

1932

1

18110

CO 533/423
KENYA

18110

PETITION.

MR. T.C. MASCARENHAS

PENSIONABLE SERVICE

Previous

~~R 209~~
R 309
- 297

Subsequent

R 297	5/4/32
Mr. Kistman	5/4
Mr. D. S. ...	6
Mr. Hunter	6
Mr. ...	
Mr. Jeffries	7/4
Sir D. ...	7/4
Sir R. ...	10.6.32
Mr. ...	
R 297	19/4
Mr. Gaunt	20/4
Mr. ...	21/4
297	1/6
Mr. Hyde	15/6
Mr. ...	1/6

originally up'd on 1
18007/32.
Pensions of Militaries
Non-European

Col. Secty.

3.p.n.

12.2.1932

2

Trs. for information and record, particulars of pension awarded to Mr. T.C. Mascarenhas, Registration & Insurance Clerk, Posts & Telegraphs Dept.

? Put by.

R.N. Home 7.3.1932

J. Hunter '8th' at once.

2 Gov. Kenya

103 Res.

3.1.32

Forwards a petition submitted by Mr. Mascarenhas in regard to the pension awarded to him.

Para 798 of the rules regarding
Army staff clearly lays ~~it~~
down that any periods during
which no pay has been drawn
will not be taken in to account
(i.e. including the period of protracted
service)

There is similar provision as
regards Europeans in the European
Officers' Pensions order.

The rule in 4370 ~~et~~ mentioned
in para 3 of 2 forbids the grant
of extension of years to enable
an officer to complete 20 years
of service and by analogy applies
to this case. (It hardly seems
reasonable to subject to any extension by
~~extension~~

however as he has already
completed the 30 years necessary
to make him eligible for retirement
on pension.)

? Subject to any orders by
C.S.D. desist that the petitioners be
informed that the rules governing

This is not a
very happy
reference. There
are, of course,
plenty of precedents
for not granting
extensions merely
for the sake of
enabling the
officer to complete
another year
for pension.
G.J.

The grant of pensions do not
admit of his requests being approved.

Mr. Povich

5/4/32

Jaque Hunter

Apr 6, 1932

A dear case for refusal to intervene.

Shewlin
6/11

Yes - and I think our
reply should be in that
form rather than as
proposed by Mr. Pirschman.

Shewlin

7.4.32

Yes. In the old days, when all pensions
were computed on completed years, people
often used to miss the extra bit by much less than
4 months.

It is clear that if Mr. had retired
earlier than the 4th Nov in 1903 did not count
the date of his retirement would not have been
affected.

As to the A.P.M.'s suggestion of leave
on grounds of public policy (e.g. war service,
or to avoid an unavoidable witness or
transfer) the idea is quite in order.

L.C.S. 7.4.32

Nett

10.4.32

At mee.

Hand Povich
www.Povich.com

To Gov: 287 Received
(2 answer)

13 APR 1932

Present to

W.T.C. Maccaenas

Asks for a reply to his petition.

DESTROYED UNDER STATUTE

Reply that his petition has been
considered by the SPS who has decided
that he is not prepared to intervene
in the matter. The petitioner will

add that the Government has been
asked to dispend ~~the money~~
probably knows this already from the
Governor, but as he has addressed the
SPS it may be as well to reply
direct also?

A.H.D.
14.6.32

Send him a 3pm covering that the SPS has received
and considered his petition and that a reply is being
sent to him through the SPS office.

atf
5-11/32
atf

To Maccaenas 4 and

20.6.32

DESTROYED UNDER STATUTE

C. O.

Mr. Priestman.

Mr. *Druid*

Mr.

Mr. Parkinson.

Mr. Tompkinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Partly. U.S. of S.

Secretary of State.

11/4/32.

16110/32.

File 3⁴
[]
12

DOWNING STREET.

/3 April, 1932.

Sir,

I have etc. to

acknowledge the receipt of your
despatch No. 103 Reserved of the
9th of March forwarding a
petition from Mr. T.C. Mascarenhas,
late Registration and Insurance
Clerk, Post and Telegraphs
Department, requesting that the
four months extension of leave
without pay granted to him in
1903^{may} be reckoned as pensionable
service, or alternatively that he
may be allowed to extend his
leave by approximately four
months in order to complete a full
year of pensionable service.

DRAFT.

KENYA.

NO. 28y *Revised*

GOVERNOR.

(2)

2. I agree with your views on
the case, and I shall be glad if
you will cause Mr. Mascarenhas to be
informed that I do not propose to
intervene.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER.

KENYA

No 03 RESERVED.



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
1932

27 March, 1932.

Sir,

With reference to Kenya Note No. S/Kst.

19/1/593/38 of the 12th February, forwarding a form of particulars of pension awarded to Mr. T.C. Mascarenhas, Registration and Insurance Clerk, Post and Telegraphs Department, I have the honour to transmit a petition (together with covering correspondence) submitted by Mr. Mascarenhas, requesting that the four months' extension of leave granted to him on account of ill-health in 1903 be reckoned as pensionable service or alternatively that he may be allowed to extend his leave by the number of months required (approximately four) to complete a full year of pensionable service.

2. At the date of his retirement Mr. Mascarenhas will complete 32 years, 8 months and 1 day's pensionable service and his pension has, therefore, been calculated on 32 years' service in accordance with the existing regulations.

3. The application would appear to be definitely barred by the ruling contained in His Grace the Duke of Devonshire's Confidential despatch of the 12th March, 1925, addressed to the Governor of the Tanganyika Territory, and as it seems clear that the extension of leave granted in 1903 to Mr. Mascarenhas was not made on the grounds of public policy I am unable to recommend

the

THE RIGHT HONOURABLE
MAJOR SIR PHILIP GUNLIFER-LISTER, P.C., G.B.E., M.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWLING STREET, LONDON S.W.

Petition.
Correspondence.

1932

to be
filed

KENYA.

NO. 03 RESERVED.



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
GOVERNMENT HOUSE
NAIROBI
10 MARCH 1932

March, 1932.

Sir,

With reference to Kenya Note No. 8/Est.

19/1/593/38 of the 12th February, forwarding a form of particulars of pension awarded to Mr. T. C. Mascarenhas, Registration and Insurance Clerk, Post and Telegraphs Department, I have the honour to transmit a petition (together with covering correspondence) submitted by Mr. Mascarenhas, requesting that the four months' extension of leave granted to him on account of ill-health in 1903 be reckoned as pensionable service or alternatively that he may be allowed to extend his leave by the number of months required (approximately four) to complete a full year of pensionable service.

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THE RIGHT HONOURABLE
MAJOR SIR PHILIP GUILFORD-LISTER, P.C., G.B.E., M.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

Recd

Petition.
Correspondence.

1932/1/593/38

See 4/17/32

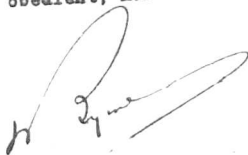
the

the petition for your favourable consideration.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A handwritten signature in black ink, consisting of a large, stylized initial 'H' followed by a surname that is partially obscured by a long, sweeping horizontal stroke.

BRIGADIER-GENERAL.

G O V E R N O R .

7
Mombasa, Bombay

3/5
19th January 1932.

The Rt. Honourable,
Major Sir Philip Cunliffe Lister,
P.C., G.B.E., M.C., M.P.,
Secretary of State for the Colonies,
L O N D O N.

Through H.E. The Governor & Commander-in-Chief,
Kenya Colony & Protectorate,
NAIROBI.
The Hon. the Postmaster General,
NAIROBI.

Sir,

I, T.C. Mascarenhas, Special Grade Clerk in the Postal Department, have the honour to humbly and respectfully submit the following claim for your kind consideration.

2. In the year 1905 after a severe attack of black water fever at Kisumu I was granted four months extension of leave in India without pay. I was made aware of the fact that this period of sick leave would not count for pension only a few days before my departure on retirement from the service, as it would appear the Department had no information on the subject.

3. A request to the Hon. the Postmaster General, made a few days before I left Nairobi, that a recommendation be made to Government for an extension of my tour by at least four months or alternatively that the period be allowed to count for pension was not granted on the grounds that I had already received consideration in as much as I had been allowed to remain till January 1932 instead of leaving the service in November 1931, as was the original intention of the Postmaster General.

4. The facts in this connection are that early in the latter part of last year I was asked to proceed on leave before I had completed the normal tour since my last return from leave. In order, I presume, that I should be retired from the service at the close of 1931 on account of the economy steps the Government was then taking to ease the financial depression.

5.

5. I informed ~~xxxx~~ the Department that owing to family and other obvious reasons it was not possible for me to do so immediately at that time, and was called upon to submit a medical report. On this being done arrangements were taken in hand to secure passages for me and family to proceed to India in November but no accommodation was available until January of this year.

6. If this may be called a consideration in the case of one who has served the Government for more than 32 years I would respectfully submit that it was not of such importance or magnitude as not to have allowed me the further benefit of a small extension, by the refusal of which I am now to be deprived of a small, but for me a very essential and important, increase in my pensionable emoluments.

7. I joined and served in the Colony in its very early days, often under considerable hardship and discomfort and without the many privileges that are granted to Officers in these days. As a direct result of very unhealthy conditions then prevailing I suffered an attack of black water fever, which at the end of a long and faithful service is now to penalise me for no fault of mine.

8. In view of the foregoing I pray that you, Sir, will give this petition of mine your very kind consideration and grant me a last favour by directing that my service from June 1899 to June 1932 (when my leave as at present is due to expire), i. e., 33 years, may be counted as continuous or alternatively to extend my leave by the number of months required to complete a full year of pensionable service as a special case.

9. Whilst the granting of my request would perhaps be of very little consequence to Government and could not create any undesirable precedence, as cases like mine will rarely if ever occur, it would mean a boon to me and a satisfaction by way of

a small reward in a tangible form for the many years of labour so zealously and ungrudgingly given in the service of the Government, and which I have been practically forced to leave owing to retrenchment of expenditure.

I have the honour to be,

Sir,

Your most obedient & humble servant,

T. B. Mascarenhas

Address:

CHUVAR,

~~XXXX~~
ANJUNA, BARDEZ,
GOA. (P. India).

23rd February,

2

The Hon'ble The Colonial Secretary,
Thro'
The Hon'ble The Treasurer,
NAIROBI.

Forwarded. The applicant is Mr. T. C. Mascarenhas, Registration and Insurance Clerk of this Department, who is now on leave pending retirement. Secretariat file 3/Est. 19/1/593/38 refers.

2. Briefly, the circumstances preceding Mr. Mascarenhas' retirement were that, in connection with the attaining of the age of 50 which he did on 18th February, 1951, and completing nearly 33 years' service, he was referred to and intimated that he wished to retire on completion of his then current tour. Later, on the 19th June, he was informed that, in view of the economic position, the Department would prefer that he should advance the date of his retirement so as to permit of his appointment becoming vacant early in 1952. He put forward various representations, chiefly relating to his domestic circumstances, with the result that the Department agreed to his departure on leave, (prior to retirement), being postponed to the 20th January 1952, and Mr. Mascarenhas in a written minute, expressed his appreciation of the consideration extended to him. His statement that he was asked to remain until January 1952 is not in accordance with fact.

3. On 6th January last, when all arrangements for his departure and retirement had been completed, Mr. Mascarenhas reported that the fact that 4 months leave without pay granted in 1903 would not count for pension had, "escaped his attention" and enquired whether his departure could be postponed 4 months or, alternatively, whether the Department would recommend that this period might be permitted to count for pension. At the time he stated verbally that, whilst desiring to ascertain the Department's attitude on the matter, he did not wish to press either alternative. It is not correct to suggest that the Department was not aware of the no-pay leave position.

4. As there was urgent need for economy, he was informed that the Department was not, in view of the consideration already extended to him, prepared to agree to his departure being again postponed. He was informed at the same time, and this had nothing to do with the previous consideration extended to him, that it could not be arranged (i.e. departmentally), to allow the 4 months no-pay period to count for pension. To this intimation he did not then demur.

5. Mr. Mascarenhas is an officer who has rendered long and valuable service to the Department but it must not be overlooked that for this he was rewarded by promotion to a Special Grade post at Shs. 600/- per annum and that his pension will correspondingly benefit. Had he gone at the time it was originally intended he should go, there could have been no question of allowing him a special concession in order to complete a year for pension purposes. In fact, the consideration which was extended to him by the Department is now being used as a lever to obtain that concession. His grievance, if any, lies, I think, in the fact that Asiatic pensions are not calculated on a monthly instead of on a yearly basis. The Department is not prepared to recommend that Mr. Mascarenhas' present leave should be extended by four months but, if it is felt that his case merits consideration, perhaps the question of the 1908 leave being allowed to count as service for pension purposes might be examined. The only regulation which appears to have a possible bearing on the matter is that given in Section 54 of the European Officers' Pension Ordinance 1927, (S.S. 64 C.O.R.). This provides for leave without salary granted on grounds of public policy and with the approval of the Secretary of State being allowed to count for pension. A copy of the minute approving Mr. Mascarenhas' 4 months no-pay leave in 1908 - the period under consideration is attached.

6. The pension already approved for Mr. Mascarenhas is at the rate of Shs. 4,416/- per annum and this would be increased by Shs. 180/- per annum if the 1908 no pay period is added to pensionable service.

HR.

sd/ H. G. M. MacDonald,
For POSTMASTER GENERAL.

12
Copy.

Bombay No. 73/118.

The Treasury,

Mombasa, 29th June, 1903.

Sir,

In continuation of my letter No. 9/40 of the 14th March last, forwarding Mr. T.C. Mascarenhas' Leave and Last Pay Certificate, I am directed by His Majesty's Commissioner and Consul General to inform you that Mr. Mascarenhas has been granted a further six months' leave - two months on half pay and four months on no pay.

I have the honour to be,

Sir,

Your obedient Servant,

W/ C.B. Bowring,

TREASURER.

The Agent General,

for the East African Protectorates,

Regay Buildings, Apollo Street,

Fort, BOMBAY.

THE TREASURY,

NAIROBI,

KENYA.
28th February, 1958.

Ref.No. MA/66/92.

The Hon'ble

The Colonial Secretary,

NAIROBI.

MR. T.C. MASCARENHAS.
POST AND TELEGRAPHS DEPARTMENT.

I forward herewith memorandum No. "E" 885/07 of 23rd February, 1958 from the Postmaster General, together with the enclosures thereto.

Mr. Mascarenhas completed 59 years, 8 months and 1 day pensionable service and his pension was, therefore, calculated on 58 years service. As the extension of leave without salary in 1908 was not granted on the grounds of public policy, that period cannot be allowed to count for pension purposes, and the Secretary of State has ruled that leave may not be extended for the purpose of increasing an officer's pensionable service.

No assistance can, therefore, be given to Mr. Mascarenhas in this respect, but from the Postmaster General's explanation of the circumstances it would appear that he has no real cause for complaint in regard to the treatment accorded to him on his retirement.

(Sd) J.S. ROSS.

for TREASURER.



THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
NO. S. / 19/1/593/38
AND DATE

RECEIVED
7-MAR-1932
GOV. OFFICE

12th February, 1932.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and begs to transmit, for information and record, a form of particulars of pension awarded to Mr. T. G. Mascarenhas, Registration and Insurance Clerk, Post and Telegraphs Department, who is retiring from the service of this Colony about the 5th of July next.

Form.

2. The pension which is computed at the rate of Shs. 4,416/- a year is chargeable as follows:-

Kenya	Shs. 3,210.00 a year.
Kenya and Uganda	Shs. 1,206.00 a year.

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COLONY AND PROTECTORATE OF KENYA.

COLONIAL PENSIONS, &c.

PARTICULARS required to be furnished in reference to persons recommended for Superannuation, Compensation or Compassionate Allowances, or Gratuities on retirement.

1. Name of Applicant in full: Theodore Cyril Macpherson
 2. Office or Situation: Registration and Insurance Clerk, General Post Office.
 3. Recommended for a pension of £4,410/- & gratuity £1,000-00
 4. Age: 51 years and 06 months - with last February 1934
 5. Service: 17 years - 00 months and 00 days
 6. Salary or wages (actual average): £7,200-00
 7. Value of quarters (actual average): 13% of £17,500 = £2,280-00
 - 7a. Other Emoluments (actual average): _____
- Total amount of Salary or Wages and Emoluments on which Superannuation, &c. is claimed: £9,480-00
8. Cause of retirement: Extension of 30 years' Service.
 9. Absence, beyond ordinary Vacation leave: _____

Year	Period of Absence	NUMBER OF DAYS.			Cause of Absence.
		On full salary	On half salary	Without salary	
19 03	From 10-7-03 To 14-9-03	-	62	-	Extension of leave
19 03/04	" 10-9-03 " 14-1-04	-	-	122	-Do-
19 09	" 10-1-04 " 28-1-09	-	-	23	-Do-
19 13	" 10-1-13 " 7-3-13	59	-	-	-Do-
19 18	" 22-11-18 " 22-11-18	-	3	-	-Do-
19 23	" 3-4-23 " 2-5-23	-	29	-	-Do-
19	" " " "				
19	" " " "				
19	" " " "				
19	" " " "				
TOTAL		59	94	145	

10. Date of Cessation of duty: 1st January 1934
(Granted leave, with pay, from 20th January 1932 to approximately 5-7-34)
11. Date of Cessation of Salary: (approximate) 5th July 1932
12. Date from which, inclusively, pension will commence (approximate) 6th July 1932
on which gratuity falls due

13. Dates of Commencement and Termination of the several Appointments held by Applicant, with their Emoluments, distinguishing Salary from other Allowances, and specifying such Allowances.

Designation of post and scale of salary.	From	To	Salary p.a.	ANY OTHER ALLOWANCE.		Value of quarters p.a.	Total emoluments p.a.	Amount for Aggregation.
				Nature.	Rate p.a.			
Clerk	10-6-99	31-10-99	1,300					
	1-11-99	31-3-01	1,800					
	1-6-01	28-3-02	1,100					
	1-5-02	7-1-05	3,500					
	8-1-03	31-3-06	3,300					
	1-4-06	31-3-07	3,380					
	1-4-07	31-3-08	2,750					
	1-4-08	31-3-09	3,000					
	1-4-09	31-3-10	3,120					
	1-4-10	31-3-11	3,240					
3rd Gr. Clerk (Sh. 3,000 to Sh. 3,600)	1-4-11	31-3-12	3,360					
	1-4-12	31-3-13	3,480					
	1-4-13	30-9-13	3,600					
	1-4-14	30-9-14	3,840					
	1-10-14	30-9-15	4,080					
	1-10-15	31-3-16	4,320					
	1-4-16	30-9-16	4,560					
	1-10-16	30-9-17	4,800					
	1-10-17	30-9-18	5,040					
	1-10-18	30-9-19	5,280					
2nd Gr. Clerk (Sh. 3,840 to Sh. 4,800)	1-10-19	31-3-20	5,360					
	1-4-20	31-12-27	6,936					
Scale allotted to Sh. 3,840 to Sh. 6,240	1-1-23	6-7-23	7,200					
	TOTAL							

14. Whether each of the Appointments held by the Applicant has been on the Fixed Establishment of the Colony: YES.
15. Whether the duties of the several offices or situations held since the Applicant entered the Civil Service have been such as to require that the holder should give his whole time to the public service: YES.
16. Whether holding any other Public Appointment, or receiving or claiming to receive any public money by Compensation, Half-pay or otherwise: NO.
17. If any kind of Pension or other Allowance has been commuted under the Imperial Pensions Commutation Acts, 1869 and 1871, the annual amount of Pension or Allowance so commuted and the date of commutation should be inserted: NOTE.
18. Statement, if the circumstances warrant it, that the Applicant "has discharged his duties with diligence and fidelity, to the satisfaction of the Head Officer of his Department," to be signed by any two of such Head Officers, if there shall be more than one, or by such Head Officer, if there shall be but one, together with "such a statement as will exhibit the merit, and value, and labour of the services of the person recommended, embracing as long a period of his public service as can be authentically stated," and observations as to Special Services, Suspension, Reprimand, &c., with full particulars of any injuries received on duty, or other claims or matters for consideration.

We certify that Mr. T. C. Mascarenhas discharged his duties with diligence and fidelity whilst he was in the service of this Department during a period of over 35 years.

General Post Office,
Nairobi,
29th January, 1932.

Wm. O'Connell
DEPUTY POSTMASTER GENERAL,
KENYA AND UGANDA.
W. O'Connell
AG: ASSISTANT POSTMASTER GENERAL.

19. Computation, by the Treasurer, of the Pension, &c. —
I certify that the Pension, which may be paid to the Applicant according to the Rules of the Colonial Service, amounts to four thousand four hundred and sixteen shillings (Sh. 4,416/-) a year,
and I base my Certificate on the following calculation —

Date of 1st appointment: 10th June 1897
Date of Retirement: 6th July 1932

	Years	Months	Days
Actual service	35	0	26
Deduct period of leave without pay	0	4	26
Balance	35	4	0

Service for purposes of pension 32 years
gratuity.

Actual salary and emoluments Sh. 3,200/- a year
Average

Whereof 32/60ths = Sh. 2,410/- a year.

Gratuity earned under _____
being at the rate of _____

N.B. Mr. _____ has exercised the option to receive a reduced pension
and gratuity according to _____

The pension payable to him is therefore _____ a year with a gratuity
of _____

THE TREASURY,

NAIROBI, 1965 JANUARY 19 19 35

[Signature]
for Treasurer,

Colony and Protectorate of Kenya.

Allocation of Pension:-

Total pension earned Sh. 4,415-00 p.a.

Executive Kenya Share:-

Date of 1st appointment - 10-0-32

Date of resignation - 1-1-35

	<u>Years</u>	<u>Months</u>	<u>Days</u>
Actual service	<u>25</u>	<u>6</u>	<u>22</u>
Deduct leave without pay	<u>0</u>	<u>4</u>	<u>25</u>
BALANCE	<u>25</u>	<u>1</u>	<u>27</u>

Pensionable service - 25 years

Actual salary and emoluments - Sh. 7,704/- a year

Whereof 25/60ths

Sh. 3,210-00 p.a.

Common Share (i.e. the balance)

Sh. 1,205-00 p.a.