

EAST AFR. PROT.  
No. 13828

DISPATCH

C. O.  
13828  
REC.  
REG. 25 1/2 1/2

189

No.  
177  
1905  
March  
Paper  
1/2

(Subject.)

Babu Pyare Lal Verma  
Is Manager report on case of  
his claim is not justified.

(Minutes.)

Mr. Reed  
The letter of the 14<sup>th</sup> Jan 1905  
might perhaps have been more specific in  
stating that if the Babu did not  
return by the 1<sup>st</sup> March he would  
not be re-employed.

But the man's behavior was  
highly irregular, & unless there is  
proof against him he will not interfere  
with the Acting Manager in  
any manner.

I reply that the P.P. has considered  
the situation but has no answer  
for admitting the Babu's  
claim for his position & return  
there. It is the Babu's responsibility  
at once. M.C. 2/1/05  
1.8.05  
23/4

C. O.  
13828  
RECEIVED  
28 APR 05

Commissioner's Office,

Mombasa,

March 27th 1905.

190

My Lord,

In compliance with the instructions contained  
in Your Lordship's despatch No. 64 of the 3rd ultimo  
I have the honour to transmit herewith a full report  
of the proceedings of the Uganda Railway on the case of  
Pat. [unclear] [unclear] which it should appear  
that the [unclear] [unclear] is not justified by the  
[unclear] [unclear]

The [unclear] [unclear] is returned herewith.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

Humble servant,

*J. Stewart*

Lansdowne, E. C.

[unclear] [unclear]

13328

REC<sup>d</sup>  
REC<sup>d</sup> 23/4/05

Manager's Office,

Nairobi,

191

23rd March 1905.

Sir,

In returning herewith Foreign Office despatch No. 64 dated the 3rd February 1905 and enclosures, I have the honour to report as follows:-

The Babu was granted and availed himself of four months' leave on full pay from the 2nd July 1902 in accordance with the leave rules then in force, (a copy of the rules is enclosed) and should have returned to Africa on the 2nd November 1902. Instead of returning he wrote stating that he was ill and asked for an extension of two months. This letter was written on the 23rd October, a date which rendered it impossible for it to be received in Africa until several days after the expiration of his leave. It was actually received on the 11th November nine days after his leave had expired, and consequently any letter that might have been sent to him could hardly have reached him before the time due for his return on the two months extension asked for. No reply was however sent to him.

A second application, for a further period of two months, was written on December 16th, eighteen days only before he should have been back in Africa had the first extension been sanctioned, and received here on the 4th January 1903, two days after he should have

rejoined

Commissioner,

East Africa Protectorate,

Nairobi.

rejoined. This second period expired on the 2nd March, and a letter was sent to the Babu on the 19th January informing him that his case would be considered if he rejoined before the two months applied for had expired. This letter was neither acknowledged nor replied to.

A third application, dated the 15th February, was received on the 14th March (twelve days after the expiration of the second extension applied for) asking for a still further extension of two months. The medical certificate enclosed with the application is dated the 15th February and recommends two months' sick leave, not an extension of sick leave. This leave was not granted, in fact this third application was not replied to, and nothing more was heard of him until he reported his return to Africa on the 30th April. He was then informed that as he had overstayed his leave by six months he forfeited his appointment.

The case may be summarized as follows -

The applicant sent in three applications for extension of leave, all of which were written on dates which rendered it impossible to enable him to receive any reply before the dates on which he should have rejoined his appointment had expired.

He received a letter stating that the condition of the continuation of his appointment depended on his rejoining before the 2nd March. As he did not return by that date, and did not in any way, beyond sending a medical certificate recommending leave, endeavour to explain his absence, there is no reason whatever why the Babu should have thought his employment still open. He did not return to Africa until two days before the period last applied for and which was not sanctioned had expired.

Two of the certificates granted do not state any nature of illness and the third gives general debility. They each, also, give a recommendation for two months, and are each signed by a different person and at a different place.

He did not sign a fresh agreement on the termination of his three years' agreement, so that the railway was under no obligation to re-employ him.

He was granted the four months' leave on the understanding that if he returned within that period he would be re-engaged. This he failed to do.

With regard to the man's claims -

Under paragraph 2 of rule 2 of the leave rules then in force, he forfeited half of his leave pay for failing to keep his engagement. This the applicant undoubtedly did, not only by frequent extensions which were not granted, but by an overstay beyond the period referred to in the Manager's letter No. 205/87a dated 14th January 1903. He is not therefore due any balance of pay beyond the Rs. 200 i.e. one-half of his leave pay already received by him. Any extensions of leave are, and always have been granted without pay. The leave rules in force from 1st April 1903 a copy of which is enclosed with the petition do not apply to his case; they came into force after he had proceeded on leave.

Any expenses incurred in returning to Africa, or his subsequent return to India, were incurred by him with the full knowledge that the final date given for his case being considered was the expiration of the two months applied for on December 16th i.e. March the 2nd. He therefore incurred them knowing there was no probability of their being refunded, and that there was no liability

on the part of the Railway to refund them.

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I am there<sup>fore</sup> of the opinion that the Babu should be informed that his petition cannot be entertained.

I have etc., etc.,

(Sd.) H. A. F. Currie.

Manager

Uganda Railway

The Managing Member  
Foreign Office  
London

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Sir, I have the honor to lay before you the following grievances for favor of your consideration and to deal with accordingly:—

That I signed an agreement for service of Uganda Railway on the 31<sup>st</sup> July 1902 and served there to the entire satisfaction of my superiors under whom my services were lauded (which I make known to you) and was much liked by them that they have been pleased to retain my services for a long period of service and it was granted to me a 6 months leave with effect from 30 July 1902 to 6<sup>th</sup> January 1903 but to my great misfortune on my return to duty I fell ill and became quite unable to perform my duty in East Africa - the District Commissioner advised me for rest and in accordance with his advice I sent an application together with a Medical Certificate of Asst. Civil Surgeon to the District Registrar, Maintenance Division for an extension of two months leave but subsequently the expiration of about 2 months advised the District Commissioner to apply for an extension of two months more, which I accordingly did. I applied for two months leave on medical grounds and the Registrar's receipts for both are herewith enclosed.

H. M. Commissioner

Indorsement No. 1  
In Sir D. Stewart's despatch  
No. 178 of March 27<sup>th</sup> 1905.

Ref: this application I received the attached  
order from the Manager and Chief Engineer on  
19th July (while I was at Agra in Medical  
Institute for treatment) which means that  
"he has granted my leave & not rejected" 1903  
but I was sorry that I could not, up to the  
time restore my health and hence sent an  
application together with a Medical Certificate of  
a Professor for an extension of two months.  
Thank God that this leave was not over  
as yet that I reached Bombay on the 30th  
April 1903 and reported myself to Mr. J. G.  
Esquire, Asst. Engineer, 1st Maintenance Division  
who gave me a pass to go to Matheran  
report to Dist. Engineer and thence he sent  
to Karachi in Manager & Chief Engineer's office.  
My arrival in the Country was 3 days before my leave  
but to my great surprise on my reporting to  
Manager, he passed on the order (attached herewith)  
on the 15th May 1903 in accordance with the rule  
came in force from 1st April 1903. (attached herewith)

"Babu Marshal Kona, Asst. 1st Maintenance  
is informed that having overstayed his  
privilege leave by 6 months he forfeits his  
appointment and all rights and privileges  
appertaining to it"

I must submit with beg to bring  
your kind notice that the above mentioned  
order (I am afraid if I am not mistaken) is wrong  
under the following reasons:—

J. J. O.



(1) That I have not been granted leave, but stopped in India only for the protection of health on the medical certificate of an authorised doctor; and that the rules came in force during my absence on leave cannot be applied on to me, of what I was not aware till I reached the Country.

(2) There was no dismissal order before my going in Africa, and neither was made until after 15 days of my approach, but was cancelled on leave - hence I do not understand why my pay up to the time of my dismissal may not be given to me? 197

(3). On my coming on privilege leave I was supplied with a return passage ticket of the steamer and was not asked back till I remained on leave & hence it was not essential for me to go & report myself to the Manager of the Uganda Railway, Nairobi for orders - If my services were no longer required in the Railway the manager could very easily inform me to this effect and I would have not travelled to the Country; but as he did not do so it was his duty to return me to India on the Railway passage ticket (as per Agreement, Clause attached herewith)

(4) When leave was sanctioned to me I was paid up to 1<sup>st</sup> July which the steamer left Mombasa on the 3<sup>rd</sup> and I worked in the office of the 3<sup>rd</sup> July, but

you do not understand why my two weeks  
 days pay may be forfeited?

198.

As I made several applications  
 in the Uganda Railway and received not  
 a single reply, I most humbly and  
 respectfully beg to ask you to  
 kindly settle up my case and do  
 justice to me so that a British subject  
 may thus not be offended & oppressed.

The list of Claims is as follows

Amount Due			Particulars
Rs.	As.	P.	
480	-	-	Four months pay which on privilege leave.
590	-	-	5 months + 27 days pay " " Sick leave.
48	6	3	Awaiting money due up to 15th May 1902.
71	9	9	Awaiting Steamer's departure from Africa
6	-	-	Ration Compensation which is agreed
20	-	-	Spent in returning to Coast from Mombasa office
43	5	3	Pay for the days spent in the Steamer
135	0	0	Steamer's passage money from Mombasa to Bombay
70	-	-	Railway fares from Bombay to Simla
6	12	3	Two days pay & ration from 1st July 1902 to 20th July
1397	16	-	Total Rupees due on Uganda Railway
200	-	-	Deduct advance money taken before leave
No.	1191	16	Total Rupees now due on Uganda Railway Rupees one thousand, one hundred & ninety one anna one & six pice only

I strongly hope that you will very  
 kindly take the necessary action  
 in this matter.

or I may be allowed to take a  
legal step in the Court of India.

I have the honor to be  
Sir

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You most <sup>obediently</sup> humble servant

Pyare Lal Karna

Co Manager

Gohari Hind

newspaper

Kajitabade

U. P.

India

Enclosure  
9. 6. by relation  
after case is settled

8/10th January 1905

Cabin Log for South Vietnam

D 0 900  
R 30 900

Cabin Log for South Vietnam

Details as usual

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scholar and author of 20

R 1100

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L. B. Stewart for  
primary log report  
& returned with 1/1/5



but then  
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The cards to the Postmaster  
letter are forwarded because  
it should be returned to her

H