M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1174	Press ~~Mis.~~
Leg 2 Leg 3	
Dated 26 - 5 - 1862	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 26th May 1862.

No. 492. Read the following Proceedings of the Madras Government in the Judicial Department, dated 23rd April 1862, No. 631 :—

Referring for consideration in the Revenue Department the question of granting Pension to servants on the establishment of the Deputy Collectors. } (Vide Judicial Proceedings, 23rd April 1862, Nos. 157—165.)

No. 493. ORDER THEREON, 26th May 1862, No. 1,174.

1. The Governor in Council observes that in this Presidency Deputy Collectors have never drawn a monthly allowance for the maintenance of their establishments. When the Government first proposed the appointment of Deputy Collectors, it was stated that the cost of their establishment would average 60 Rupees monthly for each Deputy Collector. This, however, was only intended as a guide in estimating the probable expense of the proposed scheme, and in the same letter the Government requested that the number and pay of the members of these establishments "should be left undefined for the present," the total amount of Rupees 3,600 per mensem entered in the tabular statement not being exceeded.

2. When the appointment of Deputy Collectors was sanctioned the establishments were fixed both as to numbers and salaries, and since then they have been revised by Mr. Pelly.

3. The Deputy Collectors' office servants have thus, from the first, been employed on exactly the same conditions as all other servants in the Revenue Department, and the Deputy Collectors cannot alter their numbers or rates of pay. They are in all respects the servants of Government, and receive pay directly from Government.

4. It is clear, therefore, that the ruling of the Government of India, forwarded by the Officiating Civil Auditor, does not apply to servants on the establishment of a Deputy Collector in this Presidency, and that such servants are certainly entitled to pensions and gratuities under the established rules in common with all other servants on the Collectorate establishments. And the Governor in Council considers it advantageous for the public service that the establishments of Deputy Collectors should continue in their present position in these respects. There is in fact no satisfactory reason why a clerk in a Deputy Collector's should be differently treated from one in an Assistant Collector's office, or why a Deputy Collector should receive an office allowance to be at his unfettered disposal while a Collector is tied down to a prescribed establishment. The duties entrusted to Deputy Collectors are of a highly important character, and it is very necessary therefore that the employment of their subordinates should be under due regulation, that these subordinates should be the servants of the Government, and that the encouragement to rectitude of conduct, which the certainty of support in their old age affords, should not be withdrawn.

5. The Governor in Council further remarks that, if their privileges as to pension and gratuity were withdrawn, it would be necessary to increase their salaries, which were fixed on the understanding that they should enjoy these privileges and are as moderate as possible.

(Signed) J. D. SIM,
Secretary to Government.

Add to either Pension or Gratuity

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From W. WATERFIELD, Esq., Officiating Civil Auditor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 20th June 1861, No. 225.

With reference to Government Orders, Nos. 157 and 160, dated 29th April and 2nd May respectively, I have the honor to annex a letter from the Secretary to the Government of India from which it will be seen that Ponnumbala Pillay is not entitled to a gratuity.

Mr. Harber, Beadle of Saint Mary's Church, is entitled to a gratuity of 6 months' salary.

From C. H. LUSHINGTON, Esq., Secretary to the Government of India; to the Officiating Civil Paymaster, Madras, dated Fort William, 21st May 1861, No. 6,547.

In reply to your letter, No. 170, dated 1st instant, I am directed to explain that Rule 4 of the Notification, No. 36 of 14th August 1857, applies to all classes of servants, who receive pay directly from the Government and who are not entitled by the Rules to any fixed pensionary grant.

2nd. Persons employed by Public Officers (such as Munsiffs and Deputy Collectors) who draw a fixed monthly allowance for works with the detailed distribution of which the Government does not interfere, do not receive pay directly from the Government and cannot therefore be held to be entitled either to pension or gratuity.

OFFICIAL MEMORANDUM.

The undersigned has the honor to request that the Registrar of the Sudder and Foujdari Court will be good enough to inform him with reference to paragraph 2 of the enclosed letter from C. H. Lushington, Esq., Secretary to the Government of India, whether it is the rule in this Presidency that such Officers as District Moonsiffs and Mufti Sudder Ameens draw a fixed monthly sum for the payment of their Office Establishment and that Government does not interfere in its disbursement, or in the rates of pay, &c., for each individual entertained.

2nd July 1861. (Signed) W. S. WHITESIDE.

OFFICIAL MEMORANDUM.

With reference to the Official Memorandum from the Acting Deputy Secretary to Government, dated the 2nd instant, the undersigned has the honor to state that District Moonsiffs and Mufti Sudder Ameens draw a fixed monthly sum for their Establishments, to be appropriated with the sanction of Zillah Judges, [in such manner as may contribute most to their efficiency, the appointment and removal of servants on their establishments being vested in the Zillah Judges; and that the Government does not interfere in the disbursement of the authorized allowance or in the rates of pay, &c., for each servant entertained.

SUDDER COURT,
REGISTRAR'S OFFICE,
4th July 1861.

(Signed) THOMAS WILKINS,
Acting Deputy Registrar.

To the Acting Deputy Secretary to Government.

OFFICIAL MEMORANDUM.

The undersigned in forwarding to the Civil Auditor, with reference to the subject of his letter, No. 225, dated the 20th ultimo, with its enclosure, the enclosed original Memorandum* from the Deputy Registrar of the Sudder Court, has the honor to draw his attention to the instances noted in the margin, from which it will be seen that, until very recently, it has been usual in this Presidency to grant pensions to servants on the Establishments of District Munsiffs in the same manner as to the other Uncovenanted Judicial Officers in the different Zillahs.

* Requested to be returned.

1. Somasoondra Pillai, late Head Gumastah in the Court of the District Moonsiff of Cuddalore, pensioned on the 2nd March 1858, on Rupees 4 per mensem.
2. Mutusami Mudali, late Head Gumastah in the Salem District Moonsiff's Court, pensioned March 2nd 1858, on Rupees 5-4 per mensem.
3. Ulagapragasa Pillai, late Gumastah in the Chellembrum District Moonsiff's Court, pensioned May 23rd 1859, on Rupees 4 per mensem.

2. The Memorandum of the Deputy Registrar of the Sudder Court sh s clearly what the position of these men really is, and the undersigned has the honor to request t if after con-

entitled to either Pension or Gratuity

sideration the Civil Auditor still finds himself unable to admit their claims to pension, he will be so good as to refer the matter for the decision of the Government of India.

Dated 8th July 1861.

(Signed) W. S. WHITESIDE.

From W. WATERFIELD, Esq., Officiating Civil Paymaster; to T. PYCROFT, Esq., Chief Secretary to Government, Public Separate Department, Fort Saint George, dated 17th July 1861, No. 272.

With reference to the Official Memorandum from the Deputy Secretary, dated 8th instant, I have the honor to state that I am of course ready to refer the matter again to Calcutta, if desired: but it seems to me that the Establishments of District Munsiffs here are in precisely the same position as those in Bengal, and that therefore the Government of India did not pass their Order without complete apprehension of the subject.

2. The test seems to be whether the salaries are fixed by Government or left to the discretion of the local Officers.

3. I am aware that some pensions have been granted at variance with this rule, but not I believe on my recommendation.

No. 103. GENERAL DEPARTMENT.

MEMORANDUM.

In continuation of Memorandum No. 80 of the 12th instant, the Officiating Civil Paymaster has the honor to forward herewith Extract of a letter† from the Under Secretary to the Government of India on the subject under reference.

† No. 1,005, dated 29th January 1862.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
27th February 1862.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

To the Chief Secretary to Government.

MEMORANDUM.

The undersigned has the honor to request that the Civil Auditor will have the goodness to inform him with as little delay as possible whether the question referred to in the Memorandum from this Office, No. dated 8th July 1861, and to which the Under Secretary to the Government of India furnished a reply in his letter to the Civil Auditor, No. 1,005, dated 29th January 1862, was, on that occasion, specially submitted for the orders of the Government of India or not.

22nd March 1862.

(Signed) W. S. WHITESIDE.

No. 148. GENERAL DEPARTMENT.

MEMORANDUM.

The Officiating Civil Paymaster has the honor to state, in reply to Memorandum from the Deputy Secretary to Government of the 22nd instant, that the question, "whether persons "employed by public Officers, such as Munsiffs and Deputy Collectors, who draw a fixed "monthly allowance for writers, with the detailed distribution of which the Government does "not interfere, are entitled to pension under the rules," was sent up from this Office complete with a copy of the Memorandum from the Deputy Registrar, Sudder Court, and appears from the reply‡ of the Under Secretary, which is dated "Council Chamber, Fort William," to have been duly submitted for the orders of the Government of India.

‡ No. 1,005, dated 29th January 1862.

CIVIL PAYMASTER'S OFFICE,
FORT SAINT GEORGE,
25th March 1862.

(Signed) W. J. RAYNOR,
Officiating Civil Paymaster.

To the Deputy Secretary to Government, Public Department.

EXTRACT of a letter from the Under Secretary to the Government of India, Financial Department, to the Officiating Civil Paymaster, Fort Saint George, dated 29th January 1862, *No.* 1,005.

I am directed to acknowledge the receipt of your letter, No. 280 of the 22nd July 1861, and its enclosures, re-submitting for decision, with reference to the cases noted in the margin, the question whether persons employed by public Officers, such as Munsiffs and Deputy Collectors, who draw a fixed monthly allowance for writers with the detailed distribution of which the Government does not interfere, are entitled to pensions under the rules.

Somasoondra Pillai, late Head Gumastah in the Court of the District Munsiff of Cuddalore, pensioned on the 2nd March 1858, on Rupees 4 per mensem.
Mutusami Mudali, late Head Gumastah in the Salem District Munsiff's Court, pensioned on the 2nd March 1858, on Rupees 5-4 per mensem.
Ulagapragasa Pillai, late Head Gumastah in the Chellumbrum District Munsiff's Court, pensioned 23rd May 1859, on Rupees 4 per mensem.

2. In reply, I am desired to inform you that it is contrary to rule to grant pensions to such persons.

(True Extract.)

(Signed) W. DONALD,
Head Assistant to Civil Paymaster.

ORDER THEREON, 23rd April 1862, No. 631.

It has recently been ruled by the Government of India that servants on the Establishment of Sudder Ameens and District Munsiffs are not entitled to either pension or gratuity on retirement from the public service.

2. Hitherto they have usually been admitted to pension, but in June last this was objected to by the Civil Auditor who quoted an Extract from a letter from the Government of India of the 21st May* 1861, paragraph 2, which runs thus:

* No. 6,347.

"Persons employed by the public Officers (such as Moonsiffs and Deputy Collectors) who draw a fixed monthly allowance for works with the detailed distribution of which the Government does not interfere, do not receive pay directly from the Government, and cannot therefore be held to be entitled either to pension or gratuity."

3. The actual position of the Sudder Ameen and District Moonsiff Establishments is thus described in a Memorandum from the Acting Deputy Registrar, Sudder Udalut, 4th July 1861:

"District Moonsiffs and Mufty Sudder Ameens draw a fixed monthly sum for their Establishments, to be appropriated with the sanction of Zillah Judges, in such manner as may contribute most to their efficiency; the appointment and removal of servants on their Establishments being vested in the Zillah Judges, and the Government does not interfere in the disbursement of the authorized allowance, or in the rates of pay, &c., for each servant entertained."

4. This was communicated to the Civil Auditor, and he was requested by Memorandum of 8th July last, to make a further reference to the Government of India. He did so and was informed in reply, 29th January 1862, that servants on District Moonsiffs' Establishments are not entitled to pension.

5. It appears to the Government that the Establishments of the District Moonsiffs of this Presidency should not be placed in the condition above adverted to. They can perceive no reason why a fixed Establishment should not be assigned to every District Moonsiff, as it is to every Talook Tahsildar. The Government have lately recommended that Establishments of the same cost† should be assigned to all District Moonsiffs' Courts of whatever class. There could not be much difficulty in drawing out a scale applicable, with perhaps trifling modifications in a few instances, to all District Moonsiffs' Courts.

† Rupees 120 per mensem.

6. A system which leaves the arrangement of the servants of these Judicial Establishments to vary according to the discretion of the Zillah Judges, and still more which, on that ground, or any other debars them from pension, seems to the Government to be very objectionable. There appears no reason why they should not be admitted to pension just as much as Munshees or Goomastahs in a Talook Cutcherry. It has lately been an object to improve the condition of the District Munsiffs' Courts. No greater incentive can be afforded to good conduct on the part of a Native servant than the prospect of being able to retire on a pension when incapaci-

tated for further labour. The great advantage of being able to hold out this inducement enables the Government to secure service on lower terms than they would otherwise have to offer, and gives them a strong hold over their servants whilst in their employment. District Moonsiffs' Courts will never be what they should be, even though the salaries of the District Moonsiffs themselves, and the aggregate pay of their Establishment should be raised, so long as this distinction exists.

7. The Government resolve to communicate these views to the Court of Sudder Udawlut, and to request their opinion upon them, as also to desire them to submit an uniform scale of District Moonsiff's Establishment (modified if necessary in any special cases) at the enhanced rate of Rupees 120 per mensem recently recommended to the Government of India.

8. The question in respect to the right to pension on the part of servants on the Establishments of Deputy Collectors will be considered in the Revenue Department.

(True Extract.)

Chief Secretary

To the Sudder Court.
" Revenue Department,
with a copy of the papers referred to.
Civil Paymaster.

Exd. T O'Connor.

Revenue 1862 Oct.
No. 9 Govt. for Bengal
No. 1180.

Proceedings of the Madras Govt. on the Engd. Deputn.

Dated 23rd Augt. 1862.
Recd. 24th Do. 1862.
No. 631.

Mr. Secy. Halliday.

Referring for Consideration in the Revenue Depart. the question of granting Pensions to Public Servants on the Establishment of the Deputy Collectors

1862.

Pay & Mon. Off. & Pd.

Memorandum

The eligibility to a gratuity pension of the Servants on the establishments of Deputy Collectors in the Revenue Department, and of the Principal Sudder Ameens, Sudder Ameens, and District Moonsiffs in the Judicial, under the rules at present in force is questioned by the Civil Auditor and the Government of India.

The reason assigned is that these officers draw a fixed monthly allowance for establishments "with the detailed distribution of which the Government do not interfere." Their servants

From Secretary to the Govt of India 21 May 1861 in letter from C Raymond 20 June 1861

dont receive pay directly from Govt, and cannot therefore be held to be entitled to either Pension or gratuity

2 As regards the Deputy Collectors there is an evident mis- -apprehension - they were not allowed a fixed month- -ly allowance - with the distribution of which the Government do not in- -terfere - On the contrary the Government have fixed the number, de- -signation and the rates of pay for the E- -stablishments of all the Deputy Collectors and they cannot be altered without the sanction of Government.-

3. It is true that the Government of India in their Financial Resolution dated 20th January

January 1859, No 514 - sanctioned a fixed month -ly allowance of 50 Rupees for the establishment of each Deputy Collector, re- -questing that "if after a fair trial the allowance is found insufficient, to report the circumstances, show- -ing how it is insufficient" But the total sum of Ru- -pees 3,000 for the 60 Deputy Col- -lectors was distributed under the orders of Govt in the same manner as any other regular establishment would be - Vide order noted in the margin. - Again this establishment was afterwards found in- -sufficient, and without ask- -ing the Govt of India for additional Expenditure all the Revenue establishments were fused into one under the general revision made by Mr Kelly, and a portion of the whole allotted to the

30th April 1859 No 595 Revenue Dated 7

by

by Collectors with full particulars explified on all points, and with the same detailed distribution which was made in the case of the Establishments allowed for the Collectors themselves (Vide paras 11 and 12 of the Revenue order dated 18th Octr 1800 to 1905.)

4 The Principal Sudder Ameens Establishments are on the same footing as those of the Subordinate and Civil and Sessions Judges, and the servants in them are therefore entitled to pension shortly after the promulgation of Act XII of 1843 which empowers this Govt to abolish the then existing Courts and to establish in lieu new Zillah, Subordinate, and Principal Sudder Ameens Courts, the Court of Sudder Adalut submitted with their letter dated 8th July 1843 No 71 a Statement shewing the pay of the Servants is fixed, sanctioned and submitted in detail to the Govt of India whenever a Pensions Comtee is held. The distribution of Establishments is no more liable to alteration than that of the Establishments in a Zillah or Subordinate Court by the Civil or Subordinate Judge. No change can be made in Establishments as originally sanctioned till first the Govt of India unless it be approved by them first and reported to that Govt of India in the annual distribution of Establishments as reported shewing not only the pay but the particulars in every case the establishments required for the Civil and Sessions Courts the Subordinate Courts and the Principal Sudder Ameens Courts and sanction was granted to each of these establishments in the same terms as in the order of the Judicial Department dated 28 July 1843 No 371.

5 That it will be seen that the establishments of the Deputy Collectors and Principal Sudder Ameens in this Presidency are on quite a different footing from those of the similar Officers

Officers in the Bengal Presidency and that therefore the Bengal rule that servants on these establishments are not entitled to pension can have no force in this Presidency.

6 The establishments of the Sudder Ameens and Districts Moonsiffs in this Presidency and in Bengal are on the same footing with the exception that in the former the appointment and removal of the servants rests solely with the Civil Judges, while in the latter they are vested in the Sudder Ameens and District Moonsiffs subject to the sanction of the Judge.

But

Note. The Servants on these Establishments come clearly within the scope of that Order of Govt in the Public Dept dated 13th Feby 1838. No 242. which excludes them from the benefit of the Superannuation Rules.

Nine Officers have a fixed monthly sum for their establishment to be appropriated with the sanction of the Judge in such manner as may contribute most to their efficiency - with Vide Circular letter from Sudder Adawlut dy 31st Augt & Cy Proc. of Sudr Sedalut dy 14th Nov. 43. Circular Order Sudr Dewany Adawlut dy 31st Dec. 30. & 5th Sept. 38

for the establishment with the sanctioned allowances & the rates of pay for each servant entertained

8

But an inducement for a honest and faithful discharge of the Public duties is no where more wanted than in the Judicial Department, whose person and property are immediately concerned.

17/3/42

R. S. W.

Memorandum

Pensions to Servants in the Offices of the Dy Mrs - Dr Asst Commrs Asstt Commrs & Deputy Moonsiffs.

To be Kept with R.G.O/- 26 May 1862 Nos 492-493.

Rect with in Pmble

Rev Depart.

9

No 1174

Proceedings of the Madras Government

Under date the 26th May 1862

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Here enter 23 April/62 No. 631

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To Copies to Sec. of Rev
with Pro. C. D. Cir. 27
3 — Civil Papers
5 — Public Separate Papers

Regarding pension to the ~~by~~ Collectors' Establishment.—

Revenue 1862 Depart.
Pro: of Govt for May.

No 1174.

Pro: of the Madras Govt
of 26th May 1862.

Pro from Jud Dept of 11 June/62
No 1676.

From the Secy to the Govt of India
No 2491. D/ 12 Aug /62
Pro No 29, Septr/62 No 2812.—
From Jud Dept of 13 March/63 No 655

Passing orders on Proceedings Judicial Deptt. referring the question of granting pension to Servants on the establishment of Dy Collectors—

No 492 & 493.