Archives I - 10,006—16-8 77.

(1) Number of pages 40

3. (2) Date of repair April 1987

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judl DEPARTMENT

G.O. No. B.P. No.	1229/1230	Press. Mis.
Dated	2. 7. 1881. ~~19~~.	

15/16

Not to be folded or roughly handled

20

1229/1230
1

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

2nd July 1881, No. 1229.

Municipal—Medical.

Read again—

Board's Proceedings, dated 8th November 1880, *No.* 1684, *recorded in G.O., dated* 11*th March* 1881, *No.* 421.

Read also the following paper:—

From Surgeon-General W. R. CORNISH, F.R.C.S., Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 29th March 1881, *No.* 124 [*Current No.* 831].

With reference to G.O., No. 421, of the 11th instant, I have the honor to report as follows:—

(*a.*) There can be no doubt that when Local Fund and Municipal hospitals are supplied with medical officers on the Government establishment there can be no option given to local authorities to dispense with the services of such subordinates on promotion. It would be quite impracticable to keep up a general subordinate medical establishment on such terms, and the whole burden involved by promotion and increase of pay of servants entertained specially for local services would fall on the Provincial Government, if this question was left to the option of local authorities, the Government moreover having no means of employing the persons so promoted. It would of course be the duty of the head of the Medical Department to see that no Local Fund Circle was burdened with too large a number of men on maximum rates of pay, and, in dealing with the civil subordinate medical establishment as a whole, it will be quite easy to arrange that the Hospital Assistants and Civil Apothecaries of the several grades shall be kept in such proportions as will cause no serious fluctuations in the charges for medical establishments of any particular circle, but to effect this power must be given to the head of the Medical Department to transfer officers from one circle to another on promotion, or whenever it may be necessary to regulate the expenditure for medical relief.

It may be as well to point out to Local Fund Boards that for some years to come, owing to the proportions of senior and junior medical subordinates being still unsettled, there will be a tendency to increase of cost in their medical establishments. A few years ago great efforts were made to supply Civil Apothecaries and Hospital Assistants whose salaries commenced at Rs. 50 and Rs. 20 respectively, but these salaries augment periodically on promotion to higher grades, and I conceive that, as the whole of the services of the subordinates are given to local duties, the Local Boards must be prepared to meet the periodical increment of salaries, on the understanding that the proportion of senior and junior medical officers in each circle be regulated by the head of the Medical Department in communication with the President of the Circle Board.

As Civil Apothecaries and Subordinates were only passed out for duty in 1878, the adjustment of numbers of each class or grade will not be final for the next eleven or twelve years.

The remarks of my predecessor, Dr. George Smith, in paragraph 5 of his letter, No. 322, of 6th June 1878, I fully concur in.

(*b.*) I am strongly of opinion that no special allowances should be granted to medical subordinates of the Government establishment whose services are lent to Local Fund Boards and Municipalities, and that any Government duty should be performed by them without special claim. It is, I submit, a preposterous arrangement that a man whose education and training has been a Government charge and who will ultimately be pensioned as a Government servant should, by virtue of his services being lent to a Local Board, be thereby in a position to send in bills for medical attendance on Government servants, prisoners, post-mortem examinations, &c. I some time ago suggested that the fairest plan would be in all cases for the Provincial Government to contribute a portion (one-fourth or one-fifth) of salary of the subordinates lent to Local Boards and Municipalities. In any case it ought to be clearly laid down that Government servants should do Government work without expecting to be specially paid for it. The Board of Revenue suggest that such services should be mutually rendered by the servants of Government and of the Local Fund Boards without any extra charge to either party, and this suggestion meets my views entirely.

(*c.*) The employment of pensioned medical subordinates has been a temporary necessity caused by the demand for qualified medical men exceeding the supply, but in future the Madras Medical College and Provincial Schools will be able to supply as many effective servants as are likely to be required by Local Fund Boards and Municipalities. As a rule when effective men are to be obtained, there is no advantage in employing pensioners, and I hope to see the pensioners gradually eliminated as the junior ranks of the subordinate medical service increase. When however it may be necessary to employ them on temporary duty, I agree with the Board of Revenue and Mr. Webster that it would be inexpedient to consider the pension already earned for past service as a part payment of the salary. Pensioned medical subordinates are under no obligation to take service with Local Boards, and, if they do so, the salary must, I conceive, be adjusted to the mutual satisfaction of employer and employed. Any other arrangement will have the effect of hastening the retirement from Local Fund employ of pensioners now serving.

(*d.*) The Local Fund Boards almost entirely agree that they are liable for a proportion of the pensions of medical subordinates in their employ, and no doubt this is quite fair and reasonable. Some of the Municipalities, however, object to have any portion of the pension for service in their employ debited as a Municipal charge. Under Government of India ruling, No. 16, of 9th January 1878, I have already submitted to Government propositions for dividing the native medical subordinate establishment into Military and Civil, so that in future the pensions of the Military Hospital Assistants who have accepted the terms fixed for civil employ will be borne in the Civil Department. There will be no difficulty in adjusting the proportion of pensions due by Local Funds and Municipalities. If the latter decline to pay their share of pension, they will certainly have to pay from 30 to 50 per cent. higher salaries for medical subordinates unconnected with the Government establishment.

(*e.*) In regard to private practitioners, I agree with the Board of Revenue in thinking that restrictions are impracticable in regard to emoluments to be given them. I am of opinion, however, that, when Local Boards enter into engagements with private practitioners, they should insist on such practitioners complying with the general regulations in regard to returns, statistics, indents, &c. In one instance within my knowledge the private practitioner ignores the control of the Medical Department and gives much trouble for want of a better understanding of his relations to the Medical Department.

ORDER THEREON, 2nd July 1881, No. 1229.

The Government consider that most of the questions raised in the above correspondence turn upon the point whether the service is or is not State service.

2. In the former case, the medical subordinate is a Government servant and is bound by all the rules applicable to the latter. The Government of India are apparently disposed to treat Local Fund employés as Government servants. The question however is still under discussion.

3. In the latter case, which is that of Municipalities, the employer is a private party. But under Clause *b*, Section 10, Pension Code, 5th Edition, the service of Medical Officers "lent to charitable dispensaries or hospitals" counts as Government service. It may be questioned whether all Municipal dispensaries do not fall under this category inasmuch as treatment therein is gratuitous. But it may also be doubted whether the word "charitable" is intended to qualify the word "hospitals" or whether the further condition "employed, &c., &c., under Municipalities or paid from Local funds" does not include all Medical Officers lent to hospitals maintained from Municipal funds. If the answer to these questions is that such service counts as Government service, the points raised in the foregoing correspondence can be settled at once. The Government resolve, therefore, that the following letter be addressed to the Government of India:—

[Here enter No. 1230, dated 2nd July 1881.]

(True Extract.)

C. G. MASTER,
Offg. Chief Secretary.

To the Board of Revenue, with copy of G.O., No. 421, dated 11th March 1881.
" Surgeon-General with the Government of Madras.
" Accountant-General, with copy of G.O., No. 421, dated 11th March 1881.

Exd. J. W. Fischer.

Govt. of (1881) Madras.

FINANCIAL.

To

The BOARD of REVENUE,
&c., &c., &c.

Dated July, 2nd.

Issued

Recd.

Book.

G.O., 2nd July 1881, No. 1229.

JULY.

Municipal—Medical.—A reference made to the Government of India as to whether, under Section 10, Clause *b*, of the Pension Code, 5th Edition, Medical Officers lent to hospitals maintained from Municipal funds can be treated as Government Officers.

1229/1230
3

FINANCIAL DEPARTMENT.

Municipal—Medical.

No. 1230.

From
The CHIEF SECRETARY to the GOVERNMENT of
FORT St. GEORGE,

To
The SECRETARY to the GOVERNMENT of INDIA,
Department of Finance and Commerce.

Sir,

I am directed to forward the accompanying Proceedings of Government and to solicit the orders of the Government of India as to whether under Section 10, Clause *b*, of the Pension Code, 5th Edition, Medical Officers lent to hospitals maintained from Municipal funds can be treated as Government Officers. The words of the section as they stand are not clear; it is doubtful whether the word "charitable" is intended to apply to *Municipal* "hospitals" and "dispensaries," or whether the words "employed, &c., &c., under Municipalities or paid from Local funds" apply to all "Medical Officers" as well as to "Vaccinators."

I have the honor to be,
Sir,
Your most obedient servant,

Ootacamund,
2nd July 1881.

C. G. MASTER,
Offg. Chief Secretary.

Exd. J. W. Fischer.

1881.

FINANCIAL DEPARTMENT.

From
The Chief Secy. to the Govt. of Fort St. George,
To
The Secy. to the Govt. of India, Dept. of Finance and Commerce.

Dated 2nd July 1881.
Issued
Recd.

No. 1230.

Enclosure.

Municipal—Medical. — Soliciting orders as to whether, under Section 10, Clause *b*, of the Pension Code, 5th Edition, Medical Officers lent to hospitals maintained from Municipal funds can be treated as Government Officers.

Pro. Bd. of Rev 8 Nov 80 No 1684 reporting on the question of Employt. of Med. Subord. under Local Authorities

G.O. 11/3/81 No 421.

1229/1230

From Surgeon General d. 29 March 1881 No reporting opinion on the same questions

In 1878 the Acct. General brought to notice the desirability of Govt. deciding definitely in a single order "the position as regards pay & allowances &c of Med. Subord. serving in hospitals & dispensaries, many of wh. are paid in whole or in part by local bodies." The Board of Rev, Local Fund Bds. & Presdts. of Municipalities were called upon to report.

The Board in Procs. d. 8 Nov. 1880 No. 1684 (recorded in G.O. 11/3/81 No 421) submitted the replies of Local F. Bds. & indicated their own opinion on the various questions raised.

The Board Procs. with

It seems to me ~~that~~ most of these questions turn upon whether the service is or is not State Service.

In the former case the Med: Sub. is a Govt. servt. & is bound by all the Rules.

The G.O. are apparently disposed to assert this position for L. Fd. Emplt. but the question is still

G.O. 24/10/78
No 1909

under discussion.

In the latter case (& is I think admittedly by G.O. to be that of Munic.) the employer is a private party

But under Cl. (b) Sec 10 C. Pension Code 5th Edn. "the a summary of the reports from Municipalities were by G.O. 11 March 87 No. 421 referred for ~~the~~ Dr. Cornish's remarks. His opinion is Current No. 831

The points under discussion are the following

(a) Whether upon the promotion of a medical subordinate employed by a L. F. ~~Bd~~ or Municipal Bd. his employers shd. be required to retain his services

The Board, after remarking that the position of Local Board employés has been changed, ~~since~~ under recent orders of Govt. of India: placing them in the status of Govt. ~~S~~servants, consider that L. F. Bds. shd. retain their Med. Subords. only so long as funds are available, but shd. be at liberty to dispense with their services in the event of their being unable to meet the enhanced cost consequent on their promotion.

Dr Cornish is decidedly of ~~opinion~~ opinion that no option shd. be left to Local bodies, for the following reasons

(a) impracticable to keep up a general subord. Med. Estab. on such terms; &

(b) any other course wd. throw the burden involved by promotion & increase of pay on Provl. revenues

To meet the objection that local bodies wd. thus be compelled to devote a larger share of expenditure to payt. of Med. Officers than either their circumstances or the nature of the duty wd. demand, the Surg: Genl. wd. take away from local authorities the right they now possess of choosing their own officers & centre the control in the Med. Dept. conferring the power of transferring subords. from one circle to another, so as to preserve in the various circles a due equilibrium of medical charges.

In the present state of the service Local bodies wd. for a

Service of Med: Officers "but to Charitable Dispensaries or Hospitals" counts as Govt. Service — It may be a question whether all Municipal Dispensaries are not of the nature of Charitable — in as much as treatment there in or there at is gratuitous. but it also may be questioned whether the word "Charitable" is intended to condition "Hospitals", or whether the further condition "Employed x x under Municipalities or paid from local funds" does not include all Med: Os. but to Hospitals maintained from Municipal funds.

I think it wd. be well to make a refce. to G. I. on this point — If this service counts as Govt. Service then all the rules apply to it. & almost all these questions are settled at once.

21/6/87

a few years to come have to bear a heavier charge than their circumstances wd. ordinarily require. When once however the service is definitely established, due recruitment, on known conditions, will render the adjusting requirement to demand as easy as in any other service.

As matters at present stand, the Surgeon General, on application by a L. F. Bd for the services of an Apothecary, frequently makes it a condition of the officer's services being made available that the Bd. shall retain him permanently, agreeing to accept the additional expense involved in ~~the~~ any future promotion ~~for~~ to which the officer may become entitled. (e.g. Apothecary at Gopalpore).

Dr Cornish's scheme of regulation will give Boards, thus unduly burdened, a present hope of relief & a certainty in the future of having

FOR ORDERS.

6

their needs adapted to their resources.

1229/1230

(b) The 2nd point is What special allowances, in addition to pay of rank, shd. be drawn by Med. Subords. paid by Local Boards.

The Board advise that the servants of Govt. & of Local Boards shd. render mutual services without extra charge.

Dr Cornish entirely agrees & considers it "preposterous" that men trained at Govt. expense & whose pension will ultimately be a Govt. charge shd. be allowed to send in bills for attendance on Govt. servants, for postmortems &c.

To put the matter on a palpably equitable footing he wd. have Govt. to contribute in all cases 1/4th or 1/5th of subordinate's pay.

(C) The limit of salary wh. shd be offered to pensioners

The Board consider the point settled in the case of L. F. Bds. by the orders of Govt. of India (G.O. 10 Aug. 80 no 5062 Mil) passed on the question of the entertainment of Public Works pensioned officers by Local Fund Bds.

vide. para 2 of General Fraser's letter "it is clearly within the competence of Govt. to decide ... on what terms the Govt. will let its officers accept at gratuities, & pensions or employt. under L. Funds". para 3 directs superfluous P.W. staff to be taken over & L. F. to contribute to pension & their sanctioned pension will not be paid during such employt. but will be given only after final abandonment of all public employ in India".

~~The resolution quoted however, it is submitted does not apply to as yet, to Med. Subords. for by Sec. 10 of C. P. Code (Edn 5th) cl. (6) Med. Officers "lent to charitable dispensaries in Br. India" are specially excluded from the provisions of Chap III which prescribes contribution — & this apparently includes officers lent to ~~[illegible]~~ Local Fund Boards to be employed in their hospitals~~

In the new Edition of the Pension Code 5 Edn. the rule for reemployment is now definitely laid down. Both in ~~Rule~~ sec 177 (old sec 107) & in sec. 180 a distinct reference is now made to establishts. paid from Local Fund — in the former case of Compensation Pension the sum total of the pensioners ~~pay~~ is ~~restricted to~~ remuneration from Govt. including pension is restricted to pay of the appt. lost.; in the latter case of Retiring pension the express sanction of Govt. to reemployt. is necessary but if allowed, the pensioner is permitted to draw pension in addn. to full pay"

In the case of invalid pension (See 178) reemploy^{t}, where health has been regained, entails the conditions imposed on a "compensation" pensioner as to refunding, drawing pension or counting service – nothing, it is remarked, being said about limit of pay.

Pensioners reemployed by Municipalities are however on an entirely different footing. Municipal service is "Foreign Service" & the rules of Chap XIII do not apply. There does not appear therefore to be any need to give any instructions to Mties. in the matter

See Definitions
Page VII.

(d) Claim upon Local Funds to contribute towards pension of Med. Subords. employed by Local Boards

The Board of Rev: & Dr. Cornish agree & almost all Local Fund Boards admit that the principle of contribution is fair & reasonable.

Most of the Municipalities (vide Summary Append. A. to G.O. 11/3/81. No. 421) admit their liability; some wh. appear to deny it do so more on the ground of inability to meet the cost.

Of those who admit, Berhampore, Palamcottah & Tinnevelly w^{d} make it a condition ~~that~~ only in the case of subords. wholly paid by them. Madura thinks it can be called upon only where the services are paid partly by the Mty. & partly by Gov^{t} & in proportion to actual Mty: service. Salem is virtually of the same opinion

The Govt. of India in their letter of 6 Jany 81 No $\frac{1}{7}$ invite an expression of the opinion of this Govt. on the ~~very~~ question. "whether Mties. may not properly be held liable to bear a share of pensions or gratuities granted for service partly paid from Municipal & partly from Govt. funds" - ... "if any legal obstacles exist to such a course the necessary steps shd. be taken to amend the law".

A reference was made to G. of I. as to their meaning. They now reply [Cur. no. 1271 dated 21st May 1881 No 87 recd 28th] that the question is intended to relate to services rendered partly to Mties. & partly to Govt. at the same time.

The Acct. General (No 678 d. 19 Febr. 81) in reporting on the former letter from Govt. of India

points out that there seems to be no distinct provision in Pension Code, in the case of Municipalities

The general rule (vide Chap III) is that a Govt. officer whose services are transferred to "foreign service" (which a Muty. is) & who does not wholly resign British service, is required to pay the pensionary contribution.

But by ~~rule~~ sec. 10, cl. (b) medical officers lent to charitable dispensaries are specially exempted from this rule.

~~The purpose of the Govt. of India reference apparently is to alter this exception~~

This exception, in terms, refers to services wholly lent ~~a~~ but presumably the same exemption wd. hold ~~in the~~ a fortiori in the case of partial disposal.

If so the purpose of the Govt. of India, in the reference referred to, is probably to cancel the exemptions, throwing the burden of the contribution not on the officer according to the general rule, [Model Rule 8 (a. 2) page 5] but on the Mty.

It is remarkable that the Pension Code is silent regarding service partly under Govt & partly under Mties.

c. Private Practitioners employed by Local Authorities

The Board & the Surg. General are agreed that restriction is impracticable. D Cornish wd issue an instruction to all such authorities to make it a condition when engaging such practitioners that they shd comply with all orders as to returns &c

8.7.

Med. Subords w/ Local Auths -

G O (Finl) 1229 + 1230/81

Mr. 6-81 R22/6

Office of Surgeon-General
with the Govt: of Madras.
Fort Saint George 29th March 1881.

No: 124.

CURRENT No. 831

1229/1230
17

From
The Surgeon-General
with the Govt: of Madras.
Fort Saint George.

To
The Chief Secretary to Government.
Financial Department

Sir,

With reference to G.O. No: 421 of the 11th instant, I have the honor to report as follows:

(a) There can be no doubt that when Local Fund and Municipal Hospitals are supplied with Medical Officers on the Government establishment there can be no option given to local authorities to dispense with the services of such subordinates on promotion. It would be quite impracticable to keep up a general subordinate Medical establishment on such terms, and the whole burden involved by promotion and increase of pay of servants entertained specially for local services would fall on the Provincial Government, if this question was left to the option of local authorities

DISPOSED OF
BY G. O.

the Government moreover having no means of employing the persons so promoted. It would of course be the duty of the head of the Medical Department to see that no Local Fund Circle was burdened with too large a number of men on maximum rates of pay, and in dealing with the Civil subordinate Medical establishment as a whole it will be quite easy to arrange that the Hospital Aſsistants, and Civil Apothecaries of the several grades shall be kept in such proportions as will cause no serious fluctuations in the Charges for Medical establishments of any particular circle, but to effect this, power must be given to the head of the Medical Department to transfer Officers from one circle to another, on promotion, or whenever it may be neceſsary to regulate the Expenditure for medical relief.

It may be as well to point out to Local Fund Boards that for some years to come owing to the proportions of senior and junior Medical subordinates being still unsettled, there will be a tendency to increase of cost in their Medical establishments. A few years ago great efforts were made to supply Civil Apothecaries and Hospital Aſsistants, whose salaries commenced at 50 and 20 Rs respectively, but these salaries augment periodically on promotion to higher grades, and I conceive that as the whole of the services of the subordinates are given to local duties that the Local Boards must be prepared to meet the periodical increment of salaries, on the understanding, that the proportion of senior and junior Medical Officers in each Circle be regulated by the head of the Medical Department, in communication with the President of the Circle Board.

As Civil Apothecaries & subordinates were only paſsed out for duty in 1878, the adjustment of numbers of each class or grade will not be final for the next eleven or twelve years.

The remarks of my predeceſsor Dr. George Smith in para 5 of his letter No. 322 of 6th June 1878, I fully concur in.

(b) I am strongly of opinion that no special allowances should be granted to Medical Subordinates of the Government establishment whose services are lent to Local Fund Boards and Municipalities, and that any Government duty should be performed by them without special claim. This I submit a preposterous arrangement, that a man whose education and training has been a Government charge and who will ultimately be pensioned as a Government servant should by virtue of his services being lent to a Local Board, be thereby in a position to send in bills for Medical attendance on Government servants, prisoners, post-mortem examinations &c. I sometime ago suggested that the fairest plan would be, in all cases, for the Provincial Government to contribute a portion, (one fourth or one fifth) of salary of the subordinates lent to Local Boards and Municipalities. In any case it ought to be clearly laid down that Government servants, should do Government work without expecting to be specially paid for it. The Board of Revenue suggest that such services should be mutually rendered by the servants of Government and of the Local Fund Boards without any extra charge to either party, & this suggestion meets my views entirely.

(C) The employment of pensioned Medical Subordinates has been a temporary necessity caused by the demand for qualified Medical men, exceeding the supply, but in future the Madras Medical College and Provincial Schools will be able to supply as many effective servants as are likely to be required by Local Fund Boards and Municipalities — As a rule when effective men are to be obtained, there is no advantage in employing pensioners, and I hope to see the pensioners gradually eliminated as the junior ranks of the subordinate Medical service increase — When however it may be necessary to employ them on temporary duty, I agree with the Board of Revenue and Mr. Webster that it would be inexpedient to consider the pension already earned for past service, as a part payment of the salary. Pensioned Medical subordinates are under no obligation to take service with Local Boards, and if they do so the salary must I conceive be adjusted to the mutual satisfaction of employer and employed. Any other arrangement will have the effect of hastening the retirement from Local Fund employ of pensioners now serving.

(d) The Local Fund Boards almost entirely agree that they are liable for a proportion of the pensions of Medical subordinates in their employ, and no doubt this is quite fair and reasonable. Some of the Municipalities however object to have any portion of the pension for service in their employ debited as a Municipal charge. Under Government of India ruling No. 16 of 9th January 1878, I have already submitted to Government propositions for dividing the Native Medical subordinate establishment into Military and Civil, so that in future the pensions of the Military Hospital Assistants who

have accepted the terms fixed for Civil employ will be borne in the Civil Department. There will be no difficulty in adjusting the proportion of pensions due by Local Funds and Municipalities. If the latter decline to pay share of pension they will certainly have to pay from 30 to 50 per cent higher salaries for Medical subordinates unconnected with the Government establishment.

(e) In regard to private practitioners I agree with the Board of Revenue in thinking that restrictions are impracticable, in regard to emoluments to be given them. I am of opinion however that when Local Boards enter into engagements with private practitioners they should insist on such practitioners complying with the general regulations in regard to returns, statistics, indents &c. In one instance within my knowledge the private practitioner ignores the control of the Medical Department and gives much trouble for want of a better understanding of his relations to the Medical Department.

I have the honor to be
Sir
Your most Obd^t. Serv^t:

W. McCormick
Surgeon-General
with the Gov^t. of Madras.

C.W.

15 ~~16~~

G.O. 421 – 11 – 3 – 81. Ord. Fin.
Mil. G.O. 55 – 11 – 1 – 81. Fin.
Mil. G.O. 5062 – 10 – do – do. Mil.
G.O. 1909 – 26 – 10 – 78. Fin.
– " – 1719 – 26 – 9 – 78. Fin.
– " – 0865 – 16 – 5 – 78 – " –
– " – 543 – 21 – 3 – 78 – " –
– " – 120 – 23 – 1 – 78. Mil.
– " – 1208 – do – 7 – 76. Fin.

1229/1230
4

Fin (1881) Department.

(L.F. – Medical)

From.
The Surgeon-General
with the Govt: of Madras
Fort Saint George.
No. 124

Dated 29th } March 1881.
Recd. 1 } April

No.

R.D.
1 APL 81

G.O. 1229 & 1230/81.

CURRENT No. 831

Subject.

Reports that there can be no objection to subordinates being dispensed with when Local Fund & Municipal Hospls. are supplied with Medl. Officers on the Govt: establishment.

~~Financial~~ Department.

1229/1230
~~12~~ 5 P
17
16

PROCEEDINGS of the MADRAS GOVERNMENT.

READ ~~the following letter~~ again

Board's Proceedings dated 8th November/80 No. 1684, recorded in G.O. dated 11th March/81 No. 421.

Read also letter from the Surgeon General dated 29th March/81 No. 124.

Order. 2d July 1881. No. 1229

The Government consider that most of the questions raised in the above correspondence turn upon the point whether the service is or is not state service.

2. In the former case, the medical subordinate is a Government servant

servant and is bound by all the rules applicable to the latter. The Government of India are apparently disposed to treat Local Fund Employees as Government servants. The question however is still under discussion.

3. In the latter case, which is that of Municipalities, the employer is a private party. But under clause (b) section 10, Pension Code, 5th edition, the service of Medical officers "lent to charitable dispensaries or hospitals"

counts

counts as Government service. It may be questioned whether all Municipal dispensaries do not fall under this category, inasmuch as treatment in these is gratuitous. But it may also be doubted whether the word "charitable" is intended to qualify the word "Hospitals" ~~also in the section~~; or whether the further condition "employed either under Municipalities or paid from Local funds" does,

does not include all Medical Officers lent to Hospitals maintained from Municipal funds. If the~~m~~ ~~questions are~~ ~~be~~ answer~~ed~~ to these questions is that ~~in the affirmative~~ such service counts as fort service, the points raised in the foregoing correspondence ~~may~~ can be ~~easily~~ settled at once. The Government resolve therefore that the following letter be addressed to the Government of India.

H R

Board of Revenue with Copy of G.O. No. 421 d/ 11 March /81 13
Surgn. Genl. with Govt. of Madras 6
Accountant Genl. with Copy of G.O. No. 42 d/ 11 March /81 6
} Despd 13/7/81

29.6.81

Despd with Prog. 15/7/81 A.E. No. 1230. 8 78

18

To

The Secretary to the
Govt. of India,
Depart. of Finance
& Commerce.

Sir, 1229/1230 18

I am directed to forward the accompanying Proceedings of Government and to solicit the orders of the Government of India as to whether under section 10, clause b of the Pension Code, 5th Edition, Medical Officers lent to hospitals maintained

maintained from
Municipal funds
can be treated as
Government Officers.
The words of the section,
as they stand ~~at present~~,
are not clear; ~~as~~ it is
doubtful whether
the word "charitable"
is intended to apply
to "municipal Hospitals" ~~[illegible]~~
~~and~~ "dispensaries" or
whether the words
"Employed ~~[illegible]~~ ~~[illegible]~~
under Municipalities
or paid from Local funds"
apply to all "Medical
Officers

8 P

Officers" as well as
to "Vaccinators".

P.B.

Ootacamund
2d July 1881.

31

1229 / ~~1230~~
~~29~~ 19

AR 29.6.81

Medical Officers supplied under Local bodies

Govt. of {188 } Madras.

To

Dated }
Recd. } 188 , No.

Nos.

(Finance)

Local 41 / 5-2-81

1

1229/1230 / 20.

2

1229/1230 / 20.

(Rs 5/)

[illegible]-88 ✓

15-11-89 ✓

17-3-90 ✓

15-8-03 ✓

1-10-09 ✓

11-12-09 ✓

27/2/13 ✓

[illegible]

Govt. of {1881} Madras.

Final

DISPOSED OF

2 JUL 81

BY. G. O. No. 1229/1230

2 July 1881

Munl. Medl. A reference made to the Govt of India as to whether, under Section 10, clause 7, of the ~~Pension~~ Pension Code, 5th edition, medl. offrs lent to hospitals maintained from Munl. funds can be treated as Govt. Officers.

Letter dated

—— Soliciting orders as to whether —— do ——

—— do —— do ——