

Public (1896) Department.

ORDINARY MS.

G.O., No. 675

Dated 27 June 1896

INDEXED.

[Despatch Abstract.]

PETITION.

Informing Husain Bi and another of Trichinopoly that this Government cannot interfere in the matter of their---praying for the continuance to them of the military pension enjoyed by one Saiyid Ali.

BACK PAPERS.

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

FURTHER PAPERS.

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

[G.]
9
4,000-20-1-95.

Current No. 146

Public DEPARTMENT.

From Hussain Bai to Dyed
Shoe, widow and son of the
late Subadar Dyed Ibrahim
Bahad. 39th Regiment M. N. 1.

No.

Dated 31-5-96

Received 15

Registered 16

Enclosures 5

June 96

SUBJECT.

Requesting continuance of
the payment of pension
which they were receiving till
September 1894.

M R

Any previous papers? Please
See similar in G. 138-39

P. G. to 2004 8 20 May/96.
— 2240 8 27 Oct/95.
— 3798 8 24 Dec/95.

C.
mis

Order No 675. 8 27 June 1896.

The matter is one in which

The Government declines
to interfere in this case as it
is not a matter of public interest.

2. If the Government declines to
interfere in this case, the
Government will not be bound
to do so through the
Government's action.

In fact, it is with
enclosure. 11/7/96.

Note. The L. G. C. F. has
rejected the claim as inadmissible
under the regulations. In
such cases, only the next of kin
has a right to pursue the
claim on his death - viz. the
next of kin of the deceased, or
the next of kin of the deceased's
wife or 576 of the A. R. in
India. Under art 571 the
son is the next of kin, and so
is the next of kin of the
deceased, the widow and the
next of kin.

M.
24/6/96.

8
 25/10/58
 10/11/58
 12/11/58

Handwritten text in Urdu script, mostly illegible due to fading and bleed-through from the reverse side. Some words like "میں" (I) and "آپ" (You) are visible.

CURRENT No. 1963

His Excellency the Governor in Council
 Obedience

The humble petition of Hussain Bee & Syed
 Ghose widow and son of the late Subadar
 Syed Ibrahim Sahib, of the 39th Regt. M. A.
 Most Respectfully sheweth.

That the petitioners beg to put forth the following
 case of theirs for your Excellency's benign Consideration
 hoping that they will meet with redress at your
 Excellency's hands.

1. That the fanatic Moplas of Malabar had a
 severe row with the British Government and
 consequently there took place an outbreak on or
 about the year 1857. It was of a more severe
 character than the one now taken place. The
 above named Subadar (Syed Ibrahim Sahib) was
 sent against these Moplas with a detachment
 to see matters right. He of course died his duty
 with great valour & energy in bringing peace
 to a certain extent, but unfortunately in an action
 which took place at Kolathur he was killed.
 Further it may be seen that the Subadar received
 a wound (while Havildar Major) from a Mopla
 ball during the Campaign of 16, 17 & 18 (vide
 copy of the Certificate No. 22 given by members of
 the Military Committee to last effect.) At the
 time of his death he left behind him one son

him, Hussain Bex his 2nd wife (the 1st petitioner) and Mukka Bex daughter of the 1st petitioner. The 2nd petitioner Syed Ghous is his posthumous son, and is the issue of the 1st petitioner Hussain Bex. A Military Committee sent at Cananore to consider the claims of the family to a pension and on their recommendation, the Government in their Minutes of Consultation No 379 dated 24th December 1851, sanctioned a pension of Rs 36 per mensem, payable to Syed Ali, as the son and the nearest surviving heir of the deceased Subadar. Under an agreement that was entered into between the said Syed Ali and the petitioners, he was paying one half of the pension i.e. Rs 18 for the maintenance of the petitioners till the year 1878. On his subsequently failing to pay the amount he was sued by the petitioners before the District Judge of North Arcot, who passed a decree in their favor. (Copy of which is herein enclosed for kind perusal & favor of return.) This judgment was submitted in 1884 to the then Superintendent of Family Payments & Pensions Madras, with a view to necessary steps being taken to enforce payment being made to petitioners in accordance with the terms of the decree of the District Judge, but petitioners regret that nothing was done to secure for them their proper share in the allowance, and Syed Ali was thus allowed to take advantage of his position in depriving petitioners of the full amount entitled to. Unfortunately petitioners pecuniary circumstances at the time did not permit to resort

petitioners had already incurred heavy expenses on this account previously. Subsequently, as Syed Ali pleaded his inability to pay the full moiety petitioners were compelled in view of the then existing relationship to accept only Rs 9 from him, which he assured he would raise to the usual sum of Rs 18 after his daughter's marriage was celebrated. Petitioners accepted this offer under the straitened circumstances of the said Syed Ali. Here petitioners admit that they were in no way better off than Syed Ali so far as pecuniary circumstances were concerned, & were consequently unable to drag him to court.

2. Under Memo No 1834 dated 15th July 1891 from the Superintendent of Military Pensions Madras, the Officer in charge of Military Pensions at Vellore, was at the time of payment withholding Rs 9 from the Pension of Syed Ali and remitting the same by Money Order to petitioners at Irchinopoly. This was being done till the death of Syed Ali which took place in September 1894. The receipt signed by the 2nd petitioner for the amount received by him will be on record in the Military Pension Office at Vellore.

3. On the demise of Syed Ali, the petitioners applied to the Superintendent of Military Payments & Pensions Madras, to continue to pay the moiety to them, but to regret to say that he declined to comply. (Copy of order is herewith of the 7th

The petitioners thereupon represented their claims for the continuance of their share to H.E. The Lieutenant Commanding the Southern Army Corps Madras, but their prayers resulted in vain (vide Copy of the order (A) herewith enclosed).

4. Now the humble petitioners beg to appeal against the orders of the above mentioned officers under the following among other grounds.

(1) That the Government order sanctioning the payment of pension does not absolutely restrict the pension to Syed Ali personally and the pension Certificate describes the allowance as a "Military Family Pension".

(2) That the pension is therefore a family one and was evidently granted for the support of the family & that Syed Ali had no special claim on the Compassion of Government more than the petitioners, and the pension was sanctioned in his name because he was at the time the only son and in the English sense of the word the nearest surviving heir of the deceased Subadar and that the 1st petitioner soon after the occurrence of the Calamity caused by the death of the Subadar (her husband) was left helpless & was not in position to consider about the partition of the share among the parties on the outset.

in the name of Syed Ali.

(3) That the petitioners are the nearest surviving heirs to the deceased Subadar and would have been entitled to full pension at the onset had it not been for the existence of the said Syed Ali.

(4) That there is clear evidence to show that the petitioners have all along been in the undisturbed enjoyment of a moiety of the pension.

(5) That it is not the spirit of the rules of Government that persons who have been decorated by one who bravely & loyally shed his blood for the sake of Government and who were under the continued protection of the Government should be allowed to float in the air as soon as one of the important members of the family breathes his last.

(6) That the petitioners have no other means of livelihood and that they are verging on starvation.

(7) That there are cases in which Native Commission officers who have shed their blood in actions or attempted important sieges for the sake of Government, were awarded jaghirs & pensions to be enjoyed by them and their descendants immemorial; whereas the petitioners who are verging on starvation are left helpless after the death of a single member of the family, who had no concern whatever with

wife of the Subadar who had predeceased
 him. Under the above circumstances the
 petitioners humbly pray that the
 Government may be pleased to order the
 payment of one half of the Pension i.e.
 Rs 18 to the petitioners per month.
 6. If the rules do not allow room for
 the interference of Government, the petitioners
 appeal to your Excellency's mercy and
 request that their hard & pitiable
 case may be taken as a special one
 and referred to the orders of the
 Government of India for favourable orders.

The humble petitioners beg to remain
 Your Excellency's most humble servants
 O. M. of Hussain Bee

Trichinopoly }
 31st May 1896 }
 Signed by
 address

Syed Ghouse C/o Jhader
 Badshah Sahib School Master
 1st Bazaar street for
 Trichinopoly

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

READ AGAIN G.O. No.
 189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL

N.B.-
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.

Public (1896) Department.

ORDINARY MS.

G.O., No. 676

Dated 27th June 1896

~~IND. MS.~~

[Despatch Abstract.]

TEMPORARY ESTABLISHMENT OF THE SURGEON, SECOND DISTRICT

Authorising the Accountant-General to admit the pay of the---,
until further orders.