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M.R.O. 1-22400-22-12-30

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	224	Press Mis.
Dated	14 - 6 -	1866.

Not to be folded or roughly handled

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Proceedings of the Madras Government, Pension Department,
14th June 1866.

Read the following letter from the Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 17th May 1866, No. 23.

Post Audit Department.

The Collector of Madura (in his 410, dated 2nd March) sought pension for a man, 59 years of age, who had not been under Medical treatment, to whom therefore the Zillah Surgeon refused to give a Medical Certificate, though, his service being less than 30 years, pension could only be granted under such certificate. I accordingly recommended the Collector to press the Surgeon to give such certificate as he could, to say that the man seemed failing from age, and not likely to be improved by any known treatment, and I have now the honor to submit, for orders, the Zillah Surgeon's reply. The man is already four years beyond the age fixed for future retirement of Uncovenanted Servants, yet, even otherwise, it seems to me that the Surgeon could have had no grounds for fearing blame for adopting my suggestion. Had the certificate been submitted to Government and rejected, any blame would have fallen on the Collector and myself. I hold that a Zillah Surgeon's duty binds him to examine and give true certificates to any persons presented to him by the Collector, while the Collector should, of course, name the points to which the certificate should specially advert.

From the Collector of Madura, to the Deputy Accountant General, Madras; dated Terumungalam, 8th May 1866, No. 780.

In reply to your letter, No. 6059, in the Post Audit Department, dated 13th April last, I have the honor to forward an original letter, No. 32, received from the Zillah Surgeon of Madura, under date the 2nd instant, from which you will observe that he still refuses to furnish the certificate, because the applicant did not undergo medical treatment.

2. I think the matter should be referred for the orders of Government, as the Zillah Surgeon bases his refusal on the order of Government referred to in his letter. If the order be strictly adhered to, none but sickly public servants who are under medical treatment can expect to obtain pension. There were instances in which the Officers were incapacitated for public duty by old age and infirmity, and obtained pensions on medical certificate notifying the above fact. Such persons, under the new rule, will be deprived of the benefit of the Pension Rules, as they will have to be removed to make room for competent individuals who can do the duty for which they are paid.

From Assistant Surgeon S. RULE, M. D., Zillah Surgeon of Madura, to the Collector of Madura; dated 2nd May 1866, No. 32.

In reply to your letter, No. 690, dated 21st April 1866, and its enclosures, I have the honor to inform you that I am still of opinion that no certificate can be granted by me in the case of Goomastah Vencatakistna Iyen, of Melur Taluq.

2. If you will refer to the Notification, No. 90, dated Civil Paymaster's Office, April 10th, 1865, published in the *Fort Saint George Gazette*, you will see that His Excellency the Governor in Council directs that every Medical certificate granted to Uncovenanted Servants applying for pension shall state definitely that the applicant has been under regular medical treatment, and for what period.

3. This Goomastah has no disease, and consequently requires no medical treatment.

Effect

*Proceedings of the Madras Government, Pension Department,
14th June 1866.*

ORDER THEREON, 14th June 1866, No. 224.

From the correspondence submitted by the Accountant General with his letter recorded above, it appears that the Civil Surgeon of Madura refuses a certificate to Uncovenanted Servants of Government applying for pension, unless they have been under Medical treatment for some disease, basing his refusal upon the Orders of Government in the Pension Department, dated the 5th April 1865, No. 136.

2. It was not the intention of the Government to debar from pension those applicants, whose only disqualification is the absence of disease which requires Medical treatment; and since the construction which Dr. Rule has put upon it may be productive of considerable delay and injustice, the Right Honorable the Governor in Council resolves, in supersession of the order above quoted, to direct that, in granting certificates to applicants for pension, Medical Officers shall state in the certificate the period, if any, during which the applicant's case has been under treatment or observation.

3. In cases where the certificate is sought by reason of old age, infirmity, or other incapacitating circumstances, in which Medical treatment is manifestly superfluous, a certificate to that effect should be given, which should nevertheless show the opinion of the Medical Officer as to the alleged incapacity. It will then devolve upon the Head of the Department in which the applicant is serving, to state whether or not he is really so incapacitated as to necessitate his removal from the service of Government, and, if so, whether his conduct and length of service render him deserving of indulgent consideration.

4. In the case of servants drawing Rupees 50 per mensem and upwards, the certificate shall be countersigned by the Deputy Inspector General of the Division, or by a Committee consisting of not less than two European Medical Officers, after personal examination of the applicant.

(True Extract).

H. LINTON,
Acting Under Secretary to Government.

To the Accountant General.

„ Controller of Military Accounts.

„ Principal Inspector General, Medical Department,

for communication to Dr. Rule, and other Officers Subordinate to

that Department.

To

To be substituted for the Proceedings bearing the same date and No. already communicated.

Exd. J. Tulloch.

Collector's Circuit
Kacheri, Serunmangalam
8th May 1866.

From

T. A. Levinge Esq. re.
Collector of Madras

To. The Deputy Acct. General
Madras.

Sir, In reply to your letter
no 6059, in the Post Audit Deptt.
dated 13th April last, I have
the honor to forward an
original letter no 32, received
from the Zillah Surgeon of
Madura, under date the 2nd.
Instant, from which you will
observe that he still refuses
to furnish the Certificate be-
cause the applicant did not
undergo medical treatment.

2. I think the matter should
be referred for the orders of
Government, as the Zillah Surgeon
bases his refusal on the order
of Government referred to
in his letter. If the order be
strictly adhered to, none but
sickly public servants who are
under medical treatment can
expect

DA & AG. Office
Recd 14 5 1866
Ans 15

expect to obtain pension. There
were instances in which the
officers were incapacitated
for public duty by old age
& infirmity & obtained pensions
on Medical Certificate notifying
the above fact. Such persons
under the new rule will be
deprived of the benefit of the
Pension rules, as they will have
to be removed to make room
for competent individuals
who can do the duty for which
they are paid.

I have the honor to be
Sir

Your most obedt Servt

A. L. Lumsden
Collector

Pension Department.

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PROCEEDINGS of the MADRAS GOVERNMENT.

From the Asst. Genl^l 17 May '66 No. 23.

From the correspondence submitted with the Asst. General's letter received above, it appears that the Civil Surgeon of Madras refuses to furnish a certificate to servants of Govt. who apply for Pension, unless they have been under medical treatment for some disease. And grants his refusal on the order of the Govt. in the Pension Dept. dated the 5th of April 1865. No. 136.

The Rt. Hon^{ble} the Governor in -

2.

From
Rathnam

The Collector of

Madras

To
The Asst. Genl^l

Madras

Recd 8th

May
1866

No. 180

Forwarding the

original letter No

32 received from

The Civil Surgeon

of Madras refusing

to furnish a cert

to the Asst. Genl^l for the purpose of forwarding the same to the Asst. Genl^l of Madras

in Council observe that ^{while} there is nothing in the wording of the order quoted, to justify the ~~obscure~~ ^{unreasonable} construction which Dr Rule has put upon it & the object which the Govt had in view is clearly intelligible: namely, that the Officer Granting the Certificate, should be able to state from his own observation that the applicant was incapacitated, by old age, infirmity or disease, for further service.

3. The Principal Inspector Genl of the Medl Depl will be good enough to give instructions to the subordinate officers of his Depl, in.

There is no intention of W. to deter
 from letting applicants for service
 who are not suffering from disease
 which requires medical treatment: since the
 condition which Dr Rule has put upon it
 is from his own observation

at the instance of the
 the following
 the force of above quoted to direct

accordance with these remarks

- To Acc: Genl
- Prinl In: Genl Medl Depl: (for commⁿ to Dr Rule)
- Collector of Madras.

It seems to me that the Civil Surgeon of Madras is justified in his refusal by the terms of the government order construed according to the letter. It would have been more discreet of him, however, to have granted a Certificate, if it was justified by the case, on the ground of infirmity or debility. The wording of the order seems to me very objectionable and if strictly interpreted might be the source of great delay and injustice. I cannot ^{approve} the draft in its present form. N.

The object of Govt order, 5th April 1865, was to protect Govt against the prevalence of a

too loose & facile system
of granting Med. Certs: on
the mere appearance before
a Medical Officer, of the
applicant for pension who
told his own tale of real,
imaginary, or invented ailments.
I think, without further ado,
leave the ^{equitable} medical
boucher & addles for
years with the payment of
a retiring allowance before
it had been fairly earned.

In the present case, Mr
Zellah Son: ^{son of} Dr. Rule,
has seen the person who
desires to retire from the
public service and has personally intimated
to that person's local superior, the collector of
Madura, that "the person in question" has no
"disease, he requires no medical treatment".

Dr. Rule has thus I think, done all that
can be required of him as an independent medical
officer. He can scarcely be blamed to treat or
keep under observation for nothing, a healthy, but
perhaps an unintellectual, weak, old man of
59. Should the collector be aware that the
man's infirmities & uselessness require that the
public establishment be rid of him, it is, I consider,
for the collector - especially to represent to Govt -
all that can be urged to the old man's advantage
in order to secure for him the pension to which,
under the rules, his wretched & fine health - bar a
claim - would then for call on the collector of
Madura to report - why it is desired to remove
the poor man to the Saharan: dist, what are
his services, who has complained of his inefficiency
in what department he has been employed and
what are the obstacles to his continuing to serve until
sick or well, he can claim the 30 years ^{from some}

186 . Department.
No.
Dated
PROCEEDINGS OF GOVERNMENT.

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From Secy Genl 17th May 66. No 22

Order thereon 14th June 1866 No 224

From the Correspondence submitted by
the Asst. General with his letter
recorded above, it appears that
the Civil Surgeon of Madura
refuses a certificate to the Govern-
ment servants of Govt applying for
Pension, unless they have been
under medical treatment for
some disease: basing his refusal
upon the orders of Govt in the Pension

Dept, dated the 5. M. 65 No 136.

2. It was not the intention of the Govt. to debar from pension those applicants whose only disqualification

is the absence of disease which requires medical treatment; and since the construction which Dr. Rule has put ~~on~~ upon ~~the~~ it may be productive of considerable delay and injustice.

the R. & C. the G. in C. resolves in supersession of the order above quoted to direct that, in granting certificates to applicants for pension medical officers shall state in the certificate the period ^(if any) during which the applicant's case has been under treatment or observation.

3 In cases where the certificate is sought ~~on the~~ by reason of old age, infirmity or other un-
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-derstanding circumstances, in which medical treatment is superfluous,

a certificate to that effect should be given, ^{which should never be} showing the opinion of the medical officer as to the alleged incapacity.

It will then devolve upon the Head of the Dep't in which the applicant is serving, to state whether or not ~~the~~ ~~app~~ he is really so incapacitated as to necessitate his removal from the

Service of Govt., & if so whether his conduct & length of service render him deserving of indulgent consideration.

In the case of servants
drawing ~~more~~ Rs 50 per month
+ upwards the certificate
shall be countersigned by the
Depy. Insp. Genl. after personal

Examination - 22/3/78
H-

To the Accountant General
To the Controller of Military Accounts
To the Principal Secy. Medical Dept.
for Comr. to D. Ruler and
other officers subordinate to
that Dept.

To the

Form 4206, G. M. 1-1
66-500.

Dated 14 June 1888

PROCEEDINGS OF GOVERNMENT.

No. 224.

Revenue 1868. Department.

cm

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