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Political (1895) Department.

ORDINARY MS.

G.O., No. 772

DATED 20th Nov. 1895.

INDEXED.

[Despatch Abstract.]

PETITION

Informing Cochukrishna Pillay, late Sanitary Inspector, Trivandrum,
that Government cannot interfere in regard to the pension awarded him
by the Travancore State.

A

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

From

1591
Political

The Resident
in Travancore and Cochin
To
the Chief Secretary to Government
Fort St. George

Dated 6th November 1895

Registered 12/11/95

Ref: one no. 3244

Enclosure - 1



Forwards, with remarks, a petition
from A Leechu Krishna Pillai, late
Sanitary Inspector, Irirandrum

H. E. The Governor
Mys

Order No. 772 d 20th Nov 95

The Govt. ^{cannot} ~~decide~~ to
interfere

C.S.
16.11.95

Resd. in T. & C. (2)
for commⁿ to Petitioner
Depd 26/11

W.D.

c 18/11
R 19/11

To

His Excellency

The Governor-in-Council of
FORT ST. GEORGE and ITS DEPENDENCIES.

The humble Petition of A. COCHOOKRISHNA
PILLAY late Sanitary Inspector Tre-
vandrum.

Reference,

- A. Letter No. ³⁸⁴_{M. 197} dated the 30th January 1895 from the Dewan to the President of the Town Improvement Committee Trevandrum.
- B. Petition to the Dewan dated the 11th February 1895. Complaint against A.
- C. Endorsement No. ⁸⁸⁷_{M. 453} dated 1st March 1895. Reply to B.
- D. Petition to the Resident dated the 15th April 1895 complaining against the order A. and C.
- E. Endorsement No. 1251 dated the 30th April 1895. The Resident's reply to D.
- F. Petition to the Dewan dated 7th May 1895 in obedience to direction in E.
- G. Petition to the Resident dated the 16th July 1895 complaining that no attention was paid to F.
- H. Endorsement No. 2216 dated the 26th July 1895. The Resident's reply to G.
- I. Translation of Service List.
- J. and K. First applications for half pension.
- L. Extract from the Travancore pension rules Section 26 to 28.

MOST RESPECTFULLY SHOWETH,

That in enclosing copies of the papers under reference Petitioner humbly begs leave to submit for Your Excellency's benign consideration the details of the arbitrary procedure resorted to, by the Travancore Government, in the matter of retiring Petitioner on inadequate pension, as well as the illegal rejection of a long period of his service which ought properly to have been included.

That the chief questions for decision in this case evidently are:—

(1) Whether in the peculiar circumstances of Petitioner's case, Section 22 of the Pension Rules can operate and whether resignation of the kind that was tendered in 1048 M. E., can be construed as washing away the 15 years' long service prior to it.

(2) Whether the action taken on Petitioner's last so-called application for pension, and the Government's omission to proceed under Rules 26-28 do not amount to a recognition of that service which entitles him for the half pension applied for by the Petitioner.

(3) Whether such virtual primary recognition and subsequent exclusion, in contravention to his application for half pension only, are reconcilable with each other.

(4) What proportion of the salary is due to Petitioner as pension under the rules.

(5) Is Petitioner entitled to any redress from the Paramount power?

(6) Whether the construction put on the acting Resident's endorsement by the permanent incumbent James Thompson Esq. is correct?

That with regard to the first of these questions, the Petitioner humbly begs leave to submit that the circumstances under which the Resignation of 1048 M. E. was tendered are amply detailed in the remarks column of exhibit I—the Service List. They were briefly:—that Petitioner's then superior who was but a few months previous his subordinate, teased and worried him to such a degree that he could not put up with it with patience; the representations to Government of his grievances proved ineffectual. Hence the resignation which was of a forced character and anything but voluntary. The Government fully conscious of the magnitude of injustice done to Petitioner restored him to service and appointed him to a much superior appointment of Magistrate of Atherumalay without so much as a request from him. He was prior to his resignation only a school master of the Central Vernacular School. It is this resignation that has been construed as calling for a cancellation of past service under Rule 22 of the Pension Rules.

That the period of service thus excluded comes up to 15 years which when added to the service after 1048 makes up 35 years *i.e.* 5 years more than the period required to entitle Petitioner to a half-pension.

That in the long career of a public servant instances of dissatisfaction, wanton annoyance of superiors &c., are of such common occurrence that the servant who is the sport and victim of the superior's whims and eccentricities is not unfrequently driven to the painful necessity of profering his resignation. If such instances of temporary disconnection from service immediately followed by restoration, are considered as coming within the purview of Section 22 and as washing away all past service, such a view must needs work hardship to long standing public servants.

That the letter A under reference under colour of a conformity to Rule 22 of the Pension Rules excludes the 15 years' service alluded to in the preceding lines and accords to Petitioner a pension calculated on one-third of his salary of Rupees 100 drawn by him during the last 14 years of his service.

If the pension Rules are to be rigidly, literally, and unscrupulously adhered to as in this case Rule 22 alone has been, care must doubtless be taken to see that the other Rules have not been infringed.

That in the attempted conformity to Rule 22 there has been a merciless infraction of Rules 26 to 28 which in cases like the present, of a dissatisfied and systematically persecuted public servant applying for half pension, require the production by him of a certificate granted by a competent medical officer, as to incapacity bodily or mental, for further active service. The same rules require Government to insist upon the applicant putting in the deficient portion of service before awarding the pension solicited, if his service at the time of application did not in their opinion qualify him, for the half pension applied for *i.e.* a pension calculated on one-half of the last salary; no such requisition was made by Government in Petitioner's case. This omission is a virtual recognition that the service required for a half-pension has been put in by Petitioner. The subsequent exclusion of 15 years from the period recognised must necessarily jar with such primary recognition and be irreconcilable with it.

That in the peculiar circumstances of this case, it would at least have been some consolation if Petitioner had been called upon to shew cause why Rule 22 of the Pension Rules cannot be applied to the 15 years' Service prior to the so-called resignation of 1048. This too has not been done.

That the result of all these part conformity, part-infraction, of the Pension Rules and the omissions of Government already noticed, has been that wrongful loss to Petitioner was occasioned to the extent of Rupees 17 per mensem.

That having distinctly pointed out to the Dewan these and other reasons for counting Service improperly excluded, as well as for enhancing the pension amount sanctioned in Exhibit A, in his Petition B dated 11th February 1895 Exhibit B, the order C was received to the effect that concessions were made to Petitioner in the grant of the pension as per Exhibit A.

That Petition D was addressed to the Resident who in his reply E directed Petitioner to submit his grievances with regard to the breach of the pension Rules, for the re-consideration.

That Petition F was addressed to the Dewan in obedience to such advice. The Dewan took no notice of it and hence Petition G to the Resident again dated the 16th July 1895.

That endorsement H is the permanent Resident's last endorsement that he has noted no breach of the Pension Rules in the Procedure of the Travancore Government complained against. This view is hardly consistent and reconcilable with the one taken by the acting Resident Mr. J. D. Rees's Endorsement Exhibit E. That a careful perusal of the Rules alluded to, the object of the Legislature in framing Rules 26 to 28 viz not to permit persons prematurely retiring from service from disgust or dissatisfaction when capable for further active service as Petitioner undoubtedly is, must convince your Excellency in Council that while there is in the case a make-believe of a conformity to Rule 22, there has really been a breach of Rules 26 to 28, and that the exclusion of the 15 years' service anterior to so-called resignation of 1048 is most improper.

That in kind and benign consideration therefore of the reasons hereinbefore detailed, as well as those given in Petition G and previous ones to the Resident justifying the interference of the Paramount Power in a matter of this kind the Petitioner most humbly prays that Your Excellency in Council be most charitably pleased to intercede on poor Petitioner's behalf and to advise the Travancore Government either to allow Petitioner a half-pension adequate to his long service of 35 years as amply evidenced by Exhibit I. the service list, or to allow him to continue in service for such further period as will entitle him to that pension in conformity with the provisions of Rules 26 to 28 of the Pension Rules in force in Travancore as well as with the acting Resident's views.

For which act of grace

Petitioner shall ever pray.

A. Govind Krishna Pillay

Trevandrum }
26 October 1895 }

A.

HUZUR CUTCHERRY,
Trivandrum, 30th Jan. 1895.

No. ³⁸⁴
M. 197.

To

The President,

TOWN IMPROVEMENT COMMITTEE,

Trivandrum.

From the President T. I. C. Trevandrum	No. 106	dated	15th September 1894.
To	Do.	21st	Do.
From	No. 135	"	31st October 1894.
To	Do.	"	13th December 1894.
From	No. 2740	"	18th
To	Do.	"	24th
From	No. 171	"	Do.
To	Do.	"	Do.

Sir,

Adverting to correspondence noted in the margin, on the subject of retiring Sanitary Inspector Cochukrishna Pillay, I have the honor to inform you that His Highness the Maha Rajah has been pleased to sanction his being retired on a pension of Rs. 33 per mensem.

2. From particulars of his service furnished by the Inspector and the Departments concerned, it is observed that his service, though dating from Karthigay 1033, has not been continuous but has had 4 breaks. One of these was on account of his resignation in Vykausy 1048 by which, under the rules, he forfeited all prior service. Calculating, therefore his service for purposes of pension from the date 12th Puruttasi 1051, of his re-employment after his resignation, his service up to date covers 19 years. But the whole of even this period cannot, strictly speaking, be considered to stand to his credit. While Sub-magistrate at Athirumalay he was suspended in 1052 for trial in connection with certain charges against him. The result of the trial was that he was discharged. He was not however, immediately reinstated so as to entitle him to the benefit of Section 20 of the Pension Rules. But considering the length of his total service, broken as it was he has been given credit for the whole period from date of his reemployment after his resignation. This service entitles him to a pension of 31 Rs. 18 chs. 10 cash which as a further concession, in the special circumstances of the case, has been raised to 33 Rs. or 1/3 of his salary.

3. I request you will be good enough to relieve Cochukrishna Pillay at once and inform me from which treasury he wishes to draw his pension.

4. I shall address you separately on the appointment of his successor.

5. The Inspector's reports and the papers therewith connected are returned.

I have the honor to be

Sir,

Your most obedient Servant,

(Sigd.) SHUNGARA SOOBIER,

Dewan,

No. 33

T. I. Committee Office
Trivandrum, 1st Feb. 1895.

Copy forwarded to Sanitary Inspector Mr. Cochukrishna Pillay for his information.

(Sigd.)

R. REGUNATHA ROW,
President

(True Copy.)

A. Cochukrishna Pillay

B

To

HIS EXCELLENCY

THE DEWAN OF TRAVANCORE.

&c.,

&c.,

&c.,

THE humble Petition of A. COCHUKRISHNA
PILLAY Sanitary Inspector Trevan-
drum.

Reference.

No. 33 dated 1st February 1895 from the Town Improvement Committee's Office Trevandrum forwarding for Petitioner's information, the decision letter of Government No. ³⁸⁴
M. 197 dated the 30th January 1895 awarding to Petitioner a pension calculated on a third of his salary.

MOST RESPECTFULLY SHEWETH,

That the subject of Petitioner's complaint as herein set forth, relates exclusively to the *exclusion* of the 15 years' service anterior to the so-called resignation of 1048 the particulars of which are clearly set forth in the remarks column of the service list submitted by him, and not to his retirement, *forced* though the same evidently happens to be. The Petitioner therefore prays that the following facts and circumstances be taken into a kind reconsideration of the decision arrived at, in the letter under reference, and the same decision modified, as in some individual cases of similar retirements Your Excellency has done.

That the reasons upon which such modification is sought are discussed below *serialim*.

(1) That great stress appears to have been laid on Petitioner's resignation of 1048, as being of such a nature as to cause a forfeiture of all past service. It is not however so. A careful perusal of the reasons assigned for such resignation must shew that Petitioner was, in a manner *forced* to throw away his appointment from the intensity of the insult and unendurable ill-treatment he received at the hands of Director Mr. Neelacunda Pillay who was once Petitioner's subordinate. That *fully* and *thoroughly* *conscious* of the real character of the circumstances which led to such resignation, the Government of its *own* accord, and *without* so much as a *request* from him, appointed him to a much superior post of Athirumala Magistrate. The Petitioner leaves it to Government to decide whether under such circumstances followed by re-employment in a superior appointment of Government's own accord, and on its own keen sense of justice, can, at all, be fairly construed to be voluntary, and whether any break of such description is contemplated by Rule 22 of the Pension Rules to wipe off all past service. A forced resignation is as much *no* resignation as a forced retirement is none, and both are alike deprecated by the Pension Rules relied on.

(2) The action taken by Government on an application for *half-pension*, submitted by Petitioner, not certainly from any physical or mental incapacity for further active service, but from a total absence of encouragement of any description during his long tenure, of the office of Sanitary Inspector for a period of about fourteen years, when viewed in the light of Rules 26 to 28 of the Pen-

sion Rules, must clearly shew that Government has considered, and that it was fully satisfied that Petitioner has put in 30 years' service, and that it was therefore fully prepared to count all the 15 years' service prior to the so-called resignation of 1048, towards his pension. If it were otherwise, and if, as appears from the order under reference, the service of the applicant fell short of 30 years in the estimation of Government, the proper course on receipt of the application, was to proceed under Rules 27 and 28 and require the production by the applicant, of a medical certificate from a competent authority as to his incapacity bodily or mental, for further active service, and to reject the application if such requisition is not complied with. An omission to proceed under these rules (which procedure is far from optional with Government) is tantamount to a recognition of the full period of 30 years for pension, and must therefore militate with the exclusion of the service before 1048 M. E.

(3) That it has been finally decided by the British Resident, in the case it would appear, of some public servants similarly circumstanced that rule 22 of the Pension Rules can have no bearing or application to Public servants in actual service at the time of their retirement, and that it applies only to such as have left service prior to it.

(4) That a notice at least to Petitioner to shew cause why his service prior to the alleged resignation of 1048 should not be excluded in settling finally the question of his retirement, would have answered the ends of justice would have amply made up for the omission of the imperative procedure under Rule 27, and would have enabled Petitioner to submit to Government, the reasons hereinbefore alleged for the inclusion of such service. This has not been done and Petitioner was condemned *unheard*.

(5) That in kind and benign reconsideration as per section 23 therefore of the reasons detailed above, Petitioner most humbly prays either,

(a) that due justice be done to his application for half-pension (forced though the same has been shewn to be) by the inclusion of the service prior to his misnamed resignation, and award of the amount applied for, or

(b) that he be allowed to continue in service till according to Government's own calculation, he puts in, the service necessary under Rule 27 to entitle him to it, in-as-much as he has not been and cannot be, pronounced to be unfit, in body or mind, for further active service.

(6) That on receipt of the order under reference, he addressed the Town Improvement Committee and the Maha Rajah on the subject. The former though convinced of the soundness of the reasons adduced, declined interference with a decision of Government, and the latter memorial, Petitioner understands, has been forwarded with a communication for your Excellency's disposal. Hence this prayer for relief and redress.

For which act of grace Petitioner shall ever pray.

A. COCHUKRISHNA PILLAY,

Trivandrum }
11th February }

(True copy) *A. Cochukrishna Pillay*

No. 887.
M 453.

HUZUR CUTCHERRY,
Trevandrum 1st March 1895.

Endorsement on petition dated 11th ultimo from A. Cochukrishna Pillay late Sanitary Inspector, Trivandrum, praying for enhanced pension or reappointment.

Petitioner having been treated very considerably in regard to the terms of his retirement, Government see no ground to admit his prayer.

(Sign)

SHUNGARASOBYER,

Deewan.

M. R. Ry.

A. Cochukrishna Pillay

Late Sanitary Inspector

Trivandrum

(True Copy) *A. Cochukrishna Pillay*

To

J. P. REES, ESQ., C. J. E.,

Acting British Resident

OF TRAVANCORE & COCHIN.

The humble Petition of A. COCHU KRISHNA
PILLAY Ex-Sanitary Inspector Trevan-
drum.

MOST RESPECTFULLY SHEWETH,

That in enclosing herewith for your Honor's kind consideration and perusal copies of (1) the order of the Travancore Government forcibly retiring Petitioner on pension calculated on a third of the salary drawn by him at the time of such retirement, (2) the protest made against it by Petitioner pointing out the irregularity and illegality of the procedure in the exclusion of a long period of 15 years which ought to count towards pension, (3) the endorsement thereon, (4) the translation of the Petitioner's service list, (5) the Petitioner's first application for pension, and (6) the Petitioner's reminder for the disposal of his first application, Petitioner humbly prays to submit for your Honor's kind disposal, the flagrant breach of the Pension Rules in force, in the attempted so called conformity to the same.

That the complaint specifically relates to the improper exclusion of 15 years' service anterior to 1048 M. E., on the ground that Petitioner put in his resignation that year, for reasons lucidly set forth in the remarks column of the service list. The Government relies on section 22 of the Pension Rules to exclude such service.

That it is quite true a resignation was put in, in that year, but it was owing to the intensity of the insult received at the hands of one Mr. Neelacunda Pillay the then Director of Vernacular Instruction, who was but a few months before that time, Petitioner's subordinate. The true character of that resignation i. e., that it was forced and due to the peculiar circumstances of official oppression at the time, was fully recognized by Government when shortly after such resignation Government of its own motion, on its own perception of the magnitude of injustice done to Petitioner who was clearly the sport and victim of the times, and without so much as a request from him, appointed him to a much superior and more responsible post of Adiramalay Magistrate, by way of reparation of wrongs done to, and injustice endured by, him without a protest or demur.

That the section 22 of the Pension Rules relied on by Government cannot possibly be supposed, for a moment, to have contemplated resignation of such palpably forced description, to wipe off all past service. The Petitioner's representations to Government on the incessant insults and illtreatments received from a superior, having proved ineffectual, there was clearly no other alternative left him than recite point-blank such insults unremedied, and put in his resignation. This is what petitioner has done; it is this forced resignation that has been considered by Government to come within the purview of the section 22 of the pension Rules in force.

That a careful perusal of the Pension rules must convince your Honor, that forced resignation and forced retirement are alike deprecated and discountenanced. The rules do not even countenance voluntary retirements from service when the applicant for pension is in a fit state of health for further active service. Sections 26, 27 and 28 of the Rules require the production by the applicant, of a certificate from competent medical authority as to *unfitness* for further active ser-

vice in *body* or in *mind*, when the applicant's service falls short of ³⁰ years. The right of refusing pension on failure to produce such testimony is clearly reserved to Government. This clearly means that the interests and requirements of the public service are such that Government cannot and will not permit its servants to leave it. If the servants however leave the service, it must be on the risk of forfeiting all claims for pension.

That in the event of exclusion of petitioner's service anterior to 1048 it is perfectly clear that petitioner has not put in the 30 years' service to entitle him to pension. Petitioner was smoothly and quietly plodding on in his last career of Sanitary Inspector for a period of about 14 years without any increments to his pay, and encouragement of any description; there was not even a ray of hope of such increment or encouragement of any description. That quite disgusted with his position, he prayed Government that in kind consideration of his total service of 35 years, a pension calculated on half of his last salary, be accorded to him if Government is not prepared to better his present condition and prospects. If, as now appears, Government was not prepared, to count the 15 years' service prior to 1048 towards his pension, the proper course for Government to follow on receipt of this application, was to consider that the 30 years' service necessary to entitle petitioner to pension has not been put in, to require the production of the medical evidence under Rules 26, 27 and 28, as to his unfitness in body or mind, for further service and to refuse the pension applied for, if such requisition is not forthwith complied with, as in the case of Mr. Rhode, the Commercial Agent who is to resume his duties after the expiration of his leave, as half pension has been refused. Far from adopting a procedure of this kind the Government coolly resolves to transfer petitioner to the pension roll basing their action on the said discontented application of petitioner. These rules must establish beyond a ray of doubt that the action taken on the said application is tantamount to a full recognition that the necessary service had been put in, for, otherwise the procedure prescribed of a demand for a medical evidence would certainly have been followed. The procedure is imperative and far from optional with Government. When the circumstance of primary recognition of the 15 years' service anterior to 1048, as amply established by the action of Government on the discontented, formity to Rule 22, there has been a merciless infraction of Rules 26, 27 and 28 of the pension rules beside the vice of inconsistency of action. That for these reasons therefore, the exclusion of the 15 years' service prior to 1048 is exceeding illegal and Petitioner is entitled to a half pension of Rupees 50 per mensem in the terms of his application should the action of Government be based on it, as no doubt it has been. Besides officers, such as the late Judge Mr. Jeganatha Row and others, entitled to no pension by the Rules for want of completion of service have been pensioned and others entitled to only one third, such as the late Thasildar Mr. Hari Row, have been pensioned one half of the salary. In violation of section 8 of the late Pension Rules several have been pensioned including the service anterior to breaks of service alluded to therein.

That the next question is whether this improper exclusion of 15 years' service in the accord of pension to Petitioner is a fit subject for Your Honor's interference i. e., the interference of the Paramount Power. There are various precedents of such interference and Petitioner trusts that allusion to two of these instances will answer the requirements of this case, and justify any steps that Your Honor may deem fit to take.

That in the matter of Mr. J. Arklies' complaint about the improper exclusion of but five years service and the consequent loss to him in the pension accorded of about Rs. 17 and odd per mensem, the appeal went so high as the Secretary of State for India who decided that the exclusion was improper, and directed that the amount of the pension be proportionately increased as was in the case of a late Samprathy Aiyappan Pillay, of Eraniel.

That in another case where resignation was simply interpreted by the Travancore Government as entailing a forfeiture of all past service, the British Resident remarked that it does not apply to cases when the servant continued in service after such resignation, and that in such cases the services should be considered as continuous.

Thus in the make-believe of a conformity to one portion of the pension rule, there has really been a serious breach of it in another important portion. There is further a gross misconception of the provisions of the portion relied on as no forced resignation of the kind of 1048 can be possibly contemplated to wash away past service and can be accepted as voluntary. The primary recognition of the 15 years' service in question, as evidenced by the action of Government on the so called application for pension, in contravention of Rules 27 and 28 of the pension rules, and the subsequent exclusion of the same in the final order of according pension have been amply shown to be self-inconsistent and self-contradictory. That even a notice to shew cause why the service in question should not be excluded is a desideratum in the case; and that it is a fit case for Your Honors' interference. Again whether the recent pension rules which have come in force in 1069 have retrospective effects or bearing to the Petitioner's antecedent service afford ample scope for Your Honors' consideration.

The Petitioner therefore most humbly prays that the necessity, not to say the justice, of including the rejected service in the accord of pension to Petitioner, be pointed out to the Dewan, and that he be requested to review the order according to Petitioner, and to give him the half pension to which by reasons hereinbefore detailed as well as by the terms of his application, he is richly entitled or to refuse the pension and retain him in further service till according to Governments' own calculation he puts in the necessary service, as he has not been, and cannot be, medically condemned to be unfit for such further service.

For which act of grace Petitioner shall ever pray.

A. COCHOCKRISHNA PILLAY,

Trivandrum }
15th April 1895. }

(True copy) *A. Cochoo Krishna Pillay*

Reference ~~No~~C. No, 1254.

RESIDENT'S OFFICE,

Trevandrum, 30th April, 1895.

Read petition dated 15th April 1895 from M. R. Ry. A. Cochoo Krishna Pillay Ex-Sanitary Inspector, Trevandrum, complaining of the inadequacy of the pension ~~and~~ sanctioned for him by the Sirkar and praying the Resident to move the Darbar to grant him half pension or to retain him in the service.

ENDORSEMENT THEREON.

The Resident observes that the Petitioner resigned the service in 1048, and that the Sirkar has therefore rightly excluded the period of his service prior to that date in calculating the pension due to him. It is immaterial whether the resignation was voluntarily or forced. It is for the Petitioner to consider whether he should apply to the Dewan for a reconsideration of his orders, on the ground that the conditions on which he applied for pension were not fulfilled and that he must be allowed to put in additional service to entitle him to full pension.

(Sigd)

J. D. REES,
Resident.

True Copy. *A. Cochoo Krishna Pillay*

To

HIS EXCELLENCY
THE DEWAN OF TRAVANCORE.

&c.,

&c.,

&c.,

THE humble Petition of A. COCHUKRISHNA
PILLAY ex-sanitary Inspector Trevan-
drum.

MOST RESPECTFULLY SHEWETH,

That in pursuance of the directions conveyed in the British Resident's Endorsement No. 1251 dated the 30th April ultimo, Petitioner humbly begs leave to submit for your Excellency's benign reconsideration certain reasons which will necessitate the modification of the order according pension inadequate to service.

1. Action taken by Government on Petitioner's application for a half pension (the only one condition upon which he agreed to retire) is a virtual recognition of the 15 years' service anterior to 1048, the date of his so-called resignation.

2. If it were not so, and if Government considered that the 30 years' service necessary to entitle him to pension had not been put in, the proper course on receipt of the application was to proceed under rules 26 and 27 and to demand the production of competent medical testimony as to his incapacity for further service. This course however, was not followed. Hence the implied recognition of that service.

3. That service once recognized can never be subsequently excluded without the risk of self-inconsistency.

4. That his application for pension clearly enunciates the conditions on which he agreed to retire, that is the receipt of a half-pension. The Sirkar cannot force him to accept any conditions it chooses to impose upon him unless he agrees to accept them. The only course open to Government, if at all it is disposed to retire him, evidently is to proceed under Rules 26 and 27 and require the production of the medical testimony therein alluded to, and to refuse the pension if the requisition is not complied with, permitting him, of course to put in the additional service required to be eligible for pension.

5. If therefore his application for half-pension cannot be complied with he must be permitted to continue in service.

6. Petitioner can never be bound by a pension which Government may fix to sever him from service unless the applicant has applied to be allowed that proportion of his salary, or agrees to accept that proportion.

Taking these reasons into kind and benign reconsideration, the Petitioner humbly prays that either

- (1) that conditions of his retirement viz a half-pension be given him or that
- (2) he be ordered in pursuance of Rules 26 and 27 to continue in service and put in the additional service required to qualify him for it.

Extract from the Resident's endorsement is herein enclosed.

For which act of grace Petitioner shall ever pray.

A. COCHOOKRISHNA PILLAY.
Ex-Sanitary Inspector

Trevandrum
7th May 1895.

(True Copy) A. Cochukrishna Pillay

Extracts from the Resident's Endorsement.

Reference No. 1251

RESIDENT'S OFFICE

Trivandrum 30th April 1895

Read petition dated 15th April 1895 from M. R. Ry A. Cochukrishna Pillay, ex-sanitary Inspector, Trivandrum, complaining of the inadequacy of the pension sanctioned for him by the Sirkar, and praying the Resident to move the Durbar to grant him half pension or to retain him in the service.

EXTRACT.

It is for the Petitioner to consider whether he should apply to the Dewan for a reconsideration of his orders on the ground that the conditions on which he applied for pension were not fulfilled and that he must be allowed to put in additional service to entitle him to full pension.

(True Extract) A. Cochukrishna Pillay

British Resident

OF TRAVANCORE & COCHIN.

§c.,

§c.,

§c.,

The humble Petition of A. COCHU KRISHNA
PILLAY Ex-Sanitary Inspector Trevan-
drum.

That in obedience to the directions conveyed in Your Honor's endorse-
ment No. 1251 dated the 30th April last, he submitted the accompanying
petition to the Dewan and the reminder thereto for a reconsideration of his alter-
native prayer for a half-pension or further continuance in service with no dis-
posal or effect up to date. The Travancore Government appears not inclined to
reconsider the decision it had arrived at, although the injustice done to Petitioner
and the infraction of the pension rules have not escaped Your Honor's scrutinising
attention.

Petitioner therefore prays that in perfect consistency with Your Honor's
former endorsement and in continuation of the same the erroneous procedure, in
the forced retirement of the Petitioner by the grant of one-third pension, which
wholly inadequate to the service put in, is in exclusion of a portion of the same,
and was not applied for by the petitioner who had requested for the grant of only
half pension, be pointed out to the Travancore Government and the same requir-
ed to rectify the infraction of Rules 26 and 27 of the pension rules at an early
date by reinstating the Petitioner in case of a refusal to grant him half pension in
accordance with his first request.

For which act of kindness Petitioner shall ever pray.

A. COCHUKRISHNA PILLAY,

Trivandrum }
16th February }
16th July 95

(True copy) *A. Cochoo Krishna Pillay*

Reference No. 2216

RESIDENT'S OFFICE,
Trivandrum, 26th July 1895.

Read petition d/ 16th July 95 from
M. R. Ry, A. Cochookrishna Pillay, late Sanitary Superintendent,
Trivandrum, complaining with reference to the Resident's Endorsement No. 1251
of the 30th April last that the Dewan has not yet disposed of his further petition
to him for a half pension or restoration to service.

Endorsement thereon.

The petitioner does not choose to understand the Resident's endorsement
of 30th April. The Resident has not noted that the petitioner has suffered in-
justice or that the pension rules have been infringed; and refuses to interfere.

(Sig?) J. THOMSON,
Resident.
26/ 7/ 95

P
2 1000—19.10.94.

(True copy) *A. Cochoo Krishna Pillay*

(True Translation.)
SERVICE LIST OF A. COCHU KRISHNA PILLAY WRITTEN ON THE 3rd MARGALY 1070.

DEPARTMENT OF SERVICE.	COMMENCEMENT OF SERVICE IN THE DEPARTMENT.	WHEN LEFT.	WHY LEFT THE DEPARTMENT.	SERVED.		REMARKS.
				Years.	Months.	
The Observatory Department Teacher of the English School Engineer's Department	Carthigay 1038	I do not remember]	As the hills won't agree I entered the School	1	8	In the year 1041 Carthigay when ordered to go to Peermade which was disagreeable to my health I declined to go there and resigned; the Engineer recommended my dismissal; but the Resident on the intercession of Dewan Raja Sir Madava Row decided that it was not justifiable and that I must be reinstated and warned the Engineer. I was accordingly made Survey Tutor.
	Carthigay 1035	do. 1041	See the remarks.	1	...	
Survey Tutor in the Huzoor	6th Audy 1041	23rd Audy 1042	Appointed Head Master of the Central Vernacular School	1	2	Wanted to revert to mastership if the full pay of the Director be not given. Consequent on some variance with Neelacunda Pillay who was my subordinate Inspector and who subsequently took up my place of Director I resigned and was relieved. On being honourably acquitted applied for immediate re-instatement on 23rd Thye 1053 as the break in the year 1048 coupled with my re-instatement without a request evinces a conviction of my innocence the interval is tantamount to mere suspension as per section 24 of the Pension Rules and not dismissal being susceptible of graceful consideration according to section 23 of the Rules.
Head Master of the Central Vernacular School	23rd Audy 1042	11th Thye 1047	Appointed Director of Vernacular Education	4	6	
Director of Vernacular Education	11th Thye 1047	Auvany 1048	As requested	...	7	
Head Master of the Central Vernacular School	1st Auvany 1048	10th Vycasy 1048	See the remarks	...	10	
Sub Magistrate of Adirmalay	12th Purattasy 1051	31st Chingom 1052	Suspended for trial on a false accusation	1	8	On being honourably acquitted applied for immediate re-instatement on 23rd Thye 1053 as the break in the year 1048 coupled with my re-instatement without a request evinces a conviction of my innocence the interval is tantamount to mere suspension as per section 24 of the Pension Rules and not dismissal being susceptible of graceful consideration according to section 23 of the Rules.
Trevandrum Sanitary Inspector	2nd Vycasy 1056			13	7	
Total Service.				35	1	

(True Translation) A. Cochukrishna Pillay

To

N. SOOBARAMONY IYER, Esq., M. A., M. B., & C. M.,
The Secretary,

Sanitary Committee,
 TREVANDRUM.

Sir,

As I served Government more than thirty years since in several departments namely in the Observatory since Carthigay 1033, in the English School since 1034, in the D. P. W. since 1035, as Survey Tutor in the Huzoor since 6th Auny 1041, as Head Master of the Central Vernacular School since 23rd Audy 1042, as Director of Vernacular Education since 11th Thye 1047, as master of the Central Vernacular School since 1st Auvany 1048, as Sub Magistrate of Adirmalay since 12th Purattasy 1051, and now as Sanitary Inspector of Trevandrum since 2nd Edavem 1056, on a consolidated pay of 120 Rupees which I draw 12 years since, including 20 Rupees allowance I humbly pray that 60 Rs. one half the amount may kindly be granted as a pension.

I beg to subscribe myself
 Sir,

Your most obedient servant,
 A. COCHUKRISHNA PILLAY,
 Sanitary Inspector.

Trevandrum,
 24th Auvany 1069.

(True Translation.) A. Cochukrishna Pillay

To

R. REGUNATHA ROW, Esq., B. A.

President,

Town Improvement Committee

TREVANDRUM.

RESPECTED SIR,

As nothing has been yet decided about my application for pension No. 35 dated 24th Avany of this year purporting that as no promotion is given me during the 13 years I have been serving as Sanitary Inspector on 120 Rs. of the thirty years' service I have put in since 1033, one half my pay may be granted as a pension on calculation of my services, I beg to repeat my prayer that it may be disposed of.

I beg to subscribe myself,
Respected Sir,
Your most obedient servant,
A. COCHUKRISHNA PILLAY,

Trevandrum, }
13th Audy 1069. }

(True translation.)

A. Cochoo Krishna Pillay

Extract from the Travancore pension rules section 26 to 28.

26. If the applicant's service falls short of 30 years, no pension or gratuity shall be allowed, unless incapacitated for further employment by any bodily or mental infirmity. *certificate attested by a medical*

27. The incapacity must be established by a medical officer not below the rank of a Sub-Assistant Surgeon.

28. A succinct statement of the case and of the treatment adopted should, if possible, be appended.

(True Extract)

A. Cochoo Krishna Pillay

Ref: one No 3244

Residents Office
Srivandrum, 6th November 1895

CURRENT No 1591

From

James Thomson Esquire
Resident in Srivandrum and Cochin

To

The Chief Secretary to Government
Fort St George.

Sir,

I have the honor to forward herewith a petition addressed to His Excellency the Governor in Council, from A. Leechu Krishna Pillai, late Sanitary Inspector, Srivandrum, complaining of the procedure adopted by the Durbar in retiring him on inadequate pension.

2. The Petitioner entered the Service in 1857 and after four breaks in service one of which was on account of his resignation in 1873, was appointed Sanitary Inspector Srivandrum in 1881. While serving in this capacity he applied for a half pension in 1893 and on the 30th January 1895 the Durbar passed orders on his application admitting a qualifying service of 19 years from the date of reemployment after resignation, although for 4 years and 1 month of this period he was under suspension, and granting a pension of Rs 33 or nearly one third of the pay he was last drawing. The pension due under the rules was however only Rs 31 and odd

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DATED

ENCLOSURES TO C. No.

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STATEMENT WITH DITTO.

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