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GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

March 21, 1911.

No. 89

Sir,

Mr. Keshavlal Dwivedi, a Clerk of the High Court of this Protectorate, has recently made certain representations as to his pensionable service, and though I fear that strictly speaking his contentions cannot be upheld, still I think he was under a misapprehension when he joined this Protectorate and the case might perhaps in your opinion be regarded sympathetic treatment. The facts are as follows:-

2. Mr. Dwivedi joined the service of the Government of India in March 1893 and in May 1899 was granted three years leave without pay to enable him to take up his appointment in this Protectorate.

3. Before the expiration of the three years, the Pension Regulations, dated the 1st of January 1902, were published in the Official Gazette of the 1st of March 1902 and Mr. Dwivedi relying on paragraph 4 of these Regulations decided to sever his connection with the Government of India thinking that under this paragraph his service towards pension in India would be reckoned towards pension in East Africa.

4. Reference was made to the Government of India in

THE RIGHT HONOURABLE

LEWIS HARCOURT, B.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, W.

Asst. Secretary  
Govt. of India  
Jan. 5th 11

in order to ascertain what pensionable service Mr. Dwyer had before entering the East African Service and I was informed that although he had completed three years, nine months and seven days pensionable service as formal sanction had not been obtained for his transfer, the Government of India no longer regarded this service as pensionable, the Indian service not being pensionable it did not consequently fall within the provisions of the paragraph 4 referred to above.

5. I think this is a somewhat hard case. The Government of India admit pensionable service but declare the service not pensionable as his transfer was not formally sanctioned; I do not however think that this disclaimer entirely diverts the period of its pensionable nature and I should be glad if you will give the matter your favourable consideration and inform me whether under the circumstances the period in question may be allowed to count towards pension from East African Funds in accordance with the provisions of paragraph 4 of the Regulations referred to.

6. I enclose a copy of a letter from the Government of India from which it will be seen that in any subsequent cases that may occur of pensionable Indian servants being transferred to Government Service in this territory, provision should be expressly made that the Government of India is obliged to

the transfer, the qualifying service even if amounting to less than ten years will be allowed to count towards pension from Indian Services.

I have the honour to be,

Your faithful, obedient servant,

  
GOVERNOR.

INCLOSURE

In Despatch N 89 of 33 1911

COPY.

FINANCE DEPARTMENT,

Calcutta,

January 5th 1911.

From

B. N. Mitra, Esq., M.A.,

Asst. Secretary to the  
Government of India.

To

The Secretary,  
East Africa Protectorate.

Sir,

I am directed to acknowledge the receipt of your letter No. M.P. 104<sup>a</sup>/1910, dated the 27th May 1910, asking for a ruling as to:

- (a) whether the service rendered in India by Mr. K. V. Dwivedi, at a present a clerk in the Protectorate High Court, counts for pension from Indian Revenues; and
- (b) whether officers who are transferred to the Protectorate with the express sanction of the Government of India will be allowed to count their Indian service towards pension from Indian Revenues even though the period of Indian service is less than ten years.

2. In reply I am to say with reference to (a) that the service rendered in India by Mr. Dwivedi does not, under the rules of the Indian Government, count for pension from Indian Revenues. The total period of pensionable service rendered by him in India amounted to 3 years, 8 months and 7 days.

As

As regards (b) I am to explain that the qualifying service rule applies only in cases of transfer of officers employed under the Indian Government to service under a foreign employer under the Foreign Service Rules in the Civil Service Regulations, under which the officer's claim to pension from Indian Revenues is maintained by the payment of contributions under the rules referred to and that when officers of the Indian Government are transferred to the Protectorate with the express sanction of the Government of India, the qualifying service rendered by them in India will be allowed to count for transfer from Indian Revenues on their retirement even though the total amount of Indian service is less than ten years.

3. The certified copy of Mr. Dwyer's service sheet is returned herewith.

I am, Sir, Sir,

Sd/- B. S. MITHA,  
for ASSISTANT SECRETARY,  
to the  
GOVERNMENT OF INDIA.

22  
April 1911

DRAFT

The Under Secretary of State,  
India Office

Mr.  
1911/12  
1520  
1911/12

I am directed by Mr. Secretary

<sup>4th</sup>  
MINUTE. 20

- Mr. Hunter 27
- Mr. Spence 36
- Mr. Justice
- Mr. Antrobus
- Mr. Enock
- Mr. F. Stopwood
- Mr. Serly
- Mr. Earl of Crewe

No. 87 - 3 March

Herewith to transmit to you to be laid before the Secretary of State for India, the accompanying copy of a despatch from the Governor of the East Africa Protectorate, regarding the proposed service of Mr. Deshmal Bahadur, an officer who has served successively under the Govt. of India and the Protectorate Government.

2. From paragraph 4 of the <sup>clause</sup> ~~Regulation~~ it will be observed that Mr. Deshmal Bahadur <sup>is</sup> ~~is~~ <sup>proposed</sup> ~~is~~ under the ~~last~~ ~~Govt.~~ ~~of~~ ~~India~~ ~~and~~ ~~the~~ ~~Protectorate~~ ~~Government~~ ~~and~~ ~~that~~ ~~he~~ ~~is~~ ~~not~~ ~~to~~ ~~be~~ ~~employed~~ ~~by~~ ~~any~~ ~~Government~~ ~~arrived~~ ~~at~~ ~~by~~ ~~the~~ ~~Govt.~~

The Secretary of State  
to the Under Secretary of State  
(copy in possession)  
for 1911  
1911