

1923

KENYA

108

C O
39860

FROM
Govs. Bury, Hartheote 1079

DATE
12th. July 1923

RE
RE 10 AUG 23

OR CIRCULATION

Mr. *Jeffries*
Mr. *Payson*
Mr.

SUBJECT

MR. ALI BIN MOHAMEDZENA
FORMAN, P. V. D.

Asst. U.S. of S.

Encloses papers, and explains circ. in which, as a special case he recommends payment of pension of Shs. 1,717/20 p.a..

Perm^t U.S. of S.

Par^t U.S. of S.

Secretary of State.

Previous Paper

MINUTES

He retired in U.S., and it would be difficult to give him pensionable status, now that he has actually gone

In Col. Penson's order provision exists for the grant of compassionate allow equal to 3/4th of the allow which would have been granted if the officer had been pensionable

This is the only solution which I can suggest.

John Aug. 14, 1923

If this were a case which had to be submitted to the Treasury there would be no choice, I think, of either the pension proposed by the OAS or the compassionate allowance suggested above.

I think the dispatch should have expanded the last paragraph of the Mr. Callahan's letter & that

Hand 1204 23 Aug 23

Subsequent Paper

380/429/24

Seem desirable to ask the 5th whether
there is any record of the question of
Jen's admission. The possible
staff also having been considered,
or if so with what result

thj
4 8 23

I agree that the Treas.
wouldn't look at it,
but from a C.S. point
of view I think the case
deserves consn. I do
not like bringing in a
principle from other
Col. Pension Law. If
a pension is to be
granted it should
be (as calculated by
local Govt.) that payable
in accordance with the
principles of the
Super Act, or the position
regularised either by
making Mr. Lewis
pensionable with
retrospective effect or
by getting the degree
Council to vote a
special pension as
was

age. but if
course the
facts of the
Woodruff case
are quite
different
are?

was done in the case
of Mr. Woodruff (file
253/EA). I think the
later arrangement is
less likely to lead itself
to quotation as a precedent.

? Act & say that
if as a special case the
Legis. Council are prepared
to vote the proposed a
pension the S.O.S. will
not withhold covering
approval, on the
understanding that
the case will not be
quoted as a precedent.

(J.D. 15 8 23

the same
we can act as
h. jeffries. 18/8/23

but (1) we must emphasize
the v. exceptional nature
of the case wh. induces
JPs to agree to exceptional
treatment. (2) we must
limit the annual grant
to a max. of $3/4$ of
the sum payable had
Abi bin M. Zena been
on the pers^{al} estab^o.
& paid pension in the
ordinary course of law.
had better avoid the word
'pension' altogether
+ replace of an
annual compensatory grant.
~~annual~~

J. Cousins

all of
Oct 14
1952

KENYA.

No. 1079.



32860
RE
RE 10 AUG 23

209

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

12th July, 1923.

My Lord Duke,

I have the honour to inform Your Grace that the Director of Public Works has recommended that Mr. Ali bin Mohamed Zena, an Arab Foreman in the Public Works Department may be granted a pension as a special case, although his service throughout has been in a non-pensionable capacity.

2. It is considered that a gratuity is an inadequate recompense for the 27 years faithful and continuous service rendered by him to this Government, a view strongly supported by a memorandum from Mr. J. W. T. McClellan, late Senior Commissioner, a copy of which is enclosed.

3. Mr. Zena has been permitted to retire from the service of this Colony on the grounds of age in support of which a medical certificate as to his apparent age is attached.

4. His services date from the 1st of January, 1896. The Form of Particulars relating to the pension to which he would be entitled computed at Shs. 17/20 per annum with effect from the 1st June, 1923, inclusive, is enclosed herewith.

5. In the exceptional circumstances of this case, I trust I may be informed in due course of Your Grace's approval -

Yours Grace

THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S. W.,

approval to the pension recommended.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted and
most obedient servant,

J. G. ...

GOVERNOR'S DEPUTY.

Copy to the Director Public Works,
Nairobi.

203

No. 1519/3

INCLOSURES

Dear Sir,
Nairobi, 14/7/22. Senior Commissioner's Office

Mombasa

9th September 1922

The Hon. Colonial Secretary,
Nairobi.

Before leaving I wish again to draw attention to the position of Mr Sene, Public Works Foreman of Lamu. This man has served Government very faithfully from the first day the British East Africa Company handed over to the Foreign Office. He has practically been the Executive Engineer of Tanganyika - building houses at Lamu, Faza, Moya, Kiunga, Wangeh and Kipini he built the Lamu pier, made the sea Road, built and repaired boats and in fact did all the Public Works of what was the Province.

Mr. Sene is now an elderly man and should be given a reasonable pension, but either from oversight, delinquency, or intention he has never been placed on the permanent staff.

Senior Coast Commr.

COLONY AND PROTECTORATE OF KENYA.

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 in page 2.)

Name of Applicant. Ali bin Mohamed Zene
 Office or Situation. Foreman, Public Works Department.
 Recommended for. a pension of Sh 1717-20 a year
 Age. Over fifty (50) years (approximately 70 - see last entry)
 Service in Years and Months. 27 years, and 5 months
 Salary or Wages (A c t u a l) Sh. 3816-00
 Emoluments
 Total amount of Salary, Wages and Emoluments on } Sh. 3816-00
 which are being or to be claimed. ... }
 Retirement Age 50

and the several Appointments held by Applicant, with a list of the several Appointments held by Applicant, with distinguishing details of salary from other allowances, and specifying such details.

Date of Commencement	Date of Termination	Salary per Annum Sh.	Gratuities, Allowances, &c.	Nature of Allowances, &c.
Public Works Dept., 1-1-1896	31-3-06	900 to 1440		
	1-4-06	31-3-11	1680	
	1-4-11	31-3-14	2400	
	1-4-14	31-3-20	2840	
	1-4-20	31-5-23	3816	

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 Pension Commutation Acts, 1869 and 1871, the annual amount of Pension or Allowance Commuted and the date of Commutation 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
	From	To		
1918				
1919				
1920				
1921				
1922				
1923				
1924				
1925				
1926				
1927				

15. Date of Cessation of Duty **31st December 1922**
(Granted leave with pay from 1-1-23 to 31-5-23)

16. Date of Cessation of Salary **31st May 1923**

17. Date from which, inclusively, Pension will Commence. **1st June 1923**

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 work 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.

Special Services: - Nil
Suspensions: - Nil
Reprimands: - Nil

He has served the Government faithfully for a very long period.

A. M. Borch

AG, DIRECTOR OF PUBLIC WORKS.

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 **One thousand seven hundred and seventeen shillings and twenty cents a year (Sh. 1717-20)** and I base my Certificate on the following calculation:

1st Appointment - 1st January 1896
Retirement - 1st June 1923

	Years	Months	Days
Actual service	27	5	0
TOTAL	27	5	0
Probable service salary at rate of 27/60ths	- 27 years	- Sh. 9816-00 a year	- Sh. 1717-20 a year

TREASURER,
NAIROBI, 15th M a y 1923.

W. M. C.

W. M. C.
For Treasurer,
The Colony and Protectorate of Kenya.

Instructions.

INSTRUCTIONS REFERRED TO ON PAGE 1

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

- HEAD 1 OF PAPER.**—In the case of an Officer serving on the West Coast of Africa, a statement is to be added whether he is a native of that Coast. (Colonial Regulations, § 139).
- HEAD 3.**—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 Persons claiming an addition to their Pensions in respect of Professional or other special qualifications, that should be stated, and a reference should be given to the authority under which the claim is made.
- HEAD 5.**—If the service has been interrupted by one or more breaks, the word "broken" should be added before or after the number of years and months, and the causes, dates, and circumstances of the break or breaks should be stated under heading 6.
- HEAD 6.**—If the Person retiring has been in receipt of the same Salary, or in the class from which he retired 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 less than three years, then the average for the whole period of service should be inserted.
- HEAD 7.**—A separate statement should be inserted of the average Annual Value, for the 36 months immediately preceding retirement, of each Emoluments (exclusive of salary or wages) which is claimed to be included in the calculation of the Pension or Gratuity.

Whenever the value of a House or House Allowance, so ascertained, exceeds, one-sixth of the salary and other emoluments which count for Pension purposes, it is to be reduced to one-sixth of that amount, so that it shall not exceed one-seventh of the whole.

Fees which an officer is allowed to retain for his own use will be taken into account for Pension purposes, with regular salary, at the 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. No deduction, however, from the Fees should be made in respect of Office Expenses provided for Public Funds for the due discharge of those duties to which a Fixed Salary is annexed. Papers of "Particulars" when forwarded to the Colonial Department should be accompanied by formal declarations from the retiring Officers, showing the amount received by them for fees, and the amount defrayed as above for Office Expenses, &c., in each of the three years immediately preceding the retirement. It will be the duty of the Colonial Government concerned to assist 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-quarter of the Salaries, and Fees will not in any case be allowed to count for Pension purposes during a period in which the whole time of the Officer receiving them was not given to the Public Service.

- HEAD 8.**—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 discharging the duties of his situation, and that such infirmity is likely to be permanent.

In case of ten years' service or more, this certificate should be signed by two Officers, whom at least one should, if possible, be a Salaried Officer of the Government.

- HEAD 9.**—As to "broken" service see HEAD 5.

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 deductions 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.

MEDICAL DEPARTMENT,

Lamu,

24th June, 1925.

The District Commissioner,

L A M U .

Sir,

I think, the apparent age of Mr. Ali bin

Mohamed Zena, is about 70 years.

Sd. C. J. Patel.

SUB-ASSISTANT SURGEON.

Sos Kempa
39960/23

206

C. D.
18 AUG
D. 21

SS

22 Aug 1923

Dear

Si

I have the honor to ack the recd of
your despatch no 1079 of the 12th of
July, in which you recommend the

DRAFT.

Amend.
14/29/
24

Kemp
no 1207
AS

MINUTE.

- Mr. Jewell 17.8.23
- Mr. ... 17/8
- Mr. Parkinson
- Mr. Davis
- Mr. G. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...

award of a pension at the rate of
Rs 177-20 a year, with effect
from the 1st of June 1923, inclusive,
to Mr. Ali bin Mohamed Zena,
late Foreman in the P.O.S.
(your representative as to
2. In view of the very

exceptional nature of the case I
~~should be prepared to agree to~~
~~exceptional treatment, as if~~
the Legislative Council are

disposed
I am not prepared
to state that
Mr. Zena should
be paid only
the gratuity
for which he
is strictly eligible;

It is only a
noted

prepared to vote [affirmative] will
not withhold my loving approval,
with the understanding that the case

an annual
congratulatory grant
for him

will not be quoted as a precedent.
I consider, however, that any such
The annual grant must ~~be~~

should be limited to a maximum of three
quarters of the ~~sum~~ ^{sum} payable had Mr.

~~the~~ ~~grant~~ ~~been~~ ~~been~~

serving in the penitentiary establishment.

~~and~~ ~~paid~~ ~~for~~ ~~the~~ ~~same~~

~~and~~

Signed DEVONSHIRE