

EAST AFR. PROT.
19136

C. O.
19136
REC'D
REGD 21 JUN 12

India
Date
1912
1st June
of previous Paper.

PENSION FOR K. DWIVEDI

The copy of letter from Govt of India. Approve Indian service from 28th March 1893 to date of transfer to E.A.P. being regarded as pensionable as a special case. The copy of Art 475 of the C.S. Regulations to conditions and suggests that it be communicated to Mr Dwivedi.

40920/11

Mr Butler
Mr Harner

*The copies need hardly be sent to E.A.P.
Inform Gov that so as now appear to Indian
service being regarded as pensionable*

YH
June 26

did acknowledge with expression of satisfaction
June 24
26 June
alms

Copy 2 incl for 387

of subsequent Paper

Any further communication on this subject should be addressed to—
 The Under Secretary of State for India,
FINANCE Department,
 India Office,
 London, S. W.
 and the following reference quoted:—
 P. 2276

C. O.
 INDIA OFFICE, 19136
 WHITEHALL,
 -LONDON S.W. 12

21st June, 1912

Sir,

With reference to your letter of 5th May, 1911, No. 9686, regarding the case of Mr. K. Dwivedi, who has asked that his service in India prior to his transfer to British East Africa may be regarded as pensionable, I am directed to forward, for the information of Mr. Secretary Harcourt, a copy of a letter on the subject which has been received from the Government of India and to state that in accordance with the recommendation contained therein the Secretary of State for India in Council approves of Mr. Dwivedi's service from 26th March 1893 to the date of his transfer to the East Africa Protectorate being regarded as pensionable, as a special case.

A copy of Article 493 of the Civil Service Regulations, showing the conditions under which a pension from Indian revenues may be granted to Mr. Dwivedi in respect of his Indian Service is

The Under Secretary of State,
 Colonial Office.

attached

attached, and I am to suggest that, if Mr. Harcourt
sees no objection, it may be communicated to him.
The condition expressed in the Note to the Article
has, as stated above, been waived.

I have the honour to be, Sir,

Your obedient Servant,

Amos Akerman

C. O. 101267
RECEIVED
PAGE 21 JUN 12

No. 92 OF 1912.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

PENSIONS AND GRATUITIES.

TO

THE MOST HONOURABLE THE MARQUIS OF CREWE, K.G.

His Majesty's Secretary of State for India.

Simla, the 25th April 1912.

MY LORD MARQUIS,

We have the honour to refer to paragraph 2 of Lord Morley's Despatch No. 55-Financial, dated the 19th May 1911, where, with reference to a representation from the Government of the British East Africa Protectorate, we have been asked whether a relaxation of rule is justifiable so as to allow Mr. Dwivedi, a clerk in the High Court of the Protectorate, to reckon towards pension in the Protectorate, the period of his previous service in India.

2. Mr. Dwivedi joined the service of the Indian Government in March 1893 and in May 1899, was granted three years leave without pay to take up his appointment in the Protectorate. Under clause 4 of the British East Africa Protectorate Pension Regulations only such portion of this Indian service, immediately preceding service in the Protectorate, reckons towards pension as would have qualified for pension in this country. The strict operation of the Indian Civil Service Regulations would altogether exclude Mr. Dwivedi's Indian service from pensionary privilege in that his transfer to the Protectorate was not formally sanctioned by the Government of India, as required by Article 473; but the Government of India are prepared to condone this irregularity in the circumstances stated in the Governor's despatch. A further disability, however, exists. The early part of Mr. Dwivedi's service was as a section-writer in the High Court of Bombay, and the Accountant-General, Bombay, holds that under the rule in Article 380 of the Civil Service Regulations the period from the 28th March 1893 to the 31st March 1897, which included such service as well as service in certain temporary and acting appointments, does not intrinsically qualify for pension in India. The Accountant-General considers that only the period of service from the 13th June 1897 to the 17th May 1899, during which Mr. Dwivedi held *sub. pro tem.* and permanent appointments in the Bombay High Court, can properly be treated as qualifying. We, however, consider that the interpretation of Article 380 is by no means clear and are taking steps to place the status of section-writers on a definite footing for the future. But as this will take some time we do not feel justified in postponing a decision regarding Mr. Dwivedi. Accordingly, we have no objection to his being permitted by your Lordship, as a special case and as in no way affecting the general question regarding the service of section-writers, to

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18 MAY 1912
INDIA OFFICE.

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- PENSIONS. GENERAL RULES. -

G.S.R. Art. 49. An officer, not being a Military officer or a member of the Indian Civil Service, transferred to service under a Colonial Government, on final retirement from the Colonial service on pension or compensation allowance, receives, from Indian Revenues, for each completed year of qualifying and uninterrupted service in India, a pension of one-sixtieth of his average emoluments at the time of his transfer, such average emoluments to be calculated for the last three years, or if the whole service in India is less than three years, for the whole period of service. The pension is subject to a maximum limit of Rs. 2,000 a year for an Indian service not exceeding ten years and Rs. 4,000 a year in any other case.

Note. (The sanction of the Government of India is required to the transfer of an officer to any service of the description mentioned in this Article).

Draft

No. 19136 12 East

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[Handwritten signature]

The Under Secretary of State
(Finance Dept.)

India Office

4 July 1912

[Handwritten initials]

Sir,

W. Harris
29/7/12

I am directed by Mr. Secretary
Harcourt to ask the receipt of your
letter of the 21st ultimo (F. 32,76) and
to request you to inform the Secretary
of State for India that he has been
with satisfaction of the decision of the
Executive Council of the Government
of India to regard the Indian
services of Mr. Devanetti

[Handwritten signature]