

Political (1899) Department.

ORDINARY MS.

G.O., No. 152

DATED 17-2-99

INDEXED.

[Despatch Abstract.]

Stating that the allowance of Rs 20
Sanctioned in G.O. No 76 Political of 26-1-93
to Sultan Muhammad Sahib Khan Sahib
Late Persai Munshi and Khanda
Kurnool may be described as
upon which pension may be calculated
that the allowance of Rs 20 Sanctioned
1194 P.O. of 18-11-86 was a local allowance
cannot be counted towards pension.

17-2-99

BACK PAPERS.

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

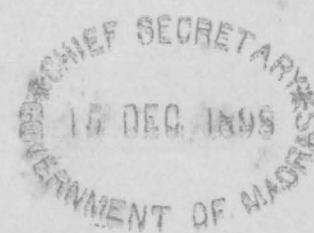
FURTHER PAPERS.

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

Political Public (1898) Department.

CURRENT No. 1551

This file is not complete - there are several G.O.'s on this subject, two of which, at least, refused request similar to this if not identical with it. Put up all the correspondence. Will the G.O.s on the subject were put up for G.O. 1544 & 1425 which are linked to this. 20/12/98



From

The Collector of
Kumool

No. 2638/98
20

Order

Dated 3rd December 1898

Received } 15th Dec 1898
Registered } 3rd Dec 1898

Enclosures one

Spare copies

SUBJECT.

Recommending that Sultan Mohamed Sahib Khan Sahib be Treasurer of Kumool & that he may be provided with pension & the personal allowances as Political Agent & Khanshan Sahib along with the pension that will be given him in the capacity of Cash keeper.

H.O. In paper.

16/12/98

Put up 20/12/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension Department

Fort St George
Accountant-General's Office
17th November 1898

No. I. a. E.
493

From,

J. Hesketh Beggs Esquire
Accountant-General to the
Government of Madras

To,

The Treasury Deputy Collector
Kurnool

Sir,

With reference to the correspondence ending with your letter No. 2223 dated the 1st November 1898, I have the honor to state that the so called personal allowances which Sullan Mahommud late a Huzur Treasurer of the District was drawing, appear from the circumstances in which they were sanctioned by Government to be only local allowances, as defined in article 38(a) Civil Service Regulations, granted for duties which do not properly belong to his office. If so, they cannot be included in the

Calculations of average emolument
vide article 532 (1), Civil Service
Regulations.

I have the

(Signed) Hesketh Biggs

Accountant General

[True copy]

M. J. Khan
Collector
3 12/48

Political

1551

CURRENT NO. 1551

DISTRICT COLLECTOR'S OFFICE,

Kurucol 2nd Decemr 1898.

No. 2638 of 1898
One enclosure.

FROM

Mahammad Raza Khan Esq.
and Political Agent
COLLECTOR OF THE Kurucol

District,



To

Chief
THE SECRETARY TO GOVERNMENT,

DEPARTMENT,

Madras.

Through the Accountant General
Madras

SIR,

I have the honour to place before
Government the case of Sooltan Mahmood
Sahab Khan Sahab who has after a long
faithful service of 31 years retired from
the 5th Altin from the posts of Nazoo
Treasurer and Persian moonshee to
the Political agent and Khandani
Superintendent. He was in the latter
capacities drawing monthly a personal
allowance of 50 Rupees, a moiety of which
also, he now begs, may be granted as
pension.

2. In the great famine of 187

work under the then Head Assistant Collector
Mr W. H. Thorburn (present District Judge)
was so hard and arduous that it seriously
affected his health whereby he was compelled
to take leave for two months, the only
occasion in his long service of 31 years
he ever was on leave. Mr Thorburn
has the highest regard for him for his
honesty and uprightness; also the
many testimonials granted to him
by all my predecessors show that
his character was thoroughly unblemished
throughout and that he discharged
the duties entrusted to him most
efficiently and conscientiously.

3. As a recompense for his services
under the Political Agent, Sooltan
Mahmood Sahib Khan Sahib was
+ given a monthly personal allowance
of Rupees which was on Mr Hough's
recommendation

2

80. $\frac{1194}{18.11.56}$

recommendation raised to 50 Rupees.

For 30 years he was Political Persian
Moonshiee and for 12 years Thandan
Superintendent. These appointments
were pensionable; the former Thandan
Superintendent, Sultan Mahmood Sahib
Khan Sahib's immediate predecessor
retired on pension (please vide G.O. No. 590
dated 21.5.87)

4. The question of taking into account
Sultan Mahmood Sahib Khan Sahib's
personal allowance of 50 Rupees in
calculating his pension. Mr
Treasurer was referred to the
Accountant General who has replied
(Please vide copy of his letter DAE of the
493

17th ultimo) that he is of opinion the
Sultan Mahmood Sahib's allow-
was a local allowance falling

76
26.1.88

9/11/88

under article 532 (1) of the Civil Service Regulations and not a personal one in as much as the allowance was given for work done in addition to the duties of a regular appointment. But I respectfully submit that Soollan Mahmood Sahib had held two distinct appointments of Political Moonshee and Khanda Superintendant both of which as above stated were pensionable, and the previous holders of these offices appear to have been granted the benefit of the pension rules. Moreover, the allowance given for these appointments was distinctly termed by Government as personal allowance and I therefore think that Soollan Mahmood Sahib's allowance does not necessarily fall under the head 'local allowance' as

M. M.

3

as defined in article 38 (a) of the Civil Service Regulations. I may, in this connection, be permitted to instance the case of my own father-in-law, Ally Dost Khan Bahadur. He was a Supervising Inspector of Police 1st class on a salary of 200 Rupees and also drew a personal allowance of 100 Rupees a month; and when retired, he was granted a pension of a moiety of not only his pay but also of his personal allowance which he still enjoys. Soollan Mahmood Khan Sahib's services were long, loyal and specially good, and I respectfully beg that they may be accorded due recognition by the grant to him of a pension on his personal allowance also which, I venture to submit, has by his honest, indefatigable

ie the moiety and

in his triple capacity already mentioned
earned,

I have the honour to be
Sir

Your most obedient servant

Mr. P. A. Khan
Collector and Political Agent

3 12
98

I. A. E.
538

Fort St. George
Accountant Genl. office
14th December 1898.

Submitted to Government. The attention of Government
is invited to this office letter No. I. A. E. dated 17 November 1898 on the subject a true copy of which is enclosed and to
article 530 of the civil service Regulations where the only
allowances reckoned for pension are enumerated.

W. H. N.
Accountant General.

The Chief Secretary to Government
Public Department.

G
25
100-9-8-98.

C. No. 1557-

Political DEPARTMENT.

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

THE HON'BLE MR. ARUNDEL.

SUBJECT.

Recommending that the personal
allowance of the late Muzumdar
of Kurnool be made pensionable in
addition to his regular salary.

FOR ORDERS.

The Political Agent - Kurnool
brings before Govt the case of
Sultan Mahmud Sahib the
late Muzumdar Treasurer & Munshi
to the P. A. who retired from 5th
December/98 after 31 years of
service. The P. A. warmly
eulogises his "long & faithful
service"; points to the fact
that he has given universal
satisfaction to Superiors under
whom he has worked; calls
attention to the fact that he
has only once (during famine
of/77) taken leave during his
service; states that the post of
Supt of Khandans was a pension-
able one & that Sultan Mat-
and's predecessor in that ca-
pacity received a pension
of Rs 590 Pm and for all to
21.5.87

reasons recommends that the personal allowance of Rs 50/- drawn by Sultan Mahmud be taken into consideration in calculating his pension.

The AL having informed the PA that the "personal allowance" could not be held to be pensionable as it was in reality a "local allowance" as defined in Art 38(a) of CSR, the PA contends that it was not a local allowance but that Sultan Mahmud held two distinct appointments - one of Khandan Supt & one of Pol Munshi, & that the allowance was distinctly termed by Govt a "personal allowance" & therefore pensionable. The PA quotes the case of his ^{own} father-in-law who was a 1st class Police Inspt on Rs 200 + 100 personal allowance & on retirement drew pension calculated on the whole pay & allowance.

2 The letter of the PA is submitted through the AL who endorses thereon a reference to

No 1A of 17-11-98, & to 493

30 of CSR where the only res reckoned for pension is created. In his letter

This sum is not a personal allowance but a local allowance. The sum was not termed a personal allowance. It was a personal allowance.

flagged Z

1.2. on allow was sent to the office which did not properly belong to him.

In linked file @ F - -

3 referred to the AL informs the PA that in his view the "personal allowance" is, within the meaning of the CSR & under the circumstance in which it was sanctioned, only a "local allowance" & cannot be included in the calculation of pension.

3. A reference to the Correspondence filed with GO No 76 Pol of 26.1.83 will show, it is submitted, that the AL is correct in his view that the allowance of Rs 20/- therein sanctioned - although the expression "personal allowance" is used - was in reality a "local allowance" which term is defined in Art 38(a) of CSR to be an "allowance ^{xxx} for duties which do not properly belong to his office, or in consideration of exceptional local circumstances xx". The allowance ^{to Sultan Mahmud} of Rs 20/- was given, in consideration of the work of Persian Munshi having been done ^{by him} in addition to his regular work for a long period & in consideration of the fact he was still doing that work.

It is submitted, further, that the P.A. is mistaken in saying that the Rs 20 "was on Mr. Krong's recommendation raised to Rs 50".
An additional allowance ^{of Rs 30/-} was made to this officer in his capacity of Magistrate in consideration of the extra work involved in the following orders of Govt -

x x x x x
(post of) Supt of Khandans (Kurnool)
"to be abolished, assigning the work to the Treasurer with an increase of Rs 30/- which, added to the personal allowance of Rs 20/- drawn by him will limit the charges under the 25 Political to Rs 50/- p.m. This charge also, it is subm^d, would come under head of "local allowance" as defined in C.S.R. & would therefore be non-pensionable by virtue of Art 532 (1) which asserts that an officer cannot count for pension - local allowances, including allowances for duties performed in addition to the work of a regular appointment.

GO No 1194 H.
18-11-86. @ C in
linked file -

GO No 133 Pol.
6-3-93 @ J in
the linked file -

GO No 185 Pol.
3-4-93 @ W. in
the linked file -

4- In 1893 Sultan Mahmud petitioned, through the Collector of Kurnool, for a continuation "even after my retirement from service" the full amount of Personal allowance of Rs 20 which Govt was pleased to confer on me as a Personal distinction in recognition of my past services in the Political Dept. This request was supported by the Coll^r but was refused by Govt on the ground that it would require the sanction of Secy of State & that it was not a case justifying a request for such sanction.

The request was repeated later in the same year & Govt decline to reconsider its orders already passed on the subject, the matter having been fully considered when original petition was before Govt. (Attention solicited to ^{the} notes of the ~~matter~~ in both these orders).

5. It would appear, therefore, that the request for Rs 20 + 3 drawn by Sultan Mahmud be taken into ac in calculation of his pension is made.
I allow

the rules - Orders on the
subject are solicited.

30/6
3/1/99

The history of the personal allowances of Rs. 20 and Rs. 50 drawn by Sultan ~~am~~ ^{Muhammad} Sahib is given in the note in G.O. No. 133 Poll., d/6th March 1895, and the whole question turns on whether these two allowances ~~are~~ are personal allowances. If so they can be included in the calculation of the recipient's pension, vide article 530 of the C.S.R. (4).

As regards the first amount, attention is solicited to Mr. Glenny's letter No. 1, d/4th January 1893, from which it will be seen that he proposed a personal allowance in consideration of the discharge of the duties of an important post to which no salary has been attached. This would bring the allowance under article 532 (1) as an allowance given for duties performed in addition to the work of a regular appointment and therefore an allowance which does not count for pension.

In para 3 of the same letter Mr.

Glenny pointed out that it was not so much in consideration of the

for tity of extra work so long per-

by Sultan ~~Mah~~ ^{u amma} without hitherto

asking for a rupee of extra consideration of its nature

G.O. No. 76 Poll., d/26-1-85 H

7
"and the manner in which it has been done that I venture to give his request my cordial support" From this, the allowance would appear to partake of the nature of a personal allowance and it was so styled in G.O. No. 76 Poll., d/26th Jan. 1885. In paragraph 8, Chap. IV of the Finance Committee's report, Vol. II, which deals with this question, it will be seen that this Persian Munshi allowance was styled/purely as a personal allowance and that the suggestion in 1886 was that on the abolition of the appointment of Supt. of Khandans the work done by him should be assigned to the Treasurer with an addition of Rs. 50 to his pay. This was the arrangement carried out in G.O. No. 1194 Finl., d/18th Novr. 1886, where the "personal allowance of Rs. 20 already drawn by the Treasurer is mentioned.

C
There can, it is thought, be no doubt in ~~the~~ ^{spills} ~~the~~ ^{color} word- ing of paragraph 8 of the Finance Committee's report just referred to that the allowance of Rs. 50 was a local allowance in the sense that that term is used in articles 53 (a) and 532 (1) of the C.S.R. and that it cannot count for pension. Looking into all the facts of the case however as regards the first ~~allowance~~ ^{allowance} of Rs. 20, it is thought that it was intended to be a just as much as ~~the~~ ^{local} local allowance and that the Acc. Genl's view of the matter is altogether correct.

Cmb. ¹¹⁻⁸⁶ ^{al allowa}

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The decision of this matter turns on the distinction between a "local" allowance and a "personal" allowance. Local allowance is defined in the C.S.R. and the definition is set out above but personal allowance is not. Perhaps the distinction is best grasped by considering cases. A clerk in an office is drawing Rs.300 a month and the office is reorganized, and while the duties of the office are unaltered, the pay is reduced to Rs.250; it is not found possible to provide for the individual otherwise and he has to be kept on where he is on the same pay. He will be held to receive Rs.250 as pay and Rs.50 as a personal allowance, or suppose that the pay of the appointment is ^{Rs.}250 and that it is very desirable to retain the individual in it for a time or permanently; in order that he may not suffer, a personal allowance of Rs.50 is given. This allowance will pass from the appointment with the individual. But suppose the Secretary to the D.P.I. is directed to undertake the superintendence &c. of the Pleaders' Examination and that it is settled that he is to get 100 a month for doing so; this is a local allowance.

11-86

al allowa

10

It will be seen that ^{one} test is whether the increase is given because there has been a change in the duties discharged. If there is no change the allowance is personal; if there has been, it is local. Another test is whether the allowance follows the individual or the appointment. Here the fact seems to be that there was a large amount of correspondence in Hindustani and Persian in the Collector's office. This was assigned to Sultan Muhammad as a member of the Collector's staff and he did it without pay for 4 years, while holding various appointments in the Collector's office. This was at last recognized as meritorious and the Collector recommended him for an allowance of Rs.20. As there was no change in his duties, it seems to me it was what Govt. calls it a personal allowance. But the Rs.30 seems clearly a local allowance, for there was a distinct addition made to the Treasurer's duties and responsibility in regard to which it was granted and it will be seen from the linked file that it might have continued to Sultan Muhammad's successor.

11-1-9

The Chief Sec's view should be accepted
2.4H
9.2.99

Oct-20
11/1/98

P. 11-2-98
Left attached
14/2/99

[G.]
24
1,000-15-2-98.

Political DEPARTMENT.

Read Again GO No 76 Pol d/26-1-93 - F
" " " 1194 " d/18-11-86 - F

C. No. 1531	From the Collector of Kurnool, No. 2638	dated 3.12.1898
"	"	"
"	"	"
"	"	"
"	"	"

Keep intact

The description of the Collector of Kurnool of the

Order No 152 of 17.2.99
mis reference in the case of King's letter
The Collector's reference to the allowance of Rs 50/- per mensem allowance drawn by Sultan Muhammad Sahib as "a personal allowance" is incorrect. The allowance of Rs 20 sanctioned in GO No 76 Pol d/26-1-93, having been granted being an allowance recommended for meritorious services rendered, and not for increased duties during a period extending over many years, in the capacity of Persian Munshi may be described as a "personal allowance" which pension may be catered allowance of the Rs 30 sanctioned in No 1194 Pol d/18-11-86 however, clearly a "local allowance"

As defined in Art 38(a) of
the Civil Service Regulations and
falls under Art 532(1). It
cannot ^{Count towards} ~~therefore~~ be taken
into consideration in calculating
pension.

15/2/99
14/2/99
C. M. S. M. S.

(3m 01040)

To the Collector - Kurnool -
" " Acct - General - } as above.

Person Dept (a of fmsi letter
a of al: end of)

Desp'd
18/2/99

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READ AGAIN G.O., No.
189

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

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