 1882.

SIR,

WITH REFERENCE TO THE OFFICIAL MEMORANDUM NO. 27 DATED THE 10TH. ULTIMO FROM THE ACTING UNDER SECRETARY TO GOVERNMENT IN THE PENSION DEPARTMENT, I HAVE THE HONOR TO FORWARD HEREWITH COPY OF LETTER NO. 71 DATED 31ST. MARCH 1882 RECEIVED FROM THE SUPERINTENDING ENGINEER 4TH. CIRCLE WITH COPY OF EXECUTIVE ENGINEER'S (WEST COAST DIVISION) NO. 268 DATED 12TH. SEPTEMBER 1881 FROM WHICH IT WILL BE OBSERVED THAT NO WRITTEN NOTICE WAS SERVED UPON LATE STOREKEEPER SHANGARAN, ^{that} BUT HE WAS ONLY VERBALLY WARNED IN MARCH 1880 THAT HIS SERVICES WILL BE DISPENSED WITH IN JUNE 1880.

2. AS THE STATUS OF THE MEMBERS OF THE IMPERIAL PETTY ESTABLISHMENT OF THIS PRESIDENCY WAS ONLY TEMPORARY AT THE TIME (JUNE 1880) WHEN SHANGARAN'S SERVICES WERE DISPENSED WITH, IT IS PROBABLE THAT A WRITTEN NOTICE WAS CONSIDERED UNNECESSARY. IT IS LEFT THEREFORE FOR GOVERNMENT TO DECIDE WHETHER THE CLAIMS TO GRATUITY IN

LIEU

LIEU OF NOTICE PREPARED ON BEHALF OF SHANGHAI CAN OR
CANNOT BE ENTERTAINED.

3. THE ORIGINAL PAPERS RECEIVED WITH THE OFFICIAL
MEMORANDUM ARE RETURNED.

I HAVE THE HONOR TO BE,

SIR,

YOUR MOST OBEDIENT SERVANT.

D. C. Gordon

Copy of letter from the Superintendent
-ding Engineer 4th Circle to the Examiner
P. M. Accounts No. 71 dated 31st March
1882.

With reference to your No. 402 S.R.
IV of the 29th Instant, I have the honor
to forward Copy of Executive Engineer's
letter No. 268 of 12th September 1881,
together with its enclosure from which
it will be seen that no written Notice
was served on Late Storekeeper Shungaree
and that he was only verbally warned
in March 1880 that his services will be
dispensed with in June 1880, when he
was actually thrown out of his employ.

2. The enclosures of your letter
under reply are herewith returned -

/ True Copy /

G. Dutton

Supt. Correspondence Branch
18/14

Copy of letter from the Executive
Engineer West Coast Division to the
Superintending Engineer 2^d Circle
No. 268 dated 12th September 1881.

In reference to your No. 547 dated
18th Instant, I have the honor to state
that no written notice was served on
D. V. Shungaram, late Shore Keeper, as
he at the time June 1880, his services
were dispensed with, was on the Imperial
Petty Establishment, which was then on
a temporary footing vide Examiner's
letter No. 558 S. E. 2^d C dated 30th September
1880, and Major Morant's reply No. 399
dated 25th June 1880 to the Shore Keeper's
Petition.

2. D. V. Shungaram presented
the petition personally and before despatch-
ing it a copy was taken and the date
(13th August 1881) No. 237 was registered
in the Despatch Register.

/ True Copy /

J. H. Patton

Supdt. Correspondence Branch

12/10

8/11

Per:
410 of 3 May
1882

June 7/82

Pension 1882 Department
N^o 447.

FROM THE EXAMINER P.W. ACCOUNTS,
 MADRAS.

TO THE SECRETARY TO GOVERNMENT,
 PENSION DEPARTMENT.

Order No. 3rd May/82 N^o 410.

As it is certified that notice
 was given to the Petr. his
 claim is inadmissible.

Wp 3-5-82

July 22/4/82.

NO. 427

Note.

FW
 25/4

There is nothing below that
 the required notice must be
 in writing, though no doubt it
 is advisable so to give it to
 prevent disputes such as this
 & a para. may be added directing
 that written notices should as a
 rule be given in future, for
 the reason above stated.

DATED 19th APRIL 1882.

RECD. 20-4-82

Howell W. Hudson

ENCLOS.

SHANGHAI. ANENT THE CLAIMS
 TO GRATUITY IN LIEU OF NOTICE OF---

With Order 410

Order No. 410
 Depts. - by a Gazette
 notice - MP

To the Examiner of Public Works Accounts
 - a - Superintendent Engineer & Civil
 - a - Public Works Department

Wp 3-5-82 L.C. 40-16.C

Thompson
Pension (1882) DEPARTMENT.

From

No. 410.

Dated

Recd.

3rd } May 1882
3rd }

SUBJECT.

Gratuity in lieu of notice -
Stating that claim for
gratuity in lieu of notice
is inadmissible to P.
Shagaren, late Storekeeper
of the West Coast Depot, it
being understood that
such notice was given to
him.

*Vale notified
published No 463
of 22-3-82 (Pensd?)*