[E.]
600—12-4

Educational (1904) Department.

1

ORDINARY PRINTED.

G.O., No. 693-4

DATED 23.11.04

(10)

INDEXED.

N. P.

ORIGINAL

[Despatch Abstract.]

Medical School, Vizagapatam.

Forwarding to the Govt of India, Memorial from M.R.Ry. S. Chandrasekhara Mudr, First instructor, —, praying that retrospective effect may be given from 10. 7. 02 to the sanction to the grant to him of an allowance of Rs 100 per mensem for his duties in the School.

BACK PAPERS.

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

FURTHER PAPERS.

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

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Government {1904} of Madras.

EDUCATIONAL.

Recd. } 1904. *Enclosures*

Regd. } *Spare copies*

ORIGINAL

G.O., &c., Nos. 693, 694, 23rd November 1904.

N. P.

NOVEMBER.

Medical School, Vizagapatam.

Forwarding to the Government of India memorial from M.R.Ry. S. Chandrasekhara Mudaliyar, First Instructor, —, praying that retrospective effect may be given from 10th July 1902 to the sanction to the grant to him of an allowance of Rs. 100 per mensem for his duties in the school.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Memorial from M.R.Ry. S. CHANDRASEKHARA MUDALIYAR, Assistant Surgeon and First Instructor, Medical School, Vizagapatam, to His Excellency the Viceroy and Governor-General of India in Council, dated 25th July 1904.

MAY IT PLEASE YOUR EXCELLENCY,—The memorialist, Assistant Surgeon S. Chandrasekhara Mudaliyar, most respectfully showeth.

2. The petitioner has been the Assistant to the District Medical and Sanitary officer, Vizagapatam District, and First Instructor in the Medical School, Vizagapatam, since 10th July 1902.

3. The Government of Madras having had under their consideration since 1896 the reorganisation of the Medical College in Madras and the opening of Medical Schools in the mofussil, resolved that a school should be opened at Vizagapatam and that the Assistant Surgeon of the place should be the First Instructor with an allowance of Rs. 100 a month.

4. The petitioner took up his appointment on the 10th July 1902 and drew his allowance for the months of July and August 1902, but had in consequence of an objection by the Accountant-General that the allowance had not also received the sanction of the Government of India, to refund the same into the treasury and to discontinue drawing it.

5. On a subsequent reference as to whether the allowance could be drawn in anticipation of sanction he was ordered to await the sanction of the Government of India (G.O., No. 753, Educational, of 9th December 1902).

6. Your Excellency's Government on being addressed by the Government of Madras was pleased to defer passing orders in the petitioner's case till the receipt of the sanction of the Right Honourable the Secretary of State for India in Council to the allowance of the Superintendent of the School which arrived on 17th August 1903.

7. Your Excellency's Government while sanctioning his allowance ultimately on 31st December 1903 was probably not aware of the date of the working of the Vizagapatam Medical School or would doubtless have expressly sanctioned his allowance from the date from which he began work, viz., 10th July 1902, as this was done in the case of the Rayapuram School, the 4th Instructor's allowance having been sanctioned by the same order to take effect from 1st June 1903, the date on which he actually began his work, a date which is 7 months previous to the above quoted order (Government of India Resolution No. 1451, Home Department, dated 31st December 1903).

8. The work in the school being somewhat of exceptional character and so distinct from the petitioner's duties as Assistant to the District Medical and Sanitary officer, the Government of Madras were pleased to recommend as is usual the additional allowance which has been sanctioned by your Excellency's Government.

9. The petitioner has been devoting a considerable portion of time to the work of the school and he would suffer considerable loss if your Excellency's Government does not favourably consider his humble memorial and does not sanction his allowance from the date of the commencement of work.

10. Your Excellency's memorialist having learnt with regret that the Government of Madras has declined to again address the Government of India (G.O., No. 372, Educational, dated 15th June 1904) to order the allowance to date from the commencement of the work prays that his allowance from 10th July 1902 to 30th December 1903 may be sanctioned.

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

T. No. 202, dated 10th August 1904.

Forwarded, through the Director of Public Instruction, for favour of disposal.

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

Dis. No. 5128, dated 1st September 1904.

Submitted, through the Secretary to Government, Educational Department.

A. G. BOURNE,
Director of Public Instruction.

ORDER—No. 693, 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. 694, Educational, dated 23rd November 1904, to the Secretary to the Government of India, Home Department.

In continuation of my letter No. 689, Educational, of this date, I am directed to forward the accompanying memorial from M.R.Ry. S. Chandrasekhara Mudaliyar, First Instructor, Medical School, Vizagapatam, praying that retrospective effect from the 10th of July 1902 may be given to the sanction contained in Mr. Marris's letter No. 1451 (Medical), dated 31st December 1903, to the grant to him of an allowance of Rs. 100 per mensem for his duties in the school.

The facts regarding the claim are recited in the letter above referred to on the case of Major Vickers.

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

Exd. J. Henricus.

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 requries 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. 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.

A

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 schoolr 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.]

Stock Form No. 127
2,000—12-2-03.

Educational (1904) Department.

7

CURRENT No. 1567

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. 5428 of 04

Dated 1 September 1904.

Enclosures one

Received 2-9- 1904.

Registered 2-9- 1904

SUBJECT.

Submitting a memorial from Assistant Surgeon S. Chandrasekhara Mudaliar 1st Instructor, Medical School, Vizagapatam.

BACK PAPERS.

g.o. no. 372 Edn/04
g.o. no. 320 Edn/02
g.o. no. 573 Finl/02

g.o. no. 758 Edn/02
g.o. no. 34 Edn/04
g.o. no. 382-83 Edn/03
g.o. no. 637-38 Edn/03

FURTHER PAPERS.

x

To

The Secretary to Government,

Educational Department.

6916/4

Sir,

Stock Form No. 122
2,000—17-10-02.

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1618

Public (1904) Department.

8

DIRECTOR OF PUBLIC INSTRUCTION
RECEIVED
12 AUG 1904
O. No. ......
MADRAS.

6916/4 CURRENT No.

From

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

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

[Station] Ootacamund

THROUGH THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.

No. T. 202 Received 190 .

Dated the 10th August 190 .

Enclosures Registered 190 .

SUBJECT.

Submitting memorial from Assistant Surgeon S. Chandrasekhara Mudaliar, 1st Instructior, Medical Schopl, Vizagapatam, addressed to th His Excellency the Governor-General of India in Council, Calcutta.

BACK PAPERS.

FURTHER PAPERS.

~~2~~ 3

3 P

To

The Chief Secretary to Government,
Public Department.

~~*Sir,*~~

Forwarded for favour of disposal.

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

EDUCATIONAL DEPARTMENT.

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9

C. No.1567, from the D.P.I., No.5428, dated 1st September 1904.

5 P

ORDER:-- No. 693 d/23-11-04
P.S.

The memorial will be forwarded to the Government of India.

" To The D.P.I. Despd 25/11/4

LETTER:-- No. 694 d/23-11-04

Despd with memorial 25/11/4

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

Sir,

In continuation of my letter No. 689 Educational of this date I am directed to forward the accompanying memorial from M.R.Ry. S. Chandra sekhara Mudaliyar, First Instructor, Medical School, Vizagapatam, praying that retrospective effect from the 10th of July 1902 may be given to the sanction contained in Mr. Marris's letter No.1451 (Medical), dated 31st December 1903, to the grant to him of an allowance of Rs.100 per mensem for his duties in the school. S.P.

x will be filled in. No. relates to the letter forwarding the appeal of Major Vickers.

i.e. the new draft about V-ckers S.P.

2. The facts are as stated in my letter referred to except that in their letter No.1451 (Medical) of the 31st December 1903 the Government

In G.O. No 34 Edl d/ 18-1-04. W.

The facts regarding the claim are recited in the letter above referred to on the case of Major Vickers S.P.

DO

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0.

Government of India omitted all reference to the request contained in Mr. Cardew's letter No.383 Edl., dated 15th August 1903, that they should themselves sanction the allowance in the present case with effect from the 1st of July 1902.

HWL
11.12.02

ast 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

Shewfurt
M/g
17.11.0[illegible]

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

7 P

URRENT No.

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.