

1924  
1920

224

KENYA

C. O.  
6027  
7 FEB 24

Mr. Cas. Reynolds 38

Date  
14th January 1924

Mr. CIRCULATION:-

Mr. Fisher  
Mr. Birtwhistle  
Mr.  
Asst. U.S. of S.

Mr. O. M. Joshi  
Pensionable Service

Perm. U.S. of S.  
Part U.S. of S.  
Secretary of State.

Reports case of case & recommends  
that break in service be counted as  
leave without pay for purposes of  
computation of pension

Previous Paper

MINUTES

See file  
229 C.O.

The minutes on Gov 356/1224 are  
clearly against pro - Sumner service  
on the Uganda Railway county  
for pension. The Gov. took over  
the Railway on 1 Oct. 1903. Mr.  
Joshi's service from 1 Nov 1898 to  
25 June 1903 cannot therefore count  
for be reckoned as pensionable.

As regards the break in service  
from 17 Dec 1904 to 16 May 1905 I  
think that the recommendation in  
para 6 may be approved as a special  
case. ? Note + so approve; but  
as regards the service before up to

1 MAR 1924  
Mentel 6027

YEM

Subsequent Paper

Gov/46399/24

25 June 1903 with  
reference to para 27 on  
copy despatch on 366/354 and  
express regret that it is  
not possible to re-organise that  
service as far as possible.

Mf.

22.2.24

The early Uganda Railway service  
presumably depends on whether  
the King's Govt. take up the  
point in the Vierge case (366/354).

As regards the local service,  
there is really no case, & if the  
Campbell case is not a precedent,  
we should not rule. If a man  
resigns his appt. he does so  
with his eyes open & loses all  
claim to pension.

Quite apart from that I  
think it is very wasteful to  
retain a clerk, and should  
be quite unnecessary when  
other Depts. are calling out  
for more clerks. I think we  
should ask that no clerks

be retained unless it is clear  
that they cannot be employed on  
clerical work in some other Dept.  
or that there will not be  
opportunities for employing them  
in the near future. We should

point out in particular that in this  
year's estimates they wish to engage  
extra clerks in the Registry section  
of the Land Dept. (sections 15 and 17).

Mf.

23.2.24

Two previous meetings were held  
to report here.

(1). Railway service. Some where  
the work began & days transfer  
was the same was already  
included - see minutes on N° 22  
of Railways right file (1906).  
This was retained in Harrow  
Bright's case.

Read & reply that if it  
can be shown that Jones's  
work as a Railway Clerk was  
connected with the Railway  
hand work the matter will  
be further considered.

(2). Registry. I am afraid the  
Campbell

Campbell care is a prejudice;  
at all events I can find no  
sound objection; & we must  
just hope that few others who  
have been so disappointed  
after resignation will be  
reluctant for retrenchment.

On the two grounds: -

(a) retrenchment

(b) fact that the treatment  
has persisted for the  
3 months which the Treasury  
recognise would have  
brought the job

open to the head by general

On other points as proposed

Oct. 25. 2.24

W. H. H.

Campbell can be a president;  
I can find no  
sound objection; & we must  
just hope that few others who  
have been so appointed  
after resignation will be  
selected for re-employment.

On the two grounds:

(a) re-employment

(b) fact that the two months  
leave forfeited plus the  
3 months which the Treasury  
recognize would have  
been the job.

again to the head being given.

On other points as proposed

Oct. 25. 2.24

W. H. C.



14th January, 1924.

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My Lord Duke,

I have the honour to inform Your Grace that Mr. V. M. Joshi, 1<sup>st</sup> Grade Clerk in the Land Department, who has been retrenched from the service of this Colony has applied;

(a) That his Uganda Railway Service from 1<sup>st</sup> November, 1898, to 31<sup>st</sup> June, 1903, be allowed to count for pension.

(b) That the break in his service from 17<sup>th</sup> December, 1904, to the 16<sup>th</sup> May, 1908, be regarded as leave without pay in order to secure continuity of service for pension purposes.

2. The General Manager, U. R. & R. Railway, states that Mr. Joshi served with the Railway for the period in question in the capacity of a Clerk and that he received no bonus or allowance in respect of that service.

3. The break in Mr. Joshi's service was due to the fact that an application from him for two months leave at half pay was sanctioned, but could not, at the time, be granted owing to staff conditions. He thereupon -

HIS GRACE

THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S. W.

thereupon resigned on the grounds that urgent private affairs demanded his early presence in India and forfeited all leave privileges accordingly. His Uganda Railway Service was allowed to count for leave and he therefore at the time of his resignation had earned 2 months leave under the existing regulations.

4. Mr. Joshi's case as regards the break in his service is similar to that of Mr. C. H. Campbell, with the exception that the former's break is considerably shorter, but in view of paragraph 2 of Your Grace's despatch No.1612 of the 8th November, 1922, Mr. Campbell's case cannot be treated as forming a precedent. Mr. Joshi's case also cannot be treated as similar to that of Mr. H. A. Pandit, whose broken period of service was allowed to count for pension vide Your Grace's despatch No.868 of the 9th June, 1922, in view of the fact that at the time of his resignation Mr. Pandit had earned leave equal to the broken period of his service.

5. Had Mr. Joshi been granted the two months' leave earned by him at the time of his resignation, the remaining three months could have been treated as leave without pay in accordance with paragraph 1 of Your Grace's despatch No.1612 dated the 8th of November, 1922.

6. In view of Mr. Joshi's long service and of the fact that he was retrenched consequent upon reduction of establishment, I am of opinion that the case should be treated as a special one and that the broken period of service should be treated as leave without pay and that his period of Railway Service should be permitted to count for pension.

7. I shall be glad to learn that Your Grace has no objections.

file  
1029

26920  
22

file  
29

objection.

I have the honour to be,  
My Lord Duke,  
Your Grace's most devoted and  
most obedient servant,

R. Courtenay

GOVERNOR.

Gao Kenya  
6027/24

229

1 FEB 1924  
1 MAR 1924

Ind JS

~~Feb 1924~~  
1 MAR 1924

DRAFT.

Sir

I have the honour to acknowledge  
of your despatch No 38 of the 14th of  
Jan., regarding the pensionable service  
of Mr. V.M. Joshi, late 10th Grade  
Clerk in the Law Dept.

2. In regard to the proposal that  
Mr. Joshi's service in the Uganda  
Railway from the 1st of Dec. 1898,  
to the 25th of June, 1903, should be  
allowed to count for pension,  
I would invite reference to para  
2 of my confidential despatch of  
the 29th of Jan. regarding the case  
of Mr. J.P. Vigee, in which it is

Kenya  
Gao  
w. - Torshdan  
MINUTE.

- Mr. Jewell 27.2.24
- Mr. Calder 27.2.
- Mr.
- Mr. Danks.
- Sir G. Grindle.
- Sir H. Road.
- Sir J. Masterton Smith
- Mr. Ormsby Gore.
- Duke of Devonshire.

in  
check book  
by

(366.  
234)

stated that persons transferred from  
the Ugaona Railway before it became  
a Govt. Dept. are on an entirely different  
 footing persons transferred from one  
Govt. Dept. to another. However,  
it can be seen that Mr. Joshi's  
work as a Railway Clerk was  
connected with the Railway ~~work~~  
Land work, the matter will be  
further considered.

3. I approve of the break in  
Mr. Joshi's service from the 17th of  
Dec., 1904, to the 16th of May, 1905,  
being regarded as leave without pay  
in order to secure continuity of service  
for pension purposes, on the two  
grounds (a) that he has been  
retrenched, and (b) that the fact that  
the two months leave forfeited, plus the  
three months recognised as the usual ~~limit~~  
limit for this purpose, would have  
closed the break.

(SIGNED) J. H. THOMAS.