

1923

KENYA

62253

24 DEC 23

DATE

22nd Nov, 1923

CIRCULATION:—

Jeffries
Bridgman

SUBJECT

Petition for
reinstatement.

U.S. of S.

Submits

U.S. of S.

U.S. of S.

Secretary of State

Previous Paper

805
1306

MINUTES

The Senior Commissioner's letter of 30 June 1922 shows that he was given a month's notice, & the Secretariat letters of 31 July 1922 & 12 Oct 1922 form, I think, a conclusive reply to the petition. But I suppose it is necessary to send it to the Gov for a report.

"Send" petition & enclosure - original, for return, and ask for a report

re: petition accordingly

C.S.G. 1. 1. 24 1. 1. 24

PTO

Subsequent Paper

805
46047
24

14 JAN 1924
To Sec. Hija 57 con. 14 Jan. 24
Remnds. to Gov 469 con. 21 JUL 1924

Mr. Jeffries

Mr. Dettmar has called for a summary of the points of this petition. I have made the enclosure

(i) Dismissal without a month's notice

Enclosures 2, 19 + 18:

One that he was retroacted a reduction of establishment in view of the financial position & give a month's notice.

(ii) Advise confidential reports & promotion of clerk junior to himself.

Claim that he was fully competent, that he worked hard, & suffered health in unhealthy districts.

I found in encl. 16 that decision as to retrenchment was arrived at after considering his annual conf. report.

(iii) Pension or reinstatement

The privilege which was

granted to returned non-commissioned 264

Some Clauses are set out in enclosure 19 & include a gratuity after 7 years service in accordance with 335 (with 291) of the Code of Regulations. The claim was made to the Kenya Govt. & was upheld in enclosure 16. The gratuity awarded is Shs 452-34 (see 11306)

Leave The fact that he was granted leave from 17 Aug to 5 Nov 1952 (see encl 5 & the form in 11306) dispose of his former as to notice: he at any had notice but 2 1/2 months leave some time afterwards. He makes no claim for more leave.

Passage As he did not take his full passage within 2 months of cessation of duty the privilege can properly be withdrawn (enclosure 1).

The reason he gives for this is namely inability to leave Kenya because of him.

Creditor is wrong than no reason

9. 1.24

I have searched the Kenya Gazette for March 1918 but can find no mention of his confirmation.

I have however found lists in other gazettes showing that the word "confirmation" was used in connection with clerks in non-responsible grades.

I cannot make anything of his reference to a Secretariat Circular of Sept. 1921.

Dpts. for comment
herewith.

C.D.J. 11.1.24.

G. D. [Signature]

Conditions to work than no reason

W. J. q. 1.24

I have searched the Kenya Gazette for March 1918 but can find no mention of his confirmation.

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C. J. J. 11. 1. 24.

G. S. 11. 1. 24.

P/62253/23

Kenya

265

14 Jan. 1924

DRAFT.

M. D. Pereira
Carmona,
Bairro Jorge's,
Salcete,
MINUTE, Goa.

Mr. Jeffries 11.1.24

Mr. Bottraway 11.1.24

Mr.

Mr. O. Davis

Mr. G. Grindie

Mr. H. Reed

Mr. J. Masterton Smith

Mr. Ormsby-Gore

Duke of Devonshire

for comm

? Dfg.

Sir,

I am in to
ack. the receipt of
your petition dated
the 22nd. of November,
regarding your
re-employment from
the post of 4th
grade clerk in
the service of the
Govt. of Kenya,
and to inform you
that

P/62253/23

Kenya

265

14 Jan. 1924

DRAFT.

M. D. Pereira
Carmona,
Baixo Jorgez,
Salcete, Goa.
MINUTE.

Mr. Jeffries 11.1.24
Mr. Bottraway 11.1.24
Mr.
Mr. O. Davis.
Mr. G. Grindie.
Mr. H. Reid.
Mr. J. Masterton Smith.
Mr. Ormsby-Gore.
Duke of Devonshire.

for conon

2 Dfco.

Sir,

I am in to
ack. the receipt of
your petition dated
the 22nd. of November,
regarding your
retrenchment from
the post of 4th
grade clerk in
the service of the
Govt. of Kenya,
and to inform you
that

that the Gov. of
Kenya is being
asked to furnish
a report on the
matter.

2. A further letter
will be sent to
you when the
Governor's report
has been received
and considered.

(Signed) H. J. READ

P/62253/23
Kenya.

O. D.
17 JAN
14

14 Jan. 1924.

hi,

I have the pleasure to transmit to you, in original for return, the acc. petition which I have received from Mr. M. D. Pereira, the award to whom of a gratuity was approved in my des. No. 568 of the 23rd of April, 1923.

2. I am unable to trace any reference to the confirmation of Mr. Pereira in his appt. in any official Gazette issued during March, 1918; nor am I aware of the ~~to read~~ ^{of the} Secretariat Circular of Sept., 1921, to which

DRAFT.

54 revised
46147

Correspondence
MINUTE.

- Mr. Jeffries 11.1.24
- Mr. Bottomley 11 for
- Mr.
- Mr. C. Davis
- Mr. G. Grindle
- Mr. H. Road
- Mr. J. Masterton Smith
- Mr. Ormsby-Gore
- Mr. of Devonshire

(11306/23)

for consn

15.
in 2 enclosures
- orig. for return)

(the first para. of)
which he refers in his
petition. I assume,
however, that he was
serving on the regular establishment,
though not ^{in a} pensionable ^{grade}. I
shall be glad to learn
whether he had signed
any agreement defining
his conditions of service.

I note that the
action of Mr. Pereira
for retirement is stated
to have been decided upon
after careful con-
sideration and in the
nature of no confidential
reports. I shall be glad
if you will indicate the
nature of those reports, and
furnish me also with your
comments on Mr. Pereira's
Statement

(the first para. of)
which he refers in his
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though not ^{in a} pensionable ^{grade}. I
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nature of those reports, and
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Statement

DRAFT.

MINUTE.

Mr.
Mr.
Mr.
Mr. Dixon
Mr. Grindle
Mr. H. Road
Mr. J. Matheron Smith
Mr. Ormsby-Gore
Mr. C. J. Devonshire

statement that clerks junior to
him had been promoted to the
3rd. ~~College~~ grade.

4. Mr. Pereira was, as
~~stated~~ it appears from the
particulars furnished for the
computation of his gratuity,
granted leave with full
salary from the 17th of August
to the 5th of November, 1922.

If, as appears to be the
case, he received ^{over} ~~two~~
months' notice of the
termination of his appointment,
before ceasing duty, it
would appear that his
claim that the notice
given was inadequate
cannot be upheld.

5. I observe, however, that Mr. Pereira claims that from the ~~above~~ salary payable to him ^{after notice had been given} was deducted the amount spent on a passage to India which was booked for him and of which he did not avail himself within the period specified in the Secretariat circular No. 58, is 10th of Aug, 1922.

(47/02/22)

I shall be glad to learn whether you consider that there is any possibility of waiving this claim, or alternatively, of refunding to Mr. Pereira the cost of the passage to Goa which he presumably obtained at his own expense at a later date.

I have to

6. Mr. Pereira has been that in principle only and sent to his file with a receipt of your report.

}

(Signed) DEVONSHIRE

5. I observe, however, that Mr. Pereira claims that from the ~~total~~ salary payable to him after notice had been given, was deducted the amount spent on a passage to India which was booked for him and of which he did not avail himself within the period specified in the Secretariat Circular No. 58, of the 10th of Aug., 1922.

(47102/22)

I shall be glad to learn whether you consider that there is any possibility of pursuing this claim, or alternatively, of refunding to Mr. Pereira the cost of the passage to Goa which he presumably obtained at his own expense at a later date.

I have,

6. Mr. Pereira has been that - please refer to the report to his father on receipt of your report.

(Signed) DEVONSHIRE