

1921-22

KENYA

2940<sup>21</sup>/<sub>22</sub>

2940

GOVERNOR  
MORTHEY

1894

2ND DECEMBER 1921

2940  
7 J 22  
264

Mr. *Bottomley*  
Mr. *Goffin*  
Mr. *H. Lambert*  
Mr. *H. Head*  
Mr. *W. Smith*  
Mr. *W. Wood*  
Mr. *Churchill*

SUBJECT  
RETIREMENT OF MR J.A. FERNANDES  
2ND GRADE CLERK 6TH K.A.R.

Enclosure pension form and M.D. proceedings.  
Recommends grant of pension of Pw 752/73 p.a. fr  
from 13.8.21. Alimentary allowance of Pw 500  
being issued.

Previous Paper

MINUTES

*for minutes*  
*minutes from*

*2nd 2/22*

I make the average salary Pw 2534.  
The figure need hardly be given, as  
their method may be different.

In view that this officer is only 4  
days short of another year the fact that  
12 day leave without pay  
taken in 1909 has not been deducted. He  
had an extension of leave on 12 days of 38  
days before retirement, after nearly 8 months  
leave.

I would not grant the extension.  
Recently, in the Armstrong case, the  
Treas. decided that value of yrs. need not  
be averaged. This officer might be given  
the benefit of that ruling, and be allowed  
for yrs. 15% of the increment of his last  
Scale

*to this case. If you agree  
and 454. 26 March 22*

Subsequent Paper

*Lucas*  
5323/22

scale, viz. Pts. 342. This will give him pension based on Pts. 297 & 30, i.e. Pts 744

Jan 25, 1922

as to leave

Even if the facts were as stated in the Dip, & they are not, the proposal cd not be accepted. Observe that ext<sup>y</sup> of leave cannot be granted for the purpose of enabling an officer to complete another year of pensionable service - that in fact the 12 days ext<sup>y</sup> without pay, leave not been deducted from the total service - & that what appears to have been an ext<sup>y</sup> of leave in the pay prior to retirement of Jan 15, 1921 is not to be reckoned as pensionable service.

*Japan. The more the case is not a precedent, since there has been no case of leave a loan*

(a) to the Director

To make sure that we understand the Director's rights, I shall propose to ask for

Kind regards  
Whether we are to assume that the value

of practice, and not be  
averaged when salary is  
averaged, now that because  
the 15% or alternative  
maximum rate - or 265  
is better in the 20m or 20e  
case the salary was  
given for special reasons -  
eg. because in fact  
the actual & average  
salary worked out in  
some, job is what  
I suspect was the  
reason] -

2 begin with the  
known as above.  
DCL  
25.1.22

D. Robinson

2000  
2000

KENYA.  
NO 1694.



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

2nd December, 1921.

2940

1922

Sir,

I have the honour to transmit herewith a form of particulars required for the computation of pension to Mr. J.A. Fernandes, 2nd Grade Clerk, 5th King's African Rifles, who has been pronounced unfit for further service in this Colony by a Medical Board held on him in India on the 31st of August last. A copy of the proceedings of this Board is enclosed for your information.

101 FORM.  
PROCEEDINGS.

2. Mr. Fernandes' services date from the 17th of August, 1905, and he is, therefore, eligible for a pension in respect of fifteen completed years. The pension is computed at Fls. 705/18 a year with effect from the 13th of August, 1921, inclusive.

3. It will be observed that the computed total service amounts to 15 years 11 months and 27 days, or say 4 days short for the completion of another year. Should you decide to further extend Mr. Fernandes' leave for four days to enable him to complete a year, which concession I recommend for your sympathetic consideration, he will be eligible for a total pension of Fls. 752/73 a year.

4. Pending the receipt of your sanction to the pension recommended, I have approved of the payment to Mr. Fernandes of an alimentary allowance at the rate of Fls. 600/- per annum with effect from the 13th of August, 1921, inclusive.

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

*Edward Mackay*  
GOVERNOR

The Right Honourable  
Winston Churchill, P.C., M.P.,  
Secretary of State for the Colonies,  
Downing Street, London S.W.

**COLONIAL PENSIONS, &c.**

ARTICULARS required to be furnished in reference to persons recommended for Superannuation, Compensation or Compassionate Allowances, or Gratuities on retirement.

(In filling up this Paper refer to the Instructions on page 4.)

Name of Applicant: Joseph Augusto Fernandes  
 Office or Situation: Second Grade Clerk  
 Recommended for: a pension of Fls. 705-18 a year  
 Age: Forty three (43) years  
 Service in Years and Months: 15 years, 11 months and 27 days  
 Salary or Wages (Average including War Bonus) Fls. 2634-30  
 Emoluments Average value of quarters Fls. 286-43  
 Total amount of Salary or Wages and Emoluments, on which Superannuation, &c., is claimed Fls. 2820-73  
 Cause of retirement: Ill - health  
 Dates of Commencement and Termination of the several Appointments held by Applicant, with their Emoluments, distinguishing Salary from other allowances, and specifying such Allowances.

| File of Appointment                         | Date of Commencement | Date of Termination | per annum<br>Fls. | per annum<br>Fls. |           |
|---------------------------------------------|----------------------|---------------------|-------------------|-------------------|-----------|
|                                             | 17-8-05              | 31-3-09             | 600<br>to<br>900  |                   |           |
| de Clerk (Fls. 960 by to Fls. 1440 a year)  | 1-4-09               | 30-6-09             | 900               |                   |           |
|                                             | 1-7-09               | 31-3-11             | 960               |                   |           |
|                                             | 1-4-11               | 31-3-12             | 1020              |                   |           |
|                                             | 1-4-12               | 20-7-13             | 1080              |                   |           |
|                                             | 21-7-13              | 31-3-14             | 1200              |                   |           |
|                                             | 1-4-14               | 31-3-15             | 1260              |                   |           |
| de Clerk (Fls. 1500 by to Fls. 1800 a year) | 1-4-15               | 31-3-16             | 1500              |                   |           |
| Altered to Fls. 1500 by to Fls. 1800 a year | 1-4-16               | 31-12-16            | 1590              |                   |           |
|                                             | 1-1-17               | 31-3-17             | 1500              | 588               | War Bonus |
|                                             | 1-4-17               | 31-3-18             | 1680              | 588               | -do-      |
|                                             | 1-4-18               | 31-3-19             | 1770              | 588               | -do-      |
|                                             | 1-4-19               | 31-3-20             | 1860              | 576               | -do-      |
| de Clerk (Fls. 2280 by to Fls. 3060 a year) | 1-4-20               | 31-3-21             | 2640              |                   |           |
|                                             | 1-4-21               | 12-8-21             | 2820              |                   |           |

10. Whether each of the Appointments held by the Applicant has been on the Fixed Establishment of the Colony.

Yes

11. 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

12. Whether holding any other Public Appointment, or receiving or claiming to receive any Public Money by Compensation, Half-Pay or otherwise.

NO

13. If any kind of Pension or other Allowance has been commuted under the Imperial Pensions Computation Acts, 1869 and 1871, the annual amount of Pension or Allowance so Committed and the date of Computation should be inserted.

None

14. Absence, beyond ordinary Vacation leave, in each of the last 10 years

| Year    | Period of Absence       | Number of Days | Cause of Absence                     |
|---------|-------------------------|----------------|--------------------------------------|
| 1909    | From 20-3-09 to 10-4-09 | 12             | Extension of service without pay.    |
| 1       | " " " "                 |                |                                      |
| 1914/15 | " 7-11-14 " 4-3-15      | 88             | Extension of service on quarter pay. |
| 19      | " " " "                 |                |                                      |
| 1921    | " 13-7-21 " 12-8-21     | 31             | Extension of service on half pay.    |
| 19      | " " " "                 |                |                                      |
| 19      | " " " "                 |                |                                      |
| 19      | " " " "                 |                |                                      |
| 19      | " " " "                 |                |                                      |
| 19      | " " " "                 |                |                                      |

15. Date of Cessation of Duty 19th November 1920 ...  
(Granted leave, with pay, from 20-11-20 to 12-8-21).

16. Date of Cessation of Salary 12th August 1921 ...

17. Date from which, inclusively, Pension will Commence 13th August 1921.

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 or Officers 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, &c., with full particulars of any injuries received on duty, or other claims or matters for consideration

I hereby certify that Mr. J. A. Fernandez has discharged his duties with diligence & fidelity to the satisfaction of the Officers under whom he has served.  
The Head Magistrate  
for O.C. STRAN

19. Computation, by the Treasurer, of the Pension, &c.

I certify that the pension which may be paid to the Applicant according to the Rules of the Colonial Service, amounts to seven hundred and five florins and eighteen cents (Fls. 705-18) a year, and I base my Certificate on the following calculation:—

of 1st Appointment - 17th August 1905.  
of Retirement - 18th August 1921.

| Actual service | Years.     | Months.    | Days.      |
|----------------|------------|------------|------------|
|                | 15.        | 11.        | 27.        |
| <b>Total</b>   | <b>15.</b> | <b>11.</b> | <b>27.</b> |

able service - 15 years  
of salary and emoluments - Fls. 2820-73 a year  
whereof 15/60ths - Fls. 705-18 a year

*B. Lalwani*

For Treasurer,

The Colony of Kenya and the E. A. Protectorate.

THE TREASURY,

Nairobi, 18th October 1921.

Instructions.

INSTRUCTIONS REFERRED TO ON PAGE 4.

No. 314 of 1921.

If this Paper of Particulars and the Certificates connected with it, be not so in original, the copies must be duly attested.

EAST AFRICAN PROTECTORATES.

- HEAD 1.—In the case of an Officer serving in the West Coast of Africa, a statement is to be given whether he is a native of that Coast. Colonial Regulations, § 430.
- HEAD 2.—State the description of Allowance for which the Applicant is recommended, viz., Superannuation, Compensation, Compassionate Allowance, or Gratuity, and its amount. In the case of Pension, in addition to their Pensions in respect of Professional or other special qualifications, should be stated, and a reference should be given to the authority under which the claim is made.
- HEAD 3.—If the service has been interrupted by one or more breaks, the word "broken" should be used before or after the number of years and months, and the causes, dates, and circumstances of each break or breaks should be stated under heading 9.
- HEAD 4.—If the Pension retiring has been in receipt of the same Salary, or in the class from which he retires, for the 36 months immediately before the date of his retirement, the actual annual rate of Salary or Wages at that date should be inserted, preceded by the word "actual." In other cases, the average annual amount of Salary or Wages for the 36 months next preceding the date of retirement should be inserted, preceded by the word "average," but if the whole period of service is more than three years then the average for the whole period of service should be inserted.
- HEAD 5.—A separate statement should be submitted of the average Annual Value, for the 36 months immediately preceding retirement, of each entitlement, viz., Pension, Salary or Wages, which is claimed, and added in the calculation of the Pension or Gratuity.  
When valuing a House or House Allowance, so ascertained, succeeds, or exceeds the salary or other emoluments which count for Pension purposes, it is to be reduced to the value of that amount, so that it shall not exceed one-seventh of the whole.  
In cases in which an officer is allowed to retain for his own use, will be taken into account for Pension purposes, with regular salary, with annual average of the net receipts of the 36 months next preceding the Officer's retirement. These net receipts are to be ascertained by deducting from the gross amount of Fees such Office Expenses, &c., as an officer may have had to defray from his own resources, in performing the services for which he was remunerated by Fees. A deduction, however, from the Fees should be made in respect of Office Expenses provided for by Public Funds, for the due discharge of those duties for which a Fixed Salary is annexed. "Particulars" when forwarded to the Colonial Department should be accompanied by the declarations from the retiring Officers, showing the amount reserved by them for fees and the amount defrayed as above by Office Expenses, &c., in each of the three years immediately preceding the retirement. It will be the duty of the Colonial Government concerned to satisfy themselves of the accuracy of such statements before forwarding them to the Colonial Office. In the case of Officers receiving Fixed Salaries and Fees, the Fees will not in ordinary circumstances be allowed to count for Pension purposes to the extent of more than one-tenth of the Salaries, and Fees will not in any case be allowed to count for Pension purposes for any period in which the whole time of the Officer receiving them was not given to the Public Service.
- HEAD 6.—In cases of infirmity, if the Applicant is below the ordinary age for retirement, a Medical Certificate is to be furnished showing that he is disqualified by infirmity of mind or body for the discharge of his station, and that such infirmity is likely to be permanent.  
In case of long years' service, these certificates should be signed by two Officers, whom at least one should, if possible, be a Salaried Officer of the Government.
- HEAD 7.—If "broken" service see HEAD 3.
- HEAD 8.—If the Applicant has had any "acting" service, the details must be fully given, with statement whether or not, during the "acting" service, he was connected with the permanent Civil Service of the Colony.
- HEAD 11.—If, in special circumstances, a professional Civil Officer has been allowed to have "private practice" without forfeiting his claim to Pension, the facts are to be fully stated.
- HEAD 14.—If the Applicant is liable to any deduction from his service under Clause 102 of the Colonial Regulations, the facts should be fully stated.
- HEAD 19.—The length of service and other particulars of the computation are to be given. When an average of Salary, &c., is taken, the mode of calculating it (whether by months, &c.) is to be explained.

We do hereby certify that we have examined  
 Mr. J.A. Fernandes 2nd Grade Clerk 5th K.A.R. for further  
 employment in British East Africa Protectorate and  
 discover that he has disease, constitutional affection  
 or bodily infirmity. His age, according to his statement  
 43 years and by appearance 43 years and we consider him  
 constitutionally and physically unsuitable for further  
 service in British East Africa Protectorate, on account  
 of anaemia and debility.

BOMBAY 31.8.21. (PRESIDENT)

(Sgd) T. S. Novis, Lt. Col. F.R.C.S.. I.M.S.

(MEMBERS)

(Sgd) A. K. Datta, I.M.S.

(Sgd) A. H. MacGregor, Captain I.M.S.

Qua 3373/22

Exp 29407 Kenya

Exonerate my signature



DRAFT.

R. A. Knax Esq

Treasurer (Members) 27 Jan 1922

MINUTE.

Mr. Dec 25/22

- Mr. Grindle.
- Sir H. Lambert.
- Sir H. Bead.
- Sir J. Masterton Smith
- Mr. Wood.
- Mr. Churchill.

Dear Knax,

The case about Mr. [unclear]  
 I was speaking to you over  
 the telephone on Thursday  
 is that of a non-European  
 clerk in Kenya, who is  
 now being investigated.

I think it will be  
 best if we should have  
 a written statement

from you (I think it would  
 not do good explaining  
 well) ~~capacities~~

~~The writing is to~~  
 in what way it is



not necessary to average the  
average value of full

when salary  
is averaged

Quarterly (see Treasury

letter P. 12344 of

14/Jan 1922), so that

we may not make any

mistake in our

interpretation of it.

If it will not be much

trouble to you, I hope

you can do this for us.

Yours sincerely  
[Signature]

(file 23  
Oct)

Send out all  
from what  
said that  
reply will  
to 2 Apr  
cases,  
to case  
the House  
at all go  
strictly  
The Super  
acts.

(G.A.) Recd.