

1937

38086

16

CO 533/480

KENYA

38086

16

PETITIONS

B. L. KAPUR (LATE 3RD CLASS TELEGRAPH INSP, POSTS & TELEGRAPHS)

Previous

38018/36 (n^o 75)

Subsequent

R. 297

22/6/37

R. 309

5/7

M. Farukin

5/7

M. Ashraf

7/7

M. Flood

9

Sac. G. S. S. S. S.

12

Govt. Engineer

14

R. 299

20/7

R. 297

PETITIONS. 1. GOV. KENYA..... 268.....13.5.37.
Nominal.

Tra. petition of B.L.Kapur, late 3rd Class Tel. Insp., Posts & Tels., complaining that promotion was withheld from him, and comments thereon stating that he is unable to recommend that favourable consen. be given thereto.

When Mr. Kapur was invalided in 1935 at the age of 38 he was holding one of the highest posts open to Indians in the joint Postal Service, and was in receipt of a salary of Shs.500 a month plus a personal allowance of 10/- a month. His actual pensionable emoluments amounted to Shs.6,804 a year, on which he was granted a pension of Shs.1,623.03 a year and a gratuity of Shs.5,410.20.

*Lu
300/5/36*

His grievance is that he received no promotion from 1924 until he was invalided, although during that period certain special posts existed, but he was never given one of them.

(is. in 1930
998)*

As regards these special posts it appears that there were five special grade clerks, the youngest of whom was six years senior in age to the petitioner and had longer service. There was also the post of personal confidential typist to the Postmaster-General.

In 1927 the grade in which Mr. Kapur was serving was assessed with a maximum of Shs.500 a month. He was in receipt of Shs. 510 a month, the maximum of the grade prior to the re-grading, and was permitted to retain the 10/- a month as a personal allowance. Mr. Kapur suggests that this automatically placed him in a special grade. This suggestion cannot be accepted, and therefore he cannot be said to be entitled to any increments.

So far as I can see, there are no grounds for according Mr. Kapur more favourable terms than he has already received.

? Request the Governor to cause the petitioner to be informed that the Secretary of State is not prepared to intervene.

C.A. Crosswell

5.7.37.

I agree.

J.P. Curran

5/7

pt.

Abraham
6/9/37

I must send on as it is a petition, but it is quite a ridiculous one. Mr. Kapur, a retired Telegraph Inspector, petitions that now that he has retired and is on pension his salary for the last eleven years before his retirement should be reviewed, and that he should be considered as having been in a Special Grade post. The Special Grade posts carried salary above £300 a year (Shs. 500/- a month), and before the revision of salaries which took place in 1927 he had got up to Shs 510/- a month. In 1927 the salary of his post was fixed at a maximum of Shs. 500/- a month, but, in consideration of his having already got to Shs. 510/-, he was allowed to go on drawing the 10/- as a personal allowance. He contends that this automatically placed

(to which he had never been appointed)

placed him in the Special Grade, and that he should have gone on getting the increments of it.

Draft herewith.

v.v.v. Hand

9.7.37.

I agree. They gave him the personal allowance in 1927 so that, though not to be on the Special Grade, he should not lose in salary. Since then his work has not merited the actual promotion, and there is no chance he will be so.

The draft may issue?
W.H.S. 12.7.37.

Agreed.

S & A.

14/7/37

at once

2
11/11

20 Hanga. 558. (1 amax)

20 JUL 1937

38086/16/37.

2

C. O.

Mr. Flood. 9/17/37.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley. 12.7

Sir J. Shuckburgh.

Perm. U.S. of S.

+ Parly. U.S. of S. 1m/17 fs

Secretary of State.

C.D
R 14 JUL
D 16.

20 July, 1937.

Sir,

DRAFT.

I have etc. to acknowledge

KENYA.

the receipt of your despatch

NO. 658.

No.268 of the 13th of May, and to

Governor.

request that you will cause

Mr. B.L. Kapur to be informed that

I have received his petition but

that I see no reason to intervene

on his behalf. It appears that

he was allowed to retain as personal

to himself a salary in excess of

the maximum of his post when

salaries were re-graded in 1927, ^{but} ~~and~~

this fact gives him no claim ^{to} ~~for~~ any

retrospective consideration.

I have, etc.

(Signed) W. ORMSBY GORE.

FURTHER ACTION.

KENYA.

No. 268.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
19 JUN 1937
C. O. REGY

13 May, 1937.

sir,

I have the honour to refer to Kenya Note No. S/Est.19/1/478/109 of the 9th October, 1936, and to transmit a petition from Mr. B.L. Kapur, late 3rd Class Telegraph Inspector, Posts and Telegraphs Department, in which he complains of promotion to Special Grade being withheld from him whilst in the service of this Government.

2. The statements in the petition are apparently in the main correct but in view of the comments of the Postmaster General contained in his letter No. 453/16 of the 4th August, 1936, a copy of which is attached, Mr. Kapur undoubtedly received salary commensurate with his abilities and responsibilities and in these circumstances I am unable to recommend favourable consideration of his petition.

3. The delay in transmitting the petition has been due to the fact that it was thought quite naturally that the original of the petition had been sent to you direct by the petitioner and only a duplicate sent to this Government and that you would in due course ask for this Government's comments on the petition.

It now transpires, as the result of a further communication from Mr. Kapur, that what was thought to be but a duplicate of the petition is the

original

THE RIGHT HONOURABLE
W. ORMSBY-GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

(75) on 38018/36

Petition.
20.7.36 & Encls.

Letter.
4.8.36.

Handwritten mark

original which forms an enclosure to this despatch

I have the honour to be,

Sir,

Your most obedient, humble servant,

Brooke-Popham

AIR CHIEF MARSHAL,

G O V E R N O R .

The Rt. Hon. The Secretary of State
for the Colonies, LONDON.

Copy, To His Excellency the Governor
of Kenya Colony, NAIROBI.

Honoured Sir,

I, Brahmial Kapur, late Telegraph Inspector in Posts and Telegraph department of Kenya, Uganda, and Tanganyika territory, most respectfully beg leave to place this petition before his Majesty's Government and pray that it may receive sympathetic consideration.

Regarding Special Grade.

That I joined the department as a clerk in 1916, and was promoted to the position of a Telegraph Inspector in 1918. I rose to the maximum of my grade in 1924 and am without any promotion from April 1924 to July 1935, after which I was declared unfit for further services owing ill health.

During these 11 years the Postmaster General had made several verbal promises that he would consider the case of my promotion to higher grade, and had on few occasions made remarks in writing, that he appreciated my work and conduct and would recommend me for a personal allowance. There has been no complaint regarding my work and conduct during 19 years of service and have never undergone any sort of punishment or fine throughout my service.

I have been the most senior in rank and salary and on top of the Asian Engineering staff of Kenya, Uganda, and Tanganyika territory.

There were several special posts provided in estimates during these 11 years I have been without

a rise in salary, and my repeated requests for consideration had no value, as I was the only man on the Engineering side on the maximum for such a long time and my case was treated as individual. Special posts were provided in Traffic side of the Posts and Telegraph department and I was in Engineering branch.

The maximum salary of my grade was fixed at Rs 500/- pm. and I had been drawing Rs 510/- and yet I was not treated as special grade.

I humbly request that my personal file be reviewed and if it is considered that I was entitled to an increment it may be granted to me from due date. As the maximum of my grade is 500/- and I was drawing 510/- for 11 years I should be treated as special grade as I it was.

Thanking you in anticipation of an investigation into the matter and a favourable decision on the subject.

I have the Honour to be,

Sir,

Your most obedient servant

B. Lalapuri

Late Telegraph Inspector,
Bham, Dist Jhelum. India.

Dt 20.7.36.

(Copy)

Rd No. 45/503/200.

The Telegraph Engineer. Kampala.

Mr B.L.Kapur.
.....

Mr.Kapur's application for an increase of salary and for representations to be made to the Secretary of State regarding his pensionable status have both been placed before the Hon, the Postmaster General and I am directed to request you to convey the following to Mr Kapur:-

1. Increase of salary. The Hon The Postmaster General feels that the present is not a suitable time to approach Govt, regarding the establishment of additional special grades in the department.

2. Pensionable Status.

Nairobi

14th March, 1954.

Sd. G.P.Willoughby.

Chief Telegraph Engineer.

Copy.

L. 9734.

Min. No 2. Mr Kapur's work has been in every way satisfactory

Nairobi.
20.10.28.

Sd. R. Rabson.
Asst Telegraph Engineer.

(3)

..... I informed him that I appreciated the good work that he has been doing and that in course of time when he was older and somewhat longer on the neck of his scabbard I should be prepared on your special recommendation to recommend him to Government for a personal allowance. I have no authority to grant him or any one else increments outside sanctioned scale

Sd. F.
Postmaster General.
18.10.28.

(Copy)

Min No 7 of my application of 1st April 1920.

The present so called second grade Inspector is intended for Europeans. It may be possible to provide further promotion for thoroughly capable Indians, the matter shall be gone into, as you suggest, when Mr Creighton returns, but the Indian and European grades must be kept distinct.

Nairobi.

15.4.20.

Sd. J.Gosling.

Postmaster General.

16 August, 1917

The Hon. The Colonial Secretary,

Nairobi.

MR. B.L. KAPUR'S PLEA FOR INCREMENT WITH
RETROSPECTIVE EFFECT.

YOUR S/Est.12/479/17 of 22nd July 1917.

The statements of fact in the application are, broadly speaking, correct. The implication of the 3rd paragraph that the Postmaster General was inclined favourably to consider promotion of Mr. Kapur is, however, scarcely warranted.

2. The position is that Mr. Kapur joined the Department at a time, during the war, when the Department found it exceptionally difficult to recruit suitable staff for Engineering work and but for this circumstance, fortunate for Mr. Kapur as it was, it is extremely doubtful whether he would have reached the position which he did.

3. He has appealed continually for advancement. On 4-8-1917, he made one such appeal which he concluded with the following words:--

" In conclusion I beg to state that if a permanent Telegraph Inspector's grade with continued service cannot be granted, I shall feel much obliged if you will very kindly accept my resignation at a usual month's notice from date. "

4. This was his second resignation. The first caused the break in service which forms the subject of minute 96 in your file. As a result of this second resignation there was an interview with the Chief Telegraph Engineer whose record thereof reads as follows:--

"Interview

"Interview 25/9/17. T.E. present.

Told Mr. Kapur no promise could be made re. permanent employment, but hope give him a third Class Inspector's appointment from April 1st next but could make no promise. He said he could not live on his salary. I said I would ask Postmaster General if he could be allowed to leave as it appears he will always be bothering the Department for advancement in accordance with his rather exaggerated idea of his abilities."

5. The Postmaster General, owing to staff difficulties, did not accept the resignation and Mr. Kapur remained without the promotion he sought, but six months later, after further importuning the Department, he was promoted on 1-4-18, and for a period he appears to have done good work.

6. He reached a salary of Shgs. 510/- per mensem in April 1924 and there remained despite an appeal for promotion in 1925. In 1927 his grade was assessed under the new terms with a maximum of Shgs. 500/- per mensem and from the 1st of January of that year he drew Shgs. 500/- per mensem plus Shgs. 10/- per mensem personal allowance.

7. He appealed again in 1928 and Mr. Willoughby, then Chief Telegraph Engineer, informed him 14-1-28:-

"The work Mr. Kapur has been doing has been satisfactory, but at least for the present his salary is commensurate with his responsibility."

8. On 5th October of that year he submitted a further plea which bears this Department Number L.9734 and which I understand was one of the enclosures to this present appeal. A copy of Mr. Fitzgerald's comment of 18-10-1928 is now attached.

9. At the end of 1929 Mr. Kapur appealed again and on 16-1-1930 the Chief Telegraph Engineer wrote as follows:-

"Mr. Kapur,
T.I. Kisumu.

I have reviewed your case and find that you were engaged 9-5-16, allowed to resign 17-4-17, re-engaged on higher salary 20-4-17. Your rate of pay is Sh. 500/- plus Sh.10/- temporary allowance. The maximum of the scale on which you are is Sh.500/-.

I find also that in the Department there are five Special Grade clerks, the youngest of whom is 6 years your senior in age and has longer service than you have. The above does not include the special case of the Hon. P.M.G.'s personal confidential typist.

You

You have been very fortunate in having occupied a comparatively senior position for so long a time and I do not feel justified at present in representing your case for special consideration.

Shortly I propose to give you an opportunity of proving your worth by entrusting to you the construction of the Kisumu-Yala Branch Railway construction which includes two main Post Office wires. If this is satisfactorily completed, and if upon your return from leave it is shown that you are able to carry out more responsible duties, I shall be prepared to consider your case further in, say, 1932.

At the moment there would be very little prospect of any success resulting from special representations.

Please return this paper when read.

Nairobi, 16-1-30.

(Sd.) G.P. Willoughby,
G.T.E. "

10. The Chief Telegraph Engineer reviewed the case as promised in the foregoing excerpt and stated on 22-5-32:-

"Mr. B.L. Kapur is, I think, adequately remunerated for his services by his personal salary" -- Mr. Kapur was informed,

and again on 10-5-34:-

"I regret I cannot put forward any grounds calculated to justify a plea for creation of a "Special Grade" post in the Engineering Branch to permit the promotion of Mr. Kapur."

11. In 1927 he sat for and failed two elementary technical examinations which are today being taken by some of the most junior ranks in the Engineering Branch. The Engineer-in-Chief informs me that at no time up to the date of Mr. Kapur's retirement would it have been possible for him to have made the recommendation which Mr. Fitzgerald in his above-mentioned minute of 18-10-1928 rightly regarded as pre-requisite to any promotion.

12. In the circumstances, I can only recommend that the covering despatch to the Secretary of State should be against the granting of the appeal.

(SGD.) G B HEBDEN

POSTMASTER GENERAL,
KENYA, UGANDA & TANGANYIKA.

Chief Telegraph Engineer,

Mr. Kapur will have to be a little more careful in the way in which he represents matters.

It was pointed out to him that he must take the position as it stands in regard to scales of pay for the Indian staff on the Engineering side and he was reminded that on that side he had reached a high rate of pay very quickly, more quickly than he could have hoped to have done on the clerical side.

I informed him that I appreciated the good work he was doing and that in course of time when he was older and somewhat longer on the maximum of his scale, I should be prepared on your special recommendation to recommend him to Government for a personal allowance. I have no authority to grant him or any one else increments outside sanctioned scales.

(Sd.) T. Fitzgerald,

18-10-28.