

Urgent

ORDINARY, MS.

Public	DEPARTMENT.
G.O., DATED	16-2-93
No.	129
	130

INDEXED.

When given for copying. 15

[Despatch Abstract.]

Regarding Mr. C.
Raminchandra Aiyar's
retention in service.

26-11-05
28-11-05
18-2
13-8-17

14-12-04

Disputed the 79 + 111
+ 111 the 111 to
1,000-14-12-93.
Please

04
Mr. Ramachandra Aiyar
retention in service

From Orders

The Hon'ble Sir H Stokes K.C.S.I.
The Hon'ble Mr. Ganshin, C.S.I.

Mrs

SAID ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS.

ORDER.

REF No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

PAPER, No.

OF 18

PAPER, No.

OF 18

32
years as requested by Mr. Rama-
chandra Aiyar in para 7 of his
Memorial, the sanction of the
Govt. of India will be requested to
his retention in the service till
the 22nd March 1894.

2. Mr. Ramachandra Aiyar
will be included in the Provincial
Service with effect from the 29th
November 1892, the date of the letter
in which he intimated his willingness
to join that service, and his pay from
that date will be regulated in
accordance with para 5 of the
Home Dept. Resol. quoted in para
supra.

Ch. 13 Nov.

DESEATCHED
Mr. Ramachandra Aiyar Esq.
Secy. to Govt.
IN M.S.
N-130

Letter to the Secretary to the
Govt. of India
Home Dept.

DESEATCHED
Mr. Ramachandra Aiyar, a
Statutory Civilian of this Presidency,
whose confirmation as a District
and Sessions Judge was sanctioned

83
+ p. 11/11/11

60
+ Page 66 of p. 11/11/11

62
Page 66 of p. 11/11/11

83
+ p. 11/11/11

in Home Dept. telegram of 24. Nov. 1892,
N. 1868 Public, attained the age of
55 years on the 24th November last
and will complete five years
tenure of his present appointment
on the 22nd proximo.

2. In his letter of 29th November 1892,
which will be found printed in
Appendix A to Mr. Price's letter of the
16th December last N. 876, Mr.
Ramachandra Aiyar intimated his
willingness to join the Provincial
Service, but being an Ex-Statutory
Civilian he is, under the terms of
para 11 of
Home Dept. resolution of 21st April
1892 N. 9. 1342.52 Public, still
governed by the rules in Chapter
XXVI of the Civil Service Regulations.
Any extension of his service after
the 22nd proximo therefore
requires the sanction of the
Governor-General in Council under
section 2 of article 626.

Dec
14/12/90

3. Mr. Ramachandra Aiyar is, in
the opinion of this Govt, quite competent
to perform his duties for another year
and as he will not be entitled to the
maximum pension admissible to a
Statutory Civilian till the 1st June
next, I am to request the early
sanction of the Govt. of India to his
retention in service till the 22nd
March 1894.

(From order)
13 Feb

Ch.
12.2.

Public
Pension (1893) DEPARTMENT.

From
THE ACCOUNTANT-GENERAL,
MADRAS,

To
THE Chief Secretary to
Government
Public Department
No.

Dated 27 February 1893.
Received

No. 241

391

Subject

Reporting as regards the
pension to which Mr. C. Rama-
chandra Iyer District Judge
Kallur will be entitled
if he retires in 1893 and
offering certain remarks on
his petition

M. V.
Pahua
CL

H. M. O. C.

Submitted with reference
to the notes on C. No. 3575 of 1892.
It will be seen that in any case
Mr. Ramachandra Aiyar will
be eligible for the maximum
pension of Rs 6,000 per annum
on the 1st June 1893.

C.S.
4 Feb

CL
6 Feb

Super
W
10 Feb

I think he ought to be allowed to
leave for the maximum pension, and
as even this will involve a reference
to India the Ld. C. will have to
be asked. I would go in for another
year for him. By that time it may
be possible to have the
another native? 6 Feb.
Judge.

I advise for him to let him
leave on the 1st June when
he will be eligible for the full
pension. 1/2/93 L.H.F.

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160
13 Feb

Learn
L.H.F.
14/2/93

Read. C. No. 3575/1892. — Q
364/1893. — Q

Order 16 Feb 93 K/129

With reference to para 6 of his
Memorial read above, Mr. Ramachandra
Aiyar will be informed that though
members of the Provincial service
will not be governed by the rules in
Chapter XXVI of the C.S.R., it has
been decided by the Govt. of India in
para 11 of Home Dept. Letter Resolutions
of 21st April 1892, No. 9.1342-52 Public,
(republished on pages 610-13 of the Fort St.
George Gazette Part I. of 10. May 1892)
that the present Statutory Civilians,
whether they enter the Provincial service
or not, will continue to be governed by
the Leave and Pension Rules now
applicable to them.

2. The retention of Mr. Ramachandra
Aiyar in the service after the 22nd
March next, when he will have
completed a five years tenure of his
present appointment, will therefore,
under Section 2 of § 626 of the C.S.
Regulations, require the sanction
of the Govt. of India & while H.E. The
Governor in Council is not prepared
to recommend an extension of five

active service as a Statutory Civilian
be 5 years 11 months and 5 days while
qualifying service in the unencumbered
is 27 years, 1 month and 2 days. But
the purposes of calculation the former
period has been taken as 6 years and
latter as 27 years and the proportion
has accordingly been worked out as laid
down in section 6, Article 626, Civil
Service Regulations, 2nd Edition. The
same procedure has been adopted in
calculating his pension on the 1st
June 1893.

The maximum limit of Rs 6000—
annum prescribed in section 3, Article
626, Civil Service Regulations, has been
applied in fixing the final amount
of pension only.

The enclosures to your memorandum
in reply are herewith returned.

I have the honor to be,
Sir,
Your most obed^t servt.

for Accountant General

W. C. Ramachandra Aiyar

For Orders

Circulate

Pension Department.

Accountant General
2nd February 1893

No. JAE
391.

From

J. W. Carolinus Esq.
Accountant General,
Madras.

To

The Chief Secretary to Government
Public Department.

Sir,

With reference to your memorandum No. 2064 dated 23rd December 1892, referred to me for report a petition from Mr. C. Ramachandraiyyar, I have the honor to state that (1) assuming that he draws Rs 1600-... per mensem from 29th November 1892, he will be entitled to a pension of Rs 479-13-5 in March 1893 and to the maximum pension of Rs 6000-... per annum on the 1st June 1893 and (2) should he continue to draw Rs 1493-5-4 per mensem, he will be entitled to a pension of Rs 476-12-5 in March 1893 and to the maximum pension of Rs 6000-... per annum on the 1st June 1893. On the 1st March 1893,

his

He will draw more now. Since he has been confirmed with rheumatism & affected as 1st grade British pen. He has been doing higher work than he would have done as a sub judge, & it is right enough that he should get higher pension. I would ask the Atty. what pension he will be entitled to in March 93, & on what date he will be entitled to the maximum pension of a Stationary Civilian viz. Rs 6000, (1) assuming that he draws Rs 1600 from 29 Nov 92 and (2) assuming that he continues to draw Rs 1493.5. 4. I think it would be not unreasonable to extend his term until he earns the maximum pension.

16 Dec

~~the test of Rule sanctioning such
prolongation of service. I was
special referee in C.R. against
Caldwell. During his absence his
manuscript and the "hot" service
became a thing to be avoided
to wit: ~~the effect of Rule 626~~
C.R. I do not believe as a
C.R. that I should be treated
as a ~~substituting~~ ~~substitution~~.
In the State's continuing case a
man would do well to be the
off. in C. I see no reason
for making one in C.R. as in the case.~~

1/12/92

44 Hes

I should like to see what the Ac-
t General says before arriving at any
definite conclusion. W

✱ Mr. A Wedderburn had 19 Dec
his time extended. also
I think Mr. Horn. & G. B. Bennett.
I believe them as others also.

U. W. 6710.

The petition will be referred to the Accountant General with the request that he will be so good as to report what pension Mr. C. Ramachandra Aiyar will be entitled to in March 1893, & on what date he will be entitled to the maximum pension of a statutory Civilian, viz. Rs 6,000 ^{per annum}:-

(i) assuming that he draws Rs 1,600 per mensem from 29. November 1892.

(ii) assuming that he continues to draw Rs. 1,493-5-4 p.m.

(From order)
21 Dec.

Accountant Genl.

(with C. No. 3515 in original to be returned).

CS.
20.12.92

For Copy 22/12

Regulations referred to by Mr. Rama-

-chandra Aiyar runs as follows:-

"Except with the special sanction of the Governor General in Council, a Statutory Civil Servant, who has reached the age of fifty-five years, shall not be appointed, either substantively or officiating, to a new office, or be permitted to retain any office which he has held, either substantively or officiating for five years.
N.B. It has been ruled that the period of five years referred to in this section begins to run from the date on which the officer first takes up the office, whether substantively or temporarily, provided that, if temporary he is confirmed without reverting to his substantive appointment; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment."

4. Mr. Ramachandra Aiyar is mistaken in supposing that he does not, owing to his having joined the Provincial Service, fall under the article in question, for the Govt. of India has ruled (para 11 of Home Dept. Resolution d/ 21st April 1892 No. 9/ 1842-52 Public) that the present Statutory Civilians, whether they enter

the Provincial Service or not, will continue to be governed by the leave & pension rules now applicable to them-i.e. those in Chapter XXVI of the C.S.R.

5. Mr. Ramachandra Aiyar does therefore come under the operation of article 626 sec.2 of the Civil Service Regulations. He has already attained the age of 55 years (on the 19th Novr.

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*The rule certainly applies
Uls*

I think the request from Extension Office years should not be entertained but it is no objection to the grant of four or two years. Mr Ramachandra Aiyar is happily well off, I believe.

*I should not recommend any extension of term of office
Lyns March 193 - J.H.F.*

The rule is not absolute even in the case of Covenanted Civilians. Exceptions have been made in several cases since I entered the service. Uls

The Covenanted Civilian may hold his present office for 5 years even though that carries him beyond 58 years of age. This is only for special reasons & with the sanction of the Govt. of India. I do not know of any case

Page 62 of printed file.

1892) but will not complete a 5 years tenure of his present appointment till March 1893. It is, therefore, for the Governor General in Council to decide whether Mr. Ramachandra Aiyar shall be permitted to continue in service after March next & orders are solicited as to whether any representation is to be made to the Govt. of India on his behalf.

6. Mr. Ramachandra Aiyar quotes the cases of the present Judge of the City Civil Court, of a Sub-Judge, & of a District Munsif who have been permitted to remain in service till their 60th year. He also brings forward the question of his pension. As regards the first of these points, it is submitted that Mr. Ramachandra Aiyar is holding an office of a class ordinarily filled by Covenanted Civilians & if his case is to be decided on analogy it would be fair to consider it in the light of the rules governing those officers. Under article 624 (a) of the Civil Service Regulations a Covenanted Civilian is forced to retire after 35 years service - & this, in the majority of cases, means on attaining 55 years of age.

With reference to the question of his pension it will be seen from para of Letter d/ 26-X-91, No. 905 that Mr.

C.No.3515.

FOR ORDERS.

65
Page ~~62~~ et seq of printed file.

84
Page ~~82~~ of printed file.

*He is the
change his
mind*

In response to G.O. d/ 24th Aug. 1892, No. 583 Mr. C. Ramachandra Aiyar first declined to reconsider his former decision to remain a Statutory Civilian (vide letter d/ 5-10-92 on page ~~82~~ ⁸³ of printed file). Subsequently, however, in letter d/ 29th Novr. 1892 he intimated that he had made up his mind to join the Provincial Service and requested that his emoluments from the date of his confirmation might be calculated as a member of the Provincial Service and not as Statutory Civilian.

2. In the present current Mr. Ramachandra Aiyar submits that the Provincial Service does not come within Art 626 of the Civil Service Regulations and that consequently his retention in the Service is entirely at the discretion of this Govt. He accordingly prays that he may be permitted to remain in service for five years after he has attained age of 55.

3. The article of the Civil Service

Public

(1892) DEPARTMENT.

From

THE PRIVATE SECRETARY TO THE

RIGHT HONORABLE THE GOVERNOR,

To

THE CHIEF SECRETARY

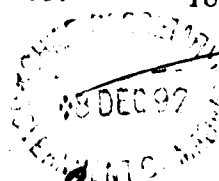
TO GOVERNMENT,

DEPARTMENT.

Dated

Received

7th December 1892.



ENCLOSURE 2

Subject.

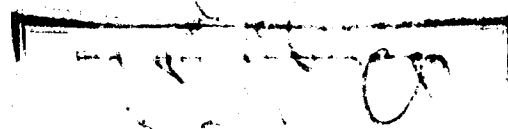
TRANSFERS a petition from Mr C Rama-

-chandrasekaran District Judge

Nellore, praying for his retention

in service for 5 years from

his 55th year.



Memorial
Petition from Mr. Rama-
-chandrajiyar District Judge,
Bellare.

DATED 6th December 1892.

From

The District Judge
Bellare

To

His Excellency the Right
Honorable Privy Baron
Wentworth, G. C. S. E.
Governor of Fort St. George.

Dated }
recd. } 6th December 1892.

Enclosures. One.

Subject.

Praying for his retention
in service for 5 years from
his 55th year.

TRANSFERRED to the Chief Secretary to
Government for disposal. + 11/12/1892 for

(By Order.)

(Signature)

Private Secretary.

GOVERNMENT HOUSE,
Quindry
7th December 1892.

Consequently my retention in service is entirely in the discretion of your Lordship.

7. In conclusion, I humbly request that your Lordship may be pleased to take into consideration my hard case, and by extending to me the indulgence shown by Government to deserving members of the uncovenanted branch of the service, sanction my retention in service for a period of 5 years from my 55th year.

8. Trusting that my representation will receive consideration from your Lordship,

I beg leave to remain
may it please your Lordship
your Lordship's humble and
loyal servant

District Judge.



From
The District Judge,
Malloré

To
The Private Secretary to
His Excellency the Governor
of Fort St. George.

Dated 6 December 1892.

Despatched Do

Received

At

Requesting to place before His
Excellency his memorial herewith
submitted for His Excellency's kind
consideration.

Malloré
6 December 1892.

To
His Excellency the Right Honorable
Beilby Baron Wenlock, G.C.S.E.
Governor of Fort St. George.

May it please your Lordship,

I, C. Ramachandris, District
Judge of Malloré, most respectfully beg to
submit the following memorial for your
Lordship's favourable consideration and orders.

2. I humbly beg to state that
I feel extremely thankful to your Lordship
for having confirmed me as a District
Judge and placed me in the First
Grade. My appointment as District
Judge has been the first of its kind in
this Presidency.

From

The M District Judge
Mellor

To

His Excellency the Right
Honorable Sir John
Wentworth, G. C. S. E.
Governor of Fort St. George.

Dated & signed
26 June 1891.

Subject.

Submitting the memo-
rial of C. Ramachandrar,
M District Judge, Mellor.

Mellor
6 December 1892.

From C. Ramachandrar, C. S.
Mellor.

To C. J. Mac Carthy Esq.
Private Secretary to His Excellency the
Governor of Fort St. George.

Sir, I beg to forward herewith a memo-
rial of mine to His Excellency the Governor, and
request that you will be pleased to place
it before His Excellency for his kind
consideration.

I beg to remain,
Sir
Your most obedient servant.

District Judge

Should the Government feel inclined to confirm me in my acting appointment, which will be a promotion to me.

14. If the Government under the Civil Service Rules were not pleased at least to keep in the service for 5 years from March 1889, as it might do under Rule 33 page 51 of the Civil Pension Code inserted in the Andra Office list 1889, but call upon me to retire in November 1892 when I would complete my 53rd year, I could hardly get a pension of Rs 320 per annum, which would be the average of the last 5 years' pay.

15. By having entered the Civil Service, I lose not only the heavenly privilege of continuing in the service till my 60th year or 5 years after my 55th year on a high salary, as Messrs Sreenivas Rao & Ponnuswamy Pillay who are now more than 58 still serve as small lease judges on salary of Rs 1000 a month & Ven-

katarangayya who is now about 58 still serves as a subordinate judge on Rs 650, but I also lose the usual pension of Rs 4800, which I would get as an uncovenanted officer.

16. If your Lordship upon a consideration of my hard and unfortunate case be pleased to confirm me in my present position, it would enable me to retire at least on a retiring allowance equal to that which I would get if I retired as an uncovenanted officer, though I lose the chance of serving another 5 years.

Trusting that my representation will receive consideration from your Lordship.

I beg leave to remain
May it please your Lordship
your Lordship's humble and
loyal servant.

[Signed] L. Ramachandrar
District Judge.

[True copy]

District Judge.

in November 1885, would be pleased to give me a permanent appointment in the Civil Service carrying a monthly salary of not less than Rs 800 per annum, so that my retiring allowance may not be affected. But I was made permanent Assistant Collector on Rs 354 a month and continued in that grade from 25th March 1887 to March 1889 when the Government were pleased to appoint me as permanent Sub-Collector on Rs 744 a month. I have been drawing two pay from March 1889.

12. I expected that the Government would be pleased to confirm me in my present appointment after all the Civil Servants who were made permanent Sub-Collectors after I was made as such, were appointed either as permanent Sub-Collectors or District Judges. All of them have been so appointed. Mr.

A. Thompson, who was recently confirmed as District Judge and Mr. (Pomer) who was confirmed in January 1891 as District Judge of Ganjam were appointed as permanent Sub-Collectors in January 1890 & May 1890, respectively and one year after that, and I was disappointed in my expectation, which perhaps was not correct.

13. One year's service as permanent District Judge would make up my pension. While Mr. Shujath Ali Khan who was appointed permanent Head Assistant in January 1890 & Mr. Mahomed Razvi Khan who was appointed as such in June 1890, have been recently promoted to the position of a Sub-Collector, after the Statutory Civil Servants were asked to choose between their present service and provincial service, I most respectfully beg to submit that I am very naturally induced to think that there would be no statutory difficulty

9. Some months after, the Finance Committee having proposed reduction in the salaries of the Presidency Magistrates and reduced the pay from Rs. 800 to Rs. 350 per annum, the Government gave me 3 months' notice. As I did not know what to do and what the Government would do with me, I requested His Excellency the Governor (now Sir Grant Duff) to bear me in mind if there was any chance of taking me into the Civil Service, expecting that, considering my age and service, the Government would be pleased to do so on the very same terms that Mr. Wilson had proposed in November 1885. Towards the close of November 1886, the Honorable Mr. H. E. Stokes, who was then Chief Secretary to Government, sent for me one day to his office to see me, and after talking to me a few minutes simply asked me why I declined the offer

made in 1885. I was not able to gather from his conversation anything about my future and make any representation.

10. The Government were pleased to get me appointed in March 1887 as a statutory civil servant without undergoing any probation. I did not know till I received the Proceedings of Govt. dated 2nd May 1887 No 951 as to my pay during joining time, (Copy of which I beg to submit for your Lordship's perusal) that the Govt. had intended to make me a subordinate Judge on Rs 800, in which case I would have preferred it as the local Government might retain me in the service even after my 55th year and until my 60th year on a pension of Rs 4800 per annum.

11. As in March 1887, I had put in nearly 27 years' service, and as my age was 49, I believed that the Government, as Mr. Wilson proposed

and from August 1875 to August 1877 Rs 300 a month, as District Munsiff.

4. From October 1877 to 31st March 1884, my pay was Rs 500 a month as Subordinate Judge.

5. From 1st April 1884 to April 1885, I was allowed a monthly salary of Rs 650 as Subordinate Judge in the new organization.

6. In March 1885, the Government transferred me to the Presidency Town as permanent & Presidency Magistrate on Rs 800 a month.

7. About November 1885, the Government through Mr. Wilson, the then Chief Secretary to Government, offered me an appointment in the Civil Service and asked me if I would like to become a Statutory Civil Servant. Mr. Wilson told me that the Government would make due provision for my permanent pay of Rs 800 a month, so that my pension prospect may

not be affected, and that they would soon make me a District Judge.

8. I declined the offer with thanks as I preferred my Presidency Magistracy on Rs 800 a month in the Presidency Town to an Assistant Judgeship with a small addition to my pay in a mafful station. As I had already served in 9 districts in the Madras Presidency, and had put in 27 years of eligible service, I wished to avoid being sent out again from district to district as a Civil Servant. Mr. Wilson thinking that I had made a hasty reply gave me 3 days time to think over the matter. After careful consideration I gave the same reply and thanked the Government for the offer. A few days after, when I saw His Excellency the Governor, I thanked him for his kindness and he was pleased to say he would not press me.

Kellore
26th June 1871.

To

His Excellency the Right Honourable
Sir John Lubbock, Bt. Baron Wenlock, G.C.B., G.C.I.E.,
Governor of Fort St. George.

May it please your Lordship

I, K. Ramachandrar, Acting
District Judge of Kellore, most respectfully
beg to submit the following memorial for
your Lordship's favourable consideration
and orders.

2. I have been a Judge in the
Judicial department from March 1866.
3. From March 1866 to November
1873, I was drawing Rs 200 a month;