

Home (1918) Department.
Education
Ordinary SERIES.

G.O. No.

960

DATED

5-8-18

[Despatch Abstract.]

College of Engineering, Madras.

Permitting Mr. A.H. Gilks, Workshop Instructor ----- to draw full pay during the 3 months of his absence on leave from 23-3-18.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

TO HIS EXCELLENCY THE GOVERNOR IN COUNCIL

Through the
Director of Public Instruction.

Through the Principal,
College of Engineering, Madras.

The humble petition of:-

Arthur Henry Gilkes,

Respectfully sheweth:-

(1) That your petitioner holds the appointment of Workshop Instructor in the College of Engineering Madras.

(2) On the morning of the 23rd of August 1918, your petitioner met with a serious accident due to the bursting of a wooden pulley attached to a motor shaft. The pulley struck him on the leg and caused a lacerated wound which necessitated his detention in hospital for a period of three months. After this though discharged as fit for light duty, he is still suffering from the effects of the accident and will probably be permanently lame. The accident took place while your petitioner was carrying out his duties in the College Workshop, and was caused by a defect in the motor for which he was in no way responsible.

(3) A request from your petitioner that he might be granted full pay for the period during which he was in hospital was forwarded to the Director of Public Instruction by the Principal of the College of Engineering on December 10th 1918, and the request was strongly recommended by the Principal as deserving of most favourable consideration. In spite of this your petitioner has been sent a copy of G.O.

○ No. 213 Home (Education) dated 17th February 1919. stating that Government regret their inability to accede to his request.

(4) Your petitioner's pay amounts to 200 rupees per mensem. During the time that he was in hospital he was placed on half pay of Rs 100 per mensem, out of this he had to meet hospital charges, pay house rent, and maintain a family consisting of a wife and five

2
3
children, of whom three are at school and for whom school fees have to be paid. In order to meet expenses your petitioner had to borrow Rs 300/- from his provident fund, and in addition had to borrow other money, so that he is now in debt.

(5) Your petitioner respectfully points out that if such an accident had occurred while under employment in Works in England, he would be fully protected by the Employers' Liability Act, and he would receive substantial compensation in addition to full pay during the period of his detention in hospital.

(6) Your petitioner therefore requests he may be granted full pay for the time he was in hospital, and may also be reimbursed for hospital charges which amount to Rs 170/-

And your petitioner in duty bound will ever pray.

A. H. Gilks
17-3-19

College of Engineering,

M A D R A S .

March 17th 1919.

6-10-984818-19

Submitted and very strongly recommended.

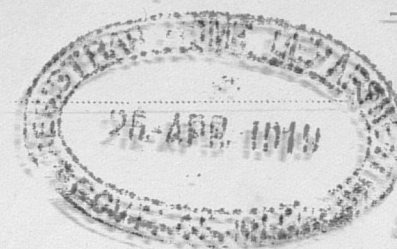
College of Engineering,

Madras, 18th March 1919

[Signature]
P R I N C I P A L .

HOME (EDUCATION) DEPARTMENT.

Received



Registered 191

Subject.

Submitting for the orders of Government petition from Mr. A. H. Gilkes, Workshop Instructor, College of Engineering, Madras, requesting that he may be granted full pay for the period he was in hospital etc.

ENCLOSURES

No. _____

No. _____

Spare copies.....

Spate copies

Ref On C. No. 2639/19

Station Madras, Dated the 23 April 1919.

From (Name) The Hon'ble Mr. R. Littlehales, M.A.,

(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras,

Home (Education) Department.

Sixty

Submitted to Government for orders with reference
 (8) to G.O.No. 213 Home (Education) dated 17th February 1919.

2. It is suggested that the Hospital fees paid by Mr. Gilks be remitted to him.

For Director of Public Instruction.

45

Letter:-

Ref.

To

The Secretary to the Govt. of India,
Department of Education.

Sir,

I am directed to address you on the subject of the grant to Mr. A.H. Gilks, Workshop Instructor, College of Engineering, Madras, of a gratuity under article 743(a) of the C.S.R.

2. On the morning of the 23rd August 1918 while Mr. Gilks was attending to his duties at the college workshop, a large wooden pulley attached to ^{the} shaft of a direct current motor suddenly gave way and struck him in the right leg causing an extensive lacerated wound. In consequence Mr. Gilks had to undergo treatment in the ^{Govt. General} ~~State~~ Hospital for a period of three months.

3. The Professor ^{of} ~~of~~ Mechanical Engineering ~~employed~~ in the college reports that the accident was ~~caused~~ caused by the motor 'running away' due to a break in the shunt field and that this break was ^{the result} ~~due to~~ ^{of corrosion engendered either by} the action of salt water during the transit of the motor from England or ^{by} ~~by~~ carelessness in handling acid during the process of manufacture. Both the Professor

and

2/6/19
10-6-19

2/6/19
9-6-19

2/6/19
10-6-19

Page 3+4 of 213
17-2-19

Page 3 of 213
17-2-19

5
and the Principal of the College ^{state} distinctly ~~stated~~ that the accident was in no way due to carelessness on the part of Mr. Gilks.

4 During the period of his detention in hospital, Mr. Gilks drew only half salary at the rate of Rs. 100 p.m. He had, however, to meet the usual expenses of his family and in addition ~~pay~~ ^{draw} a sum of Rs. 170 as hospital charges. ~~He was therefore obliged to incur heavy debts.~~ ^{and for this purpose he was compelled to draw on his provident fund & to incur further debt.} He therefore requests that he may be compensated by Govt. for the loss in his emoluments during the period of his detention in hospital. In support of his request, he ^{points out} ~~states~~ that if he were in England, he would be fully protected by the Employers Liability Act and also invites attention to the ^{analogy furnished by} ~~provisions~~ of Article 665 of the C.S.R. ^{which} ~~allowing~~ special concessions to State Railway employees injured in the execution of their duties.

5 The D.P.I. reports that ~~no~~ ^N substitute was employed during Mr. Gilks' absence from duty, ^{and} ~~and~~ In view of the special hardships to which ~~Mr. Gilks has been~~ ^{he was} subject, recommends that he may be granted a gratuity equal to the difference between his full pay ^{and} ~~at~~ the rate of leave allowance granted to him. The Governor in Council considers that the case is ~~one of~~ ^{one of} deserving special treatment, and I am accordingly directed to request that the Govt. of India will be pleased to sanction the payment to Mr. Gilks of a gratuity of Rs. 300/- as

compensation

6
compensation for ~~the~~ injury and loss in emoluments sustained by him.

6 I am to forward for the information of the Govt. of India a copy of the statement of Mr. Gilks' case prepared by Liet. Col. E.M. Illington, ^{MS} Surgeon, General Hospital, Madras.

I have, etc.

owing to the injury sustained by him, the Director of P. I.

emphatically



24-7-19

No. 776

Government of India,
DEPARTMENT OF EDUCATION.
(Education)

Simla, the 18th July 1919.

From

The Hon'ble Mr. H. Sharp, C.S.I., C.I.E.,
Secretary to the Government of India,

To

The Secretary to the Government of Madras,
Home (Education) Department.

Sir,

pp 4 bank
I am directed to refer to your letter No. 1057-A-4, dated the 10th June 1919, in which you apply for the sanction of the Government of India to the grant of a gratuity of Rs. 300/- under article 743(a) of the Civil Service Regulations, to Mr. A.H. Gilks, Workshop Instructor, College of Engineering, Madras, as compensation for the injury and loss in emoluments sustained by him.

p. 18 of the book
2. In reply I am to say that the Government of India agree that the circumstances of the case merit the award of pecuniary assistance to Mr. Gilks, but in their opinion it would be more suitable if, under the special powers conferred by rule 8(3) of the annexure to the Government of India, Finance Department Resolution, No. 361-E.A., dated the 24th July 1916, the local Government permitted Mr. Gilks to draw full pay during his three months' absence. I am to suggest this course of action for the consideration of the Governor-in-Council.

I have the honour to be,
Sir,

Your most obedient servant,

H. Sharp

Secretary to the Government of India.

J.N.D.

Home (Edu) Dept

[C No 1057A] From the D.P.J. Rec No 2639 & 23.4.19

Subject Memorial from Mrs A.H. Gilkes of the College of Eng

The petitioner's requests are :-

- (i) that he may be granted full pay for the period ~~18 months~~, he was in hospital
- and (ii) that the hospital charges paid by him (Rs 170) may be remitted to him.

2. Of the two requests, the first has already been negatived and is not admissible under the rules. Vide G.O. No

213 Home (Edu) & 17-2. 19. ~~regarding~~

The other, ^{request} is one for consideration in L & R (Med). The file may it is submitted be transferred (no) to that Dept.

2K
1.5.19

MS
115748

he may send copies of the current of and notes to Dr. (Med?) for ^{separate} consideration of the question of remission.

X
As regards the full payment for the period he was in hospital it is for consideration whether it may not require the office in any way, than by passing the full salary especially in view of the strong presentation made. Art. 735 of C.A. deals with ~~cases~~ the payment of gratuity in cases of extraordinary

injury. It seems doubtful whether the present case will fall under it or that the local foot. have power to sanction the sum of Rs. 300 involved in the case in question, especially with reference to Art. 744 of the Regs. The A.G. may perhaps be asked to advise whether the payment of the above sum can, in the circumstances of the case, be ~~passed~~ brought under any of the provisions of the C.A.

Ca
2/5/19

Especially as the pay has been a bonus to Govt.

Mr
3/5/19

Edin no 105-7A-1
3-5-19

Introduct to
Lt Col (Med)
x2
5/5
Sent extract
to Lt Col (Med) also
current notes upto
the position marked x
on p/



Accountant General (ad)

A wound or Extraordinary pension or gratuity is granted only when the injury or death is met in the performance of a duty which is attended with Extraordinary bodily risk. The present claim seems to be the outcome of an ordinary accident which is not recognised by Government (vide Article 735 of the Civil Service Regulations). Nor was the injury of such a nature as to incapacitate the officer from earning a livelihood. The case cannot also be brought under Articles 744 and 924(b) of the Civil Service Regulations as the amount of the present claim

Rs 20000

AG.O. No 65
517-5-19

p 5 of 80407 Puh (V)
18.3.15
(R)

NOTES.

exceeds the money limit laid down therein in these Articles.

(2) A gratuity equal to the difference between Mr. Gilkes' full pay and the rate of leave allowance granted to him for the period of his leave from 23rd August 1918 to 22nd November 1918 may however be granted with the previous sanction of the Government of India under Article 743(a) of the Civil Service Regulations. (Vide Government Endorsement No.3281-4, Public Department, dated the 11th January 1915 and G.O.No.53 L & M (Medical) dated the 11th September 1916 in which similar concessions were granted with the sanction of the Government of India).

H. R. S. Nam
D. A. G.

To

The Secretary to the Government of Madras,

Home (Education) Department U.O

P.T.O

P.T.O

Home (Education) Department.

From the Director of Public Instruction, R.O.C. No 2639, dated 23rd April 1919.

Subject.- Memorial from Mr. A.H. Gilks of the College of Engineering.

The petitioner's requests are:-

- (i) that he may be granted full pay for the period he was in hospital (3 months); and
- (ii) that the hospital charges paid by him (Rs. 170) may be remitted to him.

2. Of the two requests, the first has already been negatived and is not admissible under the rules. Vide G.O. No. 213, Home (Education), dated 17th February 1919. The other request is one for consideration in L & M (Medl). The file may it is submitted be transferred u.o. to that department. T.K. 1-5-19.

N.K. 1-5-19.

We may send copies of the current and notes to L & M (Medl) for separate consideration of the question of remission.

X X X

C.R. 2-5-19.

R.R.R. 3-5-19.

Edn. u.o. 1057 A-1.

3-5-1919.



To

The L & M (Medical) u.o.

L & M (Medl)

Mr Gilks says that he was under treatment in the hospital for a period of three months and that his hospital charges amounted to Rs 170. He has not stated in which institution he was an inpatient but presuming that he was in one of the state medical institutions in the

Q. NO. 12/56 read
7.5.19

(222) M & B

Mr Gilks says that he was under treatment in the hospital for a period of three months and that his hospital charges amounted to Rs 170. He has not stated in which institution he was an inpatient but presuming that he was in one of the state medical institutions in the

NOTES.

Page 5

(B170)

city, the charges paid by him for 90 days is in accordance with the rules 6 and 7 in the annexure to Lps No. 399 Madl dated 17-9-17. Mr Gilks is an employee in the Educational Dept and the question of compensating him for the loss he sustained, ^(which is the petitioner's request) is one for consideration in that Dept. But that Dept. did not consider favourably the petitioner's request for full pay during the period of his leave. There seems to be no reason why the medical Dept. should remit the amount which he was charged for his treatment in the hospital. For orders.

bms
14/5/17-8
14/5.

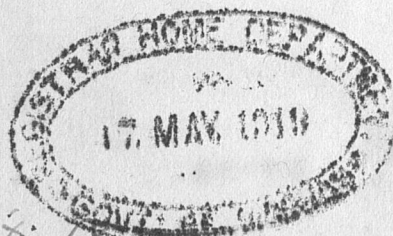
Mr Gilks ^{appears to be} points out that if he had been working under a private employer he would have a good claim for the damages he has sustained in the course of his employment. He therefore asks that he might either be given full ^{for the period he was incapacitated} pay or that the hospital charges may be remitted. Home (Edl) has, however, decided in effect that he is not entitled to any compensation. Apart from the question of compensation there are no grounds for granting the remission of hospital charges now asked for.

See

Home (Edl) u.o

90 x B1-14-0 = 168-12-0.
nearly B170.11

213 Edl
17-2-19



There certainly appears a hard one.

Medl w.o. 1256-1
17-5-19

Home (Edn) Sept

Please see the AG's note on pp 2-3 ante.
The previous sanction of the Govt of India is necessary for the payment to Mr Gilks of the amount in question viz Rs 300/- As regards remission of hospital charges paid by him, ^{d+m} (Rd) Consider that there are no grounds for granting it.
2 A draft letter to the Govt of India is submitted for approval. Financial may see it before issue.

Jk
21.5.19
MK
21.5.19

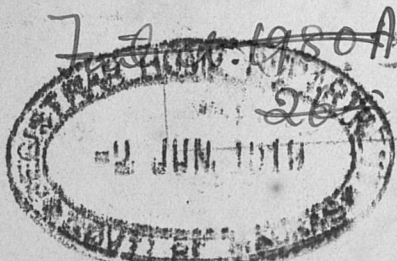
CR
23.5.19
5

The case appears to be an extremely hard case. Under the law in England Mr. Gilks will get more than what he recommends.

26/5/19

Jk

Edn no 1057A-3
26.5.19



CURRENT NO.
11413
PENSION

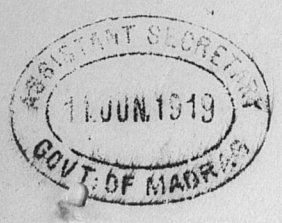
Registered
28.5.19
Pension 413-1
30.5.19

Finl (Pen) Sept
The Case may be pursued and referred to Home (Edna) with thanks.

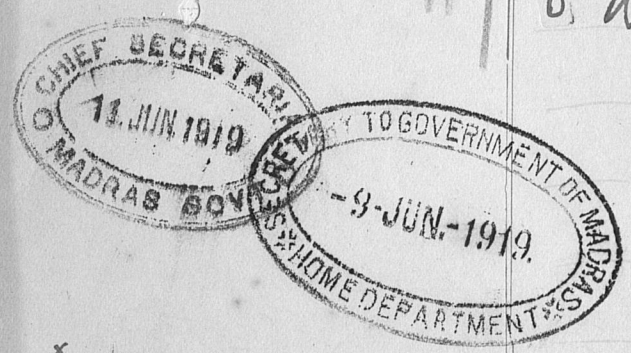
26/5/19

Home (Pen) no

350x10
4.5.4.
Can no 1057 A
cont



CURRENT NO
8000
FINANCIAL



x
Issued as letter No 1057A-H
10-6-19
Jnl et 2771 B
Edr u 11057A-H
11/6/19

NOTES.

For order as to circulation 14

Ad 2/6/19
Muy 4/6/19

Am

The Draft may use.
2. While Fin^l please say whether it is not open to the Local Gov^t to sanction the payment of the hospital fees under a Resolution No. State of which I cannot recall which gives Local Gov^t power to pass non-recurring payments not provided for by rule where the amount is twice

— or in the alternative to remit the Hospital fees. I think that every effort shd. be made to make good the Rs 170 in 11/12 to the low-paid subordinate

Ad.
7-6-19

x
Issue Draft.

Mem to

Am 2 (10) 9/6/19

Submitted that it seems to be within the competence of the Local Govt. to sanction the payment of hospital fees to Mr. Gilks under Rule 8(3) in the Annexure to Finance Dept. Resol. N. 361 E.A. d. 24.7.16 (page 18 of the Book of Financial Powers).

not put up

H. 20.6.19

I venture however to doubt if we can now act under this rule having already gone up to India for a compensation allowance of Rs. 300. If it is desired to refund the hospital charges of Rs. 170 we may think ask the Lt. to exercise his discretionary powers under Para 705 of the Civil Medl. Code.

H 5-6 CF

page 189 of the book (put up)

C. J. 20.6.19



sent no. 2771 B-1
23.6.19

Submitted that this would be the easiest way. The rule says 'redme' not 'remit' but the reduction may be to something quite nominal. H. 23/6

Home (Ed) Depart

Submitted that the file may now
be forwarded to the Local & ~~med~~
(Med?) Depart for further consideration.
Please see their notes on page 405
above.

24.6.19
5

25.6.19

Med (L)



Let no 1057A-6
25.6.19

26/6

C. no. 1676 med L's
27.6.19 secy.

L. n (Med)

Please see the Honble Mr Davidson's and
the chief secretary's notes on pages 7 & 8 Supra
Submitted that the S. may be requested
to exercise his discretionary power under
para 705 civil Med Code and reduce
the hospital stoppages ^{of Rs 170 by a nominal} ~~by a nominal~~ ^{order} reasonable
amount. A draft ~~order~~ is submitted
for approval. After its issue, the file
may, if it is submitted, be returned to
Home (Educational) no.

Issued as go. 350 Med
5.7.19
Commence
W.D. S. in Sol

3.7.19
27

Let no 1676 - med



Home (Ed) no.

The file may be over till the receipt
Home (Ed) Dept

14 cf

of India's reply to this Govt letter

JK
8.7.19

CA
9.7.19

my
10/7/19

8.7.19

[C.No 1714 A]

from the G of I No 776 D 18.7.19.

Please see para 2 of the letter from the G of I on 8.7.19. 2. A draft order is subd. & approved it may issue with the Concurrence of Finl.



JK
24.7.19

CA
26.7.19

my
29/7/19

8.7.19

Finl. pur

Current No. 3395B 31.7.19

Finl. cl-2460C

30.7.19

Financial dept.

Please see this dept. notes on page 8 ante. Orders reducing the hospital charges to a nominal sum have issued in L. & M. It is now proposed to sanction the payment of full-pay to Mr. Gilks during the period of his leave under Rule 8(3) of the Annexure to G. of I - Fin. dept Res. No. 361 EA D 24.7.16. The draft may be accepted.

see page 9 ante

see G of I letter CF



Finl. 3395B-1, 28.8.19

JK

30.7.19

CA

Me

318

Home (Edn) 10

W 2 A

May issue

48
4825 11/5/89

ecbt. II.10 (a) -b,002 13 1-19 (6)

Home (Eds) DEPARTMENT.

Permitting Mr A. H. Gilks, workshop inspector,
— to draw full pay during the 3 months of
his absence on leave from 23-8-18

READ AGAIN G.O. No. 213 Home Ed. dated 17. 2. 19119

” ” ” ” ” 191

READ ALSO:—

C. No. 1057A From the L.P.-I. Rec., No. 2639, dated 23-4-1919

Letter to the GGI 1052A-4 10-6-1919

" " 1714 A " " from the G of I 776 " 18-2-1919

ORDER.

No. 960, dated 5-8 1919

his

Under Rule 8(3) of the
annexure to the Govt of
India Finance Dept Resoln
No. 361 E-A & 24.7.16. the
Govt ^{are pleased to permit} ~~directed~~ that Mr
A-H. Gilks, Workshop
Instructor, College of Engineering,
Madras, ~~be permitted~~ to
draw full pay during
the three months of his
absence on leave from the
23rd Aug 18.

page 16 of Book of
"Inil Powers"

Revised 1/10
with much
A
12.812

To the D.P.X. (9x10)
 S.G. thro' tail (a + 0)
 Tail depth
 L + M. (9x10)

$$\frac{2K}{24.7.19}$$

~~Se~~
~~24.7.19~~

$$\frac{C_8}{26.7 \cdot 8}$$

3 May 1971

When given for copying

When copied _____ 19

When examined _____

When signed _____

When again G.O. No.
19

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH LITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.