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Revenue Department

Minutes & Consultations

30th March 1858

(7)

Back No 21 & 22

Order No 391 & 24th March 1858

பாதுகாப்பு பிரிவு - 1

செப்பனிடுபவர் பெயர் ஜ. ஸ்ரீனிவாசன்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 16/5/08

செப்பனிட்டு முடித்த நாள் 11/08

சரிபார்க்கும் முதல் மு. நி. பா. எ. கையொப்பம்

சரிபார்க்கும் 2ம். நி. பா. எ. கையொப்பம்.

ஆராய்ந்து உத்தியாளர் கையொப்பம்

Fort Saint George, Revenue Consultation of 30th March 1858.

No. 21. Read the following letter from H. NEWILL, Esq., Director of Revenue Settlement: to H. FORBES, Esq., Acting Secretary to Government Revenue Department, dated Madras 19th March 1858, No. 89.

SIR,

I have the honor to submit, copy* of a letter from the Civil Auditor of 17th Instant, informing me in reply to a question put to him on the point, that the service of individuals in the survey and assessment departments recently sanctioned will not be allowed to reckon towards superannuation pensions.

* *Enclosure No.* 1.

2. As the matter is of vital importance in the organization of the establishments, I beg to bring it prominently forward for the earliest orders of Government, with the respectful representation that unless the advantages of the pension rules are extended to these departments, it will be impossible to constitute them with any degree of efficiency, and that I believe the denial of the indulgence will be fatal to the general success of the important measures confided to me.

3. The salaries of the office servants have been regulated as much as possible with reference to those of corresponding situations in other Departments of the State, and with the inconvenience to which the office Establishments will be subjected in frequently moving about, sometimes hundred of miles, it is not to be expected that respectable and efficient persons will attach themselves to a Department to which the Pension Rules do not apply. I cannot expect persons to be tempted by the offer of promotion from their Departments to higher salaries in mine, as the advantages of prospective pension will certainly be valued more than an increase of salary for the time. Again if I succeed in entertaining some servants, they will be tempted to leave the Department as soon as they can find even a less advantageous salary elsewhere. I need scarcely to add that the prospect of a pension is no little incentive to integrity, inasmuch as the fear of the loss of it may deter from irregularities in a manner that the risk of loss of situation will not.

4. In short it is only in the expectation of this representation meeting with favorable consideration that I am able to proceed at all in constituting the establishments requisite to commence operations; and my efforts must be completely paralized, if the inducement of retiring pensions is withheld. As an instance my Uncovenanted Assistant to be a man of the requisite revenue experience will have to be drawn from the higher grades of the Revenue Departments in the Provinces, such as the Naib Sheristadars and sub-division Sheristadars, and I feel certain no revenue servant of that grade will give up his prospects in his present Department, to which the privilege of pension is attached to join my Department without similar prospective advantages. As it is, the necessity of moving away from head quarters to visit other District deters many from seeking employment under me, and the further disadvantage as regards Pension, would make the difficulties insuperable.

5. Lest it should be supposed that by compliance with the present application, a very large number of servants in the Survey and Settlement Departments will come under the Superannuation Pension Rules, I may state that of the Survey Aumeens and Goomastahs amounting to no less than 80 in number for each Deputy Superintendent's party, 70 will be thus excluded from claim to pension as their pay does not exceed† Rupees 10, and that as the classifiers and Demarcation Goomastahs will receive only a moiety of the sanctioned salary as fixed payment, and the remainder at a rate upon the work done, the majority of these amounting altogether to 85 for each party, will also be excluded from the Pension Rules by the smallness of a fixed salary.

† *Vide Section* 1, *Superannuation Pension Rules.*

6. I would submit for the consideration of Government whether a more favorable construction may not as regards the establishments in question be put upon the Rule published at page 919 of the Gazette of 1837-confirmed by a Despatch of the Honorable the Court of Directors dated 20th February 1850, as alluded to by the Civil Auditor, as the establishments now sanctioned are virtually of a permanent character, and the circumstance of the work to be performed by them being expected to extend over no less a period than 15 years, seems to preclude them from the designation of "extra or temporary" as contained in the above Rule, while on the other hand

H. Newill
Director of Revenue Settlement

the expression of "fixed establishments" in the Despatch alluded to, seems to take in those under reference as being entitled to pensions.

7. Not only have the Public* Works and Educational† Departments been admitted to the pension rules, but the establishments which are entertained for the management of Estates under the Court‡ of Wards and of those also under attachment§ which are certainly of a more transcient nature than the Survey and Settlement Establishments, are also admitted to the same indulgence, and I trust the Government will have no hesitation to declare the Survey and Settlement Departments to be on the same favorable footing in respect of pensions.

8. The Civil Auditor at the close of his letter, states that he believes the matter as affects the Assessment Department, has already been decided in Bengal and the North West Provinces, but does not afford any clue as to the nature of the decision, I would however entreat that I may be spared the suspense and embarrassment which will be occasioned by the delay of a reference to the Government of India on this point, and at the same time take the liberty of pointing out that the circumstances do not seem to be altogether similar, as here the establishments are to be organized for a comprehensive plan of operations for the whole Presidency, while in the Northern Provinces the Collector was often the settlement officer, and it is possible that his settlement establishment may have been entertained for his own District alone and for a limited time, so as to give it a less permanent character than that of the settlement department in this Presidency.

*Honorable Courts Despatch 18th February 1854 No. 21.
Government of India 19th May 1856 No. 1934.
Government of Madras 12th June 1855 No. 153.
†Courts Despatch to Government of India 20th July No. 23.
Madras Government 30th September 1853 No. 2664.
‡Madras Government 28th August 1856 No. 202.
§Civil Auditor to Madras Govt. 6th Jany. 1857 No. 2302.
Madras Government 27th January 1857 No. 17.

From F. LUSHINGTON, Esq., Civil Auditor; to H. NEWILL, Esq., Director of Revenue Settlement, dated Fort St. George 17th March 1858, No. 616.

SIR,

In reply to your letter of yesterday's date, I have the honor to inform you, that under the rules at present in force the service that may be earned by an Uncovenanted servant in the Survey or Assessment Department will not be eligible for pension or gratuity. The prohibitary rule you will find at Page 919 of the Gazette of 1837, and confirmed and enforced by the Honorable the Court of Directors in para. 6 of their Financial Despatch to the local Government of 20th February, No. 6 of 1850, recorded in Extract Minutes of Consultation of 8th April 1850, No. 138, Financial Department. I would however suggest your referring the question to Government, in the Civil Pension Department, as I believe the matter, as affects the Asessment Department, has been already decided in Bengal and the North West Provinces.

(A true Copy.)

(Signed) H. NEWILL,
Director of Revenue Settlement.

No. 22.

ORDER THEREON, No. 391; dated 24th March 1858.

Before passing any orders on the letter above recorded, the Government resolve to request the Civil Auditor to afford all the information in his power about the settlement Establishments in the North Western Provinces and in Bengal, referred to in his letter to the Director of Revenue Settlement dated 17th March 1858, No. 616.

(Signed) H. FORBES,
Acting Secretary to Government.

General Department
No 616
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391

From,
F Lushington Esq
Civil Auditor.

To H Newill Esq
Director of Revenue Settlement

Sir,

In reply to your letter of yesterday's date, I have the honor to inform you, that under the rules at present in force the service that may be earned by an Uncovenanted Servant in the Survey or Assessment Department will not be eligible for pension or gratuity. The prohibitary rule you will find at Page 919 of the Gazette of 1837, and confirmed and enforced by the Honble the Court of Directors in para 6 of their Financial Despatch to the Local Government of 20th February No 6 of 1850, recorded in Extract Minutes of Consultation of 8th April 1850 No 138, Financial Department. I would however suggest your referring the question to Government, in the Civil Pension Department, as I believe the matter as affects the assessment Department has been already decided in Bengal and the North West Provinces.

I have the honor to
Signed F Lushington
Civil Auditor

Fort Saint George
Civil Audr Office
17 March 1858

A true Copy
H Newill
Director of Revenue Settlement

No 89.

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391

From,

H. Newill Esqr.

Director of Revenue Settlement.

To,

H. Forbes Esqr.

Acting Secretary to Government

Revenue Department

Sir,

I have the honor to submit, extract of a letter from the Civil Auditor of 17th instant, informing me in reply to a reference lately to him on the point, that the services of individuals in the Survey and Assessment Establishment recently sanctioned will not be allowed to reckon towards Superannuation pensions.

2 As the matter is of vital importance in the organization of the Establishments, I beg to bring it prominently forward for the earliest orders of Government, with the respectful representation that unless the advantages of the Pension Rules are extended to these Departments, it will be impossible to constitute them with any degree of efficiency, and that I believe the denial of the indulgence will be fatal to the general success of the important measures confided to me.

3 The salaries of the Office Servants have been regulated as much as possible with reference to those of corresponding situations in other Departments of the State, and with the inconvenience to which the Office Establishment will be subjected in frequently moving about, sometimes hundreds of miles, it is not to be expected that respectable and efficient persons will attach themselves to a Department to which the Pension Rules do not apply, and cannot be expected persons to be employed by the Office formation

promotion from their Departments to higher salaries in mine, as the advantages of prospective Pension will certainly be valued more than an increase of salary for the time. Again if I succeed in entertaining home servants, they will be tempted to leave the Department as soon as they can find even a less advantageous salary elsewhere. I need scarcely add that the prospect of a Pension is no little incentive to integrity, inasmuch as the fear of the loss of it may deter from irregularities in a manner that the risk of loss of situation will not.

4. In short it is only in the expectation of this representation meeting with favorable consideration that I am able to proceed at all in constituting the Establishments requisite to commence operations; and my efforts must be completely paralyzed if the inducement of retiring Pensions is withheld. As an instance my Uncovenanted Assistant to be in charge of the requisite Revenue experience will have to be drawn from the higher grades of the Revenue Departments in the Provinces, such as the Sub-Registrars and Sub-division Sheristadars and I feel certain no Revenue Servant of that grade will give up his prospects in his present Department to which the privilege of pension is attached to join my Department without similar prospective advantages. Apart from the necessity of his moving away from head quarters to visit the District duties many from seeking employment under me, and the further disadvantage as regards Pension, would make the difficulties insuperable.

5. Lest it should be supposed that by compliance with the present application a very large number of Servants in the Survey and Settlement Departments will

come

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come under the Superannuation Pension Rules
~~of this Letter regarding the rules~~
~~of Rule~~ I may state that of the Survey Ameens and Gomastahs amounting to no less than 80 in number for each Deputy Superintendent's party, 70 will be thus excluded from claim to Pension as their pay does not exceed + Rs 10 and that as the Survey Classifiers + Demarcation Gomastahs will receive only a moiety of the sanctioned salary as a fixed monthly, and the remainder at a rate upon the work done, the majority of these amounting altogether to 80 for each party, will also be excluded from the Pension Rules by the smallness of fixed salary.

I would submit for the consideration of Government whether a more favorable construction may not be given to the Establishments in question be put upon the Rule published at page 919 of the Gazette of 1837 confirmed by a Despatch of the Hon'ble the Court of Directors dated 20th February 1850 to the Hon'ble the Court of Audit as the Establishments alluded to by the Court) Auditor as the Establishments now sanctioned are entirely of a permanent character, and the circumstance that the work to be performed by them being expected to extend over no longer period than 15 years, seems to preclude them from the designation of "extra temporary" as contained in the above Rule, while on the other hand the expression of "Fixed Establishments" in the Despatch alluded to, seems to take in those under reference as being entitled to Pensions.

7. Not only have the Public Works + Educational Departments been admitted to the Pension Rules, but the Establishments which are entertained for the management of Estates under the Court of Wards and of those also under attachment which are certainly of a more transient nature than the Survey + Settlement Establishments, are also admitted

to

+ Vide Sect: 1 Superannuation Pension Rules.

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* Hon'ble Court's Desp: 28 July 1858 No 55 Govt: Judicial 19th May 1858 No 1034
-do- of Madras 12 June 1855 No 183
* Court's Despatch to Govt of Madras 20 July 1842 No 23
Madras Govt 30 Sept 1853 No 2664
Madras Govt 28 Aug: 1886 No 202
Civil Audit to Madras Govt June 7 1887. No 22302
Madras Govt 27 June 1887 No 217.

to the same indulgence, and I trust the Government will have no hesitation, to declare the Survey and Settlement Departments to be on the same favourable footing in respect of Pensions.

8th. The Civil Auditor at the close of his letter, states that he believes the matter as affects the Assessment Department, has already been decided in Bengal and the North West Provinces, but does not afford any clue as to the nature of the decision, I would however submit that I may be spared the suspense and embarrassment which will be occasioned by the delay of a reference to the Government of India on this point, and at the same time take the liberty of pointing out that the circumstances do not seem to be altogether similar, as here the Establishments are to be organized for a comprehensive plan of operations for the whole Presidency, while in the Northern Provinces the Collector was often the Settlement Officer, and it is possible that his Settlement Establishment may have been entertained for his own District alone & for a limited time, so as to give it a less permanent character than that of the Settlement Department in this Presidency.

I have the honor to be,
Sir
Your Most Obedt Servant

Office of Director of
Revenue Settlement
Madras 4th March 1858

Director of Revenue Settlement

To
H. Forbes Esq
Acting Secy to Government
Revenue Department

Sir

Revenue 1858 Dept.
Dy to Cant 30 March 1858.

No 391.

Before passing any orders on the letter above recorded, the Government resolve to request the Court Auditor to afford all the information in his power about the Settlement & Establishments in the North Western Provinces and in Bengal referred to in his letter to the Director of Revenue Settlement dated 17th March 1858 No 616.

Fort St. Geo
24th March 1858

A Copy to the Civil Auditor
Dis 324

No 391.

From
H. Newill Esq
Director of Revenue
Settlement

To
H. Forbes Esq
acting Secy to Govt
Revenue Depl

Dated 19th March 1858
Rec'd 22nd
Enclosure 1
No 89

Requests for reasons stated, that Mr. Binney & Settlement Departments may be found [illegible] forthwith with Statements of the Revenue [illegible]

No 391. 24 March 1858

Ryt 8/4/58
11-9-02

From the Civil Audr
of 29th March 58 C. No 472
Rec'd 20 April

No 21 & 22.