

Public Works (1899) Department.

23 30 400
G.O., No.

23492W
23503

DATED 6 September 1899.

[Despatch Abstract.]

Fees. Ordered that the Govt. of India be addressed on the subject of the liability of a military upper subordinate to pay — for medical attendance on his family in a Civil Station —

Govt of India addressed

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

[P. W. 43
500-14-11-98.]

On para 323 Civil Medical Code (the same as para 1140, P.O.S. Vol II) which states that "the families of officers (covenanted, uncovenanted or military) who are in civil employment are not entitled to gratuitous medical attendance." Sergeant Price declines to pay and claims free medical attendance for his family on the strength of para 60, Chapter IV, Vol I P.O.S. Code, under which the families also of warrant & non-commissioned officers in Cantonments are entitled to gratuitous medical attendance. Bangalore, however, is not a Cantonment and the para relied on by Sgt Price would seem not applicable to the case.

3. Para 62, Chapter IV, Vol I P.O.S. Code would, at first sight, appear to be applicable, as it provides that, where there is a Civil Surgeon, Warrant and non-commissioned officers of the ment are entitled to

Attendance from him under rules similar to those prevailing in Cantonments. The Indian Nation, however, that follows defines the duties of Civil Medical officers as "including Attendance on the Civil Establishments in Government Employ," but makes no mention of families.

4. Turning now to the rules contained in Indian Army Regulations, Vol. VI, it will be seen that Para 1139 provides that "all officers (and their families) who are entitled in a Cantonment or Civil Station to gratuitous medical attendance, are entitled to it also at any other place where they may be residing, whether on duty or on leave from any medical establishment at the Station paid by Government for Staff, Civil or general duties." It will also be noticed that while in

Paras 1135 and 1136, Subordinates
are specially referred to,
no mention is made of them
in Para 1139 and it is not
clear whether this omission
is intentional or not.

5. I am accordingly to
request the orders of the
Government of India whether
Military Subordinates in Civil
Stations are entitled to free
Medical Attendance for
their families and if so, what
provisions should be made
in the Codes dealing with
the Subject.

I have &c

18th/26th/11
W.

Note

The Case is discussed
in the 110. Note from
the Public Dept. below.

Makes no mention

4. The ruling contained in
the corresponding paras of the
Indian Army Regulations
does not appear to this
Government to be altogether
clear.

Turning now to the ruling
contained in Indian Army
Regulations Vol VI, it
will be seen that

attendance from him
under rules similar to
those prevailing in can-
tonments. The explanation
however that follows de-
fines the duties of Civil
Medical officers as "in-
cluding attendance on the
Civil establishments in
Government employ"; but
leaves out of account
any provision for their
families.

On the question
4. No better light is in
the opinion of this Govern-
ment, thrown by the pro-
visions of the Indian
Army Regulations on the
Subject. Para 1139 of Vol VI
of these Regulations, which
provides that all officers
(and their families) who
are entitled in a can-
tonment or Civil Station
to gratuitous medical at-
tendance, are entitled to
it also at any other place
where they may be residing,
whether on duty or on leave,
from any Medical officer
at the Station paid by

by Government for Staff
Civil or General duties.
The applicability of this
provision to the case in
question does not in the
opinion of this Government
seem to be quite clear.
It will be seen that in
the paragraphs previous
to this (paras 1135 and 1136) spe-
cific mention is made
of officers and subordinates.
It is doubtful whether
the omission of ~~para 1139~~
"Subordinates" from para
1139 ~~would under the cir-~~
~~cumstances~~ ^{was} ~~appear~~
to have been intentional, ~~or~~ not.
If it was intentional it
and the inference follows
that this provision was
not intended to apply
to "Subordinates" at all, though there is no apparent reason why
military subordinates should be
placed in a worse position than
officers in this respect.
If the rule in question
were found in a Civil
Code, the term "officer"
might be interpreted to
mean "Government servant";
but in a military Code
such interpretation seems
not justified.

It will also be noted
that while ⁱⁿ paras 1125
and 1136, subordinates
are repeatedly referred
to, no mention is made
of them in para 1139,
and it is not clear
whether this omission
is intentional or not.

5. I am accordingly
to request the order
of the Government of
India ^{whether Military Subord.} on the point
in Civil Stations are entitled to
free medical attendance for
their families and if so what
modifications should be made
in the Code dealing with the subject.

all ~~that~~ to
24/8 vs ~~to~~

Cal

Note
The case is dis-
cussed in the U.C. note
from the Public Dept
below.

Cal

Re unit

P. W. (189 *9*) Department.

CURRENT No. 6258

From
The Public Dept

No. 1947.

Dated 28-7-98

Received at Ootacamund 28-7-98

Registered at Madras 1-8-99

Enclosures *{ Plans } total*
{ other }
Spare copies

SUBJECT.

Informing that the question as to whether Sergeant Price a military subordinate of the O.D. is entitled to free medical attendance should be referred to the Govt of India.

H. Sastri
Rm
1-8-99

Information
25-7-99

H. S. Sastri
for - 11/8/99

Saw

25/2/1909

564

G.O.	No.	Department.	Date
	3176C	OW	17-7-
	229W	"	18-11-
	1193W	"	9-4-92
	1034C	"	26-2-92
	1274W	"	22-5-89
	5108	"	26-8-85

C. No. 2035 From the P. W. Dept., No. 31749, dated 17.7.1898

For orders

The P. W. Dept. refers for consideration, a question as to whether Sergeant Price, a military upper subordinate of that Dept., is entitled to free medical attendance for his family from the Civil Apothecary at Tanjore.

2. The Civil Apothecary attended Sergeant Price's child, & claimed fees, on the ground that the Sergeant is not entitled to free medical attendance for his family. Sergeant Price quotes para 60, Chapter IV, P. W. Code, which however

relates to ~~officers~~ medical attendance on officers and subordinates of the P. W. Dept. residing in Cantonments.

The Civil Apothecary relies on para 323, Civil Medical Code (which is the same as para 1140 A.R.S. Vol VI) which states that "the families of officers (commissioned, uncommissioned or military) who are in civil employment are not entitled to gratuitous medical attendance."

3. Para 62, Chap IV P.W. Code states that where there is a Civil ^{Surgeon} ~~Station~~, warrant of non-commissioned officers of the P.W. Dept. are entitled to attendance from him under rules similar to those prevailing in Cantonments. If the rule entitled her it would be clear that military subordinates of the P.W. Dept. are entitled to free medical attendance for their families in civil as well as in military

stations, but there is an explanation in this para which throws the meaning of the first sentence into doubt - the explanation defines the duties of civil medical officers as including attendance on the civil establishments in Govt. employ, but says nothing about families.

4. It is submitted that this controversy has arisen because neither the P.W. Code nor the Civil Medical Code is in conformity with Vol. II Army Regulations, which is perfectly clear on the point. Para 1135 A.R.S. Vol. II shows first that military, upper subordinates of the P.W.D. are entitled to free medical attendance for themselves & families from the Staff Surgeon when residing in Cantonments - Para 1139 then says that

all officers (and their families) who are entitled in a contingent or civil station to gratuitous medical attendance, are entitled to it also at any other place where they may be visiting, whether on duty or on leave, from any medical officer at the station, for paid by Govt. for staff, Civil or General duties.

The D. M. & S. O. Tanjore might be referred to this rule, or disposing of the Civil apothecary's claim. The P. W. Dept. might address the G. O. S. in view to para 1139 A. R. S. Vol VI being substituted for para 62 Chap IV of the P. W. Code, & the Surgeon Genl might be directed to issue a correction slip inserting the A. R. S. rule in the Civil Medical Code, after para 322.

Cu
26.2.57

The point does not appear to be so clear as one would appear from the foregoing. Para 1135 A. R. S. Vol VI specifically says that the Officers & subordinates of the P. W. D are entitled to medical attendance in contingent - the latter enjoying the privilege in regard to their families also. Para 1136 specifically says "Officers & subordinates". When therefore in ^{para} 1139 the persons referred to are merely "All Officers", the inference is that the rule was not intended to apply to subordinates at all. If the rule is perhaps more found in a civil code of rules the word "Officers" might be interpreted as bearing merely "Govt servants" but in a military code this interpretation does not seem admissible.

Blanchard

~~to show that he,~~
~~has been employed, is not entitled~~
~~to medical attendance at~~
~~all.~~

It is submitted that he
 only way to settle the
 question will be for the P.W.D.
 to obtain the orders of the
 Govt of India in this matter.

Mr
 26.7.99

I enclose for perusal
 P.W.D. No. 1947
 28.7.99.

7.7.99

Public Works (1899) Department.

CURRENT No.

5459
 5760
 2035



CURRENT NO. 2035
 C/P. 3174 C 7/17 July/99

From

The Examiner P.W. Accounts
 Madras T Coorg

Order Indt.

Referred to the
 Public Dept. for remarks.
 Under paras 60 & 62
 Chap IV, Vol I of the P.W.
 Code Sergt. Price would
 appear to be entitled to
 gratuitous medical atten-
 -dance for his family.

No. 850 A/B

Dated 5th July 1899

Received 26-7-99

Registered

Enclosures 4

Spare copies.

SUBJECT.

Gratuitous Medical attendance
 for families of Warrant and
 Non-Commissioned Officers —
 Inwards for orders of Government
 Correspondence from Executive
 Engineer Bangalore Division relating
 to —

10/7
 L. K. Chintu
 Secy. to Govt, P.W.D.

Rm
 Recd 20.7.99
 Regd 25.7.99
 Encl. 4.

2107
 025275

BACK PAPERS.

FURTHER PAPERS

393 Pub. 3. 4. 28.

— 5 — G. Venkataswami

Chief Apothecary R. M. Hospital, Bangalore.
The District Medical and Sanitary Officer,
Bangalore.

I beg to inform you, that, I, as acting Assistant Surgeon Tanjore, attended one of the Children of Mr Price P. W. D. of Tanjore between 20th April to 4th May 1898 and made 9 day visits and one night visit. I waited for payment till the 17th March 99, as no payment was made. I wrote to him a letter asking him to pay Rs 21 (Rupees Twenty one) for the visits I made to which he made no reply. I again wrote to him on the 14th April 99, referring to my first letter and asking him to refer the matter to the District Medical and Sanitary Officer, if he has any doubt of my claim, to which he replied quoting Para 60, Chapter IV Volume I from D. P. W. Code stating that he and his family are entitled to free medical attendance. I again wrote to him on 30th April 99 explaining that

his family is not entitled to gratuitous medical attendance from me according to Paragraph IV Volume 1. of P. W. D. Code which he quoted and Para 323 of the Civil Medical Code. I sent the letter through the hospital acting from Manick Kambhakar directing him to give it to Mr. Price in person and to ask him either to give a reply or money. He came and told me that Mr. Price was angry after the perusal of my letter, wanted him to tell me that he would neither pay nor reply and he also informed him that my letter was very disrespectful and he would report me to the Military authorities. I herewith enclose for your personal copies of letters I wrote to him and his reply.

I beg to request that you will be good enough to write to the proper authorities and get the fees Rs 21 from Mr. Price for my professional attendance.

I beg to remain Sir
Your most obedient servant
Allurkataswami
Civil Apothecary

5-1899

True copies of my letters to Mr. Price P. W. D.

R. M. Hospital Bangalore
17th March 1899.

Sir: I made 9 day visits and one night visit to your child between 20th April 98 to 4th May 98 - my usual charges for a day visit is Rs 2. and for a night visit Rs 3. May I request you to -

Send the amount Rupees Twenty one per bears

and oblige
Yours faithfully
(no reply) [Signed] G. Venkataswami

2. R. M. Hospital Bangalore 14th April 98.

Sir: - I request the favour of your early reply to my letter dated 17th ultimo requesting to remit Rs 21 (Twenty one) being the fee due to me for having attended on your child in April and May 1898. If you have any objection about the fees you may refer the matter to the District Medical and Sanitary Officers.

I remain
Yours faithfully
Got a reply on 20th April 99 [Signed] G. Venkataswami
refusing to pay

3. R. M. Hospital Bangalore 30th April 99.

Sir: - Para 60 Chapter IV. Volume 1. of P. W. D. quoted in your letter dated 20th April 99 runs as follows: -
"Officers and Subordinates whether Civil or Military residing in any Contonement under proper authority are entitled to gratuitous professional attendance from

from the Staff Surgeon for themselves and in the
 Case of honorary Commissioned and Warrant —
 non-Commissioned officers and Soldiers for their
 families also." I have to inform you that
 anyone is not a Cantonment Station and I am
 not a Staff Surgeon. Para 323 of the Civil Medical-
 Code says that the families of military officers
 in Civil employ are not entitled to gratuitous-
 medical attendance.

Under such circumstances your-
 family is not entitled to gratuitous medical attendance —
 from me. May I therefore request you to send the —
 amount Rs 21 without further delay and oblige.

I am,
 Yours faithfully,
 Signed G. Venkatasami.
 I enc copy of the letter received from Mr Price P.W.
 Dear Sir: — Bangalore 20th April 99.

Under para 60 Chapter IV. of the P.W.D.
 I am entitled to free medical attendance for —
 myself and family being a military man.
 If you demand and insist on being paid I —
 refuse to do so; but if on the other hand you
 withdraw your letter of demand just received
 and simply send me a bill I shall in —
 consideration of the trouble you took gladly pay you.

Signed Yours faithfully
 G. Venkatasami
 Bangalore 3
 5-5-99
 True Copy
 20-4-99 P.W. 83
 5459899
 Copy

323. The families of officers (Commissioned and Warranted) for military
 who are in civil employment are not entitled to gratuitous medical
 attendance. Clerks in Public offices (Army head-quarters & depots)
 taken from the army in like manner with their clerks in civil
 service with the military service, have no claim to gratuitous
 medical attendance for their families.

No. 228
 From Lt. Col. H. F. Carter M.B.
 To Mr. D. V. Jayaram
 The Secular Engineer
 D. P. W.
 Bangalore
 6 May 99

I have the honor to forward the
 accompanying letter addressed to
 me by the Civil Apothecary, R. M. Hospital
 Bangalore regarding the non-payment
 to him of fees by Mr. Price, Sub-
 Divisional Officer, under your
 charge —

The para under which Mr. Price
 claims free medical attendance
 upon his family is given by the
 Apothecary from which it will be seen
 that he can only get gratuitous
 medical attendance for his family
 from the Staff Surgeon of a Military
 Cantonment, which Bangalore is not.
 Para 1325, I. A. R. Vol vi, quoted as
 para 323 of the Civil Medical Code is
 copied and sent for your perusal.

Have the honor to be
 Sir
 Your most Obedt Servt
 K. A. T. Ailem.

P. W. (1899) Department.

CURRENT No. 5459

From The Examiner P.W. Accounts
No. 3174 CD 17/7/99 Madras & Coorg

Encl.
Referred to the Public
Department for remarks.

No. 850 1/2.

Under paras 60 & 62
Chapter IV, Vol I of the P.W.

Dated 5 July 1899.

Code Sect Price would
appear to be entitled to

Received } 6-7-99

Registered

gratuitous medical attendance

Enclosures } Plans } Total
Others }

for his family -

Spare copies

247/99

SUBJECT.

Reg W. B. de Windt

Gratuitous medical attendance

Secy to Govt. P.W.D.

for families of warrant and

Non-Commissioned officers -

Towards for orders of Govt

Correspondence from Executive

Engineer Tanjore Division

relating to -

189.9
Pub. Dept.
Enclos. No. 4
To
O. A. 2035

G.O.	No.	Department.	Date
	3229	W 8	18-11-97
	1193	W 8	9-4-92
	1034	e 8	26-2-92
	1874	W 8	22-5-89
	2175	D 8	2-11-85
	720	C 8	23-2-86
	5108	D 8	24-8-85
			7 file

No. 2722.

FROM

To

THE *Controller of*
Military Accounts,
Madras.

SIR,

In forwarding herewith a letter in original (to be returned), received from the Medical and Sanitary Officer, Tanjore, No. 228 dated 6th Instant, I have the honor to request that you will be good enough to inform me of your opinion as to the admissibility or otherwise of the claim put in by the Civil Apothecary Raja Mirasidar Hospital, Tanjore.

I have the honor to be,
Sir

your most obedient servant
"By order"

"By order"

W. H. P. (Capital) Inc.
27. 1919.
Accountant & Manager
for Executive Engineers
L. H.
27/5/19.

No. 1806

OFFICE OF CONTROLLER OF MILITARY ACCOUNTS,

Madras Command,

Madras, the 20th of June 1899.

EXAMINER,
P. W. ACCOUNTS.
29 JUN 1899

22 JUN 13

DIVISION

Re - enclosed.

2. The question is one for
decision by the Public Works Depart-
- ment or Civil Department as ~
Sergeant Price is serving in the Public
Works Department and claims the
services of a Civil medical officer,
but please see para 1139, Army ~
Regulations, India, Volume II.

Q 0-77-82
54599 99

1899
Pnt Dept
Engin. No. 2
2035

Major, Lt Colonel,

To The Executive Engineer,
Tanjore Division.
for Controller of Military Accounts.

ACCOUNTS.
29 JUN. 1899

Encl. No. 3391. 126.6.99

Forwarded in
original to the
P.W. & Messrs for
an expression of his
opinion on the claim
made by the medical
officer.

Sturges O. Currier
B. Encl. Co. 126.6.99

CURRENT NO. 2035
No. 850 A dated 5 July 1899.

Referred to W. for favour of --
orders of Government.

2. Under P.W. Code I. IV. 60 & 62, --
Sergeant Price would appear to be enti-
tled to gratuitous medical attendance for
his family (Vide also para 64). All --
that the Civil Apothecary would appear
entitled to is the hire of a conveyance to
and fro, vide last clause of para 63.

H. R.

Offg: C.

98/29

17-8/5459899

1899
Pub. Dept.
Encl. No. 1
To
C. No. 2035