

Financial,
No. 32.

12.

INDIA.

T M E N T .

To His Excellency T
General India in Council.

MY LORD MARQUIS,

*Resignation of the Civil Service by a
Member of Council: Application of Sir
Charles Pritchard.*

Having considered in Council your Excellency's Letter, dated the 28th of December last, No. 82 (Public), I request you to inform Sir Charles Pritchard that I am unable to accede to his application for permission to resign the Indian Civil Service without prejudice to his appointment as Member of the Council of your Excellency.

2. Such a course would be in direct opposition to the language used by Viscount Cross in his despatch, dated the 29th of February 1888, No. 64; and, although specific appointments are mentioned in Articles 621 and 622 of the Civil Service Regulations, because doubt might otherwise arise with regard to them, there is no question that the general rule must apply to the position of a Member of Council at Madras or Bombay, as well as to all other offices tenable by Covenanted Civil Servants.

I have the honour to be,

My Lord Marquis,

Your Lordship's most obedient humble Servant,

(Signed) KIMBERLEY.

forward the papers, but we see no reason to modify our opinion that Sir Charles Pritchard's resignation of the Indian Civil Service cannot be accepted without prejudice to his seat in our Council.

4. The Honourable Sir Charles Pritchard has abstained from signing this Despatch as it deals with a matter in which he is personally concerned.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servants,

LANSDOWNE.

ROBERTS.

P. P. HUTCHINS.

~~D. BARBOUR.~~

A. E. MILLER.

H. BRACKENBURY.

LIST OF ENCLOSURES.

1. Letter from Government of Bombay, No. 2946, dated 24th August 1892, and enclosure.
2. Telegram to Government of Bombay, No. 400, dated 11th September 1892.
3. Letter from Government of Bombay, No. 3740, dated 14th October 1892, and enclosure.
4. Telegram to Government of Bombay, No. 543, dated 2nd November 1892.
5. Letter from Government of Bombay, No. 4240, dated 19th November 1892.

No.

1892.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

No. 82, DATED THE 25TH DECEMBER 1892.

[Copy.]

LETTER TO HER MAJESTY'S SECRETARY OF STATE
FOR INDIA.

SUBJECT.

FORWARDS copy of correspondence with the Government of Bombay on the subject of an application from Sir Charles Pritchard, K.C.I.E., C.S.I., for permission to resign the Indian Civil Service without prejudice to his appointment as Member of the Council of the Governor General.

G. I. C. P. O. - No. 591 H. D. - 27-12-92 - 16. - B. M.

N. 64 (Financial), dated India Office, London, the
29th February 1893.

To — Her Majesty's Secretary of State for India.
To — His Excellency the Right Honourable the
Governor General of India in Council.

I have considered in Council your Excellency's letter, dated the 27th of December 1892, N. 336, regarding the application of Sir Charles Pritchard to be permitted to resign the Civil Service, with effect from the date on which he took his seat as a Member of your Excellency's Council, and for admission to the annuity of £1,000 on the usual conditions.

2. I regret that, when your former letter of the 4th of June 1892, N. 132, was under consideration, my attention was not drawn to the Marquis of Salisbury's Despatch of the 17th of January 1878, N. 15, and to the subsequent insertion of section 28 in the Civil Pension Code. Under those orders I should have had no hesitation in giving my sanction, as I now do to a compliance with Sir Charles Pritchard's request.

requests.

3. I am, however, of opinion that the rule embodied in that section is one which, as far as it relates to Members of Council, it is not desirable to maintain. The salary of a Member of Council is not affected by the question whether he is or is not a member of the Civil Service of India, as all Ordinary Members alike receive a salary of Rs 76,800 a year, and none of them contribute to the Annuity Fund.

4. As regards the contributions to the Civil Fund, however, the State is, as observed in my Despatch of the 28th of July last, N. 201, a loser if those contributions cease. The principle on which the Fund was based is that the contributions of the more highly paid civil servants should make up any deficiency on the lower salaries, so as, with the aid rendered by the Government, to meet all the liabilities to the families of deceased members. I am unable to see what equitable grounds there are for the claim of members of the Civil Service to special relief from those contributions, which do not affect the amount of their salary, any.

any more than the payment of a premium on account of the insurance of his life affects the amount of the salary of a Member of Council who has never belonged to the Civil Service.

5. Permission to resign the Covenanted Civil Service, without coincident resignation of appointment, has been refused in the case of Lieutenant-Governors and Judges of the High Court; and though there are special reasons for the refusal peculiar to the case of those officers, I think that Members of Council appointed in virtue of their having served ten years in India, who at the time of the appointment being offered to them are still in the service, ought not to be allowed to resign the service without also resigning their seat in Council.

6. I have accordingly to request that section 28 of the Civil Pension Code may be amended in the following manner:-

"An officer who resigns the service will, by such resignation, vacate any office under the Government which he may then be holding. But this rule does not apply to the Offices of Viceroy and Governor General of India, Governor of Madras,

and

and Governor of Bombay.
The resignation of the Civil Service by a
Lieutenant-Governor, Member of the Council of the
Governor General, or Judge of a High Court, shall not
be accepted, unless his resignation of his office is at
the same time tendered and accepted."

(True copy)

C. Sampson
Registrar, Home Department.

No. 150

W.D.

to: to S.O.S. No. 82 of the 28/12/72.
from S.O.S. No. 64 of the 29/1/88.

Copy with copy of the Despatches noted
in the margin, forwarded to the Government
of Madras for information.

Home Department.
(Establishments.)

Calcutta, the 14 March 1893

By order,
Officer

Offg. Deputy Secretary to the Govt. of India

CHIEF SECRETARY
21 MAR 93
GOVERNMENT OF INDIA

1893
Recd. No.
To
No.

Public

From G. P. J.

St. mi.

H. and Circ.

Order 7 April 93 No. 285

21/4/93
Recorded. 6 Apr.

Ch. 23 March

9.5.13
22/3

To the Secy. Genl. 6 Desps 22/4/93

Dated 14th
Recd 21st
Rep 22nd } March 1893

Enc: 3.

No. 150

Forwarding copy of Despatch from the
S. P. regarding resignation of
Indian Civil Servants who are members
of Council.

WITH ORDER

C 236
R 714

7TH APRIL 1893, No. 285, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

Despatch from the Right Honorable the Earl of KIMBERLEY, K.G., Her Majesty's Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council, dated India Office, London, 9th February 1893, No. 32 (Financial).

Having considered in Council your Excellency's letter, dated the 28th of December last, No. 82 (Public), I request you to inform Sir Charles Pritchard that I am unable to accede to his application for permission to resign the Indian Civil Service without prejudice to his appointment as Member of the Council of your Excellency.

2. Such a course would be in direct opposition to the language used by Viscount Cross in his despatch, dated the 29th of February 1888, No. 64; and, although specific appointments are mentioned in Articles 621 and 622 of the Civil Service Regulations, because doubt might otherwise arise with regard to them, there is no question that the general rule must apply to the position of a Member of Council at Madras or Bombay, as well as to all other offices tenable by Covenanted Civil Servants.

No. 150.

Despatch to Secretary of State, No. 82, dated the 28th December 1892.
Despatch from Secretary of State, No. 64, dated the 29th February 1888.

Copy, with copy of the despatches noted in the margin, forwarded to the Government of Madras for information.

(By Order.)

HOME DEPARTMENT (ESTABLISHMENTS),
CALCUTTA,
14th March 1893.

(Signed) P. G. MELITUS,
Offg. Dy. Secy. to the Govt. of India.

ENCLOSURES.

Despatch from the Government of India, Home Department (Public), to the Right Honorable the Secretary of State for India, dated Calcutta, the 28th December 1892, No. 82.

We have the honour to forward a copy of the papers entered in the annexed list regarding an application from the Honorable Sir Charles Pritchard, K.C.I.E., C.S.I., for permission to resign the Indian Civil Service without prejudice to his appointment as Member of the Council of the Governor-General.

2. In support of the application the Government of Bombay cited the cases of the late Mr. James Gibbs and of Sir Alexander Arbuthnot as precedents in favour of the course which Sir Charles Pritchard desired to follow. In our telegram of the 11th September last we pointed out to the Bombay Government that, under orders passed by the Secretary of State for India subsequently to those cases, Sir Charles Pritchard's resignation of the Civil Service could not be accepted without prejudice to his seat in our Council. On the 14th October last the Government of Bombay forwarded a further representation from Sir Charles Pritchard, in which he contended that Articles 621 and 622 of the Civil Service Regulations did not apply to him.

because he was not at the time a Member of the Council of the Governor-General. The words in paragraph 5 of Lord Cross's despatch No. 64 (Financial), dated the 29th February 1888, quoted in the margin, seemed to show clearly that the spirit and intention of his orders are opposed to this contention; and we therefore informed the Government of Bombay that we were unable to modify the view stated in our telegram of the 11th September.

3. The Government of Bombay now desire that the question may be referred for your Lordship's orders. In accordance with this request, we forward the papers, but we see no reason to modify our opinion that Sir Charles Pritchard's resignation of the India Civil Service cannot be accepted without prejudice to his seat in our Council.

4. The Honorable Sir Charles Pritchard has abstained from signing this despatch as it deals with a matter in which he is personally concerned.

Despatch from Her Majesty's Secretary of State for India, to His Excellency the Right Honorable the Governor-General of India in Council, dated India Office, London, 29th February 1888, No. 64 (Financial).

I have considered in Council your Excellency's letter, dated the 27th of December 1887, No. 336, regarding the application of Sir Charles Aitchison to be permitted to resign the Civil Service, with effect from the date on which he took his seat as a Member of your Excellency's Council, and for admission to the annuity of £ 1,000 on the usual conditions.

2. I regret that, when your former letter of June the 4th of 1887, No. 132, was under consideration, my attention was not drawn to the Marquis of Salisbury's despatch of the 17th of January 1878, No. 15, and to the subsequent insertion of section 28 in the Civil Pension Code. Under those orders I should have had no hesitation in giving my sanction, as I now do, to a compliance with Sir Charles Aitchison's requests.

3. I am, however, of opinion that the rule embodied in that section is one which, as far as it relates to Members of Council, it is not desirable to maintain. The salary of a Member of Council is not affected by the question whether he is or is not a member of the Civil Service of India, as all ordinary members alike receive a salary of Rs. 76,800 a year, and none of them contribute to the Annuity Fund.

4. As regards the contributions to the Civil Fund, however, the State is, as observed in my despatch of the 28th of July last, No. 201, a loser if those contributions cease. The principle on which the fund was based is that the contributions of the more highly paid Civil Servants should make up any deficiency on the lower salaries, so as, with the aid rendered by the Government, to meet all the liabilities to the families of deceased members. I am unable to see what equitable grounds there are for the claim of members of the Civil Service to special relief from those contributions which do not affect the amount of their salary, any more than the payment of a premium on account of the insurance of his life affects the amount of the salary of a Member of Council who has never belonged to the Civil Service.

5. Permission to resign the Covenanted Civil Service, without coincident resignation of appointment, has been refused in the case of Lieutenant-Governors and Judges of the High Court; and though there are special reasons for the refusal peculiar to the case of those officers, I think that Members of Council appointed in virtue of their having served ten years in India, who, at the time of the appointment being offered to them are still in the service, ought not to be allowed to resign the service without also resigning their seat in Council.

6. I have accordingly to request that section 28 of the Civil Pension Code may be amended in the following manner;—

“An officer who resigns the service will, by such resignation, vacate any office under the Government which he may then be holding. But this rule does not apply to the offices of Viceroy and Governor-General of India, Governor of Madras, and Governor of Bombay.

“The resignation of the Civil Service by a Lieutenant-Governor, Member of the Council of the Governor-General, or Judge of a High Court, shall not be accepted, unless his resignation of his office is at the same time tendered and accepted.”

ORDER—dated 7th April 1893, No. 285, Public.

Recorded.

(True Extract.)

By Chief Secretary.

To the Accountant-General.

Exd. S. J. Pereira.

Gobt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 7th April 1893, No. 285.

APRIL.

Resignation of the Civil Service.

Recording endorsement of the Government of India forwarding copies of despatches to and from the Secretary of State ruling that the — by a Member of Council, Judge of a High Court, &c., shall not be accepted unless his resignation of his office is at the same time tendered and accepted.

RECEIVED BY ORDER OF GOVERNMENT, DATED 18 1893, No.

BACK PAPER, No.

of 12

FURTHER PAPER, No.

of 16

ENCLOSURES.

CURRENT No.

STATEMENT WITH DFTO.

ORDER, &c., OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL (not paged.)

NUMBER OF COPIES REQUIRED. { Order complete. Letter only. Order complete with Letter.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

ORDINARY, PRINTED.

Public DEPARTMENT.
G.O., DATED 7. 4. 93
No. 285

INDEXED

First copy sent to Press. 0-4-93

Returned for signature. 20/4

Despatched in print. 22/4

[Despatch Abstract.]

Resignation of the
Civil Service

Resignation and acceptance
of the Govt of India for
- sending copies of
despatches to & from
the Secy of State ruling
that the — by a
member of Council.

Justice of a High Court
shall not be ac-
cepted unless his
resignation of his office
is at the same time
tendered & accepted