

1933.

Kenya.

No. 3342

SUBJECT C0533/439

*Petition - Maratal Ali.*

*Extension of leave in order to complete  
another years service.*

Previous

*See #323/22.*

Subsequent

1. A/Governor Moore 584. \_\_\_\_\_ 16<sup>th</sup> Oct. 33. <sup>2</sup>  
Trans. petition by Maratab Ali, & Clerk for the grant  
of an extension of 2½ months leave to enable him to complete  
another year pensionable service. Gives details of his service &  
is unable to recommend petition for favourable colour.

In the precedents referred to (2940/21/22 and 5323/22) Mr. J.A. Fernandes was invalided (in 1929) and his pensionable service fell short of 16 years by only 16 days. Yet he was allowed no extension of leave.

Provided this precedent has always been observed, I do not see why it should be departed from in Mr. Maratab Ali's case.

It will be noted, however, that in his letter to the Chief Secretary, and in his petition (I have marked the passages with a pencilled cross) Mr. Ali refers to precedents for the grant of such requests as his, and the Acting Governor does not comment. Silence may usually be taken to indicate acquiescence, and before taking a decision on this petition, it would perhaps be as well to write a despatch to clear up this point. If there is any doubt, or if it can be shown that extensions of leave have ever been granted in similar cases since 1922, I think that Mr. Ali, being a retrenched officer, ought to benefit by it.

? To C.S.D. for obsns.

T. Davies: 17 Nov  
W. A. ...  
17

The petitioner asks that he may be granted 2½ months extension of leave to enable him to complete 16 years pensionable service. It is a request

of long standing that extension  
 of leave should not be granted  
 for the purpose of increasing an  
 officer's pensionable service. In  
 West Africa <sup>short</sup> extensions have been  
 granted in order to enable an  
 officer to complete 7 years' service  
 and thus qualify for a pension  
 instead of a gratuity, but this does  
 not apply in S. Africa.  
 I agree that the Gov. should  
 be asked for views on the petitioner's  
 allegations that there have been  
 precedents for such extensions  
 of leave. If it transpires that the  
 petitioner is incorrect, the Gov.  
 should be informed that he is  
 unable to grant the petitioner's  
 request.

J.R. Hainsworth  
 10/11/33.

The rule is clear and even if there are  
 recent precedents (which I doubt) for departing  
 from it in Kenya I would not add to  
 their number.  
 I ask that Mr. Member who may be in charge of  
 the petition has been carefully considered but that  
 the J. of P. reports that he finds himself unable  
 to accede to the request in view of the precedent  
 the grant of leave for the purpose

pension.

10/11/33  
 24.11.

An appeal - and the last sentence is a good one - but  
 no case. The rule is very well known.

7 to 10: Lloyd proposes

J.R. Hainsworth

As to A. Phoenix, Pension Board  
 might consider whether there is any  
 objection to applying the E.A. practice  
 to E.A. in the matter concerned: it  
 may be a little hard that the  
 question of pension v. gratuity should  
 turn on whether a man was sent  
 off by one boat rather than another.

Lord Plymouth.

On the balance, I agree.

I think it quite possible that  
 there are old precedents, dating  
 from the time when all E.A.  
 pensions (like this one) were  
 based on complete years of service,  
 but I do not believe that we were  
 ever so soft hearted enough to  
 allow as much as 2 1/2 months.

I think I remember  
 even longer ones. But  
 we would not give  
 the petitioner's request  
 unless we were  
 extending 7 years.

10/11.33.

I agree, at well  
 27.11.33.

2 To Kenya 911 (1 amended) 1 DEC 1933

3 A/Karima Jore 624 \_\_\_\_\_ 4<sup>th</sup> Nov. 33

Status of Karim Ali was originally engaged as a Transport driver on 15<sup>th</sup> June 1920 & records that for purposes of pension his service may be allowed to count from that date.

The question here is whether non-pensionable employment which has been followed by pensionable employment, should be counted for pension. In No 2 & 1586/29 like the S/S suggested that such cases should be submitted to him for opinion.

? Subject to C.S.D.'s approval.

[N.B. No 2 has not gone yet & the replies to No. 1 & 3 could be contained together but it will probably be more convenient to have 2 separate despatches.]

W.P.

M. J. J. J.

approval is always given in these cases

M. J. J. J.  
6.12  
above

M. J. J. J.  
6

4 To Kenya 932 (3 amended) 8 DEC 1933

Pensionable service  
On 10/1/34  
of 23/1/34  
to 23/1/34

a granting short extensions  
25/

Please see Sir C. Boddamley's minute of 22<sup>nd</sup> Nov. The application of the H.A. practice (viz. deferring notice for such period as would enable the officers concerned to attain pensionable status, and thus receive a pension instead of only a gratuity) to East Africa does not arise, since under the proviso to Reg. 10 an officer holding a pensionable office who is retrenched may be granted a pension even if he has served in the Colony for less than the qualifying period of 10 years. Cf. your minute on S/O 24/52 (A.11/Nov/33)

J.R. Jamieson

18/11/33

Yes - the problem does not arise in EA. abolition cases. In other where retirement was not voluntary - eg on grounds of ill-health - I do not think that either the Co. or the EA. Govt. concerned wd. object to a short extension of my service if the officer wd. become eligible for pension instead of gratuity. ? Put by

M. J. J. J.

13.12.33

Yes

15.12.33

16.12 above

5. ~~Secretary of the~~ 29 March 1854  
Trans. form of parties. of session of General Ali

Part by

JR Fairclough

24/4/54 at once

87



THE SECRETARIAT.  
NAIROBI,  
KENYA.

55

WHEN REPLYING  
PLEASE QUOTE  
No. S. 219 19/1/29/60  
AND DATE

22A-204  
C. O. REGY 194

March, 1934.

N04

Form.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and with reference to the Secretary of State's despatch No. 932 of the 8th December, 1933, begs to transmit, for information and record, the usual pension form in respect of Mr. Maratab Ali, late 1st Grade Clerk, Central Finger Print Bureau, Native Affairs Department.

2. Instructions have been issued to the Treasurer to pay Mr. Maratab Ali a pension at the rate of Sh. 1,240.20 a year with effect from the date of his retirement.

-----0000000000-----

COLONY AND PROTECTORATE OF KENYA

**COLONIAL PENSIONS, Etc.**

PARTICULARS required to be furnished in reference to persons recommended for superannuation, Compensation or Compassionate Allowances, or Gratuity on Retirement

- 1 Name of Applicant in full Maratab Ali
  - 2 Office or Situation First Grade Clerk, Central Finger Print Bureau, Native Affairs Department.
  - 3 Recommended for a pension/gratuity of Sh.1,240-20 a year
  - 4 Age Thirty (30) years - Born on the 5th September 1903
  - 5 Service thirteen years nine months and seventeen days
  - 6 Salary or wages (actual/average) Sh.5,040-00
  - 7 Value of quarters (actual/average) 15% of Sh.4,560/- 884-00
  - 7a Other emoluments (actual/average) \_\_\_\_\_
- Total amount of Salary or Wages and Emoluments on Sh.5,724-00  
which Superannuation, etc. is claimed
- 8 Cause of retirement abolition of office owing to Retrenchment
  - 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 28	From <u>19th May</u> To <u>22nd May</u>	-	-	4	Extension of leave
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
	TOTAL	-	-	4	

10. Date of cessation of duty \_\_\_\_\_  
 Notice of abolition of office inclusive of 31st December 1933  
 (Granted leave, with pay, from 1st July 1933 to 31st December 1933)
11. Date of cessation of salary 31st December 1933
12. Date 1st January 1934  
 from which, inclusively, pension will commence 1st January 1934  
 on which gratuity falls due





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 or Pension or Allowance so commuted and the date of commutation should be inserted ..... **NONE.**
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, etc., with full particulars of any injuries received on duty, or other claims or matters for consideration.

I certify that during his service in the Central Finger Print Bureau, Mr. Maratab Ali's conduct has been good and that he has discharged his duties with diligence and fidelity.

*W. D. ...*  
 Officer-in-Charge,  
 CENTRAL FINGER PRINT BUREAU,  
 Nairobi, 18/10/33.

*A. S. ...*  
 18.10.33.

19. Computation, by the Treasurer, of the pension/gratuity, etc. :-

I certify that the pension/gratuity which may be paid to the Applicant according to the Rules of the Colonial Service, amounts to one thousand two hundred and forty shillings and twenty cents (Sh. 1,240-20) a year.

and I base my Certificate on the following calculation :-

Date of first appointment 15th March 1920

Date of retirement 31st December 1933

	Years	Months	Days
Actual service	13	9	17
Deduct period of leave without pay	0	0	4
Balance	13	9	13

Service for purposes of pension 13 years

Actual/average salary and emoluments Sh. 5,724/- a year

Whereof 13/60ths Sh. 1,240-20 a year

Gratuity earned under \_\_\_\_\_  
being at the rate of \_\_\_\_\_

N.D. 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 \_\_\_\_\_

*J. D. ...*  
for Treasurer,

THE TREASURY,  
Nairobi, 13th October 1933.

Colony and Protectorate of Kenya.

3362/33/2

20/8

4

C. O.

Mr. *Davis*

Mr. *Wesley*

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C. O.  
7 DEC  
8<sup>2</sup>

18 Dec 1933

*SF*

**DRAFT.**

Kenya

N<sup>o</sup> 932

Gr.

Sir  
I have the to ask. The  
rec. of <sup>Mr. Moore's</sup> your despatch

(3) N<sup>o</sup>. 627 of the 11<sup>th</sup> of

Nov regarding the  
retrenchment of Mr.

Mansab Ali of the  
Central Finger Print

Bureau, to inform  
you that I agree that

for purposes of pension  
his service should be

allowed to count from  
the 15<sup>th</sup> of March, 1920

I have a

3<sup>9</sup>



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

KENYA.

No. 627

RECEIVED  
27 NOV 1933  
C. O. REG.

4<sup>7</sup> November, 1933.

insured (4)

No 1

Sir,

I have the honour to refer to my despatch No.587 of the 16th of October, and to state that Mr. Maratab Ali, 1st Grade Clerk, Central Finger Print Bureau, Native Affairs Department, who has been retrenched from the Service consequent upon the abolition of his office, was originally engaged as a Finger Print Learner on the 15th March, 1920, and transferred to the clerical establishment on the 1st January, 1925.

No 2  
15864/29

2. His service has been continuous from the date of his first appointment and in view of the terms of Lord Passfield's despatch No.774 of the 3rd October, 1929, I recommend that for purposes of pension his service may be allowed to count from the 15th March, 1920.

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

*J. M. Malone*

ACTING GOVERNOR.

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CONLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON S.W.

C. O.

2<sup>10</sup> m

Mr. Davies. 30/11  
 Mr. Freiston 30/11  
 Mr.  
 Mr. Parkinson.  
 Mr. Tomlinson.  
 Sir C. Bottomley.  
 Sir J. Shuckburgh.  
 Permt. U.S. of S.  
 Parly. U.S. of S.  
 Secretary of State.

DOWNING STREET,

1 DEC 1933  
~~November, 1933.~~

O.P.  
 R 30NOV  
 D 30

S4

Sir,

**DRAFT.**

KENYA

NO. 411

Gov.

I have, etc., to acknowledge the receipt of Mr. Moore's despatch No. 587 of the 16th of October transmitting a petition from Mr. Maratab Ali, first Grade Clerk in the Central Fingerprint Bureau, Native Affairs Department, for the grant of extension of 2 1/2 months' leave to enable him to complete another year's pensionable service.

2. I shall be glad if Mr. Maratab Ali may be informed that his petition has been carefully considered, but that I regret that I find myself unable to accede to his request in view of the general rule against the grant of extensions of leave for the purpose of increasing

**FURTHER ACTION.**

Revis. E Pension  
 Branch

KENYA.

No. 587



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

RECEIVED  
13 NOV 1933  
C. O. REGY

16<sup>th</sup> October, 1933.

Sir,

I have the honour to transmit a petition addressed to you by Mr. Maratab Ali, 1st Grade Clerk, Central Finger Print Bureau, Native Affairs Department, for the grant of an extension of 2½ months' leave to enable him to complete another year's pensionable service.

Mr. Maratab Ali is one of the clerks who has been given six months retrenchment notice (including the leave earned) which will expire on the 31st December next.

His services date from the 15th March, 1920, and on the date of the termination of his appointment he will complete 13 years 9 months and 17 days' service.

2. On the 4th July last he addressed a letter to the Colonial Secretary in regard to this extension of leave and he was informed in accordance with the ruling contained in Mr. Churchill's despatch No. 454 of the 20th March, 1922, that no extension of leave, however small, could be authorised for the purpose of enabling him to complete another year of pensionable service.

3. In view of the ruling referred to above I

regret

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.

Answer (2)

5323/22.

regret I cannot recommend this petition for your  
favourable consideration.

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

*Wm. McNeill*

ACTING GOVERNOR.

NAIROBI, <sup>13</sup>  
Kenya Colony (Africa).  
3rd October, 1933.

The RIGHT HONOURABLE,  
Major Sir Phillip Cunliffe-Lister,  
P.C., G.B.E., M.C., M.P.,  
Secretary of State for the Colonies,  
Downing Street, LONDON, S.W.1.

Through: The Hon. Acting Colonial Secretary,  
Nairobi.

Through: The Hon. Chief Native Commissioner,  
Nairobi.

Through: The Officer-in-Charge, Central Finger Print Bureau,  
Nairobi.

Sir,

With due deference and most humble submission I venture, trusting that I am not trading too much on your honour's kindness, to submit this application, together with copies of correspondence exchanged between myself and the Secretariat, for favour of your honour's sympathetic consideration.

The summary of the case is briefly as follows:-

In accordance with the recommendations, of the Expenditure Advisory Committee convened in last year, which included the abolition of Central Finger Print Bureau, I have been given six months' Notice of termination of my services in the said Bureau as from the 1st of July, 1933.

On the 31st of December, 1933, which is the date of expiration of the said Notice and 5 months' long leave, I will have completed continuous service, in the Finger Print Bureau, of 13 years and 9½ months thus falling short by only 2½ months to round the figure up to full 14 years for the purposes of pension calculations. This deficit of a negligible extent in comparison with my long and immaculate services, I thought, could be supplied in view of the favour asked for not being an unprecedented one. Bearing this in mind the Secretariat was approached, vide appendix I, and reply thereto, Appendix II, from which it will be observed that a disappointing reply turning down my request has been given authenticated by a ruling to the effect that 'no extension of leave, however small, can be

-granted



granted for the purposes of enabling an officer to complete another year of his service etc.'

Of the recently promulgated regulations incorporating New Pension Ordinance and a Secretariat Circular enabling Civil Servants to exercise option with regard to whether an officer would elect to be pensioned under the Old or New Ordinance, I may as well state for your honour's consideration that the adoption of either of the courses mentioned above does not exonerate me from sustenance of monetary loss, the more in having resort to the latter. Owing to the fact that I entered the service in my teens and had completed about  $3\frac{1}{2}$  years of my service before I attained pensionable age of 20 years. The alternative left to me to adopt, therefore, is the Old Pension Ordinance which could only be made profitable provided, as a special circumstance, I am allowed to earn the full benefits of my last  $9\frac{1}{2}$  months' service by granting me extension of  $2\frac{1}{2}$  months to complete another year of service.

Whereas the strength of the case lies in the fact that Government is terminating my services on its own initiative there being the entire absence of any factor of default on my part, and as there have been repeated instances in which similar requests have been granted in the past I feel as though the Secretariat have viewed the position from a somewhat different angle. I feel very strongly that the rejection of my request for a small compensation in lieu of premature dispossession of my livelihood at the prime of my life is definitely inconsistent with sympathy, I dare not say with the upright justice, and, perhaps, your honour would wish to consider it.

As a last measure of having recourse I have come on to a begging expedition to your most gracious-self fervently hoping that my humble representation and appeal would receive due attention and favourable consideration for I trust you would kindly agree that the mishap of ~~circumstances~~ to which I will have been driven shortly is

not a pleasant affair with a large family dependant upon me. An ounce of help in my ebbing fortune should mean a ton of inestimable kindness to me.

I shall, therefore, be extremely grateful for sympathetic treatment of my request to enable me to feed about half a dozen of stomachs fairly adequately.

I have the honour to be,

Sir,

Your most obedient humble servant,

*Maratab Ali*

(MARATAB ALI).

c/o Mr. A. Latif Khan, P.O.Box 581,  
Nairobi.  
(Kenya Colony).

(COPY).

C/EMS.

No. EST.19/1/29/27.

Dated:- 10th Aug: 1935.

The Officer-in-Charge,  
Central Finger Print Bureau,  
Thro' The Hon. Chief Native Commissioner,  
Nairobi.

RE. MR. MARATAB ALI.

Ref. Your No.725-F.P.A. 1/3/2/7, of  
5th July.

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(1) I am to inform you that the Secretary of State has ruled that no extension of leave however small can be authorized for the purpose of enabling an officer to complete another year of pensionable service.

(2) In the circumstances, it is regretted that Mr. Maratab Ali's request to be allowed to extend the period of the Notice of termination of his appointment given to him by about 2½ months cannot be entertained.

Sd. R. CM. WOOD.

for Ag. COLONIAL SECRETARY.

4th July, 1935.

The Honourable  
The Acting Colonial Secretary,  
Nairobi.

Thro' The Ag. Hon. Chief Native Commissioner,  
Nairobi.

Thro' The Officer-in-Charge,  
Central Finger Print Bureau,  
Nairobi.

Sir,

With reference to the Notice of termination of my appointment dated 29th June, 1935, I shall be most grateful if sympathetic consideration may be given to the question of extending my appointment by about 2½ months to enable me to complete 14 years' service.

The position is that the recently enacted Asian Pension Ordinance is distinctly disadvantageous to me inasmuch as it disqualifies for pension about 3½ years of my service which was rendered while I was under 20 years age. I have, therefore, no alternative but to opt to have my pension computed under the previous regulations. Under these regulations, however, only completed years are taken into account and I shall have completed 13 years and 9½ months service on the 31st December, 1935. My pension will be computed on 13 years service only because I fall short of 2½ months to complete 14 years. That is to say on the basis of 13 years my pension works out at Shs.105/35, whereas if I am allowed to complete 14 years it will amount to Shs.111/30. In other words, if my application is not granted I shall be the poorer by about Shs.96/- a year.

I think it will be appreciated that there is practically no prospect of my being able to supplement my small pension by any other means, not only because of the unprecedented slump on the trade and employment market, but more particularly because my training and experience have been in a technical line for which there is hardly any demand even in ordinary times. I am a married man with 5 children and it is hardly necessary to emphasise that it will be extremely

-difficult

difficult to make ends meet with the pension.

The small concession I have applied for will, therefore, come as a great boon in my forced retirement at the middle of my career and I trust that, in the circumstances explained, it will be found possible to accede to my humble request for which I believe there are several precedents in other Departments.

Thanking you in anticipation,

I beg to remain,

Sir,

Your most obedient servant,

Sd. Maratab Ali.

1st Grade Clerk, Central Finger Print  
Bureau, NAIROBI.

