

**NOTE**

**Re: Mom Chao Damras Damrong Devakul applying for resignation on pension**

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I. Mom Chao Damras Damrong, formerly Siamese Minister Plenipotentiary to Washington and being now desirous to resign for pension, has made an application that the salary of 1300 Tcs. per month should be taken as a basis for calculation of such contemplated pension.

II. The Ministry of Finance, by its letter No. 3949/78 dated 11th. May B.E. 2478 has asked for an opinion of the Legislative and Judicial Council in order that the grant of such pension may be correctly made in accordance with the spirit of the Pension Act.

III. The Krisdika (Sub-Committee No. 1) after a primary examination, has requested some supplementary information as being necessary before giving opinion and which have been forwarded in an answering letter of the Ministry of Finance No. 28381/2478 dated 5th. November B.E. 2478.

IV. It appears that the sum of Tcs. 1300 is the salary which M.C. Damras as holding the cognate ranks of Director General (Athibodi), was entitled to reckon as a basis for pension before and during the year B.E. 2475 (Section 14 of the Civil Pension Act B.E. 2471).

V. Now it is reminded that during the interval between the Constitution signed on 27th. June B.E. 2475 and the Constitution signed on 10th. December B.E. 2475, the People's Executive Committee has reorganized the scales of salaries of high officials to suit the requirements of such time and obtained the Royal Sanction accordingly (Notification to the Ministers, the Royal Institute and Civil Service Committee. dated on 24th. September B.E. 2475.)

Under this Notification the scale of salary for a Director General or an appointment equivalent thereto has been lowered to 800 - 1000 baht.

VI. The Krisdika is well aware that, as a rule and as it is reminded by the Ministry of Finance, the calculation of gratuities and pensions would have to be made upon the actual salary received.

VII. But this general rule should apply unless there are express or clear provisions to the contrary. And the proviso No. 3 of the same Notification, which refers specially to the calculation of pensions, reads as follows

"In calculating gratuities and pensions in future, if it appears that any official, at the time of his retirement on gratuity or pensions has not been promoted to the appointment of higher scale of salary than that he used to receive at present, the salary formerly received by him before its reduction shall be taken as a basis for such calculation."

VIII. So under the reorganization decided by the People's Executive Committee in accordance with the Constitution and embodied in the said Notification, M.C. Damras Damrong is, in the opinion of the Krisdika, and under this special proviso No. 3, entitled to ask that the salary of 1300 Tcs. per month should be taken as a basis for calculation of his pension.

26th December B.E. 2478  
Legislative and Judicial Council.