

2876
Educational (1904) Department.

ORDINARY PRINTED.

G.O., No. 372

DATED 15. 6. 04

INDEXED. (9)

ORIGINAL

[Despatch Abstract.]

Local Allowance.

Requesting the A.G. to pass till 16th August 1903,
the allowance of Rs 100 per mensem formerly drawn
by the Surgeon of the First ^{Madras} D. for affording
Clinical instruction to the pupils of the Hospital
and class & desiring to address the Court of Directors
again in regard to certain other local allowances.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1904} of Madras. EDUCATIONAL.

Recd.

Regd.

} 1904.

Enclosures

Spare copies

ORIGINAL

G.O., No. 372, 15th June 1904.

JUNE.

Medical Schools.

Requesting the Accountant-General to pass till 16th August 1903, the allowance of Rs. 100 per mensem formerly drawn by the Surgeon of the First District for affording clinical instruction to the pupils of the hospital assistant class, and declining to address the Government of India again for giving retrospective effect to the local allowances granted to the staff of the — at Rayapuram and Vizagapatam.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper:—

From the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, Madras, to the Secretary to Government, Educational Department, dated 28th March 1904, Ref. on Cur. No. 775.

With reference to G.O., No. 34, Educational, dated 18th January 1904, I have the honour to state that there seems to have been some misapprehension with regard to the dates from which the local allowances referred to therein were to have effect. I presume that the Government of India had not before them the facts mentioned in my letter Ref. on Cur. No. 7257 of 1902, dated 2nd December 1903, read in G.O., No. 637, Educational, dated 22nd idem, while issuing their letter No. 1451, dated 31st December 1903. I beg to state that the Medical schools, Vizagapatam and Ráyapuram, Superintendents have been giving clinical and other instruction from the above dates besides bestowing much labour and attention on the provision of buildings, the supply of furniture and the requisite appliances and on a host of other things that were necessary for starting the schools. Similarly, the first instructors of the two schools were engaged in teaching work from the dates of their assumption of charge of their appointment, viz., 10th July 1902 in the one case and 13th April 1903 in the other. To withhold the teaching allowances up to 17th August 1903 in the case of the Superintendents and up to 31st December 1903 in the case of the first instructors merely on technical grounds seems hard. There is yet another matter which should, I submit, be taken into consideration in this connection. The Surgeon, First District, was, prior to his appointment as Superintendent of the Medical school, Ráyapuram, in receipt of an allowance of Rs. 100 *per mensem* for giving clinical instruction to the hospital assistant pupils, and this allowance was stopped by the Accountant-General from 1st April 1903 in the belief that the Superintendent would be allowed the higher rate of local allowance, viz., Rs. 200 *per mensem* from that date and the first instructor of the same school had similarly to forego from 13th April 1903 the extra allowance of Rs. 50 *per mensem*, which he was in receipt of as Assistant to the District Medical and Sanitary officer, South Arcot. It has further been represented to me that the income of the first instructor, Medical school, Vizagapatam, from private practice has suffered considerably since his appointment to that institution as his educational duties absorb much of his time. In these circumstances and in view of the facts stated in the enclosed copy of the letter of the Superintendent, Medical school, Vizagapatam, Ref. on Cur. No. 27, dated 24th February 1904, I beg to request that Government will be pleased to recommend that the Superintendents and the first instructors of the two Medical schools be granted their local allowance from the dates of their connection with those schools.

ENCLOSURE.

From the Superintendent, Medical School, Vizagapatam, to the Director of Public Instruction, Madras, (through the Personal Assistant to the Surgeon-General with the Government of Madras), dated 24th February 1904, No. R.C. 27.

With reference to your No. 436 of 25th January 1904 forwarding resolution No. 1451 of 31st December 1903 of the Government of India, Home Department, I have the honour to ask whether, in view of the fact that it seems certain that there has been a misunderstanding of the

matter, steps can be taken again to address the Government of India on the subject. It seems clear that there has been a misunderstanding both from the circumstances of the case, from the reason given in paragraph 2 and from paragraph 3 of the resolution.

The circumstances of the case are briefly as follows:—

The opening of a Medical school here was ordered by G.O., No. 320 of 10th June 1901 (which detailed and approved all the necessary expenses, including the allowances of the staff), but by some oversight the sanction of the Secretary of State necessary for the Superintendent's allowance, and that of the Government of India for the first instructor's, were not applied for at the time, and apparently not till June 1902 (G.O., No. 356 of 14th June 1902). I was ordered to make all the necessary arrangements (which involved a good deal of extra work during the first half of 1902) and to open the school on the 1st of July and accordingly did so; another order (G.O., No. 573 of 29th July 1902) expressly sanctioning the allowances referred to with effect from 1st July 1902 being issued. These were drawn for July and August, but the fact that no intimation of sanction by either the Secretary of State or the Government of India had been received was noticed by the Accountant-General in September, the amounts drawn were refunded, and the Government of India were again addressed, apparently in November 1902. No action seems, however, to have been taken by the Government of India till June 1903 when the Secretary of State was addressed as regards the Superintendent's appointment. The sanction of the first instructor's allowance seems to have been overlooked, though this might have been sanctioned in June 1902, and was allowed to stand over till the matter of the Superintendent's appointment had been settled. In addition the fact was not made clear to the Secretary of State that there had already been a great deal of delay, and no request was made that, as his sanction would, by rule, take effect only from the date of its arrival in India, some special wording such as "with effect from 1st July" would be necessary. Had this been made clear it seems certain that the few words necessary would have been added to the order and the original mistake have been corrected.

He, however, merely sanctioned the appointment in July and the order reaching the Government of India on the 16th August 1903, that date, more than a year later than the commencement of work, became mechanically the date of sanction of the allowance of the Superintendent. A further delay then occurred till the 31st December 1903 when the Government of India sanctioned the first instructor's appointment; that is a period of a year and a half after his commencement of work.

2. The reason given now by the Government of India for declining to again address the Secretary of State as regards the Superintendent's case, or to take action themselves as regards the first instructor's, viz., the objection entertained by them to the recommending of a grant, or the granting of allowances, with retrospective effect suggests the view that the circumstances have been misunderstood as these are not cases to which the general objection to retrospective sanctions would apply. There is no proposal to give an allowance with retrospective effect for work done previously without any allowance, the kind of case presumably in which it would be objectionable to admit any retrospective effect, but it is a case of new appointment, involving new special and extra work for which allowances are due and in which there is no question of retrospective effect as such, but merely one of special wording of an order, since, owing to accidental delays, sanction is being applied for later than the commencement of the new work, to prevent the injury that would otherwise be incurred amounting eventually to the loss of about Rs. 2,025 and Rs. 1,800, respectively, in the two cases.

3. It seems clear, also, that there has been a misunderstanding; and that there is nothing to prevent special wording when needed as the order in paragraph 3 of the resolution of the Government of India sanctioning the allowance of the fourth instructor at Ráyapuram, a parallel case, is expressly worded "with effect from the 1st June 1903" that is a date seven months previous to the date of the order.

4. As it is not possible that the Government of India would, in view of the circumstances detailed above, allow any official to be thus deprived of remuneration promised and arranged for by his own Government and actually earned, it seems probable that there has been a misunderstanding and that a clear explanation of the case to them and to the Secretary of State is all that is necessary.

ORDER—No. 372, Educational, dated 15th June 1904.

The Accountant-General will be requested to continue to pass till the 16th of August 1903 inclusive the allowance of Rs. 100 *per mensem* formerly drawn by the Surgeon of the First District for affording clinical instruction to the pupils of the hospital assistant class.

2. The Government do not consider it desirable to again address the Government of India in regard to the other allowances referred to in the Director's letter.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.
" Accountant-General.
" Surgeon-General.
" Financial department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 372, EDUCATIONAL, DATED
15TH JUNE 1904.

[SUBJECT.—*Allowances to Superintendents and Instructors of Medical Schools.*]

From the Director of Public Instruction, dated 28th March 1904, No. 776.

In their letter No. 1451, Medical, dated 31st December 1903, recorded in G.O., No. 34, Educational, dated 18th January 1904, the Government of India conveyed the sanction necessary to the grant of local allowances of Rs. 200 and Rs. 150 a month to the Superintendents of the Medical schools at Ráyapuram and Vizagapatam, respectively, and to the grant of a local allowance of Rs. 100 per mensem to each of the First Instructors of these schools and refused to give retrospective effect to the sanction.

2. The Director of Public Instruction now requests that a representation may be made to the Government of India to sanction the grant of the allowances from the dates of the opening of the schools. In fact this representation was made to the Government of India in our letter No. 333, Educational, dated 15th August 1903, and it is specially with reference to this recommendation the Government of India refused to give retrospective sanction. Moreover in communicating the sanction of the Government of India, the question of making a further representation was considered, and it was concluded that such a representation would be of no avail—*vide* notes in G.O., No. 34, Educational, dated 18th January 1904.

3. The only new point that the Director now advances for a reconsideration of the question is that the Superintendent of the Ráyapuram school was in receipt of an allowance of Rs. 100 per mensem for giving clinical instruction to the hospital assistant pupils, and the First Instructor of the same school was in receipt of an allowance of Rs. 50 per mensem as Assistant to the District Medical and Sanitary officer, South Arcot, and that these allowances ceased when these officers joined the Medical school. But this fact does not appear to alter the case very much. In the case of the Superintendent the allowance ceased because the

He went on teaching somewhere else or else
did work in starting the new school.

A. GALLETT.

clinical teaching ceased; but in the case of the First Instructor it ceased because he was transferred from South Arcot to Madras Medical school where it was thought he would get a higher allowance. In his case therefore there is a real hardship.

Orders are therefore solicited as to whether a further representation in the matter may be made to the Government of India.

[G.O., No. 34, Educational, dated 18th January 1904, was received only last evening from the Press to which it was sent on the 20th January last to be printed. Hence the delay in the submission of the current.]

T. KANAKASUNDARAM PILLAI—14-4-04.

P. T. THARYAN—15-4-04.

The fact that two of the persons affected would in all probability, but for the arrangements made, have drawn certain other allowances, is a new fact, which might induce the Government of India to address the Secretary of State in respect of the Superintendent of the Ráyapuram school and to accord their own retrospective sanction in respect of the First Instructor, Ráyapuram. The school allowances are Rs. 200

and 100, the allowances forfeited by appointment to the school posts, Rs. 100 and 50. India might, as a special case, recommend Rs. 100 and grant Rs. 50 retrospectively on this ground.

2. The Vizagapatam Superintendent and Instructor do not seem to have lost any

But new and additional work was involved. | other allowance when they were appointed. The Superintendent, however, sends

H. D. TAYLOR—20-4-04.

a memorial. The argument in paragraph 2 of the memorial seems sound. It may be adopted? and India may be asked to get and give retrospective sanction if they agree that the rule about retrospective sanction does not apply to this case, or if they think the rule does apply to treat the cases of the Ráyapuram officers as hard cases requiring a special concession?

3. The alleged loss of private practice by the Instructor, Vizagapatam, need not be mentioned? It is impossible for the Government to stand surety for a statement about a man's private practice.

A. GALLETTI—15-4-04.

The sanction of India may be applied for, for the continuance of the old allowances where they existed, in respect of the Superintendent and First Instructor, Ráyapuram school, until the new allowances came into force? The question of loss of private practice cannot be taken into consideration.

H. D. TAYLOR—25-4-04.

I think that the whole matter should be clearly set forth and the claims supported. But as, so far Hon'ble Mr. Forbes has transacted the case and as it had better be a full Government subject, please circulate to him and Honourable Colleague.

J. T[OMSON]—26-4-04.

Circulated to—

1. The Hon'ble Mr. Forbes.

2. The Hon'ble Mr. Stokes, C.I.E.

H.D.T.—26-4-04.

I am not in favour generally of any departure of the sound rule that special allowances are to take effect from date of sanction.

2. In the Vizagapatam case, I see no good reason for an exception. That the First Instructor believes he lost some private practice, is not a plea that can be admitted. An officer's whole time belongs to the State. The fallacy of the arguments put forward lies in the assumption that there is a right to extra remuneration. It is not so; it is a mere concession. The Superintendent and First Assistant might have been required to do all this extra work on their grade pay. No right arises until the sanction of the authority which can give the sanction is obtained. Any misapprehension or ignorance in the mind of any one as to who that authority is, cannot be recognized.

3. The case of the Ráyapuram Medical school is somewhat different. In this case an allowance of Rs. 100 drawn by the Superintendent was stopped by the Accountant-General, in the belief it is stated that the Superintendent had become entitled to the higher allowance of Rs. 200. If this was so, I would direct the Accountant-General to pass this allowance of Rs. 100 up to the date on which the Superintendent becomes entitled to the Rs. 200. The Accountant-General might be asked to report whether he sees any objection.

4. As to the First Instructor he appears to have lost Rs. 50 per mensem which he was in receipt of as Assistant to District Medical and Sanitary Officer, South Arcot; but this loss is the "luck of war", he might have lost it by transfer to some other post in ordinary course. It was only an allowance. It is now made up to him by his getting an allowance of Rs. 100, double of the allowance he lost, and he must be thankful it has fallen to him.

G. S. F[ORBES]—8-5-04.

We have twice asked the Government of India to sanction these allowances from the dates when work started, and they have refused. The only argument we can now put forward is that the officers lost allowances they would otherwise have drawn. I am very doubtful whether this consideration will move India, for the Secretary of State has lately taken objection to his sanction being anticipated and they therefore are no doubt unwilling to ask him to do what he objects to doing.

2. I would prefer therefore to see whether the Accountant-General will not pass the allowances drawn by the Superintendent, Ráyapuram. The allowance of Rs. 50 to the First Instructor cannot, I should think, be passed in any case as it is the charge allowance of a particular appointment.

G. S[TOOKS]—9-5-04.

Forwarded to the Accountant-General for favour of remarks as to whether the old allowance of Rs. 100 formerly drawn by the Superintendent, Ráyapuram school, and subsequently stopped, can be paid from date of stoppage up to the date when the Superintendent became entitled to the allowance of Rs. 200.

H. D. TAYLOR—10-5-04.

To the Accountant-General.

The allowance of Rs. 100 a month was sanctioned to the Surgeon of the First District for affording clinical instruction to the pupils of the Hospital Assistant class in the Ráyapuram infirmary, not in the Medical College—Madras G.O., No. 389, Educational of the 27th July 1887. In the sanction accorded by the Government of India in their letter No. 692 of the 16th December 1887, the allowance is stated to have been given for the supervision of the clinical instruction of these pupils, and in this duty he has always had an Assistant. At first Mr. Wynne, an Assistant Apothecary, was the assistant.

2. The Director of Public Instruction in his letter under consideration states that the Surgeon of the First District continued to give clinical instruction after the reopening of the Ráyapuram Medical school. If this is the case I am prepared to

A | continue to pass the allowance of Rs. 100 a month up to the date from which the increased allowance of Rs. 200 a month is admissible. In this connection,

however, I would invite attention to paragraph 10 of the Surgeon-General's letter No. 140, dated 7th February 1899, recorded in G.O., No. 320, Educational, dated 10th June 1901, from which it would seem that from the date of the re-establishment

B | of the Ráyapuram Medical school the clinical instruction would no longer be given by the Superintendent but by the instructors. But even then the Superintendent would be required I presume to supervise that instruction, and the orders of the Government of India of 16th December 1887 already referred to would apply. It appears to me, therefore, that I should be quite justified in passing the allowance of Rs. 100 a month to the Surgeon of the First District from the date on which the Medical school was re-opened to the date on which the increased allowance of Rs. 200 a month became payable.

3. In the orders that may be issued on the reference from the Director of Public Instruction will you include directions to the Accountant-General to continue to pass the allowance of Rs. 100 a month for the period I have mentioned.

W. DOBBIE—27-5-04.

Forwarded u.o. to the Surgeon-General and Director of Public Instruction for favour of further remarks with reference to the portions of the Accountant-General's note marked "A" and "B", as to actual duties of the Superintendent.

H.D.T.—30-5-04.

To the Surgeon-General.

To the Director of Public Instruction.

Paragraph 10 of the Surgeon-General's letter No. 140, dated 7th February 1899, referred to by the Accountant-General does not really mean that the Superintendent would no longer give clinical instruction. The paragraph refers to the help to be given in the clinical instruction to the classes and this instruction was to be supervised by the Superintendent.

2. As a matter of fact the Superintendent has continued to give clinical instruction all along and will go on doing so, as the "supervision" of the instruction implies that he himself must work in the wards, so that the Accountant-General is clearly justified in passing the old allowance of Rs. 100 a month.

W. R. BROWNE—31-5-04.

To the Director of Public Instruction.

I agree with the Surgeon-General.

A. G. BOURNE—5-6-04.

The following statement shows the date on which the Superintendents and First instructors joined their duties at the Vizagapatam and Ráyapuram Medical school respectively and the dates on which final sanction was conveyed to the allowance:—

	School opened.	Superintendent joined.	First Instructor joined.
Vizagapatam	1st July 1902	1st July 1902	10th July 1902
Ráyapuram	1st April 1903	1st April 1903	13th April 1903
Sanction to Superintendent's allowance *		17th August 1903	
Do. to First Instructor's allowance *			31st December 1903

* Letter No. 1451, dated 31st December 1903.

Under the above note of the Accountant-General the Superintendent, Ráyapuram, will be entitled to the allowance of Rs. 100 from 1st April 1903, when it was stopped, to 17th August 1903 when he became entitled to the allowance of Rs. 200.

2. The Accountant-General is prepared to pass the allowance of Rs. 100 from 1st April 1903 to 17th August 1903 to the Superintendent, Ráyapuram Medical school. This will meet the views expressed by the Honourable Member and the Hon'ble Mr. Stokes on page 2 of the notes. It would therefore appear to be unnecessary to address India in respect of the other allowances claimed with retrospective effect, as proposed in His Excellency's (the Hon'ble Mr. Thomson's) note on page 2 *supra*.

H. D. TAYLOR—10-6-04.

Quite so.

G. S. F[ORBES]—10-6-04.

I agree with Mr. Forbes that it is not desirable in the circumstances of this case to address India again. In the case of the Vizagapatam school the Superintendent has had to work from the 1st July 1902 to the 17th August 1903, or for a year and a month for nothing, but he has lost nothing he got before. The First Instructor has had to work for nearly 18 months, but his loss is problematical as it is only that he has lost private practice. I think the position taken by Mr. Forbes in this case is sound.

2. In the case of the Ráyapuram school under the Accountant-General's ruling the Superintendent will lose nothing. The first instructor will lose Rs. 50 a month for eight months. But the loss will be made up to him in eight months or he will have to work without extra remuneration for 16 months. He is better off than the Vizagapatam man.

3. In the circumstances of the case I do not think we can make a case for India as no officer will have lost anything except the First Instructor of the Ráyapuram school.

4. The matter may, I think, be disposed of in the manner suggested by the Secretary in his note of 10th June 1904.

G. S[TOOKES]—13-6-04.

There is no use in writing more on the subject. But I decline to accept Hon'ble Mr. Forbes' doctrine regarding local allowances. Government may give them or not—certainly—; they are not given except for good reasons: and when granted in such circumstances as these present, should be paid from the time the work began. If I were adversely affected by these orders I should consider I did well to complain and I do not think my Honourable Colleague would act differently.

2. The Government of India is itself in a measure to blame for late sanction.

3. Hereafter it should be a rule that when men are put on duty for which we mean to pay extra but require sanction to do so they should be warned that the particular allowances proposed are claimable only according as sanctioned.

J. T[THOMSON]—14-6-04.

Please draft in accordance with my note above.

H. D. TAYLOR—15-6-04.

The draft placed below is submitted for approval.

P.T.T.—15-6-04.

A. GALLETTI—15-6-04.

H.D.T.—15-6-04.

[G.O., No. 372, Educational, dated 15th June 1904.]

Educational (1904) Department.

CURRENT No. 576

From

[Name] The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

[Designation] Director of Public Instruction,

[Station] Madras.

Ref on Cur No. 775 of 04

Dated 28 March 1904.

Enclosures one

Received 1904

Registered 1904

SUBJECT.

Requesting that the Sanction accorded for granting Local allowances to the Superintendents and First Instructors of the Medical Schools, Vizagapatam & Rayapuram be resumed to take effect from the date of their appointments.

BACK PAPERS.

34-18-1-04	358-14-6-02 copy ✓
637-8-22-12-03 Me ✓	573-29-7-02 u ✓ Final
320-10-6-07 SE ✓	382-43-15-8-03
	735-28-11-02
	312-26-6-03

FURTHER PAPERS.

1/29/3/4

Educational Department.

With reference to G.O. No. 34 Educational dated 18th January 1904 I have the honour to state that there seems to have been some misapprehension with regard to the dates from which the local allowances referred to therein were to have effect. I presume that the Government of India had not before them the facts mentioned in my letter Ref on Cur No. 7257 of 02 dated 2nd December 1903 read in G.O. No. 637 Educational dated 22nd idem, while issuing their letter No. 1451 dated 31st December 1903. I beg to state that the Medical Schools, Vizagapatam and Rayapuram ~~were~~ opened on the 1st July 1902 and 1st April 1903 respectively and that the Superintendents have been giving clinical and other instruction from the above dates besides bestowing much labour and attention on the provision of buildings, the supply of furniture and the requisite appliances and on a host of other things that were necessary for starting the schools. Similarly, the first instructors of the two schools were engaged in teaching work from the dates of their assumption of charge of their appointment viz. 10th July 1902 in the one case and 13th April 1903 in the other. To withhold the teaching allowances up to 17th August 1903 in the case of the Superintendents and up to 31st December 1903 in the case of the first instructors merely on technical grounds seems hard. There is yet another matter which should, I submit, be taken into consideration in this connection. The Surgeon, First District, was prior to his appointment as Superintendent of the Medical School

READ AGAIN G.O., No. _____, dated _____ 190 _____.

READ ALSO :—

C. No. 576, From the *579*, No. 775, dated 28-3-1904

ORDER No. 372, dated 15-6-1904

The Accountant General will be requested to continue to pass till the 15th of August 1903, ^{inclusive} the allowance of Rs 100 per month formerly drawn by the Surgeon of the First District for affording clinical instruction to the pupils of the Hospital assistant class. The Govt do not consider it desirable to again address the Govt of India ~~again~~ in regard to the other allowances referred to in the Director's letter.

2. The Govt. do not consider it desirable to again address the Govt. of India ~~again~~ in regard to the other allowances referred to in the Director's letter.

Directors letter. 1402
 By 15604
 757614 K. 5-6-6

To the
" A.G.
" Surgeon General
" Fuel Report.

The Accountant General will be
requested to continue to pass the
10th of August 1903 the advance of
1000 per annum for the first district for
affording clinical instruction to the pupils
of the Hospital for the Blind.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No.
190

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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H. G. L. 1903
18/10/03

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