

1931.

Kenya.

No. 17143 B.

SUBJECT

C0533/410

Retrenchment of Railway Staff

Seconded from lgt. Western Railway

Previous

F.R.A.

Subsequent

F.R.A.

1 Crown Agents to the Secretary
"Include copy correspondence with General Manager
S.S.L. re retrenchment of Messrs. Silvestre, Dennis and
Davies who were seconded from Ceylon. Enclose also
copy letter from the Director who has been retrenched
who withdrew for conditions of secondment release before
expiration of probationary period. Suggest that
Administration be informed, by telegram, the provision
of secondment scheme do not provide for return of
officer on grounds of retrenchment.

I must begin by explaining the delay in sending this on. Apparently the letter was only received on the 7th September and sent to the Department on the 8th. I returned from leave on the 10th and sent it on that day in red to C. Registry for the Ceylon papers. It returned without the papers on the 11th: I sent it back again ^{in red} and saw nothing more of it until the 18th. Perhaps when action has been completed the file might go to C. Registry for explanation of the delay.

I attach a memorandum.

I am afraid that a telegram will have to be sent to the High Commissioner saying that the scheme was intended to provide permanent employment and its conditions as set out in the despatch on 25594/27 (Flag A) did not contemplate the return of the seconded men ^{on the point of} retrenchment and that the C.W.R. will not be able to absorb them; that in the circumstances the Secretary of State considers that the K.U.R. must be regarded as having a moral responsibility for their permanent employment (unless they prove unsuitable) and that ^{in consequence} the High Commissioner must therefore arrange, however inconvenient it may be, for them to be retained so long as their services are satisfactory.

It is, however, for consideration whether an attempt should not be made by the Crown Agents

11 pp copy
and 161 located
delay is inevitable
A.S.P.
7/11/27

Most of the names are
not completed 2 year
service & of AA
Truhiving who has
done so,

1
From Agent _____ to Secretary
Include copy correspondence with General Macgregor
to a. h. a retrenchment of these. Wilson, Amin and
Davidson who were seconded from Govt. include also
copy letter from Treloving who has been retrenched but
who will meet for conditions of secondment scheme before
expiration of probationary period. Suggest that
Administration be informed, by telegram, the provision
of secondment scheme do not provide for return of
officer on grounds of retrenchment.

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sending this on. Apparently the letter was only
received on the 7th September and sent to the
Department on the 8th. I returned from leave on
the 10th and sent it on that day in red to C. Registry
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on the 11th; I sent it back again ^{in red} and saw nothing
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been completed the file might go to C. Registry for
explanation of the delay.

11 pp copy
and 61 located
delay is inevitable
25/9/44
A

I attach a memorandum.

I am afraid that a telegram will have to be
sent to the High Commissioner saying that the scheme was
intended to provide permanent employment and
its conditions as set out in the despatch on 25594/27
(Flag A) did not contemplate the return of the seconded
men ^{on the grounds of} retrenchment and that the C.T.R. will not be
able to absorb them; that in the circumstances the
Secretary of State considers that the K.U.R. must be
regarded as having a moral responsibility for their
permanent employment (unless they prove unsuitable);
and that ^{in those cases} the High Commissioner must therefore arrange,
however inconvenient it may be, for them to be retained
so long as their services are satisfactory.

It is, however, for consideration whether
an attempt should not be made by the Crown Agents

(Most of the men who have
not completed 2 year
service & of AA
Treloving who has
been on,

In view of what happened in the case of
Beylon and Nigeria and of the very definite statement
by the G.W.R. (see first enclosure) that, if the
request for the return of these men is pressed,
it will be necessary to terminate definitely the
whole of the arrangements under the secondment
scheme, it seems to me quite impossible to endeavour
to bring any blandishments to bear on the Company
especially as in the case of Nigeria the Colonial
Office refuse even to approach the Company.

I have put up draft for London after
discussion with Mr. Jeffries, and if the telegram
is approved it will be sufficient to tell the
agents that the G. of S. is in communication with
the G.W.R. by telegraph that a further communication
will be addressed to them.

As we have already been charged with
the task of not and hold over retirement, in Kenya
I am loath to suggest intervention in these cases
but the issues are not purely local. For this
reason it would be better if the General Manager
had not addressed himself direct to the
and I think it will be necessary to raise some matters
on that point later. This is just one of those
cases in which the G. of S. is inevitably involved
simply because difficulties arise

J. H. Hill
22/9/31

C. Jeffries
22.9.31

I agree with the draft but I think
causes the question of the bank's return

to persuade the G.W.R. to take back the three men who have not yet completed their two years service. If this is done the Crown Agents should make it quite clear that to throw ourselves on their mercy and ask to be taken back ourselves is not a moral or legal claim on them to re-engage the men.

General
22.9.31

It is to be noted that the conditions of the original proposal (put by the Eastern Agents) were approved and we were at the position when we had a 5% contingency which has now in fact been - say - 10% after being "found suitable" but we have given permanent provision for the retention and subsequently also from the contract and when the legal position there can be no doubt that S. of S. C.A. will be a ready judge to the G.W.R. (and to the employees) to make permanent provision for the latter part.

1. Draft of a note to G.W.R. of G.W.R.
letter of 24th July says that we ought not to take to depend on the success of the present annual party except if for communication.
When it has gone with to C.A. as proposed - the Eastern Agent's point above
22.9.31

In view of what happened in the case of Ceylon and Nigeria and of the very definite statement by the G.W.R. (see first enclosure) that if the request for the return of these men is pressed, it will be necessary to terminate definitely the whole of the arrangements under the secondment scheme, it seems to me quite impossible to endeavour to bring any blandishments to bear on the Company, especially as in the case of Nigeria the Colonial Office refused even to approach the Company.

I have put up draft for Benson. after discussion with Mr. Jeffries, and if the telegram is approved it will be sufficient to tell the Crown Agents that the S. of S. is in communication with the H.Cr. by telegraph ^{and} that a further communication will be addressed to them.

As we have already been charged with growing hot and cold over retrenchments in Kenya. I am loath to suggest intervention in these cases; but the issues are not purely local. For this reason it would be better if the General Manager had not addressed himself direct to the G.W.R., and I think it will be necessary to make some remark on that point later. This is just one of those cases in which the C.O. is inevitably dragged in simply because difficulties arise.

See later
means A

W. H. K.
22/9/31

C. Jeffries
22.9.31

Copy to the East Agent, which covers the question of the men's return

6th 9. 08.

4 in H.C. order - The
can have an order to
intended? I think (though
my order is not necessarily
held in my power) but
I think it is better for the
Commissioner to do it all
but they can be regarded as
part of the same all together
making officials.

608. 22.9.31.

James

J.H.
at home

23.9.31.

2. To H.C. Tel. No. 27. 23/9/31.

U.C.T. 141. Conf. 23rd September 31.
States services of clerks recorded from a U.C.
could only be retained by discharging other clerks
with longer service. Would prefer to see conditions
where terminate rather than create such an injustice.

Mr. Dudge.

In accordance to
I indicated in 62 attached

Just 62. for union.

As regards para. 2. thereof, I
have spoken to Mr. Dudge & he tells
me that all concerned were
under the clear impression that
the men to be employed
personally.

Standard
2.9.31
H. H. H.
110.

We have discussed the general
question of the obligations accruing
under the scheme & whether the
scheme is not now to wind up
with Mr. Z. Lemichall, & we are
now preparing to the CA that it
sh. be wound up. It was however
the view of the CA that Col
P.L. authorities must recognize a special
obligation towards men selected under
the scheme in the past.

TREVING is an obscure case.
The CA do not know, nor did they
at the time enquire, what he meant
by "withdrawing" from the scheme, but
they did at the time (Feb 1929)
to the Gov R. the General

Anyhow, we
himself does
not seem to
think we can
do anything
about it.

Range; ^{notification} that he
had done so, & in further course
on the point raised
didn't think we should
press the matter in that respect.

Submits an alternative
He let to the High Court in
the light of the nomination
with the Government

W. G. ...
7/10

C. J. ...
7.10.31

W. G. ...
7/10/31

6 Jones & Co. 9 Oct 31

7 Cross Agents 2/10/31
The City taken from Gen. ...
K. V. R. regarding the re-arrangement
of the G.R. lines

W. G. ...
7/10/31

As to taking up the point at A
at end of the ... minutes 9/2/31 on No. 1.

W. G. ...
6/10/31

W. G. ...
7/10/31

W. G. ...

When ... with ... who
is content to leave ... to ... Dept. to
decide what, if anything, may be
said to ... in regard to the
G.R.'s ... offered to the G.W.R.

W. G. ...
7/10/31

W. G. ...

2.12.31 be content to let

the point drop. The Gen. Man.
will be sure at the decision, &
possibly, if he has any doubts,
he will be careful not to risk
with rebuff. In the railway
matter if anything is very useful
& convenient for him to feel that
he can ... desert with the G.R.
the railway in England.

W. G. ...
9/11

W. G. ...
9.11.31

DESTROYED UNDER OATH

H. to Transport — Conf — 1948
Refers to Mrs. Stating that
the services of Isaac Davidson, Wilmet
& Son are to be retained as
superintending to the authorized
establishment

copy to file of page 6

G. B. ...
Isaac Davidson
12.6.48

Rec to use in file

M. G. ...
12/1

Pass: & stated ...
copy upon ...
to the ...

1942
above

DESTROYED UNDER OATH

H. to Transport — Conf — 1948
States that Mr. Davidson has indicated
that he was in a position to obtain
re-employment on the B.W.R., & has
requested that the office of transportation of
services be allowed to stand. This
request has been granted.

It is noted in file

Isaac Davidson
23.81

Secretary
1948
President



See Orlan
pp with
R 202
1

Mr Genl,
Colonial Office.

22.10.21.

With reference to Colonial Office letter of the 17th September No. 17142/2/21, we enclose a copy of a letter received from the General Manager, Kenya and Uganda Railways and Harbours regarding Mr S.R. Simons one of the officers concerned in the connecting correspondence regarding the retrenchment of officials appointed under the Great Western Railway secondment Scheme.

We have been informed by the Administration that Mr H.T. Wilmet, another of the officers concerned, that following the receipt of your telegram, he was informed that the notice of retrenchment would be cancelled, but at his own request it has been allowed to stand, and he is returning to this country per s.s. "MARIANA" which left Mombasa on or about the 24th October 1921.

We shall be glad to learn whether you have yet received any information from the Administration regarding Mr E.C.E. Davidson, the other officer referred to in that correspondence.

H.W. Little
 Appointments Department,
 Crown Agents.

25.11.21.

Chief Accountant's Office,
Malindi,
Kenya Colony.

23rd October 1931.

No. K.15/S.7132.

Gentlemen,

Re same payment of Mr E.R. Sims.
Ref. This office No. K.15/S.7132/
1022 dated 1.8.1931.

I beg to advise you that the services of
Mr E.R. Sims are now being retained by this Administration.
I shall be glad if you will kindly treat my above quoted
letter re stoppage of home remittance as cancelled.

Yours faithfully,

(Sd) A.E.P. Kaye,

Acting Chief Accountant.

The Crown Agents for the Colonies.

Communications on this subject should be addressed to
26
THE UNDER SECRETARY OF STATE,
COLONIAL OFFICE,
LONDON, E.C. 4
and the following Number noted: *27*
17145/E/31

10 3/8
Downing Street,

27 November 1951



Gentlemen,

With reference to the letter from this Department of the 14th October, and previous correspondence, regarding the proposed retrenchment of Mr. N.T. Wilmot, Mr. S.B. Sims and Mr. E.C.H. Davidson, Clerks seconded from the Great Western Railway Company for service under the Kenya and Uganda Railways and Harbours Administration, I am directed by Secretary Sir Philip Cunliffe-Lister to inform you that the High Commissioner for Transport, Kenya and Uganda, has reported that the services of ~~these~~ *Mr Sims & Mr Davidson* officers will be retained as supernumerary to the authorized establishment of the

Transport Administration; ~~but that Mr Wilmot, who has been seconded to the Kenya and Uganda Railways and Harbours Administration, is to be retained on the establishment of the Kenya and Uganda Railways and Harbours Administration.~~
has been seconded to the Kenya and Uganda Railways and Harbours Administration, and his services will be transferred to that Administration.
re-employment on the Great Western Railway, and that the notice of the termination of his services will be transferred to that Administration.
Your most obedient servant,

THE CROWN AGENTS

FOR THE COLONIES.

I am etc

(Signed) N.T. ALLEN

RECEIVED
22 OCT 1931
COL OFFICE

7¹⁰

Handwritten notes:
7/11/31
15/11/31
1/12/31

Mr. Gent,
COLONIAL OFFICE.

Handwritten:
No 1
No 6

Further to our official letter of the 4th of September, and your letter of the 14th October No.17143/B/31 on the subject of the Scheme for the employment of Great Western Railway officials on railways in the Colonies, we enclose for your information a copy of a letter from the General Manager of the Kenya and Uganda Railways and Harbours in reply to our letter of the 20th of August regarding Mr. S. R. Simms, one of the officers in question.

Handwritten:
See end
No 1

Handwritten signature:
H. W. Little

Appointments Department,
CROWN AGENTS.
21.10.31.

Original is M/2265

KENYA AND UGANDA RAILWAYS AND HARBOURS.

General Manager's Office,

Nairobi,

Kenya Colony,

27th September, 1931.

No. 12282.

The Crown Agents for the Colonies,
1, Millbank,
Westminster,
London, S.W.1.

Gentlemen,

With reference to your letter of the 20th August No. 405 M/2265, regarding the notice of termination of Mr. S. B. Simm's services, it is noted the agreement with the Great Western Railway Company admits of the return of seconded officers only if they are found to be unsuitable.

The position in this case is that, owing to re-organization forced upon the Administration by the financial position, the post for which Mr. Simm's services were obtained is to be abolished. In the opinion of the Head of his Department he is unsuitable for any other position which will remain and be commensurate with his emoluments because he has not had sufficient experience. Moreover, his services could be retained only by discharging a more experienced officer and one with longer service.

In the circumstances, I regret it is impossible to continue to utilize Mr. Simm's services after the expiry of the notice given to him.

I have the honour to be,
Gentlemen,
Your obedient servant,

(Sgd) ?

GENERAL MANAGER

1914 9/18/31

52

C.O.
 Mr. Tolson
 Mr. Clegg
 Mr. Glavin
 Mr. Ladd
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Carson
 Mr. Egan
 Mr. Gurnea
 Mr. Hendon
 Mr. Pennington
 Mr. Quinn
 Mr. Nease
 Mr. Gandy

18-OCT.
 1931

Coded Seal -
 Top 9 10 31

DRAFT

Higdon

No 29 cont. Tom tel of

Martin

29th Sept cont. & response

Your difficulty & I have
 been carefully considering
 similar question which has
 arisen in other Colonial
 Railways in present circumstances.

The Gt Western Railway
 when we designed to ensure
 a steady supply of satisfactory
 experienced railway officers &
 according to my information
 has been of undoubted benefit
 for this purpose. The GWR
 sponsored the men transferred
 and has fulfilled their own

copy to CA
 15/2/31
 (92 1914 15 1524/1/1)

copy to CA - 15/2/31

Obligations by taking back

those few who were unsatisfactory

~~that~~ it is necessary to recognize

that Gt. ~~Western~~ Railway in particular
has special obligations to return

the others even to the extent

of ~~recovery~~ according to their privileged
position in the matter of rebranchment.

Relieving was selected under the scheme
but in view of the voluntary withdrawal of ~~the~~
~~the~~ during period of stranding I agree that
such obligations similar obligations do not extend to him.

I am ~~not~~ contemplating

the cancellation of the scheme in
agreement with the Gt Western Railway
in view of the difficulties to which
it has given rise - although

Circumstances for cancellation cannot
affect existing obligations.

SAS

DECODE

17/102/2/31

Telegram from the High Commissioner for Transport
Kenya and Uganda Railways to the Secretary of State for
the Colonies.

Dated 29th September. Received 11.25 a.m. 29th September 1931.

Confidential. Your telegram No.27 Confidential.

Retrenchment of clerks ~~seconded~~ from Great Western
Railway. Service of these clerks could be retained only
by discharging other clerks with longer service and
greater experience. Rather than create such an
injustice would prefer to see seconded scheme terminate
so far as Kenya and Uganda Railway is concerned.

Case of Treiving differs from other three referred to
in general manager's letter to Crown Agents only to
the extent that he had definitely resigned from Great
Western Railway.

Ans tel. No. 27 conf. 9 Oct 1931.
copy for A. B. 1/2

RECEIVED
29 SEP 1931
COL OFFICE

O. O.

24 SEP.

17143(B)/31 Kenya

3/14

Mr. Allen 22/9

Mr. Jeffries 22/9

Mr.

Mr. Tomlinson

Mr. C. Bellamy 22-9

Sir J. Shackleton

Sir G. Grindle

+ Pres. U.S. S.

Pres. U.S. S.

Secretary of State

last work

*Coded & sent
7-30p.m.
23/9/51
2.20*

No 27 Confidential

DRAFT CONSON. 5-MINUTES

HIGHCOMA NAIROBI.

G.W.R. have referred

General Manager's letter 4th August

to Crown Agents. In case of

other Colonial Governments it has

been necessary to point out that

present abnormal state of affairs

was not contemplated when G.W.R.

secondment scheme was introduced and

that return of seconded men except

on account of unsatisfactory service

would be regarded as breach of the

secondment scheme. I am advised that

if request for return

of persons named by General Manager

is pressed it would result in

definite termination of whole of

arrangements under Secondment Scheme

In the circumstances I trust

*Route 10
R. 297*

you will concur in G.W.R. being
informed that services of persons
named will be retained. While I am
loath to intervene as I appreciate
urgent need for economy, it appears
that there is moral obligation to
regard officers selected under this
scheme as in special position in regard
to permanency of employment. Therefore
I feel obliged also to suggest that
case of Treliving who I understand
has been selected for retrenchment might
be reconsidered.

1A

MEMORANDUM

In October, 1927, the High Commissioner for Transport (the Governors of all the important railway Colonies) was informed that an arrangement had been concluded with the Great Western Railway for the "probationary employment" of G.W.R. officials on Colonial railways "on the understanding that they would be re-absorbed into the G.W.R. service in the event of their not being offered permanent employment by Colonial Governments."

The following was the arrangement:-

1. The primary object of this scheme is to obtain suitable officials for permanent employment with colonial railways.
2. When vacancies occur the Crown Agents will send to the General Manager forms of application with particulars regarding the conditions of service, qualifications required, etc.
3. The General Manager will nominate one or more candidates for engagement under the following conditions:-
 - (a) The appointment will be of a probationary character in the first instance for a period not exceeding two years from the date of leaving the G.W.R. service.
 - (b) If at the end of the probationary period the candidate is thought unsuitable for permanent employment by the Colonial Government he will be permitted to return to the G.W.R. to a similar position to that which he vacated without loss of seniority.
 - (c) If at the end of the probationary period

15
IA

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(b) If at the end of the probationary period the candidate is thought unsuitable for permanent employment by the Colonial Government he will be permitted to return to the G.W.R. to a similar position to that which he vacated without loss of seniority.

(c) If at the end of the probationary period

the officer is offered permanent employment by the Colonial Government he will be expected to accept it in pursuance of the conditions through which his engagement from the G.W.R. was arranged....."

Under this scheme various men have been appointed to the K.U.R. Apparently they have all been engaged on the normal 2½ year agreement. The Crown Agents in reporting their appointment said that the men had been appointed under the G.W.R. scheme and that they had "accordingly advised the Government that it will be necessary for them to decide whether they will recommend ~~about~~ (the men) "for confirmation in their appointments or terminate their engagement in order that they may revert to the service of the G.W.R."

The K.U.R. now propose:-

1. To terminate the engagement of three clerks who have not completed two years service - their idea being that the men should return to the G.W.R.
2. To terminate the appointment of a fourth clerk - Mr. Treliving - who was originally seconded from the G.W.R. under the scheme, but who, having completed his two years and desiring to remain in the K.U.R., has been "regarded as confirmed in his appointment". Mr. Treliving having completed one tour of service on a 2½ years agreement had been re-engaged for a further 2½ years; there is no chance of the G.W.R. taking him back, and he will, therefore, now be without employment.

As regards 1., the G.N.R. have written to the Crown Agents saying that if the request that they should take the men back is pressed it will be necessary to terminate definitely the whole of the arrangements under the scheme.

The trouble is, of course, that the scheme did not contemplate that it would be necessary for men to return to the G.N.R. unless either their services were not satisfactory in the Colonies or they did not themselves wish to stay.

The Crown Agents, and apparently everyone else, imagined that although the contracts into which the men entered were only for a limited period of time, these contracts would, in point of fact, normally be renewable so that the employment could, in fact though not in theory, be regarded as permanent; this was the essence of the scheme.

Mr. DeLavingne says in his letter of the 23rd inst. that the G.N.R. so informed him)

Trouble has already arisen over the scheme in Ceylon and Nigeria.

During 1928 a number of engine drivers were recruited for the Ceylon Railway, some of them being recruited under the G.N.R. scheme. Owing to the fact that they were on two years probation, these men were engaged on agreements running only two years instead of the normal five years. At the end of the two years Ceylon found themselves with more engine drivers than they needed. The terms of the G.N.R. scheme were not properly understood and they tried to return them to the G.N.R.



The G.U.R. on being informed that it was proposed to return the men applied as follows:-

"When the secondment scheme was agreed it was definitely understood that in the ordinary course the men to whom the scheme was from time to time applied would be offered permanent employment provided that they were in all respects available and that the scheme would offer the employing authorities the opportunity of arriving at a decision on that point in respect of each individual seconded....."

With regard to the 12 officers specifically referred to..... I have to inform you that the G.U.R. Co., are unable in present circumstances to offer them re-employment. The suggestion put forward can only be regarded as a bitter breach of the spirit of the scheme. It will be appreciated that the probable outcome of the attitude adopted in this matter will be that the G.U.R. Co., will feel compelled to withdraw forthwith from the whole of the secondment arrangement to which it has been a party hitherto.

Since the failure to live up to this attitude, the Governor of Egypt was asked to retain the men on an act of grace for the full 5 years for which they would have been engaged had there been no secondment scheme, efforts being made to arrange transfers for them to other services unobtainable.

None of the twelve men did not regard this offer as extending their agreement for a further three years as sufficient guarantee of permanency and expressed the desire to return to the G.U.R. "in view of all the circumstances and in order to assist in

overcoming

73357/30 encl. 1
25 flag C.

73357/30 -
25 flag C.

overcoming the difficult situation which has arisen the F.R.S. agreed to take them back. "It is" they said of course clearly to be understood that this is being done quite outside the contemplated application of this agreement scheme and I must make the further stipulation that no additional Great Western men will be accepted for service on Colonial Government railways as locomotive drivers or in any other grades subject to similar conditions of recruitment and service, and that for the future the application of the agreement scheme will be restricted to appointments in the executive or salaried classes where permanent appointment will, as a matter of course, follow a satisfactory period of probation.

In the case of Nigeria the Governor, apparently realizing that his case was rather weak, asked that the F.R.S. agent be approached with the object of ascertaining whether in the event of it being desired to dispense with the services of certain seconded men it would be possible to find them further employment in the F.R.S. After consulting the Great Western by telephone the Governor was informed "That the present abnormal state of affairs in Nigeria was not contemplated when the F.R.S. agreement scheme was introduced and cannot be regarded as a reason for the return to the service of the company of the men concerned" since the terms of their appointment under the scheme do not admit of the adoption of such a course." In these circumstances the Secretary of State said that he did not feel justified in approaching the F.R.S. and that there would, therefore, appear to

83247/31 encl. 12
No. 6 - Aug 3.

in re
35124 6/22
Staff
2 drivers



be no alternative but to retain the men in the service of the Nigerian railway and to confirm them in their appointments.

The following is Mr. Duce's opinion of the legal position in the case of the Ceylon men.

"I can see nothing in the written agreement making it obligatory for the Ceylon Government to offer permanent employment to any of the men affected at the end of their two years' agreements. Secondly, there is nothing even in the arrangements set out in the despatch of the 7th October, 1927, (Flag A) expressly saying that a candidate who is found suitable for permanent employment at the end of the two years' probationary period shall be offered permanent employment by the Colonial Government concerned - though, generally speaking, the arrangement clearly contemplates the offer of such employment to such a candidate and the failure to offer such employment if available would, of course, defeat the "primary object" of the scheme - viz: to obtain suitable officials for permanent employment with Colonial railways, and would be a breach of the whole spirit of the arrangement..... In these circumstances I do not think that the men concerned have any legal claim against the Government of Ceylon for determining their employment provided this is done in accordance with the terms of their written agreements. Apart from the legal aspect of the matter, however, it seems to me that they are entitled to ~~some~~ consideration."

The same arguments apply in the case of the E.U.S. men. Although they may not be legally bound to

minutes 9
17.11.30
on 7339/30



do so, there can, I think, be no doubt that the K.U.K. are morally bound to keep the men on. Although the men were only engaged for one tour of service they were evidently given a clear understanding that if their services were satisfactory they would be given permanent employment, and nobody seems to have thought it worth while to specify what was meant by "permanent employment".

(In saying that the K.U.K. have moral obligation to these men, it should be made clear that that obligation is not of the K.U.K.'s seeking, but has been imposed upon them by the Crown Agents acting on their behalf.)

A further question arises; how long must the K.U.K. continue to employ the men? I suppose they must continue to employ them so long as they continue to do their work satisfactorily.

*Richard
8/4/53*

ALL CORRESPONDENCE
TO BE ADDRESSED TO THE
CROWN AGENTS FOR THE COLONIES.
THE FOLLOWING REFERENCES AND THE
DATE OF THIS LETTER BEING QUOTED.

N/A. 420

TELEGRAMS: "CROWN LONDON."
TELEPHONE: 7730 VICTORIA.



4 MILLBANK,
WESTMINSTER,
LONDON, E.C. 4.

RECEIVED
-7SEP 1931
COLL OFFICE

4th September 1931

IMPORTANT

Sir,

I have the honour to enclose a copy of a letter which we have received from the General Manager of the Great Western Railway relative to a proposal made by the General Manager of the Kenya and Uganda Railways and Harbours to return three Clerks who were engaged by us under the terms of the Great Western Railway Secondment Scheme on the ground of retrenchment.

2. We have received no communication regarding this matter from the Kenya and Uganda Railways and Harbours Administration but we attach a copy of a letter received direct from Mr. S. R. Simms, one of the three officers concerned, together with copies of a telegram and a letter which we have addressed to the General Manager of the Kenya and Uganda Railways and Harbours on the subject.

3. We also enclose a copy of a letter received from Mr. N. G. Treliving who was originally engaged as a Clerk under this scheme, but who subsequently withdrew from its conditions prior to the expiration of the probationary period. Advice of the confirmation of his appointment is contained in a letter from the General Manager, a copy of which is enclosed.

4. We would refer you to previous correspondence relative to proposals received from the Governments of Ceylon and Nigeria to return seconded officers from the Great Western Railway on the ground of retrenchment, ending in the

case

The Under Secretary of State,
Colonial Office,
S. W. 1.

1.8.31.

19.8.31.

20.8.31.

8.8.31.

& enclos.

5.12.29.

Recd 30 SEP 1931

in letter, 20
1 copy

case of Ceylon with your letter No. 83247/31 of the 18th August,
and in the case of Nigeria with your letter of the 21st April,
No. 33121 V.A. in which the attitude of the Great Western
Railway Company is clearly defined.

5. We suggest that the Administration should be advised
by telegram that the provisions of the scheme do not provide
for the return of these officers on the ground of retrenchment
and that in the circumstances arrangements should be made to
retain them in the Service.

I have the honour to be,

Sir,

Your obedient servant,

C. White

for Crown Agents.

GREAT WESTERN RAILWAY.

General Manager's Office,
Paddington Station,
London, W.2.

L.A/52,774.

September 1st. 1931.

Dear Sir,

With reference to the correspondence which took place between us during the latter part of 1930 and the beginning of this year under your signature W.G.A.G., in relation to the return to the Company of men who had been released for service abroad under the Government Scheme, and in particular to your letter of March 26th. 1931, to which you note that the application of the Scheme will be restricted in future to appointments in the Executive or Colonial classes where permanent appointment will follow a satisfactory period of probation, I enclose copy of a communication I have received from the General Manager of the Empire and Oversea Railways and Harbours in respect of Messrs. S.V. Wilton, S.A. Sims and S.D.L. Swinson.

I shall be obliged by your observations on the situation created by the request which is now made to this Company. It should be appreciated that if this request is pressed it will be necessary to terminate definitely the whole of the arrangements provided under the Government Scheme so far as this Agency is concerned.

Yours faithfully,

for J. Ellis

(Signed) J.F. Lane.

The Great Western Railway, 4 Millbank, Westminster, S.W. 1.

KENYA AND UGANDA RAILWAYS AND HARBOURS.

General Manager's Office,
Nairobi,
Empa Colony.

SPG.10/1/2.

6th August, 1931.

The General Manager,
Great Eastern Railway,
Ruddington,
London, V.I.

Dear Sir,

I have to state that owing to the financial position this Administration has been compelled to reduce its staff and amongst the officers whose services are being dispensed with are:-

Mr. S.T. Wilmet.
Mr. S.H. Sims.
Mr. S.C.H. Davison.

who in 1930, were selected for employment on these Railways under the scheme for the recruitment to Colonial Government Railways of candidates in the employment of your Company.

I desire to place on record that the services of these Officers whilst in this Colony have in all respects been entirely satisfactory, and that it is due solely to the necessity for reducing our staff that Messrs. Wilmet, Sims and Davison are not being retained.

I trust that the return of these gentlemen to your Company will in no way embarrass you and that our action on this occasion will not prevent officers in future being recruited to these Services, should the time arrive when we again desire to make use of the scheme.

Yours Faithfully,

(Sgd) G. D. KNIGHT,

General Manager.

Original in
M/255

REPRODUCED FROM COPY

P.O. Box 570.

NAIROBI,
KENYA.

CONFIDENTIAL.

1st August, 1931.

The Crown Agents for the Colonies,
6, Hillbank,
London, S.W.1.

Sirs,

Agreement No. M/255 Dated 23.7.30

I have to-day been advised by the Honourable General Manager of the Kenya & Uganda Railways & Harbours, that my services will no longer be required after three months from to-day, owing to the financial position, and I understand you have been advised accordingly.

You will observe that this is less than twelve months after my arrival in this Colony, despite the fact that I was engaged for a tour of not less than twenty months, and that the primary object of your secondment scheme with the General Manager of the Great Western Railway is to obtain suitable officers for permanent employment on Colonial Railways. With this object in view, and assuming that all requests from Colonial Railways for additional officers are made to you after the need for such additional staff has been fully considered and established, there is of course no clause in the secondment scheme to cover the case of an officer who is reattached. I shall be glad, therefore if you will advise me my position regarding re-attachment on the Great Western Railway, if necessary.

For your information I would inform you that I spent the first ten months after my arrival here in learning the local methods and conditions, and since then I have been fully occupied as Clerk-in-Charge of the Coasting Audit Section in the Chief Accountant's Office.

I propose to take up my case more fully with

the

the Colonial Office shortly, but in the meantime, as I definitely desire further Colonial Employment, I shall be glad if you will give me every consideration in connection with suitable vacancies in any of the Colonies, other than those in East Africa.

In the event of any such vacancy requiring to be filled urgently, I will be prepared to pay any cable or radio charges involved, and would doubtless be released by the Kenya & Uganda Railways & Harbours before the completion of my three months notice.

I have the honour to be,

Sirs,

Your obedient servant,

(Sgd) S. R. Sims.

M/2265

COPY OF TELEGRAM TO THE GENERAL MANAGER, M.I.A.E.M.

19th August, 1931.

With reference to our letter of the
19th August 1930 No.468 (Following is a proper name)
Simms advises that he has been retrenched. Please
await letter. CROWN AGENTS.

20th August, 1930.

Sir,

I have to confirm our telegram of the 19th August, reading as follows:-

"With reference to our letter of the 19th August 1930 No.468 (following is a proper name) Siama advises that he has been reappointed. Please await letter."

and to enclose a copy of a letter received from W.P.S.S. Siama Clerk, Class II, Accounts Branch, advising us of the termination of his agreement owing to the financial position.

In this connection I would refer you to our letter No.468 of the 19th of August, 1930, in which we stated that Mr. Siama had been appointed under the secondment scheme for candidates in the employment of the Great Western Railway Company and to state that the terms of the agreement do not permit of the return of seconded officers on the grounds of reappointment, but only on those of unsuitability. In the circumstances we shall be glad to learn that it will be found possible to continue to utilise Mr. Siama services.

I am, Sir,

Your obedient servant,

(Sgd) F. W. Pearson

For General Manager,

The General Manager,
Kenya & Uganda Railways and Harbours,
Nairobi,
KENYA.

M/310.

P.O. Box 121
Nairobi,
Kenya.
8th August, 1931.

(Your ref. M.310. KUR)

The Crown Agents for the Colonies,
4, Millbank, Westminster,
London.

Gentlemen,

As a result of the urgent need for economy, the Kenya and Uganda Railways Administration has found it necessary to retrench me. You will be aware from reference to your correspondence M.310 that I was previously employed by the Great Western Railway, in England, and entered the service of the K.U.R. in April, 1928, being engaged by you in England. A record of my services up to the time I came to Kenya will be on your files.

My retrenchment is due solely and entirely to the difficult financial position of the Railway Administration and not on account of any misdemeanour or inefficiency on my part. In support of this I enclose a copy of a letter, dated 5th instant, which has been given to me by the General Manager to assist me in obtaining other employment.

The position briefly is this. I was employed by the Great Western Railway in a position of permanency and was resignable. Upon the invitation of the K.U.R., through your agency, I gave up that post to take employment, which, through virtue of being Government, I understood to be permanent also. I was, moreover, given to understand at the interview which I attended at your offices in Millbank (as a result of which I was selected for my present post) that while I was to enter into a contract for 2½ years, this contract would be renewable, always provided I proved myself capable and efficient. In view of what is stated in the attached copy of letter, it cannot be said that I have been otherwise.

I shall, therefore, upon the termination of the three months notice which was served upon me on last inst. be without employment through no fault of my own.

May I press most strongly, in view of this, that I may receive first consideration when a suitable post on another railway, or with an Administration for which you act as Agents, either abroad or at home, becomes available?

I am also enclosing a copy of a letter which was given me by the Chief Goods Manager of the Great Western Railway when I left that Company to come to Kenya.

During my service with the K.U.R. I have been employed in administrative work in the General Manager's Office. This has covered practically all branches of railway work, including (amongst others) rating policy, Port matters, Lake Marine, publicity, etc., indeed every type of Headquarter administration, with the exception of staff,

estimates/

estimates and new works.

In view of the length of time taken in the transit of letters between England and Kenya, I should be grateful if you would be kind enough to give this matter your urgent attention and favour me with a reply at the earliest possible moment.

Yours faithfully,

(Sgd) NORMAN G. THELWING.

encl.

YES.

CERTIFIED TRUE COPY *J.L.*

M/510.

COPY.

Kenya and Uganda Railways and Harbours.

General Manager's Office,

Nairobi, Kenya Colony.

5th August, 1931.

Reference SP.11868.

Mr. S.O. TRULIVING,
Clerk, Class II,
General Manager's Office,
Nairobi.

With reference to the verbal representations made by you in regard to the decision to terminate your services, I take this opportunity of placing on record, in order that you may utilize it in your efforts to secure other employment, that the sole reason why your services are being dispensed with is the imperative necessity, owing to the financial position, to reduce the staff of this office and the fact that, as all other Departments of the Administration are being compelled to act likewise, it is impossible to place your services in another Department.

I have much pleasure in commending you to anyone who desires to employ the services of a conscientious and efficient clerk.

(Signed) G.D. RHODES.

General Manager.

33
BUD

CERTIFIED TRUE COPY *[Signature]*

M/310.

KENYA AND UGANDA RAILWAYS AND HARBOURS.

General Manager's Office,

NAIROBI, 5th December, 1929.

Kenya Colony.

MF/ALL.

The Crown Agents for the Colonies,
6, Millbank,
Westminster, London,
S.W. 1. ENGLAND.

Gentlemen,

re: MR. E.C. TRELIVING - CLERK II GRADE

With reference to your letter 164M/310 of
18th April, 1928, Mr. Treliving desires to remain in the
service of this Administration, and he may be regarded as
confirmed in his appointment.

I have the honour to be,

Gentlemen,

Your obedient Servant,

(sgd) J.S. CONRY.

for GENERAL MANAGER,
KENYA AND UGANDA RAILWAYS
AND HARBOURS.

END.