M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2025 Press ~~Mis.~~

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Dated 3 11 1864.

Not to be folded or roughly handled

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
3rd November 1864.

No. 43. No. 2,025.

From

J. D. SIM, ESQ.,

Secretary to the Government of Fort Saint George,

To

The Secretary to the Government of India.

SIR,

Miscellaneous.

1. I am directed to request that you will submit, for the consideration of the Right Honorable the Governor General in Council, the ruling of the Madras Civil Paymaster's Office in the following case.

2. The Registrar of the Government Office, Revenue Department, who receives a salary of Rupees 300 per mensem, and was previously a District Moonsiff, was lately appointed Principal Sudr Ameen of Madura. He left Madras on the 1st and reached his station on the 9th September, when he received charge of the Court from the then incumbent.

3. The Pay Office refuses to pass him any salary for the period occupied in his journey, viz., nine days, on the ground that as his office of Registrar was a *Ministerial* one, pay during transit is not allowable under the order of the Supreme Government, dated 17th November 1859, Financial Department, No. 10,088.

4. I am to observe that the Uncovenanted Service Leave Rules now in force draw no distinction between Ministerial and other Officers. They apply equally to all Officers drawing more than 100 Rupees monthly. Under them an Officer when transferred from one appointment to another of equal or higher value is entitled to "draw so much of the salary of his new office as may be equal to that of his former appointment." The old Rules contained a similar provision. Moreover, if a distinction is to be drawn in this respect between "Ministerial" and other Officers, it is not easy to determine where the distinction is to end.

5. The Government have procured a copy of the Order of the Supreme Government on which the Pay Office relies, but cannot see that it justifies the ruling. It would appear that the practice of the Punjab Audit Office was to grant salary during transit if the previous official designation of the Officer was mentioned in the order of appointment, and to withhold the salary if this designation was omitted. The Punjab Civil Paymaster, Mr. Raynor, demurred to this arrangement. Quoting Section XI of the Rules, which allows an Officer newly entering the service of Government to draw the pay of his office only from the date of joining it, and Section XII, which allows an Officer transferred from one appointment to another to draw pay while he is joining his new appointment, Mr. Raynor expressed himself as follows :—

"The former section I understand as referring to newly appointed incumbents not previously in Government employ, and the latter I interpret as applicable to all Officers, *Ministerial or otherwise* already in the service, who may be transferred or nominated by order of Government on public grounds, with or without promotion to other appointments. *Ministerial Officers resigning old appointments of their own accord and obtaining new ones with a view to their own convenience or pecuniary advantage cannot of course claim the benefits of this Rule.*"

The wording of the new Rule, viz., "an Officer entering the service of Government" removes all doubt on this point.

Mr. Raynor then pointed out the in-equity and uncertainty of the practice mentioned in paragraph 5.

6. The Punjab Government supported the view of the Civil Paymaster.

7. The Government of India called on the Officiating Civil Auditor of Fort William for a statement of the practice of his Office and he replied as follows :—

"The Rule laid down in the above Sections (XI and XII) has been *correctly interpreted* by the Civil Auditor of the Punjab, but his practice (viz., that mentioned in paragraph 5) differs from that obtaining in this Office." * * *

"The provisions of Section XII are applied *to all Uncovenanted Officers, whether Ministerial or holding their appointments direct from Government*, provided they be not in receipt of a salary of less than 100 Rupees, and *provided also in the case of Ministerial Officers their* transfer to better appointments be not at their own request, but owing to the convenience of the public service. *A Ministerial Officer holding the appointment of a Head Clerk, Darogah or Serishtadar is not allowed to draw any portion of his salary (if he quits such appointment and succeeds in getting a Deputy Collectorship or Extra Assistantship) during the transit period.*"

8. The Government of India considered the practice of the Calcutta Office to be correct.

9. Now considering that the Punjab Civil Auditor held Section XII to be "applicable to all Officers, *Ministerial or otherwise* already in the service," and that the Calcutta Civil Auditor declared that he had "correctly interpreted" the Section, and that it was applied in the Calcutta Office "to all Uncovenanted Officers whether Ministerial or holding their appointments direct from Government," provided their salaries exceeded 100 Rupees, it is quite clear that the circumstance of an Officer being a ministerial or executive agent does not affect the question at all. The only special disabilities under which, according to the Calcutta practice, *Ministerial* Officers lie, are that they do not reap the advantages of the Section if they are moved at their own request or have resigned their offices. The Civil Auditor, Baboo K. M. Chatterjee's actual words as to the first disability are "provided their transfer to better appointments be not at their own request, but owing to the convenience of the public service;" but as there is nothing criminal in seeking advancement, and promotion is not to be had for the mere asking, his meaning no doubt was that a transfer for the mere private convenience of the transferree, irrespective of public considerations, deprived the individual of claim to pay while he was travelling and doing no work. The rule is fair enough, only it should apply to all and not merely to Ministerial Officers. The same principle, moreover, is followed as regards travelling allowances. As to the second disability, the Civil Auditor's words are "a Ministerial Officer holding the appointment of a Head Clerk, Daroga or Serishtadar is not allowed to draw any portion of his salary (if he *quits* such appointment and succeeds in getting a Deputy Collectorship or Extra Assistantship"); as an Officer cannot be transferred or promoted without *quitting* his old appointment, it is evident that the Civil Auditor, in saying "if he *quits*" meant if he *resigns*, and this is further apparent by the expression being followed by the words "and succeeds in getting a Deputy Collectorship." This also tallies with the interpretation, declared correct of the Punjab Auditor, viz., "Ministerial Officers resigning old appointments of their own accord and obtaining new ones with a view to their own convenience or pecuniary advantage cannot ofcourse claim the benefits of this rule." In such case the appointment is not a transfer at all, and the rule is perfectly just, only it should apply equally to all Uncovenanted Officers.

10. The Government regard the ruling of the Madras Pay Office as erroneous and inequitable, and recommend that it be authoritatively laid down that all Uncovenanted Officers subject to the new rules are entitled to pay while joining new appointments provided—

I. That they be in the service of Government at the time of appointment.

II. That the appointment be made for public reasons.

III. That they join within the prescribed period.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. D. SIM,
Secretary to Government.

Exd. S. T. Augustin.

N° 10088

Extract from the proceedings of the Government of India, in the Financial Department, dated 17th November, 1859

Read the following Extract from the Proceedings of the Govt of India, in the Foreign Department N. 5815, dated 23d September, 1859

From

R H Davies Esqre
Secretary to the Govt of Punjab and its dependencies,

To The Secretary to Government of India
Foreign Department
Fort William N°627-2112
Dated Lahore 8th Sept 1859

Sir,

I am directed to solicit the decision of the Supreme Government on certain Suggestions and proposals made by the Civil Auditor, with reference to the application of Section 11, 12 and 14 of the uncovenanted Service Rules.

I have the honor to

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Hitherto it has been the practice of the Civil Auditor's Office in cases wherein officers in the Service of Government are transferred either to equal or higher appointments, to allow no salary for the period passed in transit or any travelling allowance should their official designation at the time of appointment be omitted in the wording of the order directing the transfer or promotion. In such cases the officer concerned is one joining a first appointment and is brought under the influences of Section 11 of the Rules but on the other hand, in the event of his previous official designation being specified the terms of Section 12 are made applicable, and salary and travelling allowance are passed. By this practice, as the Civil Auditor remarks, an uncertain and inequitable distinction is made, which should not be maintained. It is therefore proposed to treat all cases alike under the Rules, whether official designation at the time of appointment be specified in the order directing the transfer or not.

Section

Section XIV of the Rules directs that no additional expense shall be incurred by the State in consequence of the absence of any officer on leave. Accordingly in such cases, a portion (to the extent forfeited) of the absentee's pay is paid to the locum tenens, who in addition gets a portion of his own pay. But it is alleged that where a locum tenens is deputed from a different District from that in which the absentee was serving, the Head of the District might object to have the salaries of his establishment lessened. This objection has doubtless some force; but where the Government temporarily depute a ministerial or other officer, it appears to the Lieutenant Governor that he should continue to draw a moiety of his substantive salary until his promotion is made permanent. For instance, when a Head clerk is nominated to officiate as Extra Assistant it seems hard that he should lose because he is thus selected. There can

can be no doubt that such arrangements are at times unavoidable under these circumstances, express authority is necessary to support the proceedings of the Audit Department.

4 A copy of the Civil Auditor's letter, No. 86, dated 30th August, as herewith enclosed.

To W. J. Raynor Esqre
Civil Auditor Punjab

To R. H. Davies Esqre
Secretary to Government Punjab
and its Dependencies, Lahore

No. 86. 681. of Lahore 30th Aug. 1859

Sir,

The practice of this office as regards the application of the provisions of Sections 11 and 12. Chapter IV of the Uncovenanted Absentee Rules being somewhat vague and liable to misapprehension, I have the honor to refer it for orders.

2 Section 11. it will be seen rules that "no person appointed to a situation under the Government shall "draw the salary of his appointment for "any period prior to the date of joining "it;" and section 12, "that on officer hold: "ing situation appointed to one of "equal or higher value, will, until he "joins draw so much of the salary of his "new office as may be equal to the "salary of his former situation" subject to the Rules for joining.

The former section I understand as referring to newly appointed incumbents not previously in Government employ; and the latter I interpret as applicable to all officers, ministerial or otherwise, already in the service, who may be transferred or nominated by order of Government, on public grounds, with or without promotion, to other appointments Ministerial officers resigning old appointments of their own accord and obtaining new ones with a view to their own convenience or pecuniary advantage, cannot of

Course

course claim the benefits of this Rule, and would be justly excluded therefrom

But the practice of the Audit Department differs in some respect from any view of the Rules, inasmuch as it does not deal alike with all cases of individuals in service appointed by order of Government to other situations, but only admits the claims of those to the advantages of Section 12, whose former official designations are stated in the order of appointment For instance, a Tuhseeldar, Head clerk or other officer is appointed an Extra Assistant; if the Government order specifies his official designation at the time of appointment, is case is treated under Section 12; but should such designation be omitted,* he is regarded as an officer joining a first appointment and deburred from salary while in transit, as well as travelling allowance, even if entitled by the Rules to the latter This seems rather an uncertain and unjustifiable distinction, for the former rank of the officer concerned may be omitted from mere accident, or indeed it may be set aside purposely as a matter of courtesy; and a definite rule should be laid down I think in all cases of this nature (i e, of transfers or appointments by order of Government,) the Audit Department should adjust the allowance according to the Rules without reference to the style of address adopted in the Government letter or order towards the nominee; but I do not like to alter the practice without the authority, as it involves a general principle

3 There is also a point connected with Section XIV of the above Rules, on which I would solicit orders

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* A case of this kind occurred not long ago Mr. J E Moore Inspector of Post Offices in the Punjab on a salary of 1.00 was appointed an Extra Assistant of the 2nd Grade on the same pay. He received neither salary while in transit to join nor travelling allowance though both were admissible under the Rules.

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A reference to this Section will shew that no additional expense is on any account to be incurred by the absence of any officer on leave, & that an acting officer is entitled to a portion of his own pay and to a portion (to the extent of what is forfeited) of that of the absentee when the absentee and his locumtenens both belong to the same office or establishment, the procedure is quite proper, and there is no difficulty in carrying out the Rule; but when it is otherwise, and they belong to different offices or Districts, it becomes a question how far the Audit Department can recognize the arrangement and under what authority; particularly as ministerial establishments do not constitute a general Service, but are confined to their respective offices, and the Head of an office may demur to have his establishment weakened by a portion of the amount allotted to it by

by Government being alienated towards the benefit of another office; in which case there is no rule to bear out the Audit Department in enforcing the arrangement. As an instance in illustration of the above, I may mention that of the Tuhseeldar of Lahore, Wuzeer Alee, who has been appointed to officiate as Extra Assistant at Sealkote in the room of an Extra Assistant absent on private affairs leave. I have, pending the Government decision on my letter of the 8th July last, No. 61-522 proposed the former a moiety of the salary of lowest grade Extra Assistant, leaving the Deputy Commissioner of Lahore to remit to him a moiety of the salary of his substantive post as Tuhseeldar of Lahore, which is drawn on the abstract of that office.

The case of Mr. J Penn also, Head clerk of the Lahore Pension office, now officiating for Extra Assistant Mehtab Sing on private affairs leave, is similar; and a like arrangement exists at present in His Honor the Lieutenant Governors own office,

owing

owing to the absence on sick leave of Mr. W Kirke the Superintendent thereof

4 Such arrangements are at times doubtless very necessary, and it would be to the detriment of the public service if they were impossible; but at the same time an authorized Rule is needed in support of them.

Ordered that a copy of the above despatch be sent to the Financial Department for Consideration and orders.

A. Forbes
Financial Department Fort William The 27th September 1859

Forwarded to the Civil Auditor Fort William for report.

H. Taylor
Financial Department Fort William The 27th September 1859

From

Baboo K M Chatterjee
officiating Civil Auditor

To

H Lushington Esqre
Secretary to the Govt of India
in the Financial Depart
No 3476. dd 27th October 1859

Sir,

With reference to the accompanying extract

extract from the proceedings of the Government of India, Foreign Department No. 5815 dated the 23d Ultimo, forwarded to me under your docket No. 8175 of the 27th idem for report as to the practice observed in this office in regard to the points mooted by the Civil Auditor, Punjab, relative to the application of Sections XI and XII of the uncovenanted Absentee Rules, I have the honor to state as follows for the consideration and orders of the Honorable the President in Council

2 The rule laid down in the above Sections has been correctly interpreted by the Civil Auditor of the Punjab, but his practice differs from that obtaining in this office in the application of the said rule to ministerial officers transferred to the Subordinate executive service, whose previous appointments are specified in the order of transfer or promotion, and those in whose case such specification is omitted in the order of appointment.

3 The provisions of Section XII are applied to all uncovenanted

Officers

Officers whether ministerial or holding their appointments direct from Govern-ment provided they be not in receipt of a salary of less than 100 Rupees, and provided also in the case of ministerial officers their transfer to better appoint-ments be not at their own request, but owing to the convenience of the public Service. A ministerial officer holding the appointment of a Head clerk Doraga or Sheristadar is not allowed to draw any portion of his salary (if he gents such appointment and succeeds in obtaining a Deputy Collectorship or Extra Assistantship) during the transit period: whether in the Gazette notification the previous appointment of a ministerial officer transferred to the subordinate executive service is mentioned or not is immaterial The very fact of the mention not being invariably made indicates that it signifies little It is not to be pre-sumed that the Government order though not specifying such appointment ig-nores it & and intends the promotion to be regarded as a first appointment; but as all information regarding

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previous appointments &c. are available from the records of the Civil Auditor it is not considered necessary that the order should contain the same

4 The only point upon which I feel doubtful in the application of Section XII is how to regulate the al-lowances of an officer en route, on being promoted in the subordinate ex-ecutive service, who happens to quit his former office only on being relieved of the same, and whose new appointment becomes vacant not until he is ready to assume charge of the same The diffi-culty in this case is that there is no available fund, the salary of both his former and present appointment being enjoyed by their respective incumbents temporary or otherwise, while he is in transit, and it is desirable therefore that some definite rule should be laid down on the point The North-Western provinces Civil Auditors Manual appears to contain a provision on

previous

on this head. Article 270 prescribes that in such cases the salary of the officer en route should be regarded as an extra charge to be borne by the state; but this rule is seldom acted upon in this office, inasmuch as it is not based upon any order of Government communicated to this Office I concur, however, in the expediency of such ruling, for in my estimation both the officer in transit, as well as he by whom he has been relieved and he whom he is going to relieve are equally entitled to their respective salaries; such cases very rarely occur, and occur only when some extra expense is unavoidable, i e, in great emergencies.

5 With reference to the other point adverted to by the Punjab Civil Auditor, I beg to observe that the Head of an office or establishment well may object to the alienation of a portion of the amount of his establishment; but

but I cannot see how the temporary transfer of a certain officer with his half pay weakens the establishment from which he is so transferred, inasmuch as according to the rules another officer is appointed in his stead on the forfeited half pay of the permanent incumbent officiating incumbents are generally allowed half salary; and if the Head of the office objects to the officer temporarily transferred drawing a moiety of his salary in conformity with the rules, the same should be carried to the credit of Government, and the amount of his establishment will be equally reduced in this case In short it matters little whether there be a nominal temporary decrease in the amount of one establishment and a nominal temporary increase to that of another so long as the numerial strength of both remains in tact, and the public Service is not inconvenienced while no actual extra expense is incurred

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Memdum

A similar objection as that now raised by the Punjab civil Auditor was urged by the Accountant General to the Govt. of India on the occasion of Mr. Kellner's deputation in 1859; but it was not considered sufficient by Government, vide orders passed in your Department N. 3198, dated 21st April 1859

6 The original papers are herewith returned

Financial Department Resolution

The view taken by the Officiating civil Auditor, Fort William in his report. N. 3476 dated 27th Ultimo, appears to the President in Council to be correct, and he therefore directs that a copy of that report be sent to the Government of the Punjab for communication to the Punjab civil Auditor, with the remark that article 270 of the Agra civil Auditors Manual referred to in paragraph 4 of the report from the officiating civil Auditor, Fort William, is founded on the orders passed

passed in this Department N. 1805 dated 26th December 1846 (vide Copy annexed) His Honor in Council further directs that a transcript of the decision of this Government in Mr. Kellners case N. 3198 dated 21st April 1859. (alluded to in the 5th paragraph of the officiating civil Auditors report) be also sent.

Ordered that a copy of the foregoing be sent to the Foreign Department for the purpose indicated above

Ordered also that a transcript of the above, together with the orders of 26th December, 1846. be communicated to the officiating civil Auditor, Fort William, for information and guidance.

(A true Extract)
(Signed) C Hugh Lushington
Secretary to the Govt of India

(True Copy)
(Signed) C Hugh Lushington
Secy to the Govt of India

Proceedings of Financial Department. Govt of India, dated 17th November 1863. No 10088

To be kept with G of I 3 November 64 No 2025

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FINANCIAL DEPARTMENT.

No. 2425.

Fort William, the 8th June 1863

Extract from the Proceedings of the Government of India, in the Financial Department, under date the 8th June 1863.

Read the following papers regarding Rules for Leave of Absence and Pensions to Uncovenanted Servants:—

A Memorial on the subject from Uncovenanted Servants in the three Presidencies.

Letter from the Supreme Government to the Right Hon'ble the Secretary of State for India, No. 42, of 15th June 1861, forwarding the above Memorial, and one from Officers of the Educational Department in Bengal, with other correspondence, regarding Pension Rules for Educational Officers.

Financial Letter from the Right Hon'ble the Secretary of State, No. 205 of 8th December 1862.

Ordered, that an extract (paragraphs 1 to 18) of the Despatch of the Secretary of State be published in the *Calcutta Gazette* for general information, and for the guidance of the several Departments of the Supreme Government; of the Local Governments and Administrations; and of all Officers and Departments concerned.

Extract (paragraphs 1 to 18) from a Financial Despatch from the Right Hon'ble the Secretary of State for India, to the Right Hon'ble the Governor General of India in Council, No. 205 of 1882, dated the 8th December.

I have considered in Council the Memorial from the Uncovenanted Servants of the several Governments in India, praying for modifications in the existing Rules which govern the grant to them of pensions and leave of absence, together with your Public Letters, dated the 8th and 15th June 1861, Nos. 37 and 42; 6th August 1861, No. 56; and your Financial Letter, dated the 4th August 1862, No. 110, on the same subject.

2. The great body of the Uncovenanted Servants of India have always been Natives; and it has been the just and wise policy of the Government to employ, as largely as they could with advantage, the Natives of India in the Administration of their own country. It is still the desire and intention of Her Majesty's Government that, whilst to a certain extent, European Agency beyond the Covenanted Servants must always be employed in various situations, Natives of India should constitute the great majority of the Uncovenanted Servants in India.

3. Your Government points out the impossibility of making any distinction between Europeans and Natives. In that opinion I entirely concur; and whilst therefore I cannot but admit that there are differences of various kinds in the circumstances of persons of the different races who are employed in the Uncovenanted Service of India, it appears to Her Majesty's Government to be indispensable that the Rules to be laid down should be such as are applicable to the whole of that body, of whom the great majority are, and must always be, of Native race and of Native habits.

4. I think there is however, sufficient ground for an exception as regards Educational Officers, and Law Officers and Native Judges. In those cases a previous course of study, and in many instances practical experience is required, and there is consequently reason for making a distinction in regard to that class of servants whose claims will therefore be separately considered.

5. I now proceed to convey to you the decision of Her Majesty's Government as to the general body of Uncovenanted Servants.

6. It has been decided that no Uncovenanted servant shall in future be allowed to count for pension any period of service antecedent to his having attained the age of 22 years, and in calculating the period of service required by this Despatch as a qualification for pension, the period must be reckoned from that age.

7. The allowances to be granted to Uncovenanted Servants on retirement are, in future, to be as follows, viz:—

On production of such Medical Certificates as shall satisfy the Government under which the applicant may be serving of his incapacity to serve longer in India—

1. Under fifteen years' service—a gratuity not exceeding twelve months' salary.
2. After fifteen years' service—one-third of his salary (and of his personal allowance if any): Provided that in no case shall a pension be granted exceeding the sum of 3,000*Rs.* per annum, whatever the amount of salary, nor of 2,000*Rs.* per annum, if the salary shall not exceed 12,000*Rs.* per annum.
3. After twenty-five years' service—one-half of his average salary (and of his personal allowances if any) during the previous five years: Provided, however, that in no case shall a pension be granted exceeding 5,000*Rs.* per annum, whatever the amount of salary, nor exceeding 4,000*Rs.* per annum, if the salary shall not exceed 12,000*Rs.* per annum.

After thirty years' service, or upwards, a pension may be granted, without production of Medical Certificate, of the same amount and subject to the same limitation as that sanctioned for twenty-five years' service on Medical Certificate.

8. The period of service which is to be admitted in considering a claim to pension must be continuous; but in case of the abolition of the office held by an Uncovenanted Servant, and his being subsequently employed by Government, his first period of service is to be taken into account.

9. Pensions of the full amount stated are to be granted only as the reward of approved service. In any case in which an Uncovenanted Servant, without having incurred the penalty of removal from Government employ, shall nevertheless, in the opinion of the Government under which he has been serving, not be entitled to the full amount of pension, the Local Government will make such a deduction in the amount of pension as it shall consider just.

10. These pensions have hitherto been payable only in India. As a rule, Europeans on being pensioned, desire to return to this country, and they are consequently under the necessity of employing an agent in India to receive and remit their pensions. If the pensions are allowed to be paid in England, the delay, risk, and inconvenience of agency will be saved, while the charge to Government would be very inconsiderable. Her Majesty's Government have therefore decided that each Uncovenanted Servant shall, on retirement, have the option of drawing his pension either in India or from the Home Treasury. After exercising his option on retirement, he may, at a subsequent period, change the place of payment from England to India, or *vice versa*. This change can, however, be allowed but once.

11. The rate of exchange is an important consideration in regard to payment in England. Her Majesty's Government will not now fix any permanent rate for the purpose; but as a rate of exchange based on the intrinsic value of the rupee, and the market price of bills, is annually fixed, in communication with the Lords of the Treasury for the adjustment of transactions between the British and Indian Exchequers, which rate is applied to family remittances of Officers serving in India, the same rate appears to be equitable for the payment in England of the pensions of Uncovenanted Servants, and I is therefore to be adopted.

12. I am desirous of being furnished with a list of the Uncovenanted Servants who are entitled to the benefit of the Pension Rules; and it must be understood, that it is not now intended to grant the benefit of those Rules to any of the lower grades of servants who are not at present entitled to pension.

13. An Uncovenanted Servant may, under the existing Rules, be granted, on sufficient cause being shown, leave on private affairs for six months in one period, retaining his office with half salary up to 600*l.* per annum, which is the maximum amount allowed to be drawn. This leave may be repeated after intervals of six years, and is allowed to count for pension. Leave of this description may still be granted, but the period of absence will not be allowed to count for pension, and the option may be given to Uncovenanted Servants of taking in lieu of the above leave a furlo' for one year after eighteen years' residence in India, such absence being limited to a second furlo' also for one year after eighteen years' residence, and two years during the whole period of service. For such periods on absentee, whose salary does not exceed 200*Rs.* per mensem, may be allowed to draw one-half salary: Provided, however, that it shall not exceed 800*Rs.* or 80*l.* per annum. If the absentees' salary shall be—

Above 200*Rs.* and not exceeding 400*Rs.* per month, he may be granted an allowance of

,,	400 ,,	,,	700 ,,	,,	1,300*Rs.* or 130£	per annum.
,,	700 ,,	,,	1,200 ,,	,,	2,000 ,, 200£	,,
,,	1,200 ,,	,,	,,	,,	3,000 ,, 300£	,,
				,,	4,000 ,, 400£	,,

On taking leave on private affairs for the first time after the publication of the new Rules, an Uncovenanted Servant must decide whether he will apply for six months' leave on private affairs, or for one year's furlo', and having once exercised his option and obtained leave accordingly, he will not, during the remainder of his service, be eligible to the other description of leave.

14. In regard to absence on Medical Certificate, an Uncovenanted Servant under the existing Rules may be granted leave of absence for three years during the whole period of his service, of which two may be continuous, and two only can be counted as service qualifying for pension. For one year of the entire period the absentee may draw half and during the remainder one-third of his allowances, limited however to 600*l.* per annum.

15. Instead of the period of leave now allowed, Her Majesty's Government authorize the grant of leave of absence, on medical certificate, with allowances, to the extent of three years, in two periods, of which not more than two years may be taken at one time.

16. For the first fifteen months of each period the absentee may be allowed one half-salary: Provided that it shall in no case exceed 600*l.* per annum; and for the remainder of his absence within the prescribed limit, he may be allowed one-fourth of his salary, limited to 300*l* per annum.

17. If any further leave should be applied for on Medical Certificate, it may be granted as exceptional leave, but without any allowance.

18. These periods of absence on Furlo' and Medical Certificate are not to count for pension: but privilege leave in India may be allowed for one month in each year, which is not, however, to accumulate, and the grant of which must be always subject to the condition that no inconvenience or charge shall be caused to Government thereby; this privilege leave will count in the period of service qualifying for pension.

No. 2426.

NOTIFICATION.—The following revised Rules for the grant of leave of absence to Uncovenanted Civil Servants are published by order of His Honor the President in Council for general information and guidance:—

LEAVE OF ABSENCE TO UNCOVENANTED SERVANTS.

These Rules are applicable to all Officers of the Uncovenanted Civil Service receiving salaries of not less than 100*Rs.* a month, whether they receive their appointments direct from Government or from Heads of Offices and Departments.

The following are the kinds of leave allowed:—

I.—Leave on Medical Certificate.
II.—Leave on Private Affairs and Furlo'.
III.—Privilege Leave.
IV.—Preparatory or Additional Leave.

General Rules.

1. All applications for leave must be made publicly, thro' the regular channel, in the Department to which the applicant belongs.

2. Officers appointed by Government can obtain privilege leave from the Heads of their respective Departments when the latter are duly authorized to exercise this power. But in other cases leave must be granted by the Government.

3. Officers appointed by Heads of Offices and Departments can obtain any leave under these Rules without reference to Government; but the authorities granting such leave must furnish to the Civil or Military Audit Office which passes the Pay Bill of their Establishment a monthly Return of the leave granted by them according to the Form given in Appendix A.

4. Absence without leave will involve loss of salary and render the absentee liable to loss of appointment.

5 No leave of absence shall have retrospective effect except in case of severe illness, to be attested by a Medical certificate in the prescribed Form.

Applications for leave on Medical Certificate.

6. Applications for leave on Medical Certificate must be accompanied by a statement from the medical man by whom the applicant has been attended, distinctly stating, from personal observation, the nature of the disease, it symptoms, causes, and duration, so far as the knowledge of the Medical Officer extends, and by a Certificate from the chief Medical Officer of the Station or District, or, if at a Presidency Town, from a Presidency or other Official Surgeon, certifying, after careful personal investigation, the necessity for temporary removal, and the period for which absence is to the best of his judgment absolutely requisite for restoration to health. If the requisite leave be for a longer period than six months, the Certificate must be countersigned by the Superintending Surgeon of the Division in which the applicant may be employed. In cases of leave beyond sea, the Certificate must be also submitted, with the statement of the case, for the countersignature of the Principal Inspector-General of the Medical Department.

Extension of leave on Medical Certificate.

7. As application for extension of leave must, if the applicant be in India, be accompanied by a Certificate to a like effect from the Medical Officer by whom the applicant is attended, together with a statement showing sufficient reason for the extension solicited, and such Certificate must be countersigned by the Principal Inspector-General of the Medical Department, or by the Superintending Surgeon of the Division in which the applicant may be residing. If the applicant shall have proceeded beyond the territories under the Government of India, he must furnish a Certificate and Statement to the required effect from a Surgeon or Physician at the place of his temporary residence by whom he has been attended; such attendance, and the period of it, to be stated, and the Certificate to be countersigned, after *personal* examination, by the examining Physician of the India Office, if the absentee is in England, or by the Principal Medical authority of the Colony or country to which the absentee may have proceeded.

8. If any of the above particulars be neglected, or the omission of any one of them unsatisfactorily explained, the leave will be refused.

Application for leave on Private Affairs

9. Leave on Private Affairs and Furlo' will be granted by Government, or by authorised Officers on sufficient cause being shown, and when the concession of the indulgence may in no way interfere with the interest of the Public Service.

Extension of leave to date of arrival of Vessel.

10. When an Officer on leave in England is permitted by the Home Government, to return to duty by a particular vessel, this permission, if necessary, will be held equivalent to an extension of leave until the arrival in India of the vessel on which the Officer is permitted to return.

Leave on Medical Certificate.

11. Leave on Medical Certificate, with allowances, is limited to the extent of three years in two periods, of which not more than two years may be taken at one time. Should any further leave be applied for on Medical certificate, it may be granted, but without any allowance.

Leave on Private Affairs and Furlo'.

12. Leave on Private Affairs and Furlo', with retention of office, may be granted as follows:—

1*st.* *Leave on Private Affairs*—for six months in one period, which leave may be repeated after intervals of six years.

2*nd.* *Or* a FURLO'—for one year after ten years' service, and a second Furlo', also for one year, after eighteen years' service in India, such absence being limited to two years during the whole period of service.

13. On taking leave under the preceding Rule, for the first time, an Officer must decide whether he will apply for leave on Private Affairs, or for Furlo', and having once exercised his option and obtained leave accordingly, he will not, during the remainder of his service, be eligible to the other description of leave.

14. Furlo' and Leave on Private Affairs taken in India, will reckon from the date of leaving office to the date of return thereto. Furlo' on Leave on Private Affairs taken beyond India will reckon from the sailing of the vessel on which the Officer embarks to the date of his return to India.

15. Furlo' on Leave on Private Affairs cannot be taken in continuation of privilege leave.

Privilege Leave.

16. Privilege leave, when it can be granted without injury to the Public Service, and without additional expense to the State, may be allowed for not more than one month in each Calendar year, to be taken either in one period or in not more than two instalments. This leave is not allowed to accumulate and will therefore lapse if not taken within the year.

17. Privilege leave for one month in each Calendar year may be allowed to Officers who have not been absent on leave for eleven months immediately preceding, unless they took their last privilege leave in two instalments, in which case the indulgence will not be available until eleven months after the expiration of the first instalment and six months after expiration of the second instalment of the previous year's privilege leave.

Preparatory Leave.

18. Preparatory or additional leave is allowed to Officers proceeding to or from a Sanitarium on Medical Certificate, or to or from the port of embarkation from India to Europe on Private Affairs, Furlo', or Medical Certificate, and is limited to such period as the authority granting leave may think sufficient. Officers proceeding from Presidency Towns on sick leave beyond Sea will be allowed fourteen days for preparation.

19. Officers retiring from the Service on pension will be allowed fourteen days' leave on half pay, provided the indulgence can be given without detriment or extra expense to the Public Service.

Absentee Pay.

20. Absentee pay, if at half salary, shall in no case, exceed Rupees 6,000 or 600*l* per annum:—or if at one-fourth salary, shall not exceed 300*l*. per annum. Within these limitations Absentee pay will be given as follows:—

I.—To an Officer absent on sick leave in or out of India—half salary for the first fifteen months of each period of absence, and one-fourth salary during the remainder of his absence on allowances.

II. To an Officer on leave on private affairs—one-half his salary for a period not exceeding six months of continuous absence, and for any further period of preparatory leave which may be granted to him. But if an Officer absent on private affairs obtained an extension of leave on Medical Certificate, he will be subject for the whole period of his absence to the rules for sick leave.

III. To an Officer proceeding on furlo' whose salary does not exceed Rupees 200 per month—one-half of his salary: Provided, however, that it shall not exceed Rupees 800 or 80*l*. per annum. If the absentee's salary shall be—

Above Rs. 200 and not exceeding Rs. 400 per month, he may be granted an annual allowance of

"	"	400				Rs.	1,300	or £130 per annum.
"	"	700	"	"	" 700	"	" 2,000	" £200 "
"	"	1,200	"	"	" 1,200	"	" 3,000	" £300 "
							" 4,000	" £400 "

IV. To an Officer on preparatory leave—one-half salary before commencement of other leave; and on return from leave—one-half or one-fourth salary, or furlo' pay, according to the rate of salary he may be then drawing.

V. To an Officer on privilege leave—full pay.

21. An Officer who overstays privilege leave by not more than one month will forfeit pay for the period in excess; but if he exceed his leave by more than one month his office will become vacant. An Officer on privilege leave who may resign the service, or who may obtain sick leave without first re-joining will, in the former case, forfeit his salary for the period of privilege leave; and in the latter case be subject to the Rules for sick leave for the whole period of his absence.

Rules for joining Office.

Time allowed for joining an appointment will be fixed by the Authority conferring the appointment.

An Officer entering the service of the Government is not entitled to any salary before joining his appointment; but when transferred from one appointment to another of equal or higher value, he will draw so much of the salary of his new office as may be equal to that of his former appointment.

Payments of Absentee Allowances.

22. Officers absent on privilege leave cannot draw pay until their return to duty.

23. Officers proceeding to England on Furlo', or on Private Affairs, or on Medical Certificate, must obtain Certificates from the Civil Paymaster, in the Form given below, for submission to the India Office on their arrival in London:—

Name, Service, and designation of the party obtaining Leave.	Nature and period of the Leave.	Date of intended departure of vessel from Calcutta or other Port.	Rate of allowance to be drawn in England or not.	Date from which the first payment is to commence.
			In England.	
			In Calcutta.	

24. But if they desire to draw their allowances thro' their Agents in India, the latter must execute a guarantee to refund over-payments. When Officers remain in India and draw their allowances themselves, and attach to their bills Life Certificates attested by a Deputy Magistrate or a Covenanted District Officer, they will not be required to furnish any security.

APPENDIX A.

Name of Absentee.	Office held by Absentee.	Monthly salary of Absentee.	Section of Rules under which Leave is granted, or nature of Leave.	Period of Leave.	Amount of deduction from salary.	Name of Substitute (if any).	Amount Payable to Substitute.	Net-amount to be retrenched from the Pay Abstract for the above month.	Remarks.
A. B.	Head Asst.	600 0 0	Section 11 and Section 20, Rule I.	Nine months, from 1st January to 30th September 1859.	300 0 0	E. F..	300 0 0	0 0 0	
C. D.	5th Asst.	200 0 0	Section 16 and Section 20, Rule V.	Fifteen days, from 1st to 15th March 1859.	0 0 0	None..	0 0 0	0 0 0	
G. H.	21st Asst.	150 0 0	Section 12 and Section 20, Rule II.	Five months, from 1st January to 31st May 1859.	75 0 0	L. M..	75 0 0	0 0 0	

APPENDIX B.

The Certificate from an Official Surgeon to an applicant for Sick Leave shall be given in the following Form:—

I, A. B., Surgeon at (or of) do hereby certify that E. F. (here enter designation of Office) is in a bad state of health; and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and that the circumstances of his case are such as to render leave of absence for the period of absolutely necessary (or highly desirable).

The following Forms shall be observed by the Superintending Surgeon and the Principal Inspector General of the Medical Department in countersigning the Certificate.

I do hereby certify that, according to the best of my professional judgment, after careful consideration of his case, I believe the state of health of E. F. to be such as to render leave of absence for a period of absolutely necessary (or highly desirable) for his recovery.

No. 2427.

NOTIFICATION.—The following revised Rules for the grant of Pensions and Superannuation Allowances to certain classes of Uncovenanted Servants are published by order of His Honor the President in Council, for general information and guidance:—

Pension Rules for Uncovenanted Servants other than Educational Officers, Law Officers, and Native Judges, receiving more than Rupees 10 *a month, and belonging to classes eligible to Pension under the Orders of Government.*

General Rules for Application for Pension.

Applications for pension must be submitted in a letter to Government by the Head of the Office or Department in which the applicant may be employed, who shall certify that the character, conduct, and past service of the applicant are such as to entitle him to the favourable consideration of Government.

2. Every application shall be accompanied by a Register prepared according to Form A in the Appendix. In cases of other than a Good Service Pension every application shall be accompanied by a medical certificate, stating the applicant's incapacity for further service, with the cause thereof, and that it has not been induced by irregular or intemperate habits.

3. Applicants for a Superannuation Allowance must be examined by the Principal Inspector General of the medical Department, if serving at the Presidency, or by a Military Invaliding Committee if serving elsewhere within a moderate distance of a Station at which a Military Invaliding Committee, is periodically assembled. It is optional, however, with the Local Government to accept the certificate of a single medical Officer, or to convene a Special Invaliding Committee at a convenient Civil Station, if the applicant be serving at an inconvenient distance from a Station where a Military Invaliding Committee can be assembled.

4. Good Service and Superannuation Allowances on retirement, sanctioned under these Rules by the Local Governments, will be reported to the Government of India in Quarterly Returns in the Form given in Appendix B.

Allowances on Retirement.

5. On production by an applicant of such medical certificates as shall satisfy the Government under which he may be serving, of his incapacity to serve longer in India, he will be allowed—

I. Under fifteen years' service, a gratuity not exceeding twelve months' salary.

II. After fifteen years' service, one-third of his average salary (and of his personal allowance, if any) during the previous five years: Provided that in no case shall a pension be granted exceeding the sum of *Rs.* 3,000 per annum, whatever the amount of salary, nor of *Rs.* 2,000 per annum, if the salary shall not exceed *Rs.* 12,000 per annum.

III. After twenty-five years' service, one-half of his average salary (and of his personal allowance, if any) during the previous five years: Provided, however that in no case shall a pension be granted exceeding *Rs.* 5,000 per annum, whatever the amount of salary nor exceeding *Rs.* 4,000 per annum if the salary shall not exceed *Rs.* 12,000 per annum.

6. After thirty years' service or upwards a pension may be granted, without production of Medical certificate, of the same amount and subject to the same limitation as that sanctioned for twenty-five years' service on medical certificate. This pension, as the reward of faithful, efficient discharge of duty for thirty years, is termed a Good Service Pension.

7. Pensions of the full amount authorised in paragraphs 5 and 6 are to be granted only as the reward of approved service. In any case in which an Uncovenanted Servant, without having incurred the penalty of removal from Government employ, shall nevertheless, in the opinion of the Government under which he has been serving, not be entitled to the full amount of pension, the Local Government will make such a reduction in the amount of pension as it shall consider just.

8. The foregoing rates of pension and gratuity are applicable also, without the production of a medical certificate of unfitness for service, to Officers discharged on reduction of Establishment.

Service towards Pension.

9. Dismissal for misconduct entails forfeiture of the benefit of past service.

10. Service as a substitute does not count towards pension.

11. Periods of service before the age of 22, or of absence on other than privilege leave and preparatory leave shall not count towards pension.

12. The whole of the service, in virtue of which pension is claimed, must have been passed in an eligible grade and on a permanent Establishment; but claims barred by this Rule will be specially considered if the promotion from an ineligible grade was bestowed as a reward for meritorious service or for good conduct.

13. The period of service must be continuous; but in case of the abolition of the office held by an Officer, and his being subsequently employed by Government, his first period of service is to be taken into account.

Gratuities.

14. When an Officer is discharged with a gratuity under these Rules on reduction of establishment, the gratuity will not be given to him in one sum, but in monthly instalments of a month's pay until the full amount is exhausted. Should he be re-employed before or after the period for which gratuity is allowed, he will have the option of refunding the gratuity and recovering his former service, or of forfeiting that service by retaining the gratuity. In the latter case, any balance of gratuity remaining undrawn at the date of his re-employment may be paid to him.

Payment of Pensions.

15. Payment of pension will commence from the date on which the applicant ceases to be borne on the Establishment, or from that of his application, whichever may be the latter date.

16. No pension shall be payable in arrear, for a period exceeding six months, without the express sanction of the Government obtained thro' the Civil Paymaster,—unless the cause of the suspension of payment shall have been the neglect, order, or act of some public Officer and beyond the control of the Pensioner, when the Civil Paymaster, on a reference being made to him, shall exercise his discretion in passing arrears for payment, or submit a representation of the case for the information and orders of Government, as he shall consider proper.

18. An Officer shall, on retirement, have the option of drawing his pension either in India or from the Home Treasury. After exercising his option on retirement, he may, at a subsequent period, change the place of payment from England to India, or *vice versa*. This change can, however, be allowed but once. The payments in England will be made at the rate of exchange which is annually fixed in communication with the Lords of the Treasury for the adjustment of transactions between the British and Indian Exchequers.

APPENDIX A.

Register of an application for a Superannuation Pension from the Establishment of *preferred under the Rules passed by Government under date*

Name of the person by whom the pension is applied for, with the name of his Father.	
Number on the Establishment.	
Identification of the Applicant's person.	
Indelible marks and other signs or natural defects.	Size. Feet. Inches.
Age of Applicant at the time of application.	Years. Months. Days.
Religion. Caste or tribe.	
Where residing.	Province. Pergunna. Village.
Present employment.	
Total period of service.	Years Months.
Applicant's service continuous or not.	
How long unemployed, and under what circumstances.	
Date of application to Government.	
Average salary or authorised official allowances per mensem, for the five years preceding the date of application.	Rupees. Annas.
Salary or authorised official allowances per mensem, at the time of application.	Rupees. Annas
Abstract of the grounds of application.	
Remarks by the Head of Office.	
Proposed amount of pension per mensem.	Rupees. Annas.
Treasury at which the party, if pensioned, wishes to draw his pension.	
Orders of Government.	

N. B.—Should the Head of the Office be unable, from his personal or official knowledge, to supply the whole of the specific information which the Register should contain, he shall call upon the individual concerned to furnish a written statement (to be verified by his oath or solemn declaration if required) on the points on which information may be defective.

In filling up the Register the Head of the Department will state, after inspecting the Establishment Roll, whether the service of the Applicant has been continuous, and if not, for how long he was unemployed, and under what circumstances.

APPENDIX B.

Statement of Pensions sanctioned by the Government of *in the Department, during the* *Quarter of*

Number.	Name of Recipient.	Designation and place of employment.	Character.	Period counted as service. Years.	Months.	Days.	Average monthly salary during the last five years of service. Rs. A. P.	Amount of monthly pension granted. Rs. A. P.	Date from which the pension is to take effect	Remarks or Explanations.

No. 2428,

Extract from the Proceedings of the Government of India, in the Financial Department, under date the 8th June 1863.

Read letter No. 111 of 6th August 1862, to the Right Hon'ble the Secretary of State, regarding the limitation to £500 per annum of the maximum pension to Uncovenanted Officers.

Read reply thereto in paragraphs 19 to 24 of the Despatch from the Secretary of State, No. 205, dated 8th December 1862.

Ordered, that the foregoing correspondence be published for general information.

FINANCIAL DEPARTMENT.

No, 111 OF 1862.

To the Right Hon'ble Sir C. WOOD, BART., M. P.,
Secretary of State for India.

Fort William the 6th August 1862.

SIR, The Rules of the 4th January 1831, regarding the grant of pensions to Uncovenanted Servants, restrict the amount of pension to half salary for those who have served for thirty years or more (except as regards Law Officers and Native Judges, in whose case twenty-two years' service is sufficient), and to one-third for those who have served for a shorter period, not less than twenty years (fifteen years being substituted for twenty in the case of Law Officers and Native Judges).

2. Referring, however to the extension of the service and the alteration in the prospects of its members since the Rules were passed, the late Court of Directors decided, in their Despatch No 21, dated the 28th February 1855, that 500*l.* per annum should be the maximum pension to be granted to Uncovenanted Officers "hereafter appointed to the Service." Accordingly, as respects all Uncovenanted Officers who entered the Service prior to that date, the Rules of 4th January 1831, continue to be applied, and with reference to the continually increasing number of highly paid appointments which are now thrown open to Uncovenanted Servants, the Government of Bombay, anticipating that the State will become saddled with large pensions payable on their retirement from the Service, have addressed us proposing that "before any Uncovenanted Servant who shall have entered the Service before the 19th May* 1855 is promoted to an appointment, the salary of which is Rupees 10,000 per annum and upwards, he shall be called upon to renounce formally any claim to pension beyond the sum of 500*l.* per annum."

* The date of the orders of the Government of India notifying the decision of the Court of Directors in their Despatch No. 21 of 1855.

3. The restriction proposed by the Bombay Government is in itself quite reasonable, and the only doubt we find regarding it is whether it is the proper way of attaining the object in view.

4. The Uncovenanted Service it seems to us, cannot claim to have any rights under the Rules of 1831 beyond what may be considered to arise out of the general pledge, which those Rules may be taken to give, that a member of that service when rendered incapable of further duty shall not be discharged without *some* pensionary support. As regards the *amount* of pension to be given, the Rules merely fix a limit which is not to be exceeded, and altho' it has, with rare exceptions, been the practice to allow the highest pension of which the Rules allow, this practice cannot be admitted to confer on the Uncovenanted Service any right to claim that maximum in all cases without any regard whatever to the original design and scope of the Rules.

5. The Rules of 1831 were obviously not framed with a view to the duties and emoluments of the High offices which are now bestowed on the Uncovenanted Service.

6. Apart from any question of construction of the Rules as they stand, we see no ground for holding that the Government in passing the Rules of 1831, pledged the State to allow pensions on the scale, and according to the conditions therein prescribed, to all Uncovenanted Servants who were at that time in the Public Service, or who might enter the Service, while the Rules yet remained in force.

7. It appears to us that it was always open to the Government to modify these Rules whenever it might in good faith consider that the public interests called for their modification; and when it appeared that the circumstances of the Uncovenanted Service were becoming rapidly changed, and that the Rules

which were framed chiefly in reference to Natives of India, among whom at that time it is probable that no salary higher than 500 or 600 Rupees a month would have been found, were claimed as applicable to a class of appointments for which they never were meant to provide, we consider that the Government would have been perfectly justified in framing new Rules and making them applicable to all classes of appointments, which were plainly not included within the original intention of the Rules of 1831. This would have been a direct, and, in our judgment, a very legitimate way of attaining the object which it is now proposed to attain by the somewhat doubtful proceeding of refusing promotion to a deserving Officer, unless he will consent to abandon that to which it is assumed he has a right under the existing Rules.

8. We incline to think, notwithstanding the difficulty which his undoubtedly caused by the Proceedings of 1855, referred to in the second paragraph of this letter, that even now it will be better that the Government should assert its right to alter the Rules of 1831, as regards all appointments clearly not embraced by the original intention of those Rules, and to declare such alteration applicable to all Uncovenanted Servants, whether they entered the Public Service before 1855 or since.

9. But if this be done it may be right perhaps, having regard to the expectations which must naturally have been created by the order of 1855, to allow the full advantages of the Rules of 1831, with respect to all appointments *made up to the present time*, and held by Officers who entered the Public Service before 1855. Thus, such an Officer already holding an appointment of Rupees 1,500 a month will, on superannuation after twenty-two or thirty years' service, according to the class of appointment, be able to claim a pension up to 90 *l.* a year; but he will not, if hereafter promoted to higher emoluments, be able to claim a still larger pension calculated on those higher emoluments.

10. The distinction which will thus be made between persons (all having entered the Public Service before 1855) who have already obtained promotion to higher and lucrative employment, and those who are yet looking for such promotion, may possibly appear unreasonable and invidious, but it will not really affect the latter class more injuriously than will the proposal submitted by the Government of Bombay, and it is a course which, on the whole, seems to us less open to objection than the Bombay plan.

11. We request the favour of an early decision upon this reference.

We have, &c.

(Signed) ELGIN & KINCARDINE,
R. NAPIER.
H. B. HARINGTON.
W. GREY.

Fort William, the 6th August 1862.

Extract (paragraphs 19 to 24) from a Financial Despatch from the Right Hon'ble the Secretary of State for India to the Right Hon'ble the Governor General of India in Council, No. 205 of 1862, dated the 8th December.

PARA. 19. I have also had under consideration your Financial letter, dated the 6th August 1862, No. 111, in which you refer to a proposition made by the Government of Bombay, in reference to the restriction on the maximum amount of pension prescribed in the Financial Despatch of the Court of Directors, to the Government of India, dated the 28th February 1855, No. 21.

20. That Despatch fixed the sum of £500 as the maximum pension to be granted to Uncovenanted Servants hereafter appointed to the Service. The Government of Bombay consider that it would be expedient to require any Uncovenanted Servant, who entered the service before the date of the orders of your Government on the Despatch of the Court of Directors, and who shall hereafter be promoted to an appointment, the salary of which is *Rs.* 10,000 per annum and upwards, to renounce formally any claim to pension beyond the sum of £500 per annum.

21. In reference to that opinion of the Government of Bombay, you observe that the Uncovenanted Service "cannot claim to have any rights under the Rules of 1831, beyond what may be considered to arise out of the general pledge which those Rules may be taken to give, that a member of that Service, when rendered incapable of further duty, shall not be discharged without some pensionary support. As regards the amount of pension to be given, the Rules merely fix a limit which is not to be exceeded, and altho' it has with rare exceptions, been the practice to allow the highest pension of which the Rules allow, this practice cannot be admitted to confer on the Uncovenanted Service any right to claim that maximum in all cases without any regard whatever to the original design and scope of the Rules."

22. You nevertheless consider that, with reference to the Order of 1855, it may be right "to allow the full advantages of the Rules of 1831, with respect to all appointments made up to the present time, and held by Officers who entered the Public Service before 1855. Thus such an Officer already holding an appointment of *Rs* 1,500 a month will, on superannuation after twenty-two or thirty years' service, according to the class of appointment, be able to claim a pension up to £900 a year, but he will not, if hereafter promoted to higher emoluments, be able to claim a still larger pension calculated on those higher emoluments.

23. I must observe that, under the existing Pension Rules an Uncovenanted Servant is not entitled to claim a pension of the full amount, which is only authorized as the reward of approved service, and when the Rules were framed it could not have been contemplated that a larger pension than £500 per annum could ever be granted.

24. Under any circumstances, therefore, the full pension should only be awarded in cases of extraordinary merit.

(Signed) E. H. LUSHINGTON,
Secy. to the Govt. of India.

9V 2025

To

The Secretary to the Government of India

Sir

I am directed to request that you will submit for the consideration of the Right Honorable the Governor General in Council the ruling of the Madras Civil Paymaster's office in the following case.

2. The Registrar of the Government Office, Revenue Department who receives a salary of Rs 300 per mensem

sem and was previously
a District Moonsiff was
lately appointed Principal
Sudr Ameen of Madura. He
left Madras on the 1th
and reached his Stati-
on the 9th September
when he received charge
of the Court from the then
incumbent.

3. The Pay office re-
fuses to pass him any salary
for the period occupied in
his journey - viz: - 9 days -
on the ground that as his
office of Registrar was a
Ministerial one, pay during
transit is not allowable
under the order of the Supreme
Government dated 17th
November 1859, Financial
Department No. 10,088.

4. I am to observe
that the Uncovenanted Ser-
vice Leave Rules now in
force draw no distinc-
tion between ministerial
and other officers. They
apply

apply equally to all officers drawing more than 100 Rs monthly. Under them an officer when transferred from one appointment to another of equal or higher value is entitled to "draw so much of the salary of his new office as may be equal to that of his former appointment". The old rules contained a similar provision. [illegible] distinction is to be drawn in this respect between 'ministerial' and other officers, it is not easy to determine where the distinction to end.

The Government have procured a copy of the Order of the Supreme Government on which the Pay Office relies but cannot see that it justifies the ruling. It

It would appear that the practice of the Punjab Audit Office was to grant salary during transit if the previous official designation of the officer was mentioned in the order of appointment and to withhold the salary if this designation was omitted -

The Punjab Civil Paymaster Mr. Rayner commented to this arrangement - Under Section XI of the Rules - which allows an officer newly entering the service of Govt to draw the pay of his office only from the date of joining it - and section XII which allows an officer transferred from one appointment to another to draw pay while he is joining his new appointment, Mr. Rayner expressed himself as follows -

"The former section I understand as referring to newly appointed incumbents not previously in Govt employ - and

The wording of the new rule viz "an officer entering the service of Govt" removes all doubt on this point -

the

mas

the latter I interpret
as applicable to all
officers, ministerial or
otherwise already in the
service, who may be
transferred or nomina
=ted by order of Govt or
public grounds, with
or without promotion
to other appointments -
Ministerial officers
resigning old appoint=
=ments of their own ac
=cord and obtaining
new ones with a view
to their own convenien
or pecuniary advantag
cannot of course clai
the benefits of this rule."

Mr "

Mr Kaynes men
tioned out the in=
=equity and uncer=
tainty of the practice
mentioned in para 5-
6 The Punjab Govt
supported the view of
Civil Paymaster-

The Govt of India
called on the officiating
Civil Auditor of Fort
William for a state=
ment of the practice
of his office and he re=
plied as follows-

"The rule laid
down in the above sec=
tions (XI and XII) has been
correctly interpreted by the
Civil Auditor of the Pun=
jab, but his practice (which
that

that mentioned in para 6 [illegible] differs from that obtaining in this office."- x x x.

"The provisions of section XII are applied to all uncovenanted officers whether ministerial or holding their appointments direct from Govt, provided they be not in receipt of a salary of b[illegible] than 100 Rupees and provided also in the case of ministerial officers their transfer to better appointments be not at their own request, but owing to the convenience of the public service.- A ministerial officer holding the appointment of a Head Clerk, Darogah or Sheristadar is not allowed to draw any portion of his salary (if he quits such appointment and succeeds in getting a by Collectorship or Extra Assistantship) during the interval

period"

8. The Government of India considered the question of the Calcutta office to be correct. Now considering that the Punjab Civil Auditor held section XII to be "applicable to all officers, ministerial or otherwise already in the service" and that the Calcutta Civil Auditor declared that he had "correctly interpreted" the Section and that it was applied in the Calcutta office "to all uncovenanted officers whether ministerial or holding

holding their appoint-
ments direct from
Government" pro-
vided their
salaries exceed
100 Rs it is
quite clear that
the circumstance
of an officer hav-
a ministerial
or executive duty
does not affect
the question at all.
The only special
disabilities under
which according to

the

the Calcutta practice
"Ministerial" the
officers [illegible] are that
they do not
reap the advanta-
ges of the Section
if they are moved at
their own request or
have resigned their
offices. The Civil
Auditor, Baboo H. M.
Mozarjee's actual words as to
the first disability are
provided their transfer
to better appointments be
not at their own request
but owing to the conve-
nience of the public
service."

Service" but as there is nothing criminal in seeking advancement and promotion is not to be held for the mere asking, his meaning no doubt was that a transfer for mere private convenience of the transferee irrespective of public considerations deprived the individual of claim to pay while he was travelling and doing no work. The rule is fair enough only it should apply to all and not merely to ministerial officers. The same

same principle moreover is followed as regards travelling allowances. As to the second disability the Civil Auditor's words are a ministerial officer holding the appointment of Head Clerk, Daroga Cheristadar is not allowed to draw any portion of his salary if he quits such appointment and succeeds in getting a Deputy Collectorship or Extra Assistantship" as an officer cannot be transferred or promoted without quitting his old appointment, it is evident that the Civil Auditor, in saying "if

he quits" meant if he resigns and this is further apparent by the expression being followed by the words "and succeeds in getting a Deputy Collectorship". This also tallies with the interpretation, declared correct of the Punjab Auditor viz "ministerial officers resigning old appointments of their own accord and obtaining new ones with a view to their own Convenience

convenience or pecuniary advantage cannot of course claim the benefits of this rule". In such case the appointment is not a transfer at all and the rule is perfectly just, only it should apply equally to all uncovenanted officers.

10- The Government regard the ruling of the Madras Pay office as erroneous and inequitable and recommend that it be authoritatively laid down that all uncovenanted officers subject to the new rules are entitled to pay while joining new appointment

appointments provided

I That they be in the Service of Government at the time of appointment.

II. That the appointment be made for public reasons

III. That they join to the the prescribed perio

J. D.

Fort St. George
3d. Novem 1804.

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...of Govt for ...vr.

No. 2025.

No. 2.

The Secretary to the
Govt of India.
Dated 3d November 1864.

...m Do. dated 21 December
1864 No. 3360 of 1864.

Addressing Govt of
India on the erroneous
ruling of the Civil Paymaster
in the Case of the Registrar
Revenue Department respect
-ing his pay while joining
his new appointment.