

X 1931

17156

KENYA

C0533/410

X 1931

17156

Mr. B. F. Soares

Service on Railway 1900-1908

Period

Subsequent

1st

1/2

to 1st

1/2

to 2nd

1/2

to 3rd

1/2

to 4th

1/2

to 5th

1/2

to 6th

1/2

to 7th

1/2

to 8th

1/2

to 9th

1/2

X-PA

1. Mr's Def. home 153 _____ 18 March
The petition for L. 27 hours, 1st week club, P. 2
respecting his railway service for 1900-1908 should be
regarded as favourable; amongst a petition and
to see if recommending it should receive favourable
consideration

I think that this petition can be dealt with
without reference to the 1906 pp. The only ground to
be taken in favour of the proposed pay is that since
the present amount is insufficient to allow him to
live on his own income of pension whether he received the
100 lb. or not. It is true that the fact that
he is a railway man is not in itself a reason to
oppose his property, the statement in the
petition is incorrect

As to the other side, he is to claim to
be a railway man. In 1903 he
received the pension but he was not
then a railway man

Mr. [unclear]

Yes. To your eyes

rejection

Yes

On the general question of
considering the business of the
~~the railway~~

that we should now be able
to take a more lenient view

Draft followed
by favourable
service in
another;

than was possible when
the des. on 75677/19 was
written. But there is no
doubt that this man and
others in the same position
drew 5% ^{to railway} salary in lieu
of pension rights, and that
must end the matter, in
the absence of any strong
and special grounds (there
are none here) for making
a concession.

Jeffries
22.4.31

? Reply on proposed

reclamation

22.4.31

to col 22.4.31

As proposed
10.5.31
H. M. S.

! Cas 362.1. Howard - 28 MAY 1931



THE SECRETARIAT,
NAIROBI,
KENYA.

WHEN REPLYING
PLEASE QUOTE
No. S. E. 19/1/1142/38.
AND DATE

RECEIVED

28th August, 1931.

The Acting 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. 362 of the 28th May, 1931, begs to transmit herewith for information and record, a copy of the form of Particulars of pension awarded to Mr. E. F. Soares, 1st Grade Clerk, Public Works Department.

Pension papers.

2. Instructions are being issued for the payment of the pension to Mr. Soares at the rate of Sh:2,750/80 a year with effect from the day following his retirement.

COLONY AND PROTECTORATE OF KENYA

COLONIAL PENSIONS, &c.

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

- 1 Name of Applicant to full Benedicto Francisco Soares
- 2 Office or Department Grade Clerk, Public Works Department
- 3 Recommended for a pension of Sh. 2,750-00 a year
- 4 Age Fifty (50) years
- 5 Service last by three months and nine days
- 6 Salary or wages actual average Sh. 6,240-00
- 7 Value of accumulated contributions 10% of Sh. 6,240 = 936-00
- 8 Total contributions in the average Sh. 7,176-00
- 9 Value of retirement Assignment of 50 years of age
- 10 Remarks

TABLE OF DATES

No.	From	To	Days	Remarks
1915	1-4-13	25-4-13	21	Extension of leave
1917	1-4-17	4-7-17	69	-Do-
1922	1-4-22	2-5-22	30	-Do-

1922 100 30 7

- 11 Date of recommendation 12th August 1931
- 12 Date of recommendation 12th August 1931 (approximately 9-2-31)
- 13 Date of recommendation 12th August 1931 (approximately 9-2-31)
- 14 Date of recommendation 12th August 1931 (approximately 9-2-31)
- 15 Date of recommendation 12th August 1931 (approximately 9-2-31)

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 position and rank of office	Date of commencement	Date of termination	Nature of duties	Value of quarters P. B.	ANY OTHER ALLOWANCE		Total emoluments P. B.	Amount for Aggregation
					Name	Rate P. B.		
Clerk By Mr. Clerk, No. 3, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	1-1-09	3-3-09	Clerk					
	3-3-09	3-3-10						
	3-3-10	3-3-11						
	3-3-11	3-3-12						
Sole altered by Mr. Secy. of War, 1909 By Mr. Clerk (No. 3, 1909) By Mr. Secy. to Mr. Secy. of War, 1909 Sole altered to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	1-6-10	2-10-10	Sole altered by Mr. Secy. of War, 1909					
	2-10-10	2-10-11						
	2-10-11	2-10-12						
	2-10-12	2-10-13						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-13	2-10-14	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-14	2-10-15						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-15	2-10-16	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-16	2-10-17						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-17	2-10-18	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-18	2-10-19						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-19	2-10-20	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-20	2-10-21						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-21	2-10-22	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-22	2-10-23						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-23	2-10-24	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-24	2-10-25						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-25	2-10-26	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-26	2-10-27						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-27	2-10-28	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-28	2-10-29						
By Mr. Secy. to Mr. Secy. of War, 1909 By Mr. Secy. to Mr. Secy. of War, 1909	2-10-29	2-10-30	By Mr. Secy. to Mr. Secy. of War, 1909					
	2-10-30	2-10-31						

- Whether each of the Appointments held by the Applicant has been on the Fixed Establishment of the Colony: YES.
- 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.
- Whether holding any other Public Appointment, or receiving or claiming to receive any public money by Compensation, Half-pay or otherwise: NO.
- If any kind of Pension or other Allowance has been commuted under the Imperial Pensions Commutation Acts, 1909 and 1921, the annual amount of Pension or Allowance so commuted and the date of commutation should be inserted: NONE.
- 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, Suspensions, Reprimand, &c., with full particulars of any offences committed on duty, or other claims or matters for consideration.

The applicant has discharged his duties with diligence and fidelity, to my satisfaction. He is a good and reliable Accounts Clerk, arithmetical and honest as a Cashier, and a dependable Correspondence Clerk.

Special Services Nil
Suspensions Nil
Reprimands Nil.

MR. CHIEF ACCOUNTANT, P. W. D.

DIRECTOR OF PUBLIC WORKS.

2. Compensation, by the Insurer, of the premium grantee

I certify that the premium which may be paid to the Applicant according to the Rules of the

Colonial Service, amounts to Two thousand seven hundred and fifty shillings and eighty pence (£2,750-80) a year.

and I use my Certificate on the following calculation:—

Date of his appointment: 1st January 1909

Date of Retirement: 31st February 1932

Actual service

Deduct period of time without pay

Years Months Days

22 1 9

0 0 7

22 1 2

Balance

Service for purposes of pension 23 years
 Actual salary and emoluments Rs. 7,176/- a year
 Whereof 13/60ths = Rs. 5,750-00 a year
 Gratuity earned under _____
 being at the rate of _____
 A/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, 15th August 1931.

*For Treasurer,
 and Treasurer of Kenya*

KENYA.
 No. 153



GOVERNMENT HOUSE,
 NAIROBI,
 KENYA.

RECEIVED
 18 APR 1931
 COL. OFFICE

19 March, 1931.

My Lord,

I have the honour to transmit a petition addressed to Your Lordship by Mr. B. F. Soares, 1st Grade Clerk, Public Works Department, in which he asks that his Railway service from the 1st January, 1900, to the 31st December, 1908, should be regarded as pensionable. In this connection it should be noted that the 15th January, 1900, is the date of the commencement of Mr. Soares' service with the Railway Administration.

Petition.

MAY 1931
 1/10
 1/10

2. From the records at my disposal, it is evident that Mr. Soares himself gave notice of his desire to resign from the service of the Uganda Railway in order to improve his prospects. He joined the Public Works Department on the 1st January, 1909, and on leaving the Railway was duly paid a bonus of 50% of his salary in respect of his services in that Department and as a further privilege was allowed the special concession of counting his Railway service for leave-taking purposes.

*1/10 has been
 paid to Soares & should
 not be taken
 into account*

3. Mr. Soares is one of the eight clerks referred to in paragraph 4 of Mr. Charles Bowring's despatch No. 776 of the 6th December, 1916. At the time of his resignation Mr. Soares was drawing a salary of Rs. 100/- per mensem while he was engaged in the Public Works Department at a salary of Rs. 120/- per mensem.

4. I am unable to corroborate the statement in paragraph 2 of the petition that his application for

THE RIGHT HONOURABLE
 LORD PASFIELD, P.C.,
 SECRETARY OF STATE FOR THE COLONIES,
 DOWNING STREET, LONDON, S.W.

his previous Railway service to count for pension has only recently been refused, as perusal of his personal file shows that Mr. Soares first raised this question in July 1919, when he was informed that his request could not be granted. Again in 1923 in submitting an application for a special allowance the following appears in Mr. Soares own handwriting:-

"Last 9 years' Railway service with correspondence".

and 9. Messrs. S. Pereira and Sant Singh referred to in the petition were cases of actual transfer and were accorded special treatment as will be seen from the late Mr. Kumar Law's despatch No. 400 of the 6th July, 1916, and Mr. Amery's despatch No. 49 of the 6th January, 1920.

I consider that this case is one which should be dealt with strictly in accordance with the rulings laid down in the latter despatch and I see no justification for recommending the petition for Your Lordship's favourable consideration. As will be seen from Mr. Charles Bowring's despatch above referred to there are other cases similar to that of the petitioner

I have the honour to be

My Lord,

Your Lordship's most obedient,
public servant.

GOVERNOR'S DEPUTY.

Copy 2/2/21/d
Copy 7/26/7/19/19

PUBLIC WORKS DEPARTMENT,

Mombasa, January 21st. 1931.

To

The Right Honourable Lord Passfield, P.C.,

Secretary of State for the Colonies.

Through The Hon. Colonial Secretary, Kenya Colony

The Hon. Director of Public Works
NAIROBI.

My Lord,

I beg most humbly and respectfully to put my case in brief before your Lordship for your sympathetic consideration for which act of kindness I shall be always ~~thankful~~.

1. On 1st. of January 1900 I joined the Kenya and Uganda Railway as a clerk and worked in the same Administration until 11th. October 1908. On the 1st. of January 1909 my services were taken over by the Public Works Department as they were urgently in need of a competent clerk in charge of this Department being the subject of correspondence between the Hon. Director of Public Works and the Resident Superintendent of Kenya and Uganda Railway and my Railway service was treated as a continuation of my public service to India.

2. When my services were taken over by the Public Works Department I was under the impression that my previous service with the Railway would be counted towards all the Government provisions as both these are Government Departments, though they differ entirely in conditions. But to my surprise the Hon. Treasurer states now when I am nearly due for retirement, that it cannot be counted for pension purposes on the grounds that I received a bonus under the Old Railway Scheme.

The only benefit (if it can be so termed) which I have received so far as I know, has been 5% added to my salary in common with all Railway employees under the old scheme. As far as I am aware no deductions were made from my salary and I drew no bonus as the scheme of Railway Provident Fund was not at that period in force and I am not quite sure whether the 5% addition to my salary mentioned above was intended as a bonus.

(3). I understand that the services of some of the Railway officials in similar circumstances as myself, on their transfer to the Colony's Administration, have been allowed to count for pension purposes, particularly the case of Messrs. B. Pereira of the Audit Department and Surt Singh of the Medical Department.

(4). If I was aware that my nine years' service would be lost to me I would not have taken up the post offered to me by the Public Works Department as I consider that under the present Railway scheme (which came in force on the day I joined the Public Works Department) my financial position would now have been far better. I admit that it was my mistake for not ascertaining the facts beforehand which was due to my ignorance and therefore I pray that your Lordship will not turn down my case on that account.

(5). In view of the above explanation and facts I again most humbly and respectfully appeal to your Lordship to give my case your sympathetic consideration and accord your approval for my nine years services to be counted towards pension otherwise a loss of this would be a hardship to me.

I beg to remain,

My Lord,

Your most obedient & humble servant.

[Signature]
1st. Grade Clerk, P.W.D.