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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. 1428 Press.
B.P. No. Mis.

Dated 10-6-1878 197 .

GP.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

21st May 1878, No. 194.

Pension.

Read the following paper :—

From L. C. PROBYN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 20th March 1878, *No.* 1611.

Audit Department.

I have the honor to forward, for the orders of Government, copy of a letter received from the Collector of Kistna, No. 580, dated 1st instant, bringing to notice the case of an invalid Police pensioner who has been re-employed under Government since February 1870, and has drawn, in addition to his pension, the pay of his new appointment, which exceeded the pay of the appointment on which he was pensioned, in contravention of Section 97 of the Civil Pension Code. The Collector, in calculating the amount to be recovered from the pensioner, has disallowed the monthly [illegible] during re-employment.

2. Under Section 97 of the Code, however, the pensioner is entitled to the pay of his new appointment, and forfeits only the pension due for the period he was re-employed. The amount of pension from 8th February 1870 to February 1878 is Rupees 338-10-0, Rupees 45-8-0 of this has not been drawn, so that the balance to be recovered is Rupees 293-2-0.

ENCLOSURE No. 1.

From W. WILSON, Esq., Collector of the Kistna District, to the Accountant-General, Madras, dated Masulipatam, 1st March 1878, No. 580.

I have the honor to report that one Syed Ali, who obtained an invalid pension of Rs. 3-8-0 per mensem in the Guntur Taluq on 19th November 1869, was appointed as a Batta Amin on Rupees 12 a-month in the District Munsif's Court of Guntur on 8th February 1870. From that time he drew both his pay and pension up to January 1877.

2. In the District Gazette, No. 5, of 10th March 1877, a Circular was published to the effect that the pensions of all pensioners who fail to report the fact of their being in public or private employ on a monthly salary should at once cease and no further payment be made until the orders of Government have been received. Thereupon the Tahsildar of Guntur reported Syed Ali's case to the Huzur on 7th May 1877. His pension was at once stopped, pending further orders; and the Tahsildar was called upon to report how he certified on monthly pension lists that Syed Ali was not in any Government employ.

3. The Tahsildar reported that he always inquired regarding the employment of pensioners at the time of signing their pension receipts, but Syed Ali never intimated to him that he was employed as a Batta Amin in the District Munsif's Court, nor did he ever wear a badge like other batta peons; and that as the pensioner is not illiterate and certified every time he took his pension that he was not employed in any Government service the responsibility rests on him and on the officer who employed him.

4. From the pensioner's kyfiet taken before the Tahsildar it appears that he never reported his employment to the taluq officials because he did not know that it was necessary to do so, and that he reported the fact to the Tahsildar when he asked him about it.

5. In his petition to the Treasury Deputy Collector, dated 16th August 1877, Syed Ali stated that he always informed the Tahsildar of his employment when he went to take his pension, and that the Tahsildar once told his Sheristadar to take a deposition from him, but it was not taken.

6. As Syed Ali was a Police Constable when he obtained his pension, the Superintendent of Police was written to, and he replied in his letter, dated 31st January 1878, that the salary of Syed Ali, late 1st-Class Constable, was Rupees 7-8-0 per mensem when he was pensioned in 1869, and that he was dismissed on medical certificate of unfitness for further service.

7. It appears from Section 98 of the Civil Pension Code that a person who has obtained an invalid pension may be re-employed in some other branch of the service, and from Section 97 it appears that the sum total of pay and pension is not to exceed the pay of the former appointment which he held when the pension was granted.

8. The pensioner is sixty-three years old and has expressed a wish to resign his present appointment if the rules do not allow him to continue in service, and to receive his pension as usual. He has drawn a higher salary than his former pay Rupees 7-8-0.

9. The excess drawn by him from the date on which he was employed as Amin up to end of February 1878 is shown below :—

	Rs.	A.	P.
Amount drawn by the pensioner in February 1870—			
From 1st to 7th, at Rupees 8-8-0 / „ 8th to 28th, at „ 15-8-0	12	8	0
From 1st March 1870 to 28th February 1878 at Rs. 15-8-0, viz., Rs. 12-0-0 pay, Rs. 3-8-0 pension.	1,488	0	0
Total ..	1,500	8	0
Deduct amount properly due to him at Rupees 7-8-0 a-month under Section 97 of the Civil Pension C	726	8	0
Excess drawn	774	0	0
Deduct amount of undrawn pension from 1877 to February 1878, at Rupees 3-8-0	45	8	0
Balance overdrawn ..	728	8	0

10. This amount should be recovered either from the party himself or from the officer who employed him if he knew the facts, or from both.

From L. C. PROBYN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 30th April 1878, No. 1781.

Audit Department.

In continuation of my letter, No. 1611, dated the 20th March last, I have the honor to report that the Collector of Kistna, in his letter of the 24th instant, No. 833, states that the date on which the pensioner was re-employed was the 16*th April* 1873, and not the 8*th February* 1870, as reported in his letter of the 1st March last. The amount to be recovered from the pensioner is therefore only Rupees 159-4-0 the amount of pension drawn by him from date of his re-employment up to 31st January 1877, which he should have forfeited under Section 97 of the Civil Pension Code.

ORDER THEREON, 21st May 1878, No. 194.

The Government presume that Syed Ali still retains his appointment of Batta Amin. The amount (Rupees 159-4-0) of pension irregularly drawn by him from the 16th April 1873 until the 31st January 1877 will now be recovered from him by monthly instalments of Rupees 4-8-0.

2. In future the officer employing a pensioner will at once report the circumstance to the Accountant-General or District Treasury Officer.

(True Extract.)

Under Secy. to Govt.

To the Accountant-General.
„ the Collector of Kistna.
„ all Heads of Departments.

Exd. T. O'Connor.

Bom. of 1873 Rules.

PENSION.

The ACCOUNTANT-GENERAL,

&c. &c. &c.

Dated May 31st.

Dept.

Subj. Grant of

Ref.

G.O., 31st May 1876, No. 124.

MAY.

Read:—Directing that the pension irregularly drawn by Bhatia Ajuba Syed Ali from the 16th April 1873 until the 31st January 1877, should be recovered by monthly instalments of Rupees 4-0-0