

1932

1

18086

18086

KENYA

C0533/423

PETITION.

MR T. V. G. NAIDU.

(RETRENCHMENT)  
LOSS OF PENSION.

Previous

Mr. Hunt	3
Mr. May	4/6
A. Allen	4/6
Mr. Jeffries	6/6
Mr. Tomlinson	4/6

Subsequent

See 1860/32.

Mr. C. Bottramsley	7/6
Mr. R. Hamilton	8-6

Mr. R. 17/6

Mr. Stone 18

2297 18/7

Mr. Priestman 19/7

Mr. Hunt 19

Mr. 19

297

R297 8 1/2

Mr. C. Bottramsley 24/3

Mr. Hunt 16

Mr. May 9/3

Mr. Allen 28/3

Mr. Jeffries 29

Mr. Tomlinson 29 1/2

Mr. C. Bottramsley 29/8

Mr. R. Hamilton 31 1/2

Mr. 29 1/5

Mr. 29

29 1/2

Mr. Priestman 2/6

Mr. 2

FILE A.

PRINTED BY THE GOVERNMENT OF KENYA

minutes for  
1/11/31

For copy of petition from Mr P. V. S. Naidu,  
late 1st grade Clerk in the Fort. Pass,  
asking that his retrenchment be  
suspended or that he may be allowed  
time to qualify for pension.

It will be observed that the petition enclosed is dated the 7th of October 1931. The Governor can therefore hardly be regarded as having complied with section 208 of the Colonial Regulations which requires such communications to be transmitted to the Secretary of State with all reasonable despatch.

\* I did not see the  
petition was submitted for Great  
Opinion & was only to be  
forwarded to the Secy of  
State furnished by Mr. Gov  
20/11

? Comment on this in reply.

The general question of the terms to be granted to Asiatics on retrenchment was raised by the Asian Civil Service Association at No. 1 in 17389/31 Kenya. - see Mr. Eastwood's minute thereon - and the Governor was requested at No. 4 in that file to furnish a further expression of his views, which have not yet been received. It is therefore premature for the Governor to ask for general approval of his action as he does in paragraph 5.

As regards the petition, Mr. Naidu was apparently employed for eight years in a non-pensionable capacity under the Railway Administration. He was then transferred to a pensionable post under the Kenya Administration.

Section 791 of the Kenya regulations for officers of the Government allows temporary service under one of the East African Protectorates to count towards superannuation.

In the case of the European staff, service if unbroken can, with the approval of the Secretary

The transfer of Mr. Naidu's  
to the Kenya Admin. 1931

of State be taken into account as pensionable service by Regulation 8 in Africa East No. 1107. This ruling also applies to Europeans in the service of the Kenya-Uganda Railway by section 27 of the Railway European Officers Pensions Regulations 1927.

It seems only equitable that, on abolition of office, the temporary service of an Asiatic under the Railway Administration should, as in the case of a European, be reckoned towards pension if followed by service in a pensionable post. If this is accepted the petitioner would have some 12 years and 7 months' pensionable service.

As the petitioner was a 1st Grade clerk, and presumably not subject to confirmation in his appointment, I do not follow the reason for his desire to serve for some 5 months longer in order to complete 5 years' service, as this does not seem to affect his position. It is stated, however, in the example in paragraph 5(4) of No. 3 in 1/143(3)/31 Kenya, that a clerk in the Colonial service, after five years, would have acquired pensionable status.

? Subject to any observations by the Colonial Service Division, suggest that the circumstances of the case seem to warrant payment of pension, and that it appears that this case could be dealt with apart from the general question mentioned in 4 in 17389/31, to which a reply is awaited. Add that, even if other similar cases do exist, on the facts at present before him the Secretary of State does not see how the grant of pension can with equity be refused.

H.S. Prinsloo  
14/3/32

The proposed reply seems correct, but it might embarrass the Kenya Govt. Put it semi-officially (in a letter to the Col Sec) 1 Hunter Dec. 11. 1932

I agree that the petitioner was pensionable service with the Railway should be regarded as service qualifying him for a pension unless where appears not to be the case, as was definitely stated at the time of his appointment which would not be regarded as having been made at all. I think he is entitled to pension (which would be based on 5 years' service) unless he is a claimant (para 4 (b)) (the petitioner he was not) but it would be necessary to check the original records.

Presumably he receive Pension fund benefit for his Rly. service, in which case it certainly should not count for pension  
C.H.

28/3/32  
C.J. Jeffery  
29/3/32

Sir R. Hamilton  
The view taken here (I suppose) is that the Railway service should count towards the 10 years necessary to qualify for the grant of pension but that there is much doubt whether it should be included in the actual computation of pension. ? John's case is probably with the Col. Sec. on that basis.  
W.S. 30.3.32

W.S.  
31.3.32  
at once

2 MW  
Lohme - con - 7/9/32

Recd on 18/6/32  
Relinquishment  
Asian Officials  
Pensions - Pension

Gov. Kenya - Conf. 66 - 4/5/32  
It is now proposed to recommend that proportional pensions should be granted to officers of the Army who have been relinquished before completing 10 years qualifying service. This covers the case of Mr. Waidu.

It is now clear from para 3 of 1 in 18160/32 that Mr. Waidu will get a proportional pension in respect of his service with the Govt of Kenya, but the question whether his <sup>prev</sup> non-pensionable service with the Railway administration will also count for pension has not yet been settled.

? await a reply to 2

But Govt in favor of no reply re: Mr. Waidu  
24/5/32  
S. P. Morris

3 Mr. Waidu - Conf. 7 - 2/6/32 4  
States in reply to Mr. 2 that, subject to the SPS approval, Mr. Waidu will be granted the alternative asked for in para 2(a) of his petition.

The SPS approval to which Mr. Waidu refers at the end of (3) was given on (2) of 18160/32

It seems that Mr. Waidu was paid full post-retirement fund benefit, & there is no confirmation of his statement that he was led to believe that his Railway service would be retained in computing his pension.

? In replying officially to

(3) we should refer to the decision in 18160/32 and say that in the circumstances Mr. Waidu's service with the Railway will count towards the period necessary to qualify for a pension and that he will be granted a proportional pension in respect of his

at least Mr. Waidu is not supposed to be a pensioner but his pension has been

and that Mr. Waidu is not supposed to be a pensioner as he has not yet retired in his pension 19

Govt. Service  
2/6/32

A. H. G. 2/6/32

Sr. R. Hamilton

As proposed?

The "other points" that it is  
beyond dispute are

(1) That he be not extended.

(2) That his service be extended for  
5 months or so. But he  
received ample notice there.

(3) That his railway service be  
included in the computation of  
his pension. But he had no  
promise of continuity and was  
actually paid \$4 (Pension  
fund) in respect of his railway  
service.

W.S.

7.6.32

W.S.

8.6.32

at once

H To Gov. Conf. (1 Annud)

15 JUN 1932

Mr. Hume

For [unclear]  
like to see  
his and note  
K160, [unclear]

Good 1/10 14/10

5. Collect; — Apr. — 1943. 5  
The parties of pension awarded to  
to T.G. Naida. Instructions have been  
issued to Personnel to receive the gratuity  
which has already been paid to him.

P. P. Kelly

W. P. [unclear]

A. Hunter 19/7/32  
1943

1943

M



THE SECRETARIAT,  
NAIROBI,  
KENYA.

WHEN REPLYING  
PLEASE QUOTE  
No. S. 19/1/688/92  
AND DATE

RECEIVED  
11 JUN 1932  
P. L. OFFICE

16<sup>th</sup> June, 1932.

RESERVED.

No 2  
T.G. 19/32

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies and with reference to correspondence terminating with the Secretary of State's Confidential telegram No. 105 of the 23rd of May begs to transmit the usual pension form in respect of Mr. T.V.G. Naidu, late 1st Grade Clerk, Government Press.

Form.

2. Instructions are being issued to the Treasurer to pay Mr. Naidu a pension at the rate of Shs. 445/60 a year with effect from the 1st January, 1932, inclusive, and to recover the gratuity amounting to Shs. 2,506.50 which has already been paid to him.

-----00000000-----

**COLONIAL PENSIONS, &c.**

PARTICULARS required to be furnished in reference to persons recommended for Superannuation, Compensation or Compassionate Allowances or Gratuities on Retirement

- 1. Name of Applicant in full **Tiruvallare Venkatesamy Govindraj Naidu**
- 2. Office or Situation **1st Grade Clerk, Government Press**
- 3. Recommended for a pension gratuity of **Rs.445-60 a year**
- 4. Age **Thirty eight (38) years - Born 1893**
- 5. Service **four** years **eight** months and **nill** days
- 6. Salary or wages actual/average **Rs.6,000-00**
- 7. Value of quarters actual/average **15% of Rs.4,000** **604-00**
- 8. Other emoluments (actual/average)  
Total amount of Salary or Wages and Emoluments of which Superannuation etc. is claimed **Rs.6,604-00**
- 9. Cause of retirement **Abolition of office owing to retrenchment**
- 10. Absence beyond ordinary Vacation Leave

No.	Period of Absence		NUMBER OF DAYS			Cause of Absence
			On full salary	On half salary	Without salary	
19	From 12-2-29	To 13-2-29	-	-	2	Extension of leave
19	"	"				
19	"	"				
19	"	"				
19	"	"				
19	"	"				
19	"	"				
19	"	"				
19	"	"				
19	"	"				
19	"	"				
	TOTAL					

- 10. Date of cessation of duty **Notice of abolition of office**  
**28th June 1931** **31st December 1931**
- 11. Date of cessation of salary **31st December 1931**
- 12. Date from which, inclusively, pension will commence **1st January 1932**

13 Dates of Commencement and Termination of the several Appointments held by Applicant, with their Emoluments, distinguishing Salary from other Allowances and specifying such Allowances.

Designation of post and scale of salary	From	To	Salary p. a.	Value of quarters p. a.	ANY OTHER ALLOWANCE		Total emoluments p. a.	Amount for aggregation
					Nature	Rate p. a.		
1st Gr. Clerk (Rs. 4,560 by Rs. 250 to Rs. 6,000)	1-5-27	31-12-31	Rs. 6,000					
TOTAL								

14. Whether each of the Appointments held by the Applicant has been on the Fixed Establishment of the Colony — **YES.**
15. 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.**
16. Whether holding any other Public Appointment, or receiving or claiming to receive any public money by compensation, half-pay or otherwise — **NO.**
17. If any kind of Pension or other Allowance has been commuted under the Imperial Pensions Commutation Acts, 1869 and 1871, the annual amount of Pension or Allowance so commuted and the date of commutation should be inserted — **NONE.**
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 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 labors 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, etc. with full particulars of any injuries received on duty or other claims or matters for consideration.

*The applicant discharged his duties satisfactorily*

*J. M. [Signature]*  
Government Printer.

19. Computation, by the Treasurer, of the pension, gratuity, etc. —  
I certify that the pension, gratuity which may be paid to the Applicant according to the Rules of the Colonial Service, amounts to **four hundred and forty five shillings and sixty pence (Rs. 445-00) a year,** and I base my Certificate on the following calculation —  
Date of first appointment, **1st May 1927**  
Date of retirement, **31st December 1931**

	Years	Months	Days
Actual service	4	6	0
Deduct period of leave without pay	0	0	0
<b>Balance</b>	<b>4</b>	<b>6</b>	<b>0</b>

Service for purposes of pension/gratuity 4 years

Actual/average salary and emoluments Sh. 6,684-00 a year

Whereof 4/80ths = Sh. 445-60 a year

Gratuity earned under \_\_\_\_\_

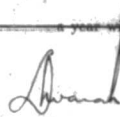
being at the rate of \_\_\_\_\_

*N.D.* Mr. \_\_\_\_\_ has exercised the option to receive a reduced pension

and gratuity according to \_\_\_\_\_

The pension payable to him is therefore \_\_\_\_\_ a year with a gratuity

of \_\_\_\_\_

  
for Treasurer,

THE TREASURY,

NAIROBI, 31st May 19 32.

Colony and Protectorate of Kenya.

Service for purposes of pension/gratuity

4 years

Actual/average salary and emoluments

Sh. 6,684-00 a year

Whereof

4/60ths

Sh. 445-60 a year

Gratuity earned under

being at the rate of

N.D. Mr.

has exercised the option to receive a reduced pension

and gratuity according to

The pension payable to him is therefore

6 year with a gratuity

of



for Treasurer,

THE TREASURY,

NAIROBI,

31st

MAY

19 32.

Colony and Protectorate of Kenya.

771407-558 11 3

C.D.  
R 11 JUN  
D 14

9  
H  
/

C. O.

Mr. Hyde 9.6.32

Mr. Freeston.

Mr. *Archer 19/6*

Mr. Parbinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State.

*Dr. Allen 10/6*

DOWNING STREET,

15 June; 1932.

Sir,

I have, etc., to acknowledge the receipt of your <sup>copy</sup> despatch No. 22 of the 5th February on the subject of <sup>the</sup> petition dated ~~7th October~~ from Mr. T.V.G. Naidu, late <sup>1st</sup> first grade clerk in the Government Press. <sup>N.P.</sup> I shall be glad if you will cause Mr. Naidu to be informed in reply to his petition that while his services with the railway administration will count towards the period necessary to qualify for a pension and he will be granted a proportionate pension in respect of his Government service, I am not prepared to intervene on the other points raised in his petition.

23. In this connection I would refer you to the decision contained in my Confidential telegram No. 105

DRAFT.

KENYA

CONFIDENTIAL

Gov.



RECEIVED  
28 MAY 1932  
COL. OFFICE



310  
THE SECRETARIAT,  
NAIROBI,  
KENYA.

WHEN REPLYING  
PLEASE QUOTE  
NO. S. 1932/1/688/85.

3rd May, 1932.

AND DATE  
CONFIDENTIAL

My dear *Sir Cecil,*

*10/2*  
Thanks for your letter of the 7th ultimo on the subject of the petition from Mr. T.V.G. Naidu forwarded with the Governor's Confidential despatch No. 22 of the 5th February.

*Not  
1932/9/31*  
Mr. Naidu's petition has been regarded locally in fact as a test case and a reply to the Secretary of State's telegram No. 379 of the 24th December has been held up pending a reply thereto. Subsequent to the transmission of that petition, however, the general question has received further consideration here and an interview was granted to a deputation of the Asian Civil Service Association on the 1st March when an undertaking was given that the neighbouring Governments would be approached as to the policy adopted in their territories in such cases. The replies received indicated that proportionate pensions were being granted and the Governor is therefore now communicating officially revised recommendations for similar action in this Colony.

The Railway and Government presses were amalgamated on the 1st of May, 1927, and all the Railway staff were at the time paid their full Provident Fund benefit. Under this arrangement Mr. Naidu on the 27th of April, 1927, was paid

Sms. 6307/79

Sir W.C. Bottomley, C.B., C.M.G., C.B.E.

The Colonial Office,  
\*\*\*\*\*

Sns. 6307/79. Further on the termination of his service with this Government on the 31st of December last, he was paid a gratuity of Sns. 1,028/30 from Railway funds for his service with that Administration calculated on terms similar to those laid down in paragraph 805 of the Code of Regulations.

Paragraph 791 of the Code quoted by you definitely refers to a reciprocal arrangement between the Administrations mentioned in paragraph 790 and the Kenya and Uganda Railway is omitted therefrom for the reason that they have no Pension Regulations applicable to Non-Europeans. I may state that nowhere in the correspondence here has it been possible to trace any confirmation of Mr. Naidu's statement that he was led to believe his Railway service would count towards pension but it is on record that the Railway Administration in 1928 caused him to be informed that they were unable to entertain an application which he then made for his service with them to be regarded as pensionable.

Subject to the Secretary of State's approval of the Governor's revised recommendation (which it is hoped will be forwarded by this week's Air Mail) Mr. Naidu will be granted the alternative asked for in paragraph 3(iii) of his petition which I consider is as far as we should go.

Yours sincerely,

*W. H. H. H. H.*

*See No 1  
18/6/32*

43a  
2 JK  
12

C. O.

- Mr. Priceman 4/4
- Mr. Brass 4/4
- Mr. Long 4/4
- Mr. Perkins 4/4
- Mr. Tomison
- Sir C. Bottomley
- Sir J. Stuchburgh
- Pres. U.S. of S.
- Pres. U.S. of S.
- Secretary of State

18086/32.

C-D
A 5-
D 6

For Sir C. Bottomley's signature.

Downing Street,

7 April, 1932.

My dear Moore

The petition from Mr. T.V.G.

Naidu forwarded <sup>with</sup> Sir Joseph Byrnes

(1) confidential despatch of the 5th February has been under consideration here, and, although the general question of the terms to be accorded to Asiatics on retrenchment has not yet been settled, (we await a reply to our telegram No. 379 confidential of the 24th December, 1931), this case seems one which can be dealt with on its merits.

It appears that Naidu had eight years' non-pensionable service under the Railway Administration when he was transferred to a pensionable post under the Government of Kenya.

DRAFT. *Lawson*

H.M.M. MOORE ESQ., C.M.G.

(400 17389/31.)

In the case of a European official temporary service, if unbroken, can, with the approval of the Secretary of State, be taken into account as pensionable service by Regulation 8 in

~~of the Kenya Railway Regulations~~ *of the Kenya Railway Regulations*

This ruling also applies to Europeans in the service of the Kenya Uganda Railway by Section 27 of the Railway European Officers Pensions Regulations 1927.

Section 791 of the Kenya

Code of Regulations for Officers of the Government Service allows temporary service in one of the East African Protectorates to count towards superannuation, although this does not specifically apply to the Transport Administration.  The view taken here

is that on the analogy of the conditions I have mentioned above, the petitioner's non-pensionable service under the Railway Administration should count towards the

ten years necessary to qualify him for the grant of pension, seeing that he was apparently not definitely warned at the time of his transfer that it would not be so reckoned.

Much doubt is felt, however, whether this non-pensionable Railway service should be included in the actual computation of pension. If, for instance, he received a Provident Fund benefit for this service this would rule the Railway service-out in computing pension. On the other hand, there is his statement, for what it may be worth, that he was led to believe that his Railway service would be so reckoned.

Before a decision is taken we should like to have your views on the above aspects of the case, together with any further particulars which may affect the question of the computation of the non-pensionable service in calculating the pension.

Yours sincerely,  
(Signed) W. G. BOTTOMLEY,

KENYA.

No. 22

CONFIDENTIAL.



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

5<sup>th</sup> February, 1932.

Sir,

I have the honour to transmit a copy of a petition dated the 7th October, from Mr. T. V. G. Naidu, late 1st Grade Clerk in the Government Press, whose appointment terminated on the 31st December, 1931, due to retrenchment.

Petition.

2. Consequent upon the amalgamation of the Government and the Railway Presses, Mr. Naidu, who was then a member of the Railway Press, serving in a non-pensionable capacity, was transferred to the Government Press with effect from the 1st May, 1927, as a 1st Grade Clerk under the Terms of Service in force for the Asiatic Clerical Service at the rate of salary which he was drawing at the date of his transfer, viz: Shs. 500/- per mensem. He was subsequently informed that his service for pension purposes in so far as this Colony was concerned could only be reckoned as from the date of his transfer from the Railway Administration.

3. In view of the necessity for stringent economy it was found necessary to retrench, among others in the Government Press, Mr. Naidu, for whom no financial provision has been made in the Draft Estimates for 1932. Mr. Naidu's requests contained in paragraph (3) (i) and (ii) of his letter cannot in the circumstances be granted.

4. With regard to paragraph (3) (iii) of the enclosure, it is true that in his telegram of the 11th July, 1932, Mr. Churchill approved the grant of pensions

on

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.

*Amud. S. O. abno 1/4/32  
For Council Confy 15 Ju. 1932*

*40 3/16/32  
22  
Kenya*

on retrenchment to Asiatic staff holding pensionable status, even though they had not completed ten years' service. This concession has of course now lapsed and in accordance with the existing regulations as embodied in Sections 796 and 802 of the Third Edition of the Kenya Code of Regulations an Asiatic officer holding a pensionable post is not eligible for pension on abolition of his office unless he has completed at least ten years' service. As will be seen from paragraph 5 of my despatch Transport No.169 of the 13th of October, such Asiatic officers in the service of Government are being awarded a gratuity on retrenchment, and, though I am not unmindful of the retrenchment terms which have been accorded to pensionable European officers who have not qualified for pensions by length of service, I do not consider that the present time is a suitable one to grant concessions of this nature to the Asian staff.

No 3  
17/4 3/2/31

5. As stated in my Confidential telegram No.567 of the 1st December, 1931, I have dealt with the cases of Asiatic staff holding pensionable status who are being retrenched (but who have not completed the minimum service of ten years required for pension purposes) in accordance with the regulations set out in Section 802 of the Code of Regulations and I trust that my action will meet with your approval.

No 2  
17/3 8/31

6. Mr. Maids has been informed that as his petition could not be favourably considered locally it has been transmitted, as desired by him, to you.

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

BRIGADIER-GENERAL.  
GOVERNOR.

The Hon'ble Colonial Secretary,

Thro'

The Government Printer,  
Nairobi.

Sir,

Following the six months' retrenchment notice previously given me, I have now been asked by the Head of my Department to take my leave with effect from the 10th October. My appointment in the Government Press will therefore terminate on the 31st December, when I shall have completed four years and eight months pensionable service. I have also been informed that I shall be paid a gratuity instead of a pension in respect of this as well as Railway service.

2. I am quite aware of the circumstances in which my services are being terminated and that I am placed on the same footing as other retrenched Asian Officials, but I respectfully submit that my case is one which merits special treatment on the following grounds:-

(a) After my eight years' service in the Railway Administration Press where I have risen to be a Special Grade Clerk on Shs. 500/- per mensem, with prospects of regular annual increments without any restricted maximum, I was taken over by Government as the amalgamation of the Presses with effect from the 1st. May 1927, and was given a salary of Shs. 510/- per mensem. This might be held to be the minimum of the corresponding post I was holding on the Railway viz, Special Grade, according to the existing Government Scheme.

(b) At the time I had the option of taking my discharge from the Railway Administration on "Abolition of Office" terms and I had attractive openings for my technical qualifications and experience, but being led to believe that I would be made pensionable and my Railway services reckoned towards pension, I accepted transfer to the Government Press.

(a) Towards the end of 1929, it was claimed that I should have only received a salary of Shs.500/- per mensem, the maximum of Asian First Grade in Government Service, and my salary was reduced accordingly. It also transpired at the time that there was some doubt about the Railway service being made pensionable. I accepted the reduced salary and status on the understanding and in the hope that my Railway service would count towards pension.

(b) I am now in the unfortunate situation of being thrown out of job on a very much depressed employment market with no pension to fall back upon, and with the handicap of a trade qualification for which there is restricted demand even in normal times.

(c) In the circumstances I most humbly and respectfully pray that sympathetic consideration be given to my following petition:-

(i) That my services be not terminated as the 1932 draft estimates indicate that although financial provision for clerks has been reduced, no post has been abolished.

(ii) If the above cannot be done, that my service be so extended as to enable me, with leave due, to complete five years service, which I will do ( after considering two days' leave without pay) on the 2nd May 1932.

(iii) That I may be granted pension instead of a gratuity for my combined service if possible, but in any case in respect of my Government Service. This concession was given in connection with the 1922 retrenchment and would have applied in the ordinary way now if the proposed Pensions Ordinance, which had been under consideration for long, had been passed. I trust it will be readily agreed that some merit improved pension terms more than retrenched officials.

(4) In conclusion I pray that, if my petition cannot be granted locally it may be submitted to the Secretary of State for the Colonies for sympathetic consideration, for which purpose I send the necessary number of copies.

I beg to remain,  
Sir,  
Your obedient servant,

*T. E. Gaidw*