[L. & M.
9,000-8-8-96.]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 359 M

DATED 2nd March 1896

[Despatch Abstract.]

Allowance.

Declining to cancel resolution of the Municipal Council of Mannargudi, regarding house-rent ----.to the hospital assistant.

3376 L/99 – 15/12/99

To Chairman M. C. Ongole.

BACK· PAPERS.

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

FURTHER PAPERS.

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

LOCAL AND MUNICIPAL DEPARTMENT

Local & Municipal Dept.
CURRENT No. 531 M

From

The Chairman, M.C.,
Mannárgudi

No. 1142.

Dated 30.1.96.
Received 12.2.96.
Enclosures 4

SUBJECT.

Requesting cancellation of a resolution of the municipal Council, regarding the houserent of the Hospital Assistant, Mannárgudi.

(With order)

C.S.
misc.

Order No. 357 Mis 2-3-96

~~resolu~~ The municipal council's resolution in question is not ultra ~~vires~~ cannot be cancelled under section 35 of the District Municipalities Act, ~~but~~ ~~may subject to~~ the ~~payment of house rent to the Hospital Assistant in this case cannot be approved~~.

P.R. 25/2/96

W.W.D. 26.ii.96

28/2/96

(To a privately trained H.A. the M.C. may, subject to Govt. approval, of the budget allot, make a payt. on acct. of house rent)

To
The Chairman, M.C.,
Mannárgudi,
thro the Collr of Tanjore.
Desp. 3/3/96

Extract from the Proceedings of the Municipal Council Mannargudy passed at their meeting held on Saturday the 14th December 1895.

Present.

M.R.Ry K. G. Sreenivasa Mudaliar avl. Presiding Councillor
" T. Sriramaiengar avl. Councillor
" S. Venkataramaier avl. "
" Rajappaier avl. "
" K. Rajappaier avl. "
" Vythinathaier avl. "
" Vythinatha Pillai avl. "
" Govindu Pillai avl. "
" Arumugham Pillai avl. "
" Appandai Mudaliar avl. "

× × × × ×

21. Read District Surgeon's letter No. 2145/26.11.95 informing that it would not be fair to get a refund of horse

house rent already paid to the late Hospital Assistant and requesting that a copy of the resolution of the Council Cancelling their original resolution may be sent to him.

Proposed by Mr. Rajappaier & Seconded by Mr. S. Venkatramaier that in conformity with the — spirit of the order of the — Government of India, the Council resolved to adhere to their former resolution No. 1 Special subject dated 10th August 1895 irrespective of the technical — objections of the Chairman & Surgeon-General Considering the many useful advantages

the

the public would derive from the location of the Hospital Assistant near the hospital.

Passed unanimously.

× × × ×

(Signed) K. G. Srinivasamudaliar
Presiding Councillor

(True Extract)

Chairman

No. 555.

Municipal office Mannargudy
Dated 23rd September 95.

From

M.R.Ry. K.R. Sreenivasa Row Avergal
Chairman Municipal Council
Mannargudy.

To

The Surgeon General
with the Government of
Madras.

Sir,

I have the honor to enclose copies of correspondence between me and the District Medical & Sanitary officer & the Civil Apothecary Mannargudy which has bearing on the matter under reference.

2. Hospital Assistant Kuppusamy is not an Hospital Assistant in Civil employ. He was trained in the Tanjore Medical School at the cost

cost of the Local Funds. Vide district Medical and Sanitary officer's copy of letter enclosed.

3. The facts of the subject under reference are very simple. Viz. Hospital Assistant is not a servant in Civil employ; their house rent in lieu of free Quarters was recommended by the Civil Apothecary and the district Medical & Sanitary officer and paid & the district Medical and Sanitary officer quoted G.O No 1005L / 6th June 94 as authority for his position & the Civil Apothecary quoted 578 Public / 7.8.94

1684 L / 4-9-94

4. Both the G.Os quoted do not apply to the present case. G.O No. 1005L / 6th June 1874 expressly states that "in

in regard however, to the grant of house rent in lieu of Quarters, this Government does not see how the concession would secure the object in view, as recipients might live at any distance from their work." Vide para 2 of letter to the Secretary to the Government of India. As I understand the G.O. it empowers the local bodies to ~~provide~~ provide free quarters alone to Hospital Assistants in Civil employ and on the other hand it expressly discountenances the payment of house rent in lieu of quarters. Another ground on which I am of opinion that this G.O does not apply is, that it relates to Hospital Assistants in in Civil employ & the Hospital Assistant under reference is not one of that kind, is clear from the letter of the District Medical and Sanitary officer Tanjore.

G.O. No. 578/7.8.94 quoted by the Civil Apothecary clearly does not apply as it relates to Hospital Assistants in Government employ.

5. Another ground now taken up by the District Medical and Sanitary officer is that G.O. No. 405 Rs/11.3.95 has provided Compensation for quarters & therefore the matter has been concluded. In my humble opinion it appears that this ground is not formidable. 56/3.8.95

All

2/ All the G.Os Nos. 578/7.8.94 1005L/6th June 94 & other G.Os bearing on the point & made applicable to Local bodies have been passed with regard to the Hospital Assistants in Civil employ. As I have said above, the hospital Assistant under reference does not belong to that class & I cannot see how payment of house rent in lieu of quarters is allowable to him. As a matter of fact the reference & the recommendation all speak of house rent & the officers never thought of compensation payable if any irrespective of the G.Os above referred to. Under the above circumstances without further authority, the payment of house rent in lieu of of free quarters seems to me — to be illegal. I therefore have the honor to request that you will be good enough to offer your — opinion on the matter. In case you disagree with me and if you think it desirable to refer the matter to the Government, I shall feel obliged by such — reference which will dispose of the matter finally.

I have the honor to be
Sir
Your most obdt servant
(Signed) M.K. Sreenivasa Rao
Chairman

(True copy.)

Chairman.

No. 7430.

Office of Surgeon General
with the Government of Madras
Madras, 8th November 1895.

From

Surgeon-Major-General C. Sibthorpe F.R.C.S.I.
Surgeon General with the
Government of Madras
Madras

To

The Chairman Municipal Council
Mannargudy.

Sir,

With reference to your letter No 555/24.9.95 of the 23rd September 1895 I have the honor to state that the orders relating to the provision for quarters and the grant of allowance in lieu thereof only apply to Medical Subordinates who are Government servants; as will be seen from para 5 of of G.O. No 154 L, Local and Municipal, dated the 24th January 1895.

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

(Signed) C. Sibthorpe
Surgeon Major General,
Surgeon General with the Govt of Madras

(True copy)

H.A.S. [illegible]
Chairman.

Fl. N

office of the District Medical
and Sanitary officer
Tanjore 4th September 1895.

From
The District Medical
& Sanitary officer
Tanjore

To
The Chairman
Municipal Council
Mannargudy

No. 1504.

Enclosures.

Reference His letter No 392
dated 31st August 1895.

Subject

Has the honor to inform
that the Hospital
Assistant was
educated in the

3/531 ms pp

Office of the District Medical
And Sanitary officer
Tanjore 4th September 1895.

From
The District Medical
& Sanitary officer
Tanjore

To
The Chairman
Municipal Council
Mannargudy

No. 1504.

Enclosures.

Reference His letter No. 392
dated 31st August 1895.

Subject.

Has the honor to inform
that the Hospital
Assistant was
educated in the
Tanjore

jore Medical School at the Cost of the Local Fund.

(Signed) D. Gnanam Pillai
Asst. to the Dt. Medl. &
Sanitary officer
in charge.

(True copy)

M.R. Streenivasa
Chairman

KE. NB

531

No. 1142.

Municipal office Mannargudi
dated 30th January 1896.

Local & Municipal Dept.
CURRENT No. 531/M

From
M.R. Ry. M.R. Streenivasa Row Ayyangal
Chairman
Municipal Council
Mannargudi.

To
The Chief Secretary
to the Government of
Madras.

Sir,

I have the honour to enclose an extract from the Proceedings of the Council & the copies of correspondence between me & the Surgeon-General for consideration & orders.

2. From the above correspondence it will be seen that the hospital Assistant

istant for whom house rent was sanctioned is not entitled to it as he does not fall among those covered by the G. O. No $\frac{1005 L}{6th\ June\ 94}$ which is the G. O. referred to by the District Medical & Sanitary officer when he recommended for payment of house rent in lieu of free quarters.

111
20 6 94

3. Further, the Government have specifically mentioned in para 5 of its order No $\frac{154 L}{24.1.95}$ ~~and~~ "that all these orders apply to medical subordinates who are Government servants," and all the G. Os on the subject refer to Hospital Assistants who are in Civil employ, whereas the hospital Assistant for whom house rent in lieu of free quarters was sanctioned was a man trained in Tanjore in the Raja Mirasdar Hospital (Vide copy of the District Medical & Sanitary officer's letter enclosed).

28
11-2-95

4. All my reasons for not allowing house-rent in lieu of free-quarters are given in my letter to Surgeon-General (copy enclosed) & therefore I do not recapitulate them here.

5. While the Government itself discountenances the payment of house rent in lieu of free quarters to Hospital Assistants except to a certain class, I do not think it right that the resolution which is directly in the teeth of the G. Os is legal. Nor the Council have assigned

igned better reasons for passing such a resolution.

6. I therefore have the honor to request that the Government will be pleased to cancel the resolution of the Council.

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

Chairman.

Kl.

No. 1.

Sub Division
No. 88/24
Surg

Forwarded.

2. There is no doubt that the orders in question do not refer to such Hospital Assistants and that the Chairman's contention is right. The resolution is not illegal nor can it be cancelled under Sec. 35 of the Act.

Surgeon Collector's office
[illegible]

112

Current No. 53/M of 189 6 Dept.

From

The Chairman

Municipal Council

Mannargudy

To

The Chief Secretary

to the Government of

Madras

6/2

Dated 30th January
Desp. 31st Do } 1896
Recd

No. 1142.

1.2 M

CHIEF SECRETARY
12 FEB 1896
GOVERNMENT OF MADRAS

Enclosures. 4

Subject:

Requesting to cancel the resolution passed by the Council regarding the house rent of the Hospital Assistant Mannargudy/

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405 L 11-3-95
154 R 24-1-95
1684 L 4-9-94
1005 L 6-6-94
443 L 4-4-94

En: 4

RECEIVED
6 FEB 96
G. STOKES

Endt. on Curt. No. 279/R.... of 1896

Submitted

Dy. Collector
4.2.96

Put up G.O. quoted.

Endt. on cur:
Endt. No. 112/2L.

Forwarded.

2. There is no doubt that the orders in question do not refer to such ~~Hospital~~ Assistants and that the Chairman's Contention is right. The resolution is not illegal nor can it be Cancelled under Section 35 of the Act.

Tanjore Collector's office
Vallam. 10th Feby 96.

Collector

19/2 21/2

When given for copying
When copied
When examined
When signed } 189

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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