

Pension C. No. 1373

Government { 1896 } of Madras.
PUBLIC.

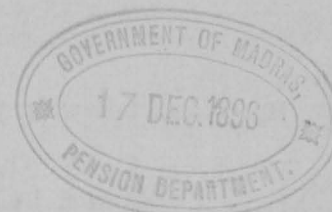
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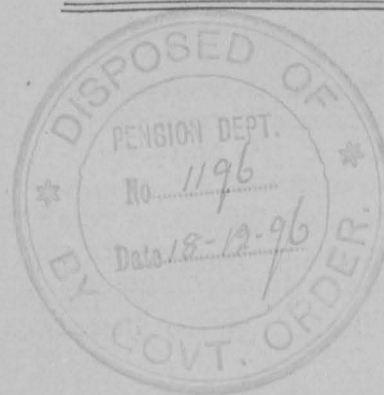
1896.

Enclosures

Spare copies



G.O., No. 1281, 5th December 1896.



DECEMBER.

Appeal to a Medical Board against a Medical Officer's Certificate.

Permitting, with remarks, Muhammad Abdul Khadir, on the establishment of the Court of the District Munsif, Cocanada, to appear before a Medical Board in Madras for examination; and agreeing with the Surgeon-General that an — should be allowed only at the request of the head of a department and subject to the Surgeon-General's approval.

List

Order 18 Dec 1896 No. 1196

Recorded

18/12/96

18/12/96

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

From D. W. G. COWIE, Esq., Registrar of the High Court of Judicature, Madras, to the Chief Secretary to Government, dated 7th October 1896, Ref. on Cur. No. 4905.

I am directed to forward a memorial addressed to Government by Muhammad Abdul Khadir, a copyist on the establishment of the Court of the District Munsif of Cocanada.

2. The memorialist states that, on his being appointed as a permanent amin of the Court of the District Munsif of Tanuku, he was directed by that officer to appear for medical examination before the Civil Surgeon of Rajahmundry (Surgeon-Major Marsden), who on 11th February 1896 certified that he was disqualified by heart disease for employment in the public service; but that, when thirteen days afterwards he underwent a private examination by the Civil Surgeon of Cocanada (Surgeon-Major Sarkies), he was found free from any disease and given a certificate. He prays, therefore, that on the strength of this second certificate he may be confirmed as an amin. The Surgeon-General, on a reference made to him, has replied that there is no rule authorizing a candidate for Government service to appeal against, or to apply for a review of, the decision of a medical officer who refuses to give a certificate of fitness.

3. I am directed to suggest that an appeal to a Medical Board might be allowed in such cases.

From Surgeon-Major-General C. SIBTHORPE, F.R.C.P.I., Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated Madras, 11th November 1896, No. 524.

In returning your endorsement, No. 2242, dated the 2nd November 1896, I have the honour to state that it would not be possible, except at considerable expense, to convene a Medical Board at Cocanada, as Surgeon-Major Sarkies, the District Medical and Sanitary Officer, Rajahmundry, being the officer who granted the second certificate, cannot sit on the Board. I would, therefore, suggest that the appellant may, if Government consider it desirable, be brought before a Board in Madras.

2. As regards paragraph 3 of the Registrar's letter, I am of opinion that an appeal to a Medical Board may be allowed against a medical officer's certificate, but only in cases which are supported by heads of departments and in which the Surgeon-General is satisfied from a perusal of the reasons of the certifying officer that a reference to the Medical Board is justifiable. Unless these restrictions are used, there is sure to be an abuse of the privilege, and the time of a Medical Board will be unnecessarily taken up in deciding cases which ought not to be placed before them.

ORDER—No. 1281, Public, dated 5th December 1896.

In the circumstances reported, His Excellency the Governor in Council has no objection to the petitioner being allowed to appear before a Medical Board for examination. He should be warned that, whatever the result, he must pay his own expenses.

2. For purposes of identification the District Munsif should furnish the petitioner with a sealed letter and a certified descriptive roll, which should further be supported by a set of finger-tip impressions.

3. The Government agrees with the Surgeon-General that an appeal to a Medical Board against a medical officer's certificate should be allowed only at the request of the head of a department and subject to the Surgeon-General's approval.

(True Extract.)

A. L. Hanway
Ag. Chief Secretary.

To the Honourable the Chief Justice, with C.L.
" the Surgeon-General.
" the Departments of the Secretariat.
" all Heads of Departments under the Chief Secretariat.