[E.]

500—12-5-04.

Educational (1904) Department.

ORDINARY PRINTED.

G.O., No. 688–689

DATED 23. 11. 04

N.P.

ORIGINAL INDEXED.

[Despatch Abstract.]

Medical School, Vizagapatam.

Forwarding to the Govt of India, memorial from Major W. Vickers, I.M.S, Supdt of the — appealing against ~~an~~ order of this Govt declining to address the Govt of India again on the question of their refusal to give retrospective effect from 1-7-02 to the sanction of the Secy of State to the grant to him of an allowance of Rs 15 per mensem.

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.

2

Recd. }1904. *Enclosures*
Regd. *Spare copies*

ORIGINAL

G.O., &c., Nos. 688, 689, 23rd November 1904.

N. P.

NOVEMBER.

Medical School, Vizagapatam.

Forwarding to the Government of India memorial from Major W. Vickers, I.M.S., Superintendent of the —, appealing against an order of the Government of Madras declining to address the Government of India again on the question of their refusal to give retrospective effect from 1st July 1902 to the sanction of the Secretary of State to the grant to him of an allowance of Rs. 150 per mensem.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper:—

Memorial from Major W. VICKERS, M.B., I.M.S., District Medical and Sanitary officer, and Superintendent, Medical School, Vizagapatam, to His Excellency the Viceroy and Governor-General of India in Council, dated 6th August 1904.

May it please your Excellency,—The memorialist, Major W. Vickers, I.M.S., most respectfully sheweth:—

(1) Petitioner has been the District Medical and Sanitary officer of the Vizagapatam district in the Madras Presidency since April 1901, and the Superintendent of the Vizagapatam Medical School since its opening on the 1st July 1902.

(2) The Government of Madras having had under their consideration since 1896 the reorganization of the Medical College in Madras and the opening of Medical Schools in the mofussil, resolved (G.O., No. 320, Educational, dated 10th June 1901) that a Medical School should be opened in Vizagapatam; that the District Medical and Sanitary officer should be the Superintendent of the School with an allowance of Rs. 150 a month; and that arrangements should be made and that the school should open on the 1st July 1902. The petitioner accordingly made the necessary arrangements, opened the school on the date and worked as its Superintendent till the 28th March 1903 when he took furlough, and has done so since his return.

(3) The petitioner drew the allowance that had been fixed for him for the months of July and August 1902, but subsequent to these payments the Accountant-General of Madras noticed that the petitioner's allowance had not yet been sanctioned by the Right Honourable the Secretary of State for India in Council and objected to the payment. Your Excellency's Government was addressed on the subject in July 1902 (G.O., No. 573, Financial, dated 29th July 1902) and the petitioner was informed (G.O., No. 753, Educational, dated 9th December 1902) that it was necessary to await the sanction of the Right Honourable the Secretary of State for India in Council. The petitioner consequently ceased to draw his allowance and refunded into the Vizagapatam treasury the amounts already drawn by him. The result is that your petitioner worked in the Medical School for nearly nine months without drawing the salary fixed for his post.

(4) Your Excellency's Government was again approached on the subject by the Government of Madras in November 1902 (G.O., No. 735, Educational, dated 28th November 1902) and then addressed the Right Honourable the Secretary of State for India in Council on the 4th June 1903 (Government of India Resolution No. 731, Home Department, dated 16th June 1903) who gave his sanction on the 31st July 1903 and his despatch was received by your Excellency's Government on the 17th August 1903, which thus became the date from which the allowance could be drawn.

(5) The fact that the Vizagapatam Medical School had been opened on the 1st July 1902 not having been mentioned in paragraphs 2 and 3 of your Excellency's despatch No. 155, dated the 4th June 1903, your petitioner ventures to think that your Excellency's Government was not fully aware of the fact, and the despatch of the Right Honourable the Secretary of State for India in Council, which speaks of the Vizagapatam Medical School as one proposed to be established, indicates that His Lordship was consequently under the impression that the school was one the opening of which at some future time was under contemplation by the Government of Madras. No special reference to the date from which the allowance should commence was therefore considered necessary.

(6) Your petitioner respectfully submits that the Right Honourable the Secretary of State for India in Council would have expressly sanctioned his allowance from the date on which he began his work, viz., the 1st July 1902, if he had been aware of the facts.

(7) Your Excellency's memorialist further respectfully submits that the doctrine of "retrospective effect" (Government of India Resolution No. 1451, Home Department, dated 31st December 1903) does not apply to the peculiar circumstances of your memorialist's case.

(8) Your Excellency's memorialist has recently addressed the Government of Madras on this subject, but that Government has ruled by G.O., No. 372, Educational, dated 16th June 1904, that it is not desirable to move your Excellency's Government any further in the matter. Your Excellency's memorialist therefore prays that the Right Honourable the Secretary of State for India in Council may be informed of the circumstances of your memorialist's case and may be addressed with a request that sanction may be directed to take effect from the 1st July 1902, the date on which the Medical School was opened and began its work.

For which gracious act the memorialist shall, as in duty bound, ever pray.

No. T. 217, dated 14th August 1904.

Submitted, through the Director of Public Instruction, for favour of transmission to its destination.

W. R. BROWNE, M.D., Surgeon-General,
Offg. Surgeon-General with the Government of Madras.

Dis. No. 5429, dated 1st September 1904.

Submitted, through the Secretary to Government, Educational Department.

A. G. BOURNE,
Director of Public Instruction.

Order—No. 688, Educational, dated 23rd November 1904.

The memorial will be forwarded to the Government of India.

(True Extract.)

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

To the Director of Public Instruction.

Letter—No. 689, Educational, dated 23rd November 1904, to the Secretary to the Government of India, Home Department.

With reference to the correspondence ending with Mr. Marris's letter No. 1451 (Medical), dated 31st December 1903, I am directed to forward the accompanying memorial from Major W. Vickers, I.M.S., Superintendent of the Medical School, Vizagapatam, appealing against an order of this Government declining to address the Government of India again on the question of their refusal to give retrospective effect from the 1st of July 1902 to the sanction contained in the Secretary of State's despatch No. 84 of the 31st July 1903 to the grant to him of an allowance of Rs. 150 per mensem.

2. The facts will be briefly recapitulated. An allotment of Rs. 46,400 appeared under the head 24-E. Medical Schools and Colleges for new Medical Schools at Rayapuram and Vizagapatam in the Madras budget for 1902–1903, dated 31st January 1902, and application for sanction to certain connected allowances including the allowance in question was made in Mr. H. A. Stuart's letter No. 357, Educational, dated 14th June 1902, addressed to the Home Department. The buildings previously used for the instruction of Hospital Assistants at Madras were overcrowded, and His Excellency the Governor in Council considered it expedient that the new schools should be opened at the earliest opportunity. The buildings at Vizagapatam were ready for use, and the school was opened on the 1st of July 1902.

3. Further correspondence followed and the Government of India were requested in Mr. Cardew's letter No. 383, Educational, dated 15th August 1903, to obtain the requisite sanction to the allowances referred to with retrospective effect from the date of the opening of the school.

4. The Secretary of State sanctioned the grant of the allowance in his despatch No. 84, dated 31st July 1903, but in communicating that sanction the Government of India in their letter No. 1451 (Medical), of the 31st December 1903, expressly stated that they were precluded by rule from giving retrospective effect to a sanction granted by the Secretary of State, and that they were not prepared to recommend to him the proposal that such effect should be given in the present case.

5. The present memorial from Major W. Vickers, I.M.S., is an appeal against an order of the Government of Madras declining to address the Government of India again on the question.

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

Exd. J. Henricus.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.Os., Nos. 688, 689 AND 693, 694, EDUCATIONAL, DATED 23RD NOVEMBER 1904.

[SUBJECT.—*Memorials from Major W. Vickers, I.M.S., and Assistant-Surgeon S. Chandrasekhara Mudaliyar of the Vizagapatam Medical School.*]

From the Director of Public Instruction, dated 1st *September* 1904, *No.* 5428.
" " " " " " 5429.

In their letter No. 357, Educational, dated 14th June 1902, the Madras Government requested the Government of India to obtain the sanction of the Secretary of State for the grant of a local allowance of Rs. 200 and Rs. 150, respectively, to the Surgeon of the First Madras district and the District Medical and Sanitary officer, Vizagapatam, for being the Superintendents of the Medical schools which it was then proposed to establish at Ráyapuram and Vizagapatam. This Government also requested the sanction of the Government of India to the grant of an allowance of Rs. 100 to each of the Assistant Surgeons who were to be appointed as First instructors in these schools.

2. The Government of India then called for a revised proposition statement and for explanation why the allowances should be fixed so high. These were furnished in letter No. 735, Educational, dated 28th November 1902. Meanwhile the Surgeon-General requested that the Accountant-General might be authorized to pass the proposed allowances pending receipt of the sanction of the Secretary of State and the Government of India. This request was refused in G.O., No. 753, Educational, dated 9th December 1902.

3. In their letter No. 731, dated 16th June 1903, the Government of India intimated that a reference was made on the 4th idem to the Secretary of State regarding the question of the allowances to the Superintendents.

4. No sanction was received till the middle of August 1903, and this Government then asked the Government of India that in conveying sanction permission might be granted to give effect to it from the date of the opening of the schools, namely, the 1st of July 1902 in the case of the Vizagapatam school and 1st April 1903 in that of the Ráyapuram school—Letter No. 383, Educational, dated 15th August 1903. This request was renewed in letter No. 638, Educational, dated 22nd December 1903.

5. The Secretary of State sanctioned the grant of local allowances to the Superintendents of the Medical schools at Ráyapuram and Vizagapatam in his despatch No. 84, Public, dated 31st July 1903, printed on page 3 of G.O., No. 34, Educational, dated 18th January 1904, and the Government of India sanctioned the grant of allowances to the First instructors of these schools in paragraph 1 of their letter No. 1451 of the 31st December 1903 printed on page 2 of the same Government order. The Government of India also expressly declined to give retrospective effect to the sanctions. In communicating the sanctions to the Director and the Accountant-General the Government said that the sanction in the case of the Superintendents should take effect from the 17th August, the date on which it was received by the Government of India, and that in

No. They declined to ask the Secretary of State to give retrospective sanction to Superintendents' allowances; they *omitted* all reply to the request that they should themselves sanction the instructors' allowances which they were competent to sanction without reference to the Secretary of State.

A. GALLETTI.
H. D. TAYLOR.

the case of the Instructors it should have effect from the 31st December 1903, the date of the Government of India letter—G.O., No. 34, Educational, dated 18th January 1904.

6. In March last the Director applied for retrospective effect being given to the sanctions—from the 1st and the 10th of July 1902 in the case of the Superintendent and the First instructor of the Vizagapatam school and from the 1st and the 10th April 1903 in the case of the Superintendent and the First instructor of the Ráyapuram school—these being the dates on which the officers entered on their duties. The Government, however, did not consider it desirable to address the Government of India again in the matter.

7. Major Vickers, I.M.S., and Assistant Surgeon Chandrasekhara Mudaliyar, the Superintendent and the First instructor, respectively, of the Vizagapatam school, now submit memorials to the Government of India appealing against the decision of this Government. The ground for the appeal is that the Secretary of State and the Government of India were not aware of the date from which the school began work. As to this it is submitted that the Secretary of State was probably not aware of the date, but the Government of India were as they were expressly informed about it in letter No. 383, Educational, dated 15th August 1903.

India wrote to Secretary of State on 4th of June.
A. GALLETTI.

8. The question for consideration now is whether the memorials should be forwarded, and if so, with or without the support of this Government. It is doubtful whether they can be held to fall under section III. rule 3 (12) of the B Memorial rules. If they do not fall under this rule they should apparently be forwarded. Orders are solicited.

Of course not.
A. GALLETTI.

P. T. THARYAN—10-9-04.

A. GALLETTI—10-9-04.

The memorials must be separately forwarded, and I consider that they should be forwarded with the support of this Government. The only reason that Government refrained from urging the question in connection with G.O., No. 372, Educational, dated 15th June 1904, was that the matter had been twice considered and negatived by the Government of India—please see note of His Excellency the Governor (the Hon'ble Mr. Thomson) of 26th April 1904 on page 2 of the notes in that Government order.

H. D. TAYLOR—12-9-04.

Can we decline to forward the memorials? Officers always seem to forget that special allowances are mere matter of grace and quite properly so. When they are granted it is for the Government to declare the date from which they are to take effect.

G. S. F[ORBES]—14-9-04.

Rule 3 (12) seem to be the only rule under which the memorials could possibly be withheld, but I do not think that this applies. The allowance to Major Vickers requires the sanction of the Secretary of State, and that to the First instructor requires the sanction of the Government of India. It is submitted that this Government could not withhold allowances sanctioned either by the Secretary of State or India to the incumbents of specified offices, and therefore the Local Government has no dispensatory discretion in the matter. Hence the memorials being for decision by the Secretary of State and Government of India respectively, it is submitted that this Government cannot withhold the same.

H. D. TAYLOR—15-9-04.

The memorials may be forwarded but I think the Government should say that they see no sufficient reason to depart from the rule that sanctioned allowances are payable from August 1903, the date of the receipt of the sanction.

2. The allowances are matter of grace.

G. S. F[ORBES]—18-9-04.

Circulated to His Excellency the Governor with reference to his note of 26th April 1904 and 14th June 1904 printed with G.O., No. 372, dated 15th June 1904.

H. D. TAYLOR—19-9-04.

I continue of my former opinion and would support the memorialists.

2. Such payments are of course matter of grace, but since we have settled to pay the particular allowances there is no valid reason why they should not run from the time work began to be done. That sanction was not duly obtained or given seems due entirely to the neglect or carelessness of the Government of India, and this should not block us from saying the moneys are actually due.

J. T[HOMSON]—25-9-04.

The Hon'ble Mr. Stokes, C.S.I.

H. D. TAYLOR—27-9-04.

The rule is that the sanction of the Secretary of State dates from the receipt of the despatch by the Government of India. The question here is what cause the Madras Government can show for anticipating that sanction. **A** The application for sanction was made on the 14th June 1902. The order to start this school was in June 1901; why application for sanction was not then made does not appear. The Vizagapatam school was opened on the 1st July 1902. The sanction was on 31st July 1903. It seems to me that the consequences of the want of sanction lie at the door of the Madras Government. The strong point for the memorialists is that they did the work but then they might have been required to do the work without allowances.

2. I would send on the memorials with a simple statement of the facts.

G. S[TOKES]—27-9-04.

Circulated.

H. D. TAYLOR—28-9-04.

I agree with the Hon'ble Mr. Stokes.

G. S. F[ORBES]—1-10-04.

Draft please.

H. D. TAYLOR—3-10-04.

The drafts placed below are submitted for approval.

P. T. THARYAN—6-10-04.

Submitted that there is no necessity to fill the covering letters with details. I have accordingly struck out the greater part of the office drafts. If Secretary approves, the drafts may be typed before they are submitted to Honourable Member.

A. GALLETTI—7-10-04.

The drafts as revised by Assistant Secretary give all the material facts. They may be typed.

H. D. TAYLOR—8-10-04.

Typed.

P. T. THARYAN—8-10-04.

A. GALLETTI—10-10-04.

For approval.

H. D. TAYLOR—11-10-04.

G. S. F[ORBES]—11-10-04.

Will the office please attend to Hon'ble Mr. Stokes' note—portion marked **A** (i) and show what cause the Madras Government had for anticipating sanction and enter that in the draft as part of the simple statement of fact.

2. As to paragraph 6 of the draft on Major Vickers's memorial, it does not appear that Major Vickers's presumption in paragraph 5 of his memorial is incorrect. Sanction is applied for in letter No. 357, dated 14th June 1902, with a statement

of *proposal* to appoint and create. In September and November the wording is still "proposed" and the strength "will be". In August 1903 the Government of India is informed that the school was started from 1st July 1902. In December again we asked when the Secretary of State's sanction might be expected. On 31st December 1903 India replied, and declined to ask for retrospective sanction. With that letter India's despatch is printed and shows that the Secretary of State was not made aware that the school was in operation. The Government of India itself didn't know.

3. India delayed from November 1902 to June 1903 to ask for sanction. That also is a fact, whatever the reason, so that the prime facts to be referred to are (1) the necessity for starting the school, (2) the delay in obtaining sanction, (3) the misconception of both India and the Secretary of State regarding the school's actual existence.

J. T[HOMSON]—16-10-04.

Please note with reference to paragraph 1 of His Excellency's note.

2. Paragraph 6 of the draft should be revised, and the entire draft amplified with reference to paragraph 3 of the note.

H. D. TAYLOR—18-10-04.

Submitted that the causes which the Madras Government had for anticipating sanction were—

(1) The question of separating the Hospital Assistant department from the College department of the Medical College was under consideration for a very long time—G.O., No. 654, Educational, dated 22nd October 1896. At last final orders were passed in G.O., No. 320, Educational, dated 10th June 1901, and the necessity for the step having been admitted, it was apparently thought that no time should be lost in giving effect to the decision of Government.

i.e., the Mardas Government did *not* treat the question as urgent.

A. GALLETTI.

(2) It was never thought that the sanction of the Government of India and the Secretary of State would be so long in coming.

It certainly was never thought that the sanction would come within 17 days. The schools were opened on July 1st. India had been addressed on June 14th.

A. GALLETTI.

(3) If the schools did not actually begin work in July of one year, they would have to wait for one full year.

Why? The Ráyapuram school was opened in * April. They might have had to wait one full term.

A. GALLETTI.

* Clinical teaching but not class teaching.
P.T.T.

(4) It was within the competence of this Government to sanction the opening of the schools and the allowances to Superintendents and First instructors were only portions of the scheme. When this Government sanctioned the opening of the schools, no objection was anticipated to the portions for which higher sanction was required.

But the date of opening should have been stated with reasons for acting *sub spe rati*.

A. GALLETTI.

2. The draft has been revised in pencil. If approved it will be retyped.

P. T. THARYAN—24-10-04.

The Finance and Commerce Department of the Government of India probably had notice of the opening of the schools in 1902. Put up letter No. 87, Financial, dated 31st January 1902.

A. GALLETTI—26-10-04.

Put up.

P. T. THARYAN—31-10-04.

With reference to His Excellency's remarks on paragraph 6 of the draft, I regret I did not point out in the notes that Rs. 46,000 was provided in the 1902–1903

budget for new schools to be opened at Ráyapuram and Vizagapatam. I have now had the letter submitting the budget for 1902–1903 to the Government of India put up. Paragraph 8 of that letter gives India a full explanation and gives them reason to suppose that both schools would be open in July 1902.

India apparently did not separately refer to this letter when drafting the despatch.

H. D. TAYLOR—2-10-04.

It was in another Department.

G. S[TOKES]—14-11-04.

2. It was no doubt an error on the part of the Educational Department not to say clearly when the schools would be opened in their letter of 14th June 1902. They probably regarded the sanction of India, which had already shown its approval by accepting the budget, as a mere formality, and forgot that India had not only to sanction but to obtain sanction and that the Secretary of State had not seen our budget and approved it.

H. D. TAYLOR.

Acceptance of the budget is *not* approval of any specific scheme. That is a proposition that has been repeated over and over again and is *fundamental*.

G. S. F[ORBES].

Quite so.

G. S[TOKES].

3. India had notice in the budget and in the letter addressed to the Finance and Commerce Department. Also G.O., No. 222, dated 21st April 1902, which ordered the Vizagapatam school to be opened in July is a printed Government order and must have been in the monthly volume sent up to the Home Department. However it will be best to take the blame for the Home Department's ignorance—or ignoring—of the facts on ourselves? I have redrafted accordingly.

Finance and Commerce have nothing to do with Educational.

G. S. F[ORBES].

That is not notice either.

G. S. F[ORBES].

4. The papers in the file do not seem to show that there was any particular urgency or that the Educational Department felt justified in anticipating sanction owing to urgency. I imagine they thought they had already secured all essential sanction. Perhaps Mr. Hammick, who was in charge about that time, may be asked.

A. GALLETTI—1-11-04.

I think it is no good to trouble Mr. Hammick in the matter. It is fairly obvious from India's despatch that the Secretary of State was not aware that the schools had been started. India themselves were aware only in the Financial Department that it was proposed to start the schools from July 1902.

See note on margin of Assistant Secretary's note.

G. S. F[ORBES].

2. The draft as now revised is submitted for approval. The last portion of paragraph 6 amounts to a recommendation which is however opposed to the views expressed by the Honourable Members; but G.O., Nos. 86–87, dated 31st January 1902, were not previously in the file.

H. D. TAYLOR—2-11-04.

The draft must be in accordance with the views of the majority of Government.

2. We keep constantly dinning into the ears of subordinate departments that a budget provision is no authority or sanction for the scheme for which provision is made; and similarly we cannot impliedly reflect upon the Government of India, by referring to the statement in our budget letter of 31st January 1902 as if thereby they ought to have taken notice of the proposal and did not. No statement in the budget proposals sent to Financial Department is any notice to the administrative Department concerned with whom would lie the question of recommending a grant. Perhaps we may mention the bare fact that there was a provision in the budget, but no more.

3. I would make no recommendation. The accounts of 1902 and 1903 are closed, and if the Financial Department did not stick to their rule against giving retrospective effect to sanctions in small as well as big schemes, it would soon land itself in a mess. We might very well have required these officers to do the work without any extra remuneration, and as the allowance is not an allowance to which either claimant

has any right beyond the pleasure of Government, I see no reason, whatever, as I have already noted, an opinion with which the Hon'ble Mr. Stokes is in agreement, to make any recommendation. The draft sets out the facts and I should leave them there.

4. Circulate to Hon'ble Mr. Stokes and His Excellency the Governor.

G. S. F[ORBES]—10-11-04.

I have approved the drafts as corrected by the Hon'ble Mr. Forbes.

G. S[TOKES]—14-11-04.

I have said all I have to say. I do not agree in the representation, but do not regard dissent as called for.

J. T[HOMSON]—16-11-04.

The drafts may issue.

H. D. TAYLOR—17-11-04.

[G.O., Nos. 688, 689, Educational, dated 23rd November 1904.]

[G.O., Nos. 693, 694, Educational, dated 23rd November 1904.]

~~18~~ 1

1,000—5-11-00.

Public ~~Political~~ (1904) Department.

7

DIRECTOR OF PUBLIC INSTRUC
RECEIVED
16 AUG 1904
C. No. 7034/1408
MADRAS.

CURRENT No.

From

[Name] Surgeon-General W.R. BROWNE, M.D., I.M.S.,

[Designation] Offg: Surgeon-General with the Government of Madras,

[Station] Ootacamund

THROUGH THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.

No. T 217

Dated 14th August 1904.

Enclosures

Received 190 .

Registered 190 .

SUBJECT.

Submitting Memorial from Major W. Vickers, I.M.S. claiming for allowance as Superintendent, Medical School, Vizagapatam, from the 1st July 1902.

BACK PAPERS.

FURTHER PAPERS.

17 2

38

To

The Chief Secretary to Government,
Public ~~Political~~ Department.

~~Sir,~~

Submitted for favour of transmission to its destination.

W. R. Browne

Surgeon-General,
Offg: Surgeon-General with the Government of Madras.

Cve/

Stock Form No. 127
2,000—12-2-03.

3

Educational (1904) Department.

8

CURRENT No. 1568

SECRETARY TO GOVERNMENT
2 SEP 1904
LOCAL & MUNICIPAL DEPARTMENT

From [Name] The Hon'ble Mr A.G. Bourne, D.Sc, F.R.S.,
[Designation] Director of Public Instruction
[Station] Madras

Dis No. 5429 of 04 Received 2-9-1904
Dated 1 September 1904.
Enclosures 1 Registered 2-9-1904

SUBJECT.

Submitting a memorial from Major W. Vickers, I.M.S., claiming for allowance as Superintendent, Medical School, Vizagapatam from 1st July 03.

BACK PAPERS.

G.O. No. 3726 Edn/04 ~~with~~ papers referred to in the notes	G.O. No. [illegible] dt 11.6.01 copy G.O. No. 579 Fin dt 29-7-02 copy G.O. No. 753 Edn dt 9-12-02 this

FURTHER PAPERS.

~~17~~

To

The Secretary to Government,

Educational Department.

Sir,

4

9

C. No.1568, from the D.P.I., No.5429, dated 1st September 1904.

L.A.

Please re-type soon

TH
1-11-04

O R D E R:--
P.S.

The memorial will be forwarded to the Government of India.

L E T T E R:--

To

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

Sir,

With reference to the correspondence ending with Mr.Marris's letter No.1451 (Medical) dated 31st December 1903, I am directed to forward the accompanying memorial from Major W. Vickers, I.M.S., Superintendent of the Medical school, Vizagapatam, praying that retrospective effect from the 1st of July 1902 may be given to the sanction contained in the Secretary of State's Despatch No.84 of the 31st July 1903, to the grant to him of an allowance of Rs.150 per mensem.

In S.O. no 34 Edl d/18-1-04. W.

2. An allotment of Rs 46,400 appeared under the head 24 E Med. Sch. & Coll. for ~~new~~ new medical schools at Rayapuram and Vizagapatam in the Madras budget for 1902-3, and ~~it was stated~~ a hope was expressed in paragraph 8 of ~~letter~~ Mr Forbes' letter no 87 Fin. addressed to the Govt of India in the Finance & Commerce Dept that the schools would be opened in the following July. separate

2. ~~A~~ Application for sanction to certain connected ~~this~~ allowances including the allowance in question was made in Mr. Stuart's letter No.357 Educational

dated

dated 14th June 1902, while the school was opened on the 1st of July of the same year.

The buildings previously used for the instruction of Hospital Assistants were overcrowded and H. E. the Governor in Council considered it expedient that the new schools should be opened at the earliest opportunity. The building at Vizag., the gift of a private person, was ready for use, and there was accordingly no obstacle to the realisation of the hope expressed in Mr Forbes' letter referred to above, and the school was opened on the 1st of July ~~the 1st~~ 1902.

10

3. Further correspondence followed and the Government of India were requested in Mr. Cardew's letter No.383 Educational dated 15th August 1903 ~~IIIIIII~~ to obtain the requisite sanction with retrospective effect from the date of the opening of the school~~, namely the 1st of July 1902~~.

urgent necessity for separating the Hospital Assistant departt from the College departt of the Medical College and of the fact that if the School could not be opened on the 1st of July 1902 a full year would be lost the Govt. in Council considered it advisable to fix this date for the opening of the School. Besides no inordinate delay was anticipated in the receipt of the required sanction to the allowance.

En No. 2034 Edl d/ 18-1-04. W.

4. The Secretary of State sanctioned the grant of the allowance in his Despatch No.84, dated 31st July 1903 referred to in para.1 supra but in communicating that sanction the Government of India in their letter No.1451 (Medical) of the 31st December 1903 expressly stated that they were precluded by rule from giving retrospective effect to a sanction granted by the Secretary of State and that they were not prepared to recommend to him the proposal that such effect should be given in the present case.

3. The Govt. of India called for further information in September 1902 which was furnished in November following but they did not apply to the Secretary of State for the necessary sanction till the 4th of June 1904 - They were then

5. The present memorial from Major W. Vickers, I.M.S., is an appeal against an × order of the Government of Madras declining to address the Government of India again on the question.

× G.O. No 372 Edl d/ 15-6-04 S.

6. I am directed to point out the incorrectness of the presumption in para.5 of the memorial and to

6. The ground for the memorial is that the Secretary of State & the Govt. of India were not aware of the date from which the School began work - So far as the Secretary of State is concerned this is a fact but in the case

~~5~~ 6

11

of the Govt. of India, though they they were not aware of the actual date of the opening of the school when they applied for the sanction of the Secretary of State to the grant of the allowance still they were subsequently informed of it ~~in~~ in Mr. Cardew's letter No. 383 Edl. dd 15th August 1903.

to add that. His Excellency the Governor in Council has however no special recommendation to make. in the matter.

~~HDJ~~
~~11.10.04.~~

6. I am desired to say that H.E. the Governor in Council is not in a position to offer an opinion as to the correctness or incorrectness of the presumptions advanced in paragraph 5 of the memorial ~~or to make any recommendation~~; but ~~I am~~ at the same time I am directed to express a regret that the ~~opening~~ proposal to ~~start~~ the school at an early date was not ~~alluded~~ referred to in Mr. ~~it was not stated in Mr.~~ Stuart's letter No 357, Edl., dated 24th of June 1902 and addressed to the Home Dept., if the ~~omission~~ Govt. of India were in any way misled by the omission, and to say that if ~~H.~~ the Govt. of India ~~are disposed~~ ~~H. H's to re-open~~ under the circumstances ~~the question~~ are prepared to waive the objections, of ~~unquestionable~~ undeniable weight, ~~which~~ ~~make it undesirable~~ ~~inexpedient~~ to the re-opening of questions of this nature once they have been settled, H.E. the Governor in Council would still recommend the grant of the allowances from the date ~~of~~ on which ~~opening~~ the Superintendents & Instructors entered upon their duties. H.G. 1.10.04

Educational Department.

C.No.1568 From the D.P.I. No.5429 dated 1st September 1904.

5 P

688/23.11.04

ORDER
P.S.

The memorial will be forwarded to the Govt. of India.

To The D.P.I. Despd 1/12/4

689/23.11.04

Despd with the Memorial 24/11/4

Letter to

The Secretary to the Govt. of India,
Home Deptt.

Sir,

With reference to the correspondence ending with Mr.Marris's letter No. 1451 (Medical) d/ 31st December 1903, I am directed to forward the accompanying memorial from Major W. Vickers, I.M.S., Superintendent of the Medical school, Vizagapatam, appealing against an order of this Govt declining to address the G. of I again on the question of their refusal to give ~~praying that~~ retrospective effect from the 1st of July 1902 ~~may be given~~ to the sanction contained in the Secretary of State's Despatch No.84 of the 31st July 1903 to the grant to him of an allowance of Rs.150 per mensem.

2. The facts will be briefly recapitulated. An allotment of Rs.46,400 appeared under the head 24 E.Medical Schools and ~~Schedule 8~~ Colleges for new Medical schools at Rayapuram and Vizagapatam in the Madras budget for 1902-3, ~~and a hope was~~

Flag III

dated 31st Jan. 1902 &

~~was expressed in paragraph 8 of Mr.Forbes' letter No.87 Finl.~~ dated 31st Jan. 1902 ~~addressed to the Govt. of India in the Finance & Commerce Dept. that the schools would be opened~~ ~~in the following~~ ~~July.~~ and ~~Separate~~ application for sanction to certain connected allowances including the allowance in question was made in Mr. HA Stuart's letter No.357 Edl.d/ 14th June 1902 addd. to the Home Dept. ~~at Vizagapatam~~ ~~while the school was opened on the 1st of July of the same year.~~ !

This was the first applicn. of th. India [illegible] to take notice 8/7

Flag Q

2. The buildings previously used for the instruction of Hospital Assistants at Madras were overcrowded, and H.E. the Governor in Council considered it expedient that the new schools should be opened at the earliest opportunity. The buildings at Vizagapatam, ~~[illegible]~~ were ~~was~~ ready for use, and ~~there was accordingly no obstacle to the realisation of the hope expressed in Mr.Forbes' letter referred to above, and~~ the school was opened on the 1st of July 1902. !

3. Further correspondence followed and the Govt. of India were requested in Mr.Cardew's letter No.383 Edl.d/ 15th August 1903 to obtain the requisite sanction to the allowances referred to with retrospective effect from the date of the opening of the school.

Flag O

4. The Secretary of State sanctioned the grant of the allowance in his Despatch No.84 d/ 31st July 1903 ~~[illegible]~~ but in communicating that sanction the Govt. of India in their letter No.1451 (Medical) of the

Flag W

31st

3 9 14

7 P

31st December 1903 expressly stated that they were precluded by rule from giving retrospective effect to a sanction granted by the Secretary of State and that they were not prepared to recommend to him the proposal that such effect should be given in the present case.

5. The present memorial from Major W. Vickers I.M.S. is an appeal against an order of the Govt. of Madras declining to address the Govt. of India again on the question. G.F. 10/

[redacted]

[Madras' despatch in G.6 34 ED. 18.1.04 W] is silent on the point HDJ

14/11/04.

AG 2.11.04

HDJ 2.11.04

D. 2-11-04

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED.	Order complete. 20
	Letter only. 50
	Order complete with Letter. 25

Print with notes

READ AGAIN G.O., No. , DATED 190 .

CURRENT NO.

8 P
notes 1288

ENCLOSURES TO C. NO.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.