

1933.

Kenya.

No. 3171.

SUBJECT

C0533/436



List of Pensionable Posts. - (European Officers)

- Revision of -

Previous

10409/27

17065/31

K.R. 44

Subsequent

22 3001/2/32

23234/32

S.B. 24 30/4

Mr. W. A. G. /

S. 24

Submits for approval schedules giving details of proposed additions to, deletions from & alterations in the list of pensionable officers & searches explanation thereof.

The insertion of the names in Schedule II conflicts with the ruling in (a) of S L 102409/27.

It would seem sufficient to omit the names and to remove the posts from the list of pensionable officers when the present holders retire.

Schedule IV contains a few anomalies marked x :-

It is strange that the plant breeder's post should be made non pensionable. It is not stated in the 1933 rules but the present holder is pensionable.

~~The onwers post is shown as pensionable in the rules though the present holder is non pensionable.~~

The abolition of the post of Chief Inspector of Schools is recommended by the local Superintending Advisory Ctee. but this has not yet been approved.

It is recommended that the post of Asst. District Officer should be made pensionable.

? subject to any orders by CSD approve pointing out as C.A.

H.S. Prasad
19/5/33

Jagun
J.L.

A

Head III
line 68

* This has been held to be determined by regarding his post as pensionable unless he accepts transfer to his present app't as a non-pens. post.

~~Head III~~
~~line 117~~

Head VIII
line 2

~~Head VIII~~
~~line 20~~

There have been several complaints from officers who serving ^{in Kenya} about their being returned for prolonged periods on a non-pensionable basis in posts permanently reserved to 1st and 2nd Schedule I contain all the posts of which he holds one. It would be desirable to make a similar complaint but these few additions to his pensionable list as a recipient as a war in the right direction and I see no need for comment other than that suggested.

J. M. G. 20.5.33

2 above. The Gov contemplates the possibility that the rates may have to be raised in some respects in further examination (see para 3)

M. G. 22

W. P. 24

There are no approve remarks as at A (it is really a very material point, the mention of the names would prevent possible misunderstandings in future)

110 Flood 24.5 same

2 to Gov 380 (1 amended) 31 MAR 1933

Mr. Flood
to see
Secy
of records to see
24/5

3 M. Lawrence Moore 640 11 November 1933
Submits petition from four Laboratory Assistants, Agricultural Dept, appealing against the refusal of the Govt. to grant them pensionable status & is unable to recommend it for favourable comment.

This petition arises out of the action taken in accordance with the approval of the proposal in No. 1.

One of the recommendations in No. 1 (vide Schedule II and relevant part of the 'patch') was that the appointment of Laboratory Assistant should be made pensionable, but that the grant of pensionable status should be restricted to four officers named (Messrs. Schultze, Gray, McQueen and Forsyth). In conveying the Secretary of State's approval of the proposal it was pointed out to Kenya that in accordance with the ruling in No. 1 on 12/4/27 (larged below) it was unnecessary to refer in a list of pensionable offices to the fact that certain officers had been granted pensionable rights as personal to themselves; it was suggested that the names should be omitted in gazetting Schedule II and that the posts should be removed from the list of pensionable offices when vacated by the present holders. In Government Notice No. 481 published in the Gazette of 11/7/33 the appointment of Laboratory Assistant inter alia was declared to be a pensionable office for the purpose of the European Officers' Pensions Ordinance. Apparently only when one of the signatories to the petition applied for confirmation and admission to the pensionable staff was it explained that only 4 of the 8 holders were to be given pensionable status. Hence the petition. Mr. Flood in his minute of 24/5 below No. 1 remarked that

* Happened in vol of Gazette below

mention

mention of the names would prevent possible misunderstanding in the future. Actually the petition was probably only delayed for 2 months)

The 8 Laboratory Assistants are shown below with dates of appointment:-

Name	Date of appointment to present rank.	Date of first appointment to Service
Schultz	Lab. Assi. 10. 9.12	10. 9.12
Gray	" " 12. 9.16	12. 9.16
McQueen	Lab. Field Asst. 1. 4.21	1. 6.19
Forsyth	Stockman, Nalvasha Farm. 1. 8.27	9.12.20
Hall	12. 6.25	12 - 6.25
Bruce	12.11.25	12 - 11-25
Lyons	1.10.26	1 - 10-26
Pelling	10. 6.27.	10 - 6-27

The petitioners' claim is based on the fact that their appointment has been scheduled as a pensionable post and that their claims to pensionable status are equal to, or stronger than, the claims of the 4 officers made pensionable, save only in the matter of length of service (not necessarily service as Laboratory Assistant). In particular they stress the case of Forsyth who is the most recently appointed Laboratory Assistant; whose prior service was in a non-pensionable post; and who is alleged to have had on appointment, no experience or qualifications as Laboratory Assistant.

We have not seen the report of the Subcommittee of Executive Council, but it would appear from the passage marked on page 2 of No.1 that the petitioners are correct in stating that length of service is the basis of the recommendations in

Secretary's Circular No 48/1932 Staffs in V.L. Files

No.1 regarding the post of Laboratory Assistant. There is no reason why we should consider ourselves bound by the approval of the proposals in No.1, as the position of the petitioners was not considered in that connection, but the appointment of Laboratory Assistant has been scheduled for the local Civil Service; and the petitioners were engaged without promise of pension; and, although the case of Forsyth is rather a weak point, I do not think that sufficient grounds are shown for reversing the previous decision.

? Subject to observations of Pensions Branch request that petitioners may be informed that the Secretary of State has considered their petition, but that the office of Laboratory Assistant was made pensionable with the limited intention of conferring pensionable status on 4 officers as personal to themselves, and that he sees no reason for reversing this decision.

[Signature]
23/12/33

The officer concerned are, I think, the 8 Laboratory Assistants shown under III 113 of the 1933 (Revised) Estimate (£ 354-18A-480-20A £500). As there are also a number of Lab. Assistants (Research grade) at the Salt Laboratory on £120-354, it seems clear that that Research grade can in future be recruited locally without any difficulty.

In these circumstances, it is a concession to

1560

I agree that they are not to be pensioned but in that case the Laboratory Assistants on £120-£180, but locally recruited.

make any of these people permanent & pensionable; justification is to be found in the length of service of the four men.

? Reply as proposed.

J. H. ...
26/12.

I agree H. Moore says (last paragraph) that there are analogous cases in other D.S.'s so any special concession to the petitioners would be likely to lead to requests for similar generosity which could hardly be refused.

J.H.M.
1.1.34

The conclusion of the Sub-Committee quoted in para 3 was not before us. If it had been I might have queried it. The conclusion is that "as the officers in question were engaged without promise of pension or hardship would be caused by their being called upon to join the local service."

This is all very well but it goes too far. If a man is engaged in England for a Govt. post abroad he thinks it will be pensionable sooner or later. In the case of these posts, it is true they never had been pensionable and were not when the four officers were engaged. So they would not have had much actual expectation.

It used to be held that it was not right to keep men on from year to year in unresponsive capacities and that men ought to be discharged after a certain reasonable time. But that principle was held in Kenya and the day of 29 Aug 1927 (10409/27, 1115) already contemplates having indefinable numbers of non-pensionable people.

But the case here is clear as daylight. These are eight Laboratory Assistants. The four with longest

5
service in Kenya (not necessarily as Lab. Assistants) were 21, 17, 14, & 13 years respectively. The average of the others was just 8 1/2 years.

The four senior have very properly been most commiserated with in view of their long service. The four junior, and for the same reason, were not allowed to get the advantage of participation in long service. The Gov. does not recommend

as proposed

3 of the petitioners were engaged in England; the fourth locally. They are all apparently outside the category of those whom (not having completed 6 years or two years of service on 1/1/33) it is proposed to offer incorporation in the Local Civil Service on re-engagement.

(The S.O. is not yet committed to approval of this proposal).

It is not clear what the Kenya Govt. contemplate happening to these men. Are they to be retained indefinitely on "overseas" agreements? If so, this is not only contrary to the policy of the circular of 2/6/31, but it will only mean that in a few years' time these men will have just

But see the
Circ. des. (?)

1/2/4/31

as good a claim to pension
as those who have just been
made pensionable.

Or is it proposed to
give them the offer of
permanent establishment in
the Local Civil Service, i.e. of
accepting such conditions as
regards pension, provident fund
etc. as may eventually be
decided upon for that service?

I feel that we ought
to ask for information on
these points before turning
down the petition.

J. Jeffries
3-1-34

It isn't a case of 'local service' or so I imagine
and Kenya just means to keep them on as non-pensionable
officers. The four pensionable ones were given pensionable
status only last year.

It is not a case of service in a post which is
pensionable. It was not intended that the posts should be
pensionable, but it was felt proper to give pensionable
status to the senior four. So this does not come under the
1931 despatch, though the posts may be 'permanently required'.

I think we can turn down the petition but not at the
same time ask what Kenya means to do with them.

J. E. Jeffries
3-1-34

10489 - 1
minutes on 17/2/34

Lord Plymouth.

I was fully involved in the 1927 decision,
but I am not sure that we covered the whole ground.

From the point of view of the duty of the
Executive Government to the Legislature of
scheduling posts proposed to be made pensionable,
it was clearly unnecessary to announce the number
or names of holders of a particular class of posts
who were intended to be made pensionable. But
from the point of view of those holders whom it was
not intended to make pensionable it would have been
better not to have held out hopes that could not be
realised.

In the particular case it happens
fortunately that these false hopes have ~~been~~^{had} no
long currency, as an application for the grant of
pension rights was received so shortly after the
scheduling of the posts as pensionable, but I think
it may be desirable to make sure that, in cases where
it is intended to limit the number of pensionable
holders of a post, some announcement ~~should~~^{is} be made
to the members of the staff concerned. That can
be considered later. There is nothing unusual in
restricting the grant of pension rights either to
particular people or to a limited number of the
holders of a post, and I agree that the petition
should be turned down and that at the same time we
should ask, as Mr. Flood proposes, what it is intended
to do with the ~~men~~^{men} concerned.

(We all dislike the indefinite continuance
of temporary appointments, but Kenya Service conditions
are in a state of flux at present. We should move
slowly.)

I agree
J. E. Jeffries
10-1-34

W. E. D. 9/1/34

C. O.

- Mr. Macpherson. 13/11
- Mr. ~~Macpherson~~ 13
- Mr. ~~Macpherson~~ 13
- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

O.D.
 R 15 JAN
 D 15

DOCKING STRIP 1/54
 032

Answered 15/11/54
 Sir,

DRAFT.

KENYA

NO. 36

Gov.

(31)

I have, etc., to acknowledge the receipt of your despatch of the 11th November forwarding a ^{four} from Laboratory Assistants of the Agricultural Department against the decision not refused to grant them pensionable status, and to request that the petitioners ⁽²⁾ may be informed that the post of Laboratory assistant was made pensionable with the limited intention of conferring pensionable status, personal to themselves, on the ^{four} officers whose length of service ^{under} Government justified this ^{and I see no} concession. ~~The~~ reason is ~~so~~ therefore, ^{for the purpose} for intervening on the ^{petitioners'} behalf.

FURTHER ACTION.

It would be appreciated however ³ I should be glad, however, to receive ~~if~~ further information ~~could be given~~ as to the intentions of the Government

of Kenya with regard to the petitioners.

conclusion "that as the officers in question were engaged without promise of pension no hardship would be caused by their being called upon to join the Local Service".

This conclusion was embodied in the Sub-Committee's recommendations which in turn were approved by the Governor in Council, and finally by yourself, and I regret that I am unable to recommend the petition for your favourable consideration.

There are analogous cases in other Departments.

I have the honour to be,
Sir,
Your most obedient, humble servant,



ACTING GOVERNOR.

KAEETE,

KENYA.

17th October, 1933.

His Excellency the Acting Governor and
Commander-in-Chief of the Colony and
Protectorate of Kenya,

Henry Monck-Mason Moore Esq.,
Commander of the Most Distinguished Order of
St. Michael and St. George.

Through:-

The Honourable Acting Colonial Secretary,
The Honourable Acting Director of Agriculture,
The Chief Veterinary Research Officer.

Your Excellency,

Re. Pensionable status of the Post of
Laboratory Assistant, Veterinary
Research Division, Department of
Agriculture.

We, the undersigned, Laboratory Assistants
of the Veterinary Research Laboratory, Department of
Agriculture, Kenya, respectfully submit to you this
petition for investigation and reconsideration of our
position in relation to the permanent and pensionable
staff of the Colony.

In support of this petition for admission to
the permanent staff as at present constituted, we
would state that the post of Laboratory Assistant
which we occupy was scheduled under authority from the
Secretary of State for the Colonies as a pensionable
post, and was duly notified under Government Notice
No. 451 in the issue of the Official Gazette of the 11th
July, 1933.

Your Excellency, this notification was, we
respectfully submit, the result of strong representa-
tions made in the past on behalf of ourselves and those
of our colleagues who have now been granted pensionable
status. When this was first submitted for consideration
to Your Excellency's Government, we were informed that
the matter would receive full consideration in due
course.

course but that the time was not then opportune owing to the financial position. We loyally accepted this temporary decision and were duly rewarded by the gazetting of the post of Laboratory Assistant as a pensionable office.

One of the signatories to this petition presented his application for confirmation of appointment and admission to the pensionable staff accordingly, but was informed under Secretariat No.S/Est.19/460/74 of 12th September 1933, that pensionable status would only be granted (personal to themselves) to the four Senior Officers holding the post of Laboratory Assistant and that this course was adopted on the recommendations of the Sub-Committee of Executive Council.

It is indicated in the letter quoted, that the personal papers of each Laboratory Assistant were carefully examined by this Sub-Committee, but we would urge, Your Excellency, that considerations of length of service only were the basis for their recommendations as the following facts will disclose.

Of the four officers granted pensionable status, one was appointed from a non-pensionable post in 1927 and at the time of his appointment had no experience or qualifications as a Laboratory Assistant and in point of fact his appointment as such is the most recent in the Laboratory.

In comparison with our own cases, Your Excellency, we would submit for your examination, the fact that three of the signatories were engaged by the Crown Agents for the Colonies in England, specifically for the post of Laboratory Assistant and that each appointment was contingent upon the production of certificates of qualification and previous service as laboratory assistants. The

See para 15
marked in
p. 2 of No. 1

fourth signatory whilst actually engaged locally, was also called upon to produce satisfactory proof of qualification, which, in his case, consisted in his being a qualified chemist by London examination of the Pharmaceutical Society of Great Britain and Ireland.

In submitting this comparison, we do not for a moment wish to indicate in any way that the Officers to whom pensionable status has been granted, are in any way less loyal or efficient in their duties, but merely to emphasise strongly the belief that the question of qualification and non-qualification on engagement to the specific post of Laboratory Assistant was not sufficiently examined to warrant the decision arrived at.

We are fully aware, Your Excellency, that the post which we occupy has been scheduled for the Local Civil Service, but as our length of service is respectively eight, eight, seven and six years and thus precludes our possible compulsory transfer to the Local Civil Service (vide Secretariat Circular No. 48 of 1932), a further anomaly will arise in that we shall continue to retain in part the Overseas privileges attached to a pensionable post without participating in full the privileges attached thereto. We respectfully submit that it is only just and equitable that all Laboratory Assistants who were occupying those posts at the time pensionable status was gazetted should enjoy equal privileges.

We are led to understand, Your Excellency, that no such invidious distinction as this exists in respect of other posts of the service which were gazetted to pensionable status at the same time.

In conclusion, Your Excellency, we earnestly hope that reconsideration of our position may be granted, and that if you decide it merits further investigation as a

result

result of this petition, we would respectfully request that the prerogative permitted us under Section 481 of the Code of Regulations be exercised, and that the matter be referred on our behalf to the Secretary of State for the Colonies, for his decision.

We have the honour to remain
Your Excellency's most obedient servants

A. E. J. Hall

W. P. Bruce.

F. Lyons.

S. R. Pelling (On Leave).

121

C.D. 2
R - 9 MAY
D 30

G. O.

Mr. Davies 26/5
Mr. Fresh 29/5
Mr. Boyd 27/5

See No. 3

31 May, 1933.

Mr. Parkinson
Mr. Tomlinson
Sir C. Bottomley.
Sir J. Shuckburgh
Permt. U.S. of S.
Privy. U.S. of S.
Secretary of State.

~~SECRET~~

Sir,

DRAFT.

KENYA
No. 380
GOVERNOR.

I have etc. to acknowledge the receipt of your despatch No.255 of the 24th of April regarding the revision of the list of pensionable offices in Kenya, and to inform you that, in general, I concur in your recommendations and approve your taking ^(to have effect in your own jurisdiction) of the necessary steps, being taken to gazette ^{the} various offices ^{as} pensionable

2. With regard to Schedule II, however, I would refer you to paragraph (a) of Mr. Ormsby Gere's despatch No.741 of the 29th of August, 1927, ^(as was then stated it is) where he stated that ~~it~~ is unnecessary to refer in lists of pensionable offices to the fact that certain holders have been granted pension rights as personal to themselves ~~it~~ ^{and it} would appear, ~~therefore,~~ ^{hence, to be} in the light of

(No.5 on X10409/27)

Suffice

this observation that it would be
sufficient to omit the names ^{of Officers} from

schedule ^{II} and to remove the
posts ^{in question} from the list of pensionable
offices when the present holders,
^{by and vacating,}
retire.

I have etc.

(Sgd.) P. OUNLIFFE-LISTER.

KENYA.

No. 253



RECEIVED
13 MAY 1933
COL. OFFICE

GOVERNMENT HOUSE
NAIROBI
KENYA

24th April, 1933.

Sir,

Annex (2)

I have the honour to inform you that for some considerable time past I have had under consideration the question of the revision of the list of pensionable offices in this Colony, and more recently in this connexion I appointed a Sub-Committee of my Executive Council to bring the whole question of outstanding pensionable appointments throughout the Service under review.

Schedules

2. As a result of a careful review of the Report of this Sub-Committee, I enclose certain Schedules marked I to V which were duly considered by my Executive Council with whose advice I concurred that the additions to, deletions from and alterations in the list of pensionable offices therein set out should be submitted for your approval prior to publication in the Official Gazette.

Schedule I contains a list of certain posts, at present non-pensionable which in the opinion of my Executive Council definitely must be recruited from Overseas for so long a period as it is possible to foresee for present purposes and which are likely to form part of the permanent structure of Government for many years

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

to come. I concurred in the recommendation of Council that subject to your approval these posts should be gazetted as pensionable offices.

Schedule II comprises a list of posts in respect of which Council considered either:-

- (a) Government is committed to the grant of pensionable status, or
- (b) Certain holders should be granted pensionable status by reason of their length of service, e.g. four Laboratory Assistants and the one Inspector, Water Supply.

Subject to your approval to the gazetting of these offices as pensionable, the grant of pensionable status will be restricted to the officers named in the Schedules as personal to themselves.

Schedule III contains no new posts but is a draft Government Notice merely regularising the existing position. The gazetting of these officers as pensionable will safeguard the individual pension rights of officers who having been confirmed in one pensionable office have been transferred to another non-pensionable one.

In this connexion I would refer you to paragraph 3 of Mr. Northcote's despatch No. 438 of the 16th of June, 1927, and paragraph 2 of Mr. Grimsby Gore's despatch No. 741 of the 29th of August, 1927. For administrative reasons it is now considered preferable that Senior and Junior Posts in Departments should be gazetted

separately

Nos 10407/27

Nos 10409/27

separately and this Schedule has been prepared accordingly.

Schedule IV is a similar Government Notice in draft form containing a list of offices which are now obsolete or the holders of which have been informed that it is not proposed to grant them pensionable status. These offices, therefore, require to be gazetted as no longer pensionable in accordance with Section 2 of the European Officers' Pensions Ordinance 1927.

Schedule V is a list of changes in nomenclature which have occurred in certain posts since the original list of pensionable offices was gazetted, which will need to be published to safeguard the interests of the present holders of the various offices who have already been admitted to the pensionable staff. To carry out this procedure in accordance with the European Officers' Pensions Ordinance 1927, it will of course be necessary to gasette the original offices as "deletions" and the new designations as "additions".

3. It may be the case that as the result of detailed examination of the Report of the Expenditure Advisory Committee some minor alterations in the original Schedules may be required, which will be reported to you in due course. As, however, I am anxious to have the position clarified as far as possible I have thought it best to submit the foregoing

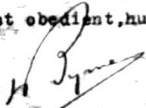
recommendations

recommendations of Executive Council (with which I have concurred) in their present form rather than to delay the whole question for a further period pending settlement of a few minor details. I trust my action in this regard will meet with your approval, in which case the necessary steps to gazette the various offices will be taken on receipt of your reply. Thereafter separate recommendations will be transmitted to you in regard to the grant of pensionable status to the individual officers concerned.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL.

G O V E R N O R .

SCHEDULE I.

DEPARTMENT.

OFFICE.

Agriculture.

Senior Agricultural Chemist.
Soil Chemist.
Chief Grader and Inspector.
* Animal Husbandry Officer (formerly Livestock Officer).

Government Press.

Government Printer (There is no intention of granting pensionable status to the present incumbent).
Assistant Government Printer.

Public Works.

Hydrographic Surveyor.
Surveyor.

Eng'd as pensionable
Sept
July, 11 1937
p. 1077

Survey and Registration.

Staff Surveyor.

~~* N.B. Expenditure Advisory Committee's recommendation?~~

PUBLIC RECORD OFFICE

CONTINUED ON NEXT FILM

TOTAL EXPOSURES →

