

EAST AFR PROT

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REC'D
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211

N. J. Deane

1919

You

No objection to whole of ...
... To ...
... contribution ...

The ... (Design for papers)
will ...
The ... paper ...
should be ... as soon
possible)

J. J. ...
2.12.19

Two points require a decision (1) the amount
on which pension should be based (the am. raised
by the Deane in enclosure to 45008/16); and
(2) whether Mr Deane is to have pension for his
Indian + E.A.P. service based on final E.A.P. salary.
11). It was said some years ago in a
Cayton case (28172/09 Cayton) a case in which
has since been applied in a h. African case
(page 1180 (v)) "that any officer who retires
with a

to a higher class should be given the option of drawing pension on his average salary for the last 3 years or of being pensioned on the salary drawn by him previous to such promotion.

The average salary drawn by Mr. Desai at the date of his retirement was £141.7.5. His salary at the date of his promotion was £136. The acting Treasurer's suggestion, that he should be pensioned on the salary to which he would have attained, £152, if he had not been provided for beyond the ruling in the Ayton case. I think it would be dangerous to exceed the ruling, and I should not agree to the suggestion.

A
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—

(2) The Inter Office, in suggesting continuous pension may have in mind the cases of Somaliland subordinate officers who, under No. 5 of the Somaliland Pension Regulations are allowed pension based on Indian + Somaliland service, Government paying the difference. The I.O. Pension Regulations (No. 3) provides that cases of Indian + S.A. service shall be dealt with as to & down in the Rules under the Superannuation Act, 1892, and those Rules make no provision for continuous pension. I do not remember a case of this kind in which a continuous pension has been granted. The Director's paper on which it may have been raised is not in my possession. I may have misled you in referring to the H.C. case (401) P.A. in my minute attached to (40338) P.A., as Mr. H.C. comes under the Superannuation Act directly, and his

Decision doesn't
explain to Governor as at A's and
copy of this letter & enclosures, and say that his
pension should be issued as decided in the
Durand case.

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(H Dec 9, 1919

Mr. Hester

11 The duration of his shell
is available, please
inform me of the
military service appearing to
10/19/12

My letter

Mr. Botwin

as proposed by Mr. A. Venter - except
that I should prefer not to have the
decision as to the pension
to the party at hand
apparently, Mr. Desai and receive
separate pension for his Indian
P.R. service - it will be better
to say so at once

all
24/11/19

To

Sir: H. R. G.

On the question of introductions
Substantial transfer from
provisionally apply in India - in the

of the Treasury, that the

of the Treasury, that the

(city council) present

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Sept. 11/20

at once.

H. J. R. 11/20

For communication on this subject
addressed to—
Secretary of State for India,
Financial Department,
India Office,
London, S.W.1.
Any reference quoted—
P. 11524

INDIA OFFICE,
WHITEHALL,
LONDON, S.W.1.

6383
7 NOV 1919

November, 1919.
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With reference to your letter dated 27th September 1919
No. 11524, I am directed to state that after consultation
with the Government of India as Secretary of State for India in
Council, approval of the Director in the Bombay Customs Department
Mr. M. Desai prior to his proceeding to West Africa being
granted to count for pension from Indian revenues. A copy of
a letter dated 13th September 1919 from the Finance Secretary to
the Government of India on the subject is enclosed for information.
Mr. Montagu presumes that, as in the case of various other
ordinates with previous service under the Government of India,
the whole period of Mr. Desai's services, both in India and West
Africa will be allowed to count towards his final pension, subject
to a contribution from the Government of India in respect of
his Indian service.

I have the honour to be, Sir,
your obedient servant,

Under Secretary of State
India Office.

D.O. No.1075 C.S.R.

Financial Department.

Sirsa, the 13th September,
1919.

Dear Sir,

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In reply to your letter No.F.12709 dated 19th November, 1918, I enclose a copy of a letter from the Government of Bombay, from which it will be seen that the ~~services~~ of Mr. N. J. Desai were not formally transferred to the East Africa Protectorate as required by Article 473-C.S.R. The Government of India, however, take no objection to this irregularity being condoned and to his being permitted by the Secretary of State to count as pensionable his service in the Bombay Customs Department from the 30th June 1899 to the 13th November 1901. It has been ascertained that that service was pensionable.

Yours faithfully,

(Sd) E.M. Cook.

Financial Secretary,
His Office,
London.

Government of Bombay to the Secretary to the Government of India in the Finance Department, no. 4394 of 1919, dated 30th April 1919.

With reference to Mr. Bhandari's letter No. 99 of 1919, dated 8th February 1919 requesting that the Government of India may be informed of the circumstances in which, and of the terms and conditions under which, the services of Mr. N. J. Desai were transferred to the East Africa Protectorate, I am directed to state that Mr. Desai, who served as a weigh-clerk in the Bombay Customs Department, was, at his own request, seconded to British East Africa with a view to taking up an appointment there. He was, however, allowed to retain a lien on his Bombay appointment till 7th May 1904, and was treated as on leave without pay during the period. It does not appear that he was transferred or deputed to Africa by the Bombay Customs Department. His service and pay in the latter Department were as shown below:-

Designation.	Pay Rs.	From To	
Substantive pro tem Clerk.	30	30.6.1899	7.5.1899
Permanent Clerk.	30	8.8.1899	13.1.1901
Substantive pro tem Clerk.	35	14.1.1901	12.8.1901
Permanent Clerk.	35	13.8.1901	13.11.1901

2. The accompaniments to the letter under reply are returned herewith.

10.

65638

Cap

19

219

a

10

13 January

in the ...
 ...
 ...
 ...

I accordingly ...
 be awarded a pension in ...
 years completed service, based on ...
 pensionable emoluments at the date of ...

his

The recommendation the promotion due to
by the Indian Service being
approved by the Govt. of India. Bonus given for 7.7.
I regret to be unable to 196 of 28 Oct. 1915

Decisions made of 1915 Act
Desai's name should be kept on list
to which the normal pay should be
granted. The normal pay of 1915 Act
should be 1915 Act.

his actual salary at the
date of his promotion, as has been allowed
his promotion is ^{what has been} ~~the~~ ^{actual of his present} ~~the~~ ^{of his present}
would create an undesirable precedent, but
Desai must therefore be provided on the
average of £141 7 5, stated in the paper of
particulars, and his total pension will amount
to £142 8 3 per annum.
Chaugy