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- (1) பக்கங்களின் எண்ணிக்கை 4
 (2) புதுக்கித் திருப்பிய நாள் October 90
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 1022

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

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அரசாணை எண். மு. கோப்புத் தாள் எண்.	392	அச்சகம் பலவகை
நாள் :	8-2-1892	198

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

2 Sheets

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27TH JANUARY 1892, No. 108, FINANCIAL.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following paper:—

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 3rd December 1891, No. 2918.

I am directed to submit, for the orders of Government, copy of a letter from the District Judge of Madura, dated 13th ultimo, No. 627, and of the enclosures thereto. The Deputy Accountant-General requested the production of age, health and vaccination certificates in the case of certain persons on the Central Nazarat establishment of the District Court, but the District Judge considers that such certificates are not required in the case of inferior servants on first appointment to the public service either under Articles 60-62 of the Civil Service Regulations or of the orders of Government quoted by the Account Department.

G.O., 30th April 1886, No. 435, Pension.
" 11th Feb. 1888 " 115 "
" 23rd Mar. 1889, Mis. No. 1865, Rev.

2. I am to add that the orders of Government noted in the margin and referred to in the correspondence herewith submitted have not been communicated to this Court.

ENCLOSURES.

From T. WEIR, Esq., District Judge of Madura, to the Registrar of the High Court of Judicature, Appellate Side, Madras, dated 13th November 1891, No. 627.

With reference to the Accountant-General's correspondence noted in the margin, I have the honour to request you will be good enough to obtain the opinion and orders of the Honorable the Judges of the High Court on the question whether age, health and vaccination certificates are to be exacted from inferior servants on first appointment to the Public service.

Letter, No. A.D.P.—27-D., dated 7th August 1891.
Letter, No. 2967, dated 14th October 1891, in reply to this
Court's letter, No. 464, dated 17th September 1891.

2. With regard to the production of age certificate, the Accountant-General seems to rely on Article 61 of the Civil Service Regulations. The article in question is not, I think, applicable to the cases of inferior servants. It simply prescribes the form of the medical certificate required to be furnished by an officer appointed to a *superior grade* in the public service under the next preceding Article 60 of the Regulations. As was pointed out in my letter to the

G.O., 15th Sept. 1879, No. 1772.
" 19th Oct. 1888 " 780, Financial.
" 19th Dec. 1890 " 985 "

Accountant-General, dated 17th September last, No. 464, the marginal orders, so far as I am aware, are the orders which have from time to time been passed by Government on the subject of 25 years' rule. The first prohibited the employment of persons above 25 years in the public service without the previous sanction of Government; the second made the first applicable to inferior servants also; and the third cancelled the first and gave full discretion in the matter to the Heads of Departments (among whom are included District Judges under G.O., dated 16th September 1890, No. 651, Financial) without reference even to the *grade* to which persons may be appointed in the service, and it may here be pointed out that the last mentioned order of Government, viz., that of 19th December 1890, No. 985, Financial, was passed on a consideration of correspondence in which the question of the expediency of dispensing with *health and age certificates* was expressly raised (*vide* paragraph 2 of the letter of the Collector of Tanjore, dated 27th June 1890, embodied in Government Order in question).

The view above stated as to the effect of the G.O. of 19th December 1890 has been embodied in Rule 14 published at page 90 of the recently compiled Civil Rules of Practice (new edition). And acting in this view I and my predecessors have, without age certificates, appointed as process persons whose age appeared to be under 25 years.

3. Moreover, the Government seems to attach greater importance to the statement of an officer's age in his service book which is generally entered by the head of the department appointing him, superseding, apparently, the medical opinion as to age (*vide* G.O., 30th April 1886, No. 435, Pension, and 11th February 1888, No. 115, Pension).

4. As regards the necessity for the production of health certificate by inferior servants, the Accountant-General seems to rely on an order of Government in the Revenue Department, dated 23rd March 1889, Mis. No. 1865, which simply recorded an opinion embodied in certain Proceedings of the Board of Revenue on the queries raised by Colonel Stuart as to whether a certificate required for an inferior servant should be for age alone, or as to age, health and vaccination. This G.O. of 23rd March 1889 does not appear to have been communicated to the Judicial Department, and is presumably of no authority in the departments other than the Revenue Department. An opinion of a head of a department (Revenue Board) cannot also, I submit, override the provisions of the Civil Service Regulations; Article 60 of the regulations requiring medical certificates refers in terms only to officers in superior service; and the second paragraph of the 62nd article enacts that "no medical certificate is necessary upon an officer being promoted from inferior to superior service, even though the officer, &c." It seems clear, therefore, that no medical certificate, the form and manner whereof alone are given in Article 61 of the Regulations, need be produced by an inferior servant even when he is appointed to a superior grade, much less on his first entertainment in inferior service.

5. As regards vaccination certificates it has not been the practice hitherto to enforce their production either from officers appointed to the superior or inferior service. The G.Os., dated 5th February 1886, No. 250, and 15th April 1889, No. 339, Public, which, I regret, escaped my notice when I addressed the Accountant-General on 17th September last, do not seem to render compulsory the production of vaccination certificates by inferior servants (*vide* paragraph 11 of Appendix to G.O., dated 15th April 1889, No. 339, Public).

6. As the Accountant-General maintains the necessity of producing age, health and vaccination certificates, even in the case of inferior servants, notwithstanding the provisions of the Civil Service Regulations and of the orders of Government to the contrary, and as the questions involved are of general importance, I have the honour to request that, if thought necessary, a reference may be made to Government on the questions raised.

From R. MORRIS, Esq., Deputy Accountant-General, to the District and Sessions Judge, Madura, dated Fort St. George, 7th August 1891, No. A. D. P.—27-D.

Requests that health, age and vaccination certificates may be obtained for the following persons of the Central Nazarat, as such certificates are necessary even in the case of inferior servants:—

3rd-class process peons—

- | | |
|----------------------|---------------------|
| (1) M. Gopal Pillai. | (4) Sabji Sahib. |
| (2) Muthu Caruppan. | (5) Meer Asun Alli. |
| (3) Velu Pillai. | (6) Palaniandy. |

From T. WEIR, Esq., District Judge of Madura, to the Accountant-General, Madras, dated 17th September 1891, No. 464.

With reference to your letter of the 7th ultimo, No. A.D.P.—27-D., requiring age, health and vaccination certificates in the case of process peons (inferior servants) therein mentioned, I have the honour to point out that, in regard to age certificate, the three Government orders on the subject of 25 years' rule are G.Os., dated 15th September 1879, No. 1772; 19th October 1888, No. 780; and 19th December 1890, No. 985. The first of the three prohibited the employment of persons above the age of 25 in public service without the previous sanction of Government; the second made the first Government Order applicable to inferior servants also; and the third expressly cancelled the first Government Order and gave full discretion to the heads of departments in the matter. If this view is—as I consider it is—correct, then the enforcement of the rule, even in the case of superior servants, is left to the discretion of heads of departments, among whom are included District and Sessions Judges (*vide* G.O., dated 16th September 1890, No. 651, Financial). Acting in this view, I and my predecessors have without medical certificates appointed as process peons persons whose age appeared to be under 25 years of age.

2. In regard to health certificates, I would think that Article 60 of the Civil Service Regulations refers in terms only to officers in superior service.

3. In regard to vaccination certificates, there appears to be no provision in the Civil Service Regulations requiring their production, nor, so far as I am aware has any Government Order been issued on the subject.

For the reasons stated, it appears to me that process peons are not required to furnish either age, health or vaccination certificates. If, on consideration, you should agree in the view now stated by me, I would request that your letter of the 7th ultimo be recalled.

From R. MORRIS, Esq., Deputy Accountant-General, to the District Judge, Madura, dated Fort St. George, 14th October 1891, No. 2967.

In reply to paragraph 1 of your letter, No. 464, dated the 17th of September 1891, I have the honour to observe that, as you will see from Article 61 of the Civil Service Regulations, the age of the officer is required to be entered in the certificate produced by him on entertainment in the service, and this is necessary notwithstanding the fact that heads of departments are allowed their own discretion in the matter of appointing persons over the age of 25, because officers who enter the service over the prescribed age come under the operation of the rule as to diminution of pension—Articles 521 (a) and 528—so that it is essential that statements as to age should be borne out by the certificate of the medical officer.

2. As regards the necessity for production of vaccination certificates, I would invite your attention to G.Os., No. 250, dated 5th February 1886, and No. 339, dated 15th April 1889, Public Department.

3. Referring to your paragraph 2, I would observe that in its order, No. 1865, dated 23rd March 1889, Revenue Department, Government accepted the opinion of the Board of Revenue that the 25 years' rule being applicable to inferior equally with superior service, the conditions attached to the latter must by analogy be held to apply to the former, and that the certificate as to age, health, &c., must be given.

From C. R. C. KIERNANDER, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 27th October 1891, No. 3099.

With reference to Proceedings of Government, No. 1865, Revenue Department, dated the 23rd March 1889, accepting the opinion of the Board of Revenue that a certificate as to age, health, &c., must be given in the case of inferior servants, I presume that the rule is applicable to inferior servants in all departments and not only to those in the Revenue Department.

2. I make the inquiry however, as the order does not appear to have been communicated to other departments, and a question has been raised in the case of inferior servants of the Judicial Department.

From T. W. RAWLINS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 19th December 1891, No. 3683.

In reply to Mr. Assistant Secretary Brodie's reference No. 2414 of 1891, dated the 14th November 1891, I have the honour to state that from the replies received from the Accountants-General, Bengal, Bombay and North-Western Provinces and Oudh, to a reference that I made on the subject, it appears that in those Provinces certificates of age, health, &c., are not required in the case of inferior servants on first admission to the public service.

ORDER—dated 27th January 1892, No. 108, Financial.

As the Government considers it of importance that a record of the age of persons of inferior as well as of superior service should be secured at the time of appointment, and as the principle as to health certificates is equally applicable, the Governor in Council resolves to rule that, except as regards sweepers and similar menial servants and pensioned sepoys, certificates of age and health, as well as of vaccination, should be required in all cases.

(True Extract.)

Chief Secretary.

To the Honorable the Chief Justice, with C.L.
 " Accountant-General.
 " Departments of Government.
 Exd. A. Raitt.

P. W. CURRENT No. 1183

Govt. of {1892} Madras.
FINANCIAL.

12-10-17
14-12-17
108 Wd 12-1-91

No 292 Wd 18 January 1892

Communicated to
officers of the Public Works
Department for guidance.

Issued
Recd. 5-2-92 Encl.

S-
SUB
5-2-92

(2)

JANUARY.

Certificates of Age, Health and
Vaccination.

Ruling that, with certain exceptions, — should
be required in all cases on first appointment to the
public service.

C. E. for J.
C. E. for Kys.
S. Hughes
C. A. S. G. A.
S. G. Work. P. P.
En P. W. A.
En R. G. Auto
20th Jan 1892
J. C. 9/2

with order

12/2 J.C. 9/2