M.R.O. 14—5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2838 Press ~~Mis.~~

471-472

Dated 19-10-1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
19th October 1866.

No. 471. Read the following Proceedings of the Madras Government in the Military Department :—

Referring papers in view to a report on the statement made by the Petitioner, regarding the recovery of the amount over-paid to him, being obtained from the Collector of Tinnevelly and submitted to Government. } (Here enter 9th October 1866, No. 3,510.)

No. 472. ORDER THEREON, 19th October 1866, No. 2,838.

Miscellaneous.

Communicated to the Board of Revenue, who will obtain and furnish the information required in the foregoing G. O.

(True Extract.)

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

To the Board of Revenue, with Proceedings Military Department, No. 3,510.

Exd. S. T. Augustin.

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MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

Petition from Nellamoodoo Naik, 7th class, pensioned heir No. 7568, Madras. } Here enter 17th September 1866.

From the Acting Superintendent of Pensions. ,, 4th October 1866, No. 1627.

Petition from NELLAMOODOO NAICK, 7th class, pensioned heir No. 7568, Madras, 17th September 1866; to the Secretary to Government, Military Department, Fort Saint George.

HUMBLY SHEWETH,

That your petitioner begs to enclose a petition addressed to the Acting Superintendent of Pensions, bringing to notice the irregular and unjust act of the Native Deputy Collector of Tinnevelly, in forcibly exacting from your petitioner an amount of pension over-paid by his (the Deputy Collector's) own neglect, and praying that the amount be recovered from the said Deputy Collector.

The endorsement to this petition states that the amount over-paid was "voluntarily re-funded by petitioner," which statement is utterly groundless and untrue, inasmuch as petitioner did not refund of his own accord, but was pressed and forced by the Deputy Collector to pay it, as detailed in paragraph 3 of the enclosed petition.

Under these circumstances, your petitioner most humbly prays that you will be pleased to take his case into consideration, and cause instructions to be issued to the Superintendent of Pensions, to recover the amount from the Deputy Collector of Tinnevelly to Government treasury, as authorized by the Pension Regulations, and pay petitioner's money, which the Collector exacted from him. For which act of justice, petitioner as in duty bound, will ever pray.

Petition from NELLAMOODOO NAICK, 7th class, pensioned heir No. 7568, Madras, 29th May 1866; to the Acting Superintendent of Pensions, Fort Saint George.

HUMBLY SHEWETH,

That in submitting a petition to your address, petitioner received an endorsement, dated 29th November 1865, by this it will be seen that his case was referred to you by the Deputy Collector of Tinnevelly, to whom your reply was to the effect that, "as the Deputy Collector had disbursed the "pension beyond the period for which it was granted by Government, the Deputy Collector is "responsible for the over-payment, and that it is out of the power of the Acting Superintendent "to authorize the recovery of the money from the pensioner."

2. Petitioner begs to state in reply to this endorsement that, he being ignorant of the pension regulations, he was not responsible for the over-payment of the pension, as the Deputy Collector of Tinnevelly had disbursed the pension beyond period for which it was granted.

3. Petitioner begs to bring to notice that, when the Deputy Collector received instructions from your office to refund the amount over-paid, the said Collector summoned your petitioner to appear and threatened that if he does not return the total amount of his pension pay of twenty-three months, Rupees 63-4-0, a writ will be issued and punished severely, this alarmed petitioner very much, he was obliged to sell his late father's house, which was only the earning of his father left to his helpless son who is deformed in leg.

4. The Deputy Collector demanding the amount from the petitioner is presumed to be unauthorized by the rules of the service, he begs respectfully to submit that, if a pensioner or heir was over-paid, Government do not look upon him for recovery of such amount from a poor pensioner or heir, thereby the Native Deputy Collector unjustly recovered the money from your petitioner, the amount paid by his own neglect, the Deputy Collector is responsible for the over-payment made by him and not your petitioner; petitioner humbly observes that he is not to be punished and suffer for the fault and mistake of the Native Deputy Collector, this Officer was not only neglect in his duty by over-paying a poor heir, but also he over-ruled your petitioner by taking back the money

forcibly; petitioner further begs to observe that when such authority as the Superintendent of Pensions who declared by a reply to the Deputy Collector, that it is out of the power of the Superintendent of Pensions to authorize the recovery of the money from the pensioner, what power the Officer in charge of Pensioners (Native Deputy Collector) has to recover the money from a poor pensioner as your petitioner. He leaves this for your superior judgment.

5. Petitioner has no other alternative than you to look for justice, therefore he lays his grievances before you, in humble hope that you will in due justice intercede in his behalf and obtain the justice he seeks at your hands.

6. Under these circumstances, your petitioner most respectfully prays that you will be pleased to submit this petition with your support, to the favorable consideration of Government, who he trusts will not hesitate to order the recovery of the money from the Officer in charge of Pensioners, over-paid by his own neglect of duty and over-ruled upon your petitioner without any power or authority. For which act of favor and justice, your petitioner, as in duty bound, shall ever pray.

Petitioner is informed that the amount over-drawn having been voluntarily refunded by him as stated by the Deputy Collector of Tinnevelly, and which has been carried to the credit of Government, the Superintendent of Pensions cannot interfere in the matter.

(Signed) ALEX. D. CLAY, Captain,
Ag. Superintendent of Pensions.

24th July 1866.

Referred to the Superintendent of Pensions, for report.

21st September 1866.

From the Acting Superintendent of Pensions, Fort Saint George, 4th October 1866, No. 1627; to the Secretary to Government, Military Department.

With reference to the petition of Nellamoodoo, late pensioned heir No. 7568 of 7th class, forwarded to me for report, I have the honor to state that the individual was in receipt of a pension of Rupees 2-12-0 per mensem, on account of his father the late Private Tyalloo, 50th Regiment Native Infantry. This pension should have ceased on 31st October 1863, as duly inserted in his pension certificate.

2. The Deputy Collector at Tinnevelly, charged with the duty of paying the pensioner, appears not to have noticed the date of expiration of pension as noted in the certificate, and thus an over-payment of Rupees 63-4-0 was made to the pensioner.

3. This office, on discovering the above over-payment, intimated it to the Examiner Pay Department, who recovered the amount in the usual manner.

4. By paragraph 74 of the Pension Regulations, no irregular stoppages are to be made from the pay of pensioners, but the Deputy Collector states that Nellamoodoo, voluntarily appeared and tendered the amount of the over-payment.

ORDER, No. 3510, 9th October 1866.

Ordered to be referred, through the Revenue Department, to the Collector of Tinnevelly, in view to a report on the statement made by the petitioner, regarding the recovery of the amount over-paid to him, being obtained and submitted to Government.

(True Extract.)

A Macmillan Colonel,
Deputy Secretary to Government.

To the Petition Department.
,, Superintendent of Pensions.
,, Revenue Department. With 20 spare Copies

Exd. J. E. Cashart.

Revenue 1866. Octr 4th
Pro. of Govt Nos 3565 October
No. 3565.

Proceedings of the Madras Govt in the Military Dept.

Dated 3d Octr 1866.
Received 11th

No. 3570.

Pro. of the Board of Revenue
dated 2d March 1867 No 597.

Referring papers in view to a report on the statement made by the Petitioner, regarding the recovery of the amount over-paid by him being obtained from the Collr of Tinnevelly & submitted to Govt in
No 2838 - 19 Octr

With order

No. 2838

Communicated to the Board of Revenue who will obtain and furnish the information required in the foregoing

GO

14 To the Board of Revenue Con No Octr 3570 Dec 20 19th Octr 1866

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No. 4718472