

1934

1934

23050

KENYA
CO 533/443

23050

T. L. Gomez.

2nd Grade Clerk - Police Dept.

Previous

3160/35.

Subsequent

Reg 297	7/2
Room 309	12/2
Mr Freeston	13
294	14/2
Mr Lloyd	15/2
A. Hood	16/2
Room 309	20
R. 299	22/2
297	23/2
Pensioners Bd.	23/2
297	27/5
Room 309	27/5
Mr Freeston	8

297
09087

FILE A.

1. Governor Byrne 29 ----- 13 Jan. 1934.

Gives particulars of history of Mr. Gomez' service, records. His pension should be recalculated in respect of continuous service dated from 19th Oct. 1915, and encls. revised pension form and original petition.

It was on the 19th of October, 1915, that Mr. Gomez first entered the Government Service on a permanent basis, and since then he has served continuously up to the 22nd of September, 1930, with the exception of a break of 7 days from the 1st to the 7th of October, 1919. As a result of this break, however, his pension has hitherto been calculated only from the 7th October, 1919, instead of from the 19th of October, 1915, and it is against this that he is petitioning.

It transpires that the period of the break, namely 7 days, would have many times been covered by the leave that was due to Mr. Gomez on the 1st of October, 1919, leave which it is uncertain whether he actually took or not. For the purposes of calculating his pension, the Governor is now "prepared to assume" that he took it, and as a consequence will calculate his pension as if his service dated continuously from 1915, provided that he refunds the equivalent of 50 days military leave pay.

Mr. Gomez' revised pension will amount to Sh.1097/60 a year. What his pension is as at present calculated we are not told. The necessity of Mr. Gomez making a refund which will amount to Sh.721/98 would considerably detract from the value of the concession.

I do not understand why the Governor makes the
provisi

Handwritten notes:
probably 10/11/29
2784

proviso about the refund. I understand that under military regulations you can commute your leave to leave pay if you wish. Whether Mr. Gomez commuted or not is not known; there is no record that he did. The Governor, however, is 'prepared to assume' that he commuted, the implication being that ~~he~~ is giving Mr. Gomez the benefit of the doubt. But suppose Mr. Gomez did not commute, and only took 7 days of his leave, then surely there would have been no gap in his service; and on this (the more likely) assumption no refund would of course be due.

But even assuming that he did commute I do not see why a refund is due. He had earned his leave pay, and I do not understand how subsequent civil employment could take away his right to it and necessitate a refund.

? To C.S.D. for obsns.

Review 12 Feb
C.B. Prater

Mr Gomez's service from the 19th Dec. 1915 to 30th Sept. 1919 in the Military Labour Corps was presumably war service, and paid for from military funds. (cf his statement at X in 1/3/16/23 kanga). I do not see, therefore, how he can possibly be granted pension in respect of war service plus Native Affairs Dept. service unless his pre-military civil service is taken into

Put in the remaining 50 days leave

account.

If service in the C.A.R. Office is regarded as civil service then service from 1 Dec 1914 to 21st Sept 1922 might be regarded as counting for pension, the period 14th Oct 1915 to 15th Oct 1915 being regarded as leave without pay. Pension would then be 1/6 of Rs 4700. The Gov. does not refer to the case of Mr S.K. Mishra mentioned by Gomez.

Refer back to the Gov
H. B. ...
14/2/24

From the first enclosure it seems likely that Mr. Gomez was employed in a civilian and not in an enlisted capacity with the Military Labour Corps. There is precedent on 57757/22 for allowing clerical service on a military establishment to reckon for pension when followed immediately by civilian employment. The "similar capacity" rule referred to in paragraph 3 of the Governor's despatch on that page is no longer applied.

I think, therefore, that we may accept the Governor's recommendation in this case. I wish that he had gone further and had recommended the inclusion for pension of Mr. Gomez's service prior to the 13th of October, 1915, and had not proposed to insist on the refund of the military leave pay. I should be inclined to say that the Secretary of State considers that, unless the grant to Mr. Gomez of further concessions

This refund is less than the amount of pension which he would be due to 1915 unless the Gov's proposal to be made in any case though unnecessary

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What is the remaining 50 days leave

Review 12 Feb
C. B. Prater

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account.

If service in the K. P. & P. Pay Office is regarded as civil service, then service from 1 Dec. 1914 to 21st Sept. 1920 might be regarded as counting for pension, the period 14th Oct. 1915 to 18th Oct. 1915 being regarded as leave without pay. Pension would then be 1/4 of 1/4 of 1/4. The Gov. does not refer to the case of Mr S. K. Mishra mentioned by Mr Gomez.

Refer back to the Gov.

J. H. Constable
14/2/22

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I think, therefore, that we may accept the Governor's recommendation in this case. I wish that he had gone further and had recommended the inclusion for pension of Mr. Gomez's service prior to the 13th of October, 1915, and had not proposed to insist on the refund of the military leave pay. I should be inclined to say that the Secretary of State ^{approves the proposal but} considers that, unless the grant to Mr. Gomez of further concessions

This refund is less than the amount of pension which he is due to 1915 unless the Gov's proposal to be made in any case though unlikely

concessions on these two points would be likely to cause embarrassing precedents, it would be equitable to regard the break of five days in October, 1915, as leave without pay not reckoning for pension and to waive the requirement of a refund. The decision on both points should, I think, be left to the Governor, and he might be asked to cause Mr. Gomez to be informed that his petition has been received and considered, and of the decision in his case. A copy of the letter so sent to Mr. Gomez should be forwarded to the Secretary of State.

J. M. G. 15. 3. 34

yes: it is a good case & all for & against it, though Mr Gomez was remiss for non-compliance

J. S. G. 16. 2

2 To Kenya, 1324 (1 answer) was 22 FEB 1934

3. Col. Secretary of State 12 April 34
 Trans. a copy of a letter to Mr. T. L. Gomez informing him of decision regarding his pension.

Apparently the Governor did not see fit to waive the refund

! let by C. J. ... 8/15/34

*Received by
 to see
 7/12/34*

Handwritten mark

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J. H. Boyd
19. 1. 34

yes it is a good case & the Gov recognizes it, though Mr Gomez was removed for incompetency

J. W. Kent
16-2
encl

2 To Kempa, 134 (1 answer) cons 22 Feb 1934

3. Lt. Secretary of State 12 April 34

Trans. a copy of a letter to Mr T. L. Gomez informing him of decision regarding his pension.

Apparently the Governor did not see fit to waive the refund

? that by A. Prosser 1934

W. B. Baker

Perrigo Per.
to see
7/12/34



THE SECRETARIAT,
NAIROBI,
KENYA

EMS.
WHEN REPLYING
PLEASE QUOTE
No. S. Est. 19/1/400/124.
AND DATE

No 2

TO THE SECRETARY
MINISTRY OF HOME AFFAIRS
Nairobi
Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 19th/1/400/124.
and in reply to inform you that the same has been forwarded to the
relevant authorities for their consideration.
I am, Sir, very respectfully,
Yours faithfully,
The Secretary



THE SECRETARIAT,
NAIROBI,
KENYA.

EMS.
WHEN REPLYING
PLEASE QUOTE
NO. & DATE 19/1/400/124.
AND DATE

RECEIVED
- 7 MAY 1934
C. O. REGY

12⁴ April, 1934.

No 2

It. to Mr. G.

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 the Secretary of State's despatch No. 134 of the 22nd February, 1934, begs to forward, for information, a copy of this office letter No. S/Est. 19/1/400/123 of 10th April, 1934, addressed to Mr. F. L. Gomez, formerly a second grade clerk in the Police Department, as requested.

Est. 10/L/400/123.

10th April, 1934.

Sir,

I am directed to state that the Secretary of State for the Colonies has received and considered your petition dated the 5th of April, 1933, addressed to him and to inform you as follows:-

2. According to the records here the following is the history of your service:-

Served as a Temporary Stores Clerk in the Post and Telegraphs Department from 19th April, 1912, to 20th November, 1914, when you resigned of your own accord.

Served as a Temporary Clerk in the Pay Office, 2nd King's African Rifles, from 1st December, 1916, to 15th October, 1918, when you again left of your own accord.

Served with the Military Labour Corps from 19th October, 1918, to 20th September 1919, when you became redundant.

Joined the Native Affairs Department as a Temporary Clerk on 8th October, 1919, (reported to have worked apparently of your own accord without pay as from 1st October, 1919).

3. With regard to the first break of 5 days (14th October, 1918, to 18th October 1918 inclusive) in your service, I am to point out that temporary service is not leave earning and in the circumstances the grant of any leave in respect of your temporary service up to and including the 13th October, 1918, solely to enable you to cover this break cannot be considered.

4. In connection with the second break in your service of 7 days viz. from the 1st to 7th of October, 1919, both dates inclusive, it appears that you were granted 57 days leave pay with effect from

the

Mr. T. L. Gomez,
Malik Sengulow,
Thamaraikulam,
Quilon, TRAVANCOR
South India.

Est. 19/L/400/123.

10th April, 1934.

Sir,

I am directed to state that the Secretary of State for the Colonies has received and considered your petition dated the 8th of April, 1933, addressed to him and to inform you as follows:-

2. According to the records here the following is the history of your service:-

Served as a Temporary Stores Clerk in the Post and Telegraphs Department from 19th April, 1912, to 30th November, 1914, when you resigned of your own accord.

Served as a Temporary Clerk in the Pay Office, 2nd KING'S African Rifles, from 1st December, 1914, to 13th October, 1918, when you again left of your own accord.

Served with the Military Labour Corps from 19th October, 1918, to 30th September 1919, when you became redundant.

Joined the Native Affairs Department as a Temporary Clerk on 8th October, 1919, (reported to have worked apparently of your own accord without pay as from 1st October, 1919).

3. With regard to the first break of 5 days (14th October, 1918, to 18th October 1918 inclusive) in your service, I am to point out that temporary service is not leave earning and in the circumstances the grant of any leave in respect of your temporary service up to and including the 13th October, 1918, solely to enable you to cover this break cannot be considered.

4. In connection with the second break in your service of 7 days viz. from the 1st to 7th of October, 1919, both dates inclusive, it appears that you were granted 87 days leave pay with effect from

the

Mr. T. L. Gomez,
Malika Bungalow,
Thamaraikulam,
Quilon, TRAVANCOR
South India.

the 1st October, 1919, in respect of your military service from the 19th October, 1915, to 30th September, 1919.

It also appears that your emoluments at the time of the termination of your appointment in the Military were Rs. 220/- (or Shs. 440/-) per mensem. Subject to your refunding Shs. 721/96 in respect of 50 days leave on account of your military service, the Secretary of State has approved of your pension being recalculated on a basis of continuous service dating from the 19th of October, 1915.

8. Your revised pension therefore amounts to Shs. 1097/96 a year with effect from the date of your retirement viz. 30th September, 1930, and the Treasurer is being requested to arrange with the Bombay Agents for the necessary adjustment to be made after deducting the refund due viz. Shs. 721/96.

I have the honour to be,

Sir,

Your obedient servant,

Juxon Barton

for COLONIAL SECRETARY.

2

C. O.

Mr. Davies 20/2/34.

Mr. *Freeman 20*

Mr. *Good 20*

Mr. Parkison.

Mr. Tomlinson.

Sir C. Battonley.

Sir J. Stuchburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

ST
Approved by NO 3

O.D.
R 21 FEB
D 21

22 February, 1934.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 29 of the 13th of January, regarding the petition of Mr. F.L. Gomez, formerly a second grade clerk in the Police Department.

2. I approve your proposal that Mr. Gomez' pension should be recalculated in respect of continuous service dating from the 19th of October, 1916, subject to his refunding the equivalent of 50 days military leave pay.

(2) Unless, indeed, the grant of further concessions would be likely to cause embarrassing

precedents

DRAFT. DESPATCH.

KENYA.

NO. 134

GOVERNOR.

I note, however, that your recommendation is made subject to

FURTHER ACTION.

C. O.

Mr. Davies 20/2/34.

Mr. Freeman 20

Mr. Flood 20/2/34

Mr. Parkison.

Mr. Tomlinson.

Sir C. Battonley.

Sir J. Stuchburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Approved by No 3

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D 21

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2. I approve your proposal that Mr. Gomez' pension should be recalculated in respect of continuous service dating from the 19th of October, 1915, subject to his refunding the equivalent of 50 days military leave pay.

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DRAFT. DESPATCH.

KENYA.

NO. 134

GOVERNOR.

FURTHER ACTION.

precedents

precedents, I am of opinion
that it would be equitable ~~to~~
~~go further~~, to regard the break
of five days in his service in
October, 1915, as leave without
pay not reckoning for pension, and
to waive the requirement of a refund.
I am content, however, to leave the
decision on both these questions to
you.

3. I request therefore that
Mr. Gomez may be informed that his
petition has been received and considered,
and that he may be notified of ^{whatever} ~~the~~ decision
^{has been} come to in his case.

4. I shall be glad if a copy of
the letter sent to Mr. Gomez ^{may} ~~could~~ be
forwarded to me, for my information, in
due course.

I have, etc.,

(Signed) PLYMOUTH

(for the Secretary of State)

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that it would be equitable ~~to~~
~~go further~~ to regard the break
of five days in his service in
October, 1915, as leave without
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due course.

I have, etc.,

(Signed) PLYMOUTH

(for the Secretary of State)

KENYA.

No. 29

RECEIVED

- 5 FEB 1934

C. O. R. REC'D



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

13th January, 1934.

Sir,

With reference to your despatch No. 293 of the 3rd of May last, enclosing a petition addressed to yourself by Mr. T. L. Gomez, formerly a 2nd Grade Clerk, Police Department, I have the honour to inform you that according to the records here the following is the history of Mr. Gomez's service:-

Served as a Temporary Stores Clerk in the Post and Telegraphs Department from 19th April, 1912, to 30th November, 1914, when he resigned of his own accord.

Served as a Temporary Clerk in the Pay Office, 3rd King's African Rifles, from 1st December, 1914, to 13th October, 1915, when he again left of his own accord.

Served with the Military Labour Corps from 19th October, 1915, to 30th September, 1919, when he became redundant.

Joined the Native Affairs Department as a Temporary Clerk on 8th October, 1919, (reported to have worked apparently of his own accord without pay as from 1st October, 1919).

2. With regard to the first break of 5 days (14th October, 1915, to 18th October, 1915, inclusive) in Mr. Gomez's service, I would observe that temporary service in itself is not leave earning and in the circumstances I cannot recommend the grant of any leave in respect of his temporary service from 19th April, 1912, to 13th October,

1915,

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.

Unwed (2)

No 2.

3/10/33

KENYA.

No. 29

RECEIVED

- 5 FEB 1934

C. O. RECD



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

13th January, 1934.

RECEIVED

- 6 FEB 1934

C. O. RECD

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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.

Unwed (2)

No 2

3/10/33

1915, solely to enable him to cover the 5 days' break in his service.

3. In connection with the 7 days' break in Mr. Gomez's service, viz. 1st to 7th of October, 1919, I enclose a copy of a letter No. O.G. 2 dated the 1st October, 1919, from the Director of Military Labour to the Staff Paymaster of the Military Labour Corps under the terms of which Mr. Gomez was eligible for 57 days' leave with effect from the 1st of October idem. There is no record that Mr. Gomez actually took that leave in the form of leave pay but I am prepared to assume that he did so, and in the circumstances subject to his refunding the equivalent of 50 days' military leave pay I am now prepared to recommend that his pension should be recalculated in respect of continuous service dating from the 19th of October, 1915.

4. According to the records available here Mr. Gomez's emoluments at the time of the termination of his appointment in the Military were Rupees 220/- (or Shs. 440/-) per mensem. He would, therefore, be required to refund Shs. 721/98 in respect of the 50 days' leave.

5. I enclose revised pension particulars from which it will be seen that subject to your approval of my recommendation, Mr. Gomez will be eligible for a pension at the rate of Shs. 1097/60 a year with effect from the date of his retirement, viz. 22nd September, 1930.

Letter.

Particulars.

Enclosures.

I return the enclosures to your
despatch,

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3. In connection with the 7 days' break in Mr.Gomez's service, viz. 1st to 7th of October, 1919, I enclose a copy of a letter No.O.G.2 dated the 1st October, 1919, from the Director of Military Labour to the Staff Paymaster of the Military Labour Corps under the terms of which Mr.Gomez was eligible for 57 days' leave with effect from the 1st of October idem. There is no record that Mr.Gomez actually took that leave in the form of leave pay but I am prepared to assume that he did so, and in the circumstances subject to his refunding the equivalent of 50 days' military leave pay I am now prepared to recommend that his pension should be recalculated in respect of continuous service dating from the 19th of October, 1915.

Letter.

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Particulars.

Enclosures.

I return the enclosures to your despatch,

despatch, the delay in replying to which is
regretted and which has been due to the need for
protracted departmental investigations.

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



BRIGADIER-GENERAL.

G O V E R N O R .

NO. O. G. R.

Military Labour Corps,
General Headquarters,
Nairobi,
1st October, 1919.

To: The Staff Paymaster, M.L.C.,
Nairobi.

M.L. 32 Clerk T.L. Gomez.

Please note that the above clerk is to
be discharged as redundant with effect from 1/10/19.

He was engaged on 19/10/15 and is entitled
to leave on discharge under Force Order No. 28 of
1/7/19.

sd. H.K. Grogan, Captain.
for Director of Military Labour.

Copy to:- S.C.O., Nairobi, who will please carry
out discharge.

M/M

NO. O. G. R.

Military Labour Corps,
General Headquarters,
Nairobi,
1st October, 1919.

To: The Staff Paymaster, M.L.C.,
Nairobi.

M.L. 38 Clerk T.L. Gomez.

Please note that the above clerk is to
be discharged as redundant with effect from 1/10/19.

He was engaged on 19/10/15 and is entitled
to leave on discharge under Force Order No. 28 of
1/7/19.

sd. H.K. Grogan, Captain.
for Director of Military Labour.

Copy to:- S.C.O., Nairobi, who will please carry
out discharge.

MJK

COLONIAL PENSIONS, Etc.

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 Theodore Lawrence Gomez
 - 2 Office or Situation Second Grade Clerk, Police Department.
 - 3 Recommended for a pension/gratuity of Sh. 1,097-60 a year
 - 4 Age Forty (40) years - Born on the 8th November 1900
 - 5 Service fourteen years eleven months and three days
 - 6 Salary or wages actual/average Sh. 2,200-00
 - 7 Value of quarters actual/average 10% of Sh. 3,360 504-00
 - 7a. Other emoluments actual/average _____
- Total amount of Salary or Wages and Emoluments on _____
 which Superannuation, etc., is claimed Sh. 2,704-00
- 8 Cause of retirement Colonial Regulation No. 80.
 - 9 Absence beyond ordinary Vacation Leave _____

Year	Period of Absence	NUMBER OF DAYS			Cause of Absence
		On full salary	On half salary	Without salary	
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
19	From _____ To _____				
	TOTAL				

10. Date of cessation of duty 24th July 1930
 (Granted leave, with pay, from 25th July 1930 to 21st September 1930)
11. Date of cessation of salary 21st September 1930
12. Date from which, inclusively, pension will commence 22nd September 1930
 on which gratuity falls due _____

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

Description of post and scale of salary	From	To	Salary per annum	Value of quarters per annum			ANY OTHER ALLOWANCE		Total emoluments per annum	Amount for aggregation
				£	s	d	Nature	Rate per annum		
Military Service	19-10-15	1-10-19	£.							
Temporary Clerk	8-10-19	29-2-20	3,600							
4th Gr. Cl. (Scale 1,800 to 2,880)	1-3-20	28-2-21	4,200							
3rd Gr. Cl. (Scale 2,880 to 3,000)	1-3-21	7-10-22	2,880							
2nd Gr. Cl. (Scale 3,000 to 3,240)	7-10-22	7-10-23	3,000							
2nd Gr. Cl. (Scale 3,240 to 3,480)	8-10-23	7-10-24	3,240							
2nd Gr. Cl. (new) (Scale 3,480 to 3,720)	8-10-24	7-10-25	3,480							
2nd Gr. Cl. (Scale 3,720 to 3,960)	8-10-25	7-10-26	3,720							
2nd Gr. Cl. (Scale 3,960 to 4,200)	8-10-26	7-10-27	3,960							
TOTAL	8-10-27	21-9-30	4,200							

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 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, etc., with full particulars of any injuries received on duty, or other claims or matters for consideration.

I feel that this clerk discharged his duties with diligence and fidelity to the best of his ability, but owing to the fact that he was not up to the standard of efficiency required his work did not meet with entire satisfaction.

sd. James M. Lumley,
AG. COMMISSIONER OF POLICE.
29/9/30.

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 one thousand and ninety seven shillings and sixty cents (Sh. 1,097-60) a year,

and I base my Certificate on the following calculation:—

Date of first appointment 19th October 1915

Date of retirement 21st September 1930

Actual service	Years	Months	Days
Deduct period of leave without pay	14.	11.	3.
Balance	14.	11.	3.

Service for purposes of pension gratuity 14 years

Actual average salary and emoluments Sh. 4,704/- a year

Whereof 14/60ths Sh. 1,097-60 a year

Gratuity earned under _____

being at the rate of _____

A. B. 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



for Treasurer,

THE TREASURY,

NAIROBI, 29th November 1933.

Colony and Protectorate of Kenya.

Service for purposes of pension/gratuity 14 years

Actual/average salary and emoluments Sh. 4,704/- a year

Whereof 14/60ths Sh. 1,097-60 a year


Gratuity earned under _____

being at the rate of _____

A.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



for Treasurer.

THE TREASURY,

NAIROBI, 29th November 1933.

Colon and Protectorate of Kenya.