

P/K No 2238

No 807 w 2/12th March/88

Govt. of (1888) Madras.
PUBLIC.

Communicated to
Commisnariat of
Public Works
Department

20-5

Wm
2/3/88

Issued

Recd.

7.3.88

Encl.

G.O., 18th February 1888, No. 191.

No 809 w 2/12th March/88

FEBRUARY.

C. E. for Inq. ✓
C. E. for Rep. ✓
C. Inq. ✓
C. A. to Govt. ✓
C. F. W. A. ✓
C. R. by Acct. ✓
Inq. in Chief State Rep. ✓
Inq. in Chief State Rep. ✓

12/3

Sick Leave.

Passing orders on a question of the necessity for applicants for sick leave placing themselves under treatment of the Civil Surgeon when required to do so.

2 Copies to copy

with order

18TH FEBRUARY 1888, No. 191, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

Proceedings of the Board of Revenue (Land Revenue), dated 31st October 1887, No. 683.

Read—the following letter from M.R.Ry. T. RUNGA RAO Avargal, Deputy Collector in charge of Treasury, Madura, to the Collector of Madura, dated 24th August 1887, No. 1376 :—

In forwarding, herewith, the papers as per accompanying list, I have the honor to state that Gopal Rao, vernacular clerk in the Collector's office, applied for one month's sick leave; that, on his appearing before the District Medical and Sanitary Officer, Madura, the latter addressed me letter, No. 763, dated 12th July 1887, in which he states that he is "unable to certify as to how long Vernacular Clerk Mr. Gopal Rao should be granted sick leave, as he reports to me that he is under Dr. Chester's treatment," and suggests "that Dr. Chester be asked to certify to the period of leave necessary and send the certificate to me for countersignature;" that the clerk accordingly produced Dr. Chester's certificate to the District Medical and Sanitary Officer, but the latter officer refused to countersign it unless Gopal Rao put himself under the treatment of the District Medical and Sanitary Officer in the civil dispensary. In my letter, No. 1286, dated 10th August 1887, I pointed out to that officer that I had not come across any ruling whereby the course he suggested should be adopted, and that it seemed very hard lines to use compulsion in such a matter. I should think that the object in enforcing a medical certificate being granted by a Government medical officer is to see that no foul play is resorted to. Here, in the present instance, Gopal Rao is under Dr. Chester's treatment, and Dr. Chester may, in my opinion, be surely taken for his declaration in the certificate he has granted. Dr. Chester is popular in these parts, and he would not be so if he failed to be useful to patients, and probably on this ground Gopal Rao is under Dr. Chester's treatment. To ask Gopal Rao to put himself under treatment as the District Medical and Sanitary Officer suggests would be tantamount to ask him to do a thing against his will and inclination. I confess I have serious doubts whether any compulsion could at all be used in such a matter. Under these circumstances, I believe, that the authority to grant the sick leave applied for by Gopal Rao would best be secured by his being merely examined and subjected to observation for such time as may be necessary, and certified to, respecting the leave required, by the District Medical and Sanitary Officer. I request, therefore, that the District Medical and Sanitary Officer may be addressed by you in the matter.

2. As the foregoing is a typical case, and as it is very likely that such cases may often present themselves in this as well as other districts, I beg that a definite ruling may be laid down for future guidance.

ENCLOSURES Nos. 1 to 7.—Copies of correspondence, &c.

Endorsement by the Collector of Madura, dated Kodaikānal, 28th September 1887, No. 565.

Submitted to the Acting Secretary to the Commissioners of Land Revenue, Madras. The undersigned begs the favor of the Board's instructions as to whether the Collector, under the circumstances reported, is bound to comply with the requisition of the District Surgeon, and whether it is indispensable for the applicant for leave to produce the District Medical Officer's certificate even in cases where the head of the department is otherwise personally satisfied that the applicant is really sick and in urgent need of leave of absence.

(Signed) E. TURNER,
Collector.

Resolution—dated 31st October 1887, No. 683.

Submitted to Government for orders.

2. The Board consider that the Deputy Collector was right in requiring the medical officer to certify for how long he considered leave necessary. All, however, that the chief medical officer of the station seems required to do is to certify that the applicant for leave is in such a state of health as to require leave for a *certain* period, and he is to do this *not* after personal *observation*, but after personal *investigation* (paragraph 143, rule 1 (a) and (b), Civil Leave Code). The applicant's medical attendant, in this case Dr. Chester, certified in full as to the nature of the illness, its symptoms, causes and duration, and the medical officer, after investigation, should have certified for how long leave was, in his opinion, necessary. It is clearly open to objection to compel an officer to leave his own medical attendant and place himself under the care of the Government medical officer against his will.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with seven enclosures.

Copy to the Collector of Madura.

No. 7137.

Transferred to the Public Department.

FORT ST. GEORGE,
21st November 1887.

(Signed) J. F. PRICE,
Secretary to Government.

From H. F. CLOGSTOUN, Esq., Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 22nd December 1887, No. 3641.

With reference to Proceedings of the Board of Revenue, Land Revenue, No. 683, dated the 31st October 1887, submitting, for orders of Government, papers in connection with the sick leave applied for by Gopal Rao, vernacular clerk of the Collector's office, Madura, forwarded to me for remarks, with Mr. Assistant Secretary Meyer's endorsement No.—, dated 10th December 1887, I have the honor to state that, under section 143 (b), rules 1 and 2, there are three requirements in the case of applications for leave, or extension or commutation of leave, on medical certificate in India by an officer in superior service.

- (1) The application should be accompanied by a statement from the applicant's medical attendant, distinctly stating, from personal observation, the nature of the illness, its symptoms, causes and duration;

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

Proceedings of the Board of Revenue (Land Revenue), dated 31st October 1887, No. 683.

Read—the following letter from M.R.Ry. T. RUNGA RAO Avargal, Deputy Collector in charge of Treasury, Madura, to the Collector of Madura, dated 24th August 1887, No. 1376:—

In forwarding, herewith, the papers as per accompanying list, I have the honor to state that Gopal Rao, vernacular clerk in the Collector's office, applied for one month's sick leave; that, on his appearing before the District Medical and Sanitary Officer, Madura, the latter addressed me letter, No. 763, dated 12th July 1887, in which he states that he is "unable to certify as to how long Vernacular Clerk Mr. Gopal Rao should be granted sick leave, as he reports to me that he is under Dr. Chester's treatment," and suggests "that Dr. Chester be asked to certify to the period of leave necessary and send the certificate to me for countersignature;" that the clerk accordingly produced Dr. Chester's certificate to the District Medical and Sanitary Officer, but the latter officer refused to countersign it unless Gopal Rao put himself under the treatment of the District Medical and Sanitary Officer in the civil dispensary. In my letter, No. 1286, dated 10th August 1887, I pointed out to that officer that I had not come across any ruling whereby the course he suggested should be adopted, and that it seemed very hard lines to use compulsion in such a matter. I should think that the object in enforcing a medical certificate being granted by a Government medical officer is to see that no foul play is resorted to. Here, in the present instance, Gopal Rao is under Dr. Chester's treatment, and Dr. Chester may, in my opinion, be surely taken for his declaration in the certificate he has granted. Dr. Chester is popular in these parts, and he would not be so if he failed to be useful to patients, and probably on this ground Gopal Rao is under Dr. Chester's treatment. To ask Gopal Rao to put himself under treatment as the District Medical and Sanitary Officer suggests would be tantamount to ask him to do a thing against his will and inclination. I confess I have serious doubts whether any compulsion could at all be used in such a matter. Under these circumstances, I believe that the authority to grant the sick leave applied for by Gopal Rao would best be secured by his being merely examined and subjected to observation for such time as may be necessary, and certified to, respecting the leave required, by the District Medical and Sanitary Officer. I request, therefore, that the District Medical and Sanitary Officer may be addressed by you in the matter.

2. As the foregoing is a typical case, and as it is very likely that such cases may often present themselves in this as well as other districts, I beg that a definite ruling may be laid down for future guidance.

ENCLOSURES Nos. 1 to 7.—Copies of correspondence, &c.

Endorsement by the Collector of Madura, dated Kodaikānal, 28th September 1887, No. 565.

Submitted to the Acting Secretary to the Commissioners of Land Revenue, Madras. The undersigned begs the favor of the Board's instructions as to whether the Collector, under the circumstances reported, is bound to comply with the requisition of the District Surgeon, and whether it is indispensable for the applicant for leave to produce the District Medical Officer's certificate even in cases where the head of the department is otherwise personally satisfied that the applicant is really sick and in urgent need of leave of absence.

(Signed) E. TURNER,
Collector.

Resolution—dated 31st October 1887, No. 683.

Submitted to Government for orders.

2. The Board consider that the Deputy Collector was right in requiring the medical officer to certify for how long he considered leave necessary. All, however, that the chief medical officer of the station seems required to do is to certify that the applicant for leave is in such a state of health as to require leave for a *certain* period, and he is to do this *not* after personal *observation*, but after personal *investigation* (paragraph 143, rule 1 (a) and (b), Civil Leave Code). The applicant's medical attendant, in this case Dr. Chester, certified in full as to the nature of the illness, its symptoms, causes and duration, and the medical officer, after investigation, should have certified for how long leave was, in his opinion, necessary. It is clearly open to objection to compel an officer to leave his own medical attendant and place himself under the care of the Government medical officer against his will.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with seven enclosures.
Copy to the Collector of Madura.

No. 7137.

Transferred to the Public Department.

FORT ST. GEORGE,
21st November 1887.

(Signed) J. F. PRICE,
Secretary to Government.

From H. F. CLOGSTOUN, Esq., Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 22nd December 1887, No. 3641.

With reference to Proceedings of the Board of Revenue, Land Revenue, No. 683, dated the 31st October 1887, submitting, for orders of Government, papers in connection with the sick leave applied for by Gopal Rao, vernacular clerk of the Collector's office, Madura, forwarded to me for remarks, with Mr. Assistant Secretary Meyer's endorsement No.—, dated 10th December 1887, I have the honor to state that, under section 143 (b), rules 1 and 2, there are three requirements in the case of applications for leave, or extension or commutation of leave, on medical certificate in India by an officer in superior service.

- (1) The application should be accompanied by a statement from the applicant's medical attendant, distinctly stating, from personal observation, the nature of the illness, its symptoms, causes and duration;

- (2) A certificate from the chief medical officer of the station or district to the effect that, after careful personal investigation, he considers a certain period of absence absolutely requisite for the restoration of health, and
- (3) The counter-signature of the Surgeon-General, or Deputy Surgeon-General, in certain circumstances.

With regard to the first, it is clear that an officer has perfect liberty to select, as his medical attendant, a private practitioner or a Government medical officer, as he may choose; so far, therefore, the medical statement of Dr. Chester in the present case is in order.

2. As regards the second requirement, there can, it appears to me, be no doubt that a medical officer who is required to give a medical certificate regarding the health of an officer, after personal investigation, is entitled to require, and bound to require, where possible, that the applicant for a certificate shall place himself under his examination.

ORDER—dated 18th February 1888, No. 191, Public.

The Accountant-General's remarks, in which the Government fully concur, will be communicated to the Board of Revenue. His Excellency in Council fails to see that it involves any hardship for a Government servant requiring sick leave, whose treatment by the Civil Surgeon is gratuitous, to place himself under the observation of that officer for a short period when such observation is deemed necessary. In most cases the District Medical Officer would be satisfied and able to fix the period of leave to be recommended on the perusal of the medical case and after interrogating the applicant, but where he thinks further observation necessary he is entitled to insist on it.

(True Extract.)

H. E. STOKES,
Chief Secretary.

To the Board of Revenue (Land Revenue), with enclosures returned.
„ the Surgeon-General with the Government of Madras.
„ the Departments of the Secretariat.
„ all Heads of Departments.

Exd. E. Fernandez.

Gobt. of (1888) Madras.

PUBLIC.

Issued

Recd.

Encl.

G.O., 18th February 1888, No. 191.

FEBRUARY.

Sick Leave.

Passing orders on a question of the necessity for applicants for sick leave placing themselves under treatment of the Civil Surgeon when required to do so.

18TH FEBRUARY 1888, No. 191, PUBLIC.

3

- (2) A certificate from the chief medical officer of the station or district to the effect that, after careful personal investigation, he considers a certain period of absence absolutely requisite for the restoration of health, and
- (3) The counter-signature of the Surgeon-General, or Deputy Surgeon-General, in certain circumstances.

With regard to the first, it is clear that an officer has perfect liberty to select, as his medical attendant, a private practitioner or a Government medical officer, as he may choose; so far, therefore, the medical statement of Dr. Chester in the present case is in order.

2. As regards the second requirement, there can, it appears to me, be no doubt that a medical officer who is required to give a medical certificate regarding the health of an officer, after personal investigation, is entitled to require, and bound to require, where possible, that the applicant for a certificate shall place himself under his examination.

ORDER—dated 18th February 1888, No. 191, Public.

The Accountant-General's remarks, in which the Government fully concur, will be communicated to the Board of Revenue. His Excellency in Council fails to see that it involves any hardship for a Government servant requiring sick leave, whose treatment by the Civil Surgeon is gratuitous, to place himself under the observation of that officer for a short period when such observation is deemed necessary. In most cases the District Medical Officer would be satisfied and able to fix the period of leave to be recommended on the perusal of the medical case and after interrogating the applicant, but where he thinks further observation necessary he is entitled to insist on it.

(True Extract.)

H. E. STOKES,
Chief Secretary.

To the Board of Revenue (Land Revenue), with enclosures returned.
„ the Surgeon-General with the Government of Madras.
„ the Departments of the Secretariat.
„ all Heads of Departments.

Exd. E. Fernandez.

Gobt. of (1888) Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 18th February 1888, No. 191.

FEBRUARY.

Sick Leave.

Passing orders on a question of the necessity for applicants for sick leave placing themselves under treatment of the Civil Surgeon when required to do so.



No. 92 B.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.

CIVIL WORKS.
Buildings.

Calcutta, the 22nd February 1888.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners of the Central Provinces, Burma, ^{Upper} Assam and ^{Lower} Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Baluchistan.
The Accountant General, Public Works Department.

The following is forwarded to the Local Governments, Administrations and Officers marginally noted, for information and guidance.

By Order,

N.B. Kuckley

Under Secy. to the Govt. of India.

Extract, paras. 3 and 4, of letter from Government of India, Public Works Department, No. 91 B., dated 22nd February 1888, to Government of Bengal, Public Works Department.

3. The sanction given in Public Works Department No. 1479 G., dated 3rd November 1882, remained in force till the issue of the fifth edition of the first Volume of the Code, when it was abrogated by the ruling in Chapter I, para. 3. This alteration does not appear to have been specially brought to the notice of the Government of Bengal, but nevertheless the powers of Superintending Engineers in Bengal are now those defined by the Code in Chapter III, paras. 57 and 67, which limit their powers of sanction to new works or additions to Rs. 2,500.

4. The Government of India, however, having taken the matter again into consideration, is of opinion that the powers at present possessed by Superintending Engineers may, in the case of selected officers, be advantageously expanded, so as to enable them to sanction estimates to the extent to which they may now finally approve designs and details. I am accordingly directed to state that when, in the opinion of a Local Government, any Superintending Engineer can, with due regard to his qualifications and business-habits, be entrusted with the power, the Local Government may, in supersession of existing rules, confer upon him authority to sanction estimates for individual Civil Works or parts of Irrigation projects, up to a maximum of Rs. 10,000. It must, however, be distinctly understood that no work thus sanctioned can be commenced without a specific appropriation of funds sanctioned by the Local Government, or such other authority as may be necessary in each case.

21-11-07 ✓

P.H.C. No 2645

Belmont SR I
J. Harman SR II
Waddelby SR III
Gurcott SR IV
Ransom SR V
Waddy SR VI

P.S.C.

Retd with
Civ: 3518/88

Ry 5.3.88

The Hon. Mr. P. J. Hutchins C. S.

No 810 W. 2/12th March/88

B

Recorded.

Wm
6.3.88
M.H.
6/3/88

Note

The Madras rules are
contained in para 267 of the
code.

2 copies to be by

The Examiner 13/3
P. W. Becke.

Circ. 7-3-88 R. 8. III

8008
21/3
10/3

18TH FEBRUARY 1888, No. 191, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—the following papers:—

Proceedings of the Board of Revenue (Land Revenue), dated 31st October 1887, No. 683.

Read—the following letter from M.R.Ry. T. RUNGA RAO Avargal, Deputy Collector in charge of Treasury, Madura, to the Collector of Madura, dated 24th August 1887, No. 1376:—

In forwarding, herewith, the papers as per accompanying list, I have the honor to state that Gopal Rao, vernacular clerk in the Collector's office, applied for one month's sick leave; that, on his appearing before the District Medical and Sanitary Officer, Madura, the latter addressed me letter, No. 763, dated 12th July 1887, in which he states that he is "unable to certify as to how long Vernacular Clerk Mr. Gopal Rao should be granted sick leave, as he reports to me that he is under Dr. Chester's treatment," and suggests "that Dr. Chester be asked to certify to the period of leave necessary and send the certificate to me for countersignature;" that the clerk accordingly produced Dr. Chester's certificate to the District Medical and Sanitary Officer, but the latter officer refused to countersign it unless Gopal Rao put himself under the treatment of the District Medical and Sanitary Officer in the civil dispensary. In my letter, No. 1286, dated 10th August 1887, I pointed out to that officer that I had not come across any ruling whereby the course he suggested should be adopted, and that it seemed very hard lines to use compulsion in such a matter. I should think that the object in enforcing a medical certificate being granted by a Government medical officer is to see that no foul play is resorted to. Here, in the present instance, Gopal Rao is under Dr. Chester's treatment, and Dr. Chester may, in my opinion, be surely taken for his declaration in the certificate he has granted. Dr. Chester is popular in these parts, and he would not be so if he failed to be useful to patients, and probably on this ground Gopal Rao is under Dr. Chester's treatment. To ask Gopal Rao to put himself under treatment as the District Medical and Sanitary Officer suggests would be tantamount to ask him to do a thing against his will and inclination. I confess I have serious doubts whether any compulsion could at all be used in such a matter. Under these circumstances, I believe that the authority to grant the sick leave applied for by Gopal Rao would best be secured by his being merely examined and subjected to observation for such time as may be necessary, and certified to, respecting the leave required, by the District Medical and Sanitary Officer. I request, therefore, that the District Medical and Sanitary Officer may be addressed by you in the matter.

2. As the foregoing is a typical case, and as it is very likely that such cases may often present themselves in this as well as other districts, I beg that a definite ruling may be laid down for future guidance.

ENCLOSURES Nos. 1 to 7.—Copies of correspondence, &c.

Endorsement by the Collector of Madura, dated Kodaikānal, 28th September 1887, No. 565.

Submitted to the Acting Secretary to the Commissioners of Land Revenue, Madras. The undersigned begs the favor of the Board's instructions as to whether the Collector, under the circumstances reported, is bound to comply with the requisition of the District Surgeon, and whether it is indispensable for the applicant for leave to produce the District Medical Officer's certificate even in cases where the head of the department is otherwise personally satisfied that the applicant is really sick and in urgent need of leave of absence.

(Signed) E. TURNER,
Collector.

Resolution—dated 31st October 1887, No. 683.

Submitted to Government for orders.

2. The Board consider that the Deputy Collector was right in requiring the medical officer to certify for how long he considered leave necessary. All, however, that the chief medical officer of the station seems required to do is to certify that the applicant for leave is in such a state of health as to require leave for a *certain* period, and he is to do this *not* after personal *observation*, but after personal *investigation* (paragraph 143, rule 1 (a) and (b), Civil Leave Code). The applicant's medical attendant, in this case Dr. Chester, certified in full as to the nature of the illness, its symptoms, causes and duration, and the medical officer, after investigation, should have certified for how long leave was, in his opinion, necessary. It is clearly open to objection to compel an officer to leave his own medical attendant and place himself under the care of the Government medical officer against his will.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with seven enclosures.
Copy to the Collector of Madura.

No. 7137.

Transferred to the Public Department.

FORT ST. GEORGE,
21st November 1887.

(Signed) J. F. PRICE,
Secretary to Government.

From H. F. CLOGSTOUN, Esq., Accountant-General to the Government of Madras, to the Chief Secretary to Government, dated Fort St. George, 22nd December 1887, No. 3641.

With reference to Proceedings of the Board of Revenue, Land Revenue, No. 683, dated the 31st October 1887, submitting, for orders of Government, papers in connection with the sick leave applied for by Gopal Rao, vernacular clerk of the Collector's office, Madura, forwarded to me for remarks, with Mr. Assistant Secretary Meyer's endorsement No.—, dated 10th December 1887, I have the honor to state that, under section 143 (b), rules 1 and 2, there are three requirements in the case of applications for leave, or extension or commutation of leave, on medical certificate in India by an officer in superior service.

- (1) The application should be accompanied by a statement from the applicant's medical attendant, distinctly stating, from personal observation, the nature of the illness, its symptoms, causes and duration;

- (2) A certificate from the chief medical officer of the station or district to the effect that, after careful personal investigation, he considers a certain period of absence absolutely requisite for the restoration of health, and
- (3) The counter-signature of the Surgeon-General, or Deputy Surgeon-General, in certain circumstances.

With regard to the first, it is clear that an officer has perfect liberty to select, as his medical attendant, a private practitioner or a Government medical officer, as he may choose; so far, therefore, the medical statement of Dr. Chester in the present case is in order.

2. As regards the second requirement, there can, it appears to me, be no doubt that a medical officer who is required to give a medical certificate regarding the health of an officer, after personal investigation, is entitled to require, and bound to require, where possible, that the applicant for a certificate shall place himself under his examination.

ORDER—dated 18th February 1888, No. 191, Public.

The Accountant-General's remarks, in which the Government fully concur, will be communicated to the Board of Revenue. His Excellency in Council fails to see that it involves any hardship for a Government servant requiring sick leave, whose treatment by the Civil Surgeon is gratuitous, to place himself under the observation of that officer for a short period when such observation is deemed necessary. In most cases the District Medical Officer would be satisfied and able to fix the period of leave to be recommended on the perusal of the medical case and after interrogating the applicant, but where he thinks further observation necessary he is entitled to insist on it.

(True Extract.)

H. F. Clogstoun
Chief Secretary.

To the Board of Revenue (Land Revenue), with enclosures returned.
„ the Surgeon-General with the Government of Madras.
„ the Departments of the Secretariat. *10/12/87*
„ all Heads of Departments.

Exd. E. Fernandez.

2022

P.M. No. 2238

Gobt. of (1888) Madras.
PUBLIC.

*Communicated to
Commisariat to
Office of the Public Works
Department*

*over
2/3/88
M.H.
2/3/88*

Issued

Recd.

Encl.

G.O., 18th February 1888, No. 191.

No 809 W 2/12th March/88

FEBRUARY.

Sick Leave.

Passing orders on a question of the necessity for applicants for sick leave placing themselves under treatment of the Civil Surgeon when required to do so.

2 Copies to copy

with order

*C. E. for Inq. ✓
C. E. for Rep. ✓
P. Inq. ✓
C. A. to Govt. ✓
C. E. W. A. ✓
C. E. Ry. Acct. ✓
Eng. in Chief State Ry. ✓
in Chief State Ry. ✓*

*Recd
12/3
2/3/88*

The Hon. Mr. P. P. Hutchins C.S.J.

Circ 6-3-88 L 8. iii. 88

H 23/3

With order