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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT

G.O. No.	1696	Press
		Mis.
Dated	10-12-19	1869

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
10th December 1869.*

Read the following papers :—

From Mr. E. M. Antonio, (Here enter 7th May 1869.)
„ The Contr. of Mily. Accounts, („ „ 1st Sept. 1869, No. — .)
„ Offg. Deputy Adjutant-General, („ „ 28th „ „ No. 1450.)

No. 45. ORDER THEREON, 10th December 1869, No. 1696.

The following endorsement will be passed upon Mr. E. M. Antonio's petition:—
“It appears from the Adjutant-General's report that Mr. Antonio was dismissed upon the ground of his incompetence from loss of memory as well as physical ill-health ; and, under these circumstances, the Governor in Council declines to interfere and to specially recommend him for gratuity.”

2. Ordered that the following Notification be communicated to the several Departments of the Secretariat, and published in three successive issues of the *Fort Saint George Gazette*.—

NOTIFICATION.

Several recent cases of summary dismissal by Heads of Offices, of persons in Government employ, having suggested the desirability of a rule upon the subject, His Excellency the Governor in Council is pleased to direct that, in future, Heads of Offices in any Department shall not dismiss their subordinates, or remove them from the service, upon the ground of ill-health, or of physical incompetence to perform their duties, unless they have undergone medical examination, and unless a certificate to their unfitness for further performance of their duties has been obtained. Whenever a public servant, who is entitled to any allowance upon retirement, is so certified to be unfit, and removed from the service, application on his behalf should be at once submitted through the proper channel.

(By order of His Excellency the Governor in Council.)

Chief Secretary.

To the Revenue Department.

„ Military do.
„ Public Works do.

Exd. J. Wright.

N^o 58

Memo:

Referring to Mr.
Master's official Memo.
to the Offg. Examiners
of Claims N^o 928 dated
10th July 1869, the Under
Secretary to Govt. Public
for Dept^o is directed
to request that the
Director of Revenue
Settlements will state
why Mr. E. M. Antonio
left that Dept^o
in August 1868.
Sd/- 2nd Nov 1869

Nov. 1869

PUBLIC.

To

THE REVENUE DEPARTMENT

Secy,

Secy,

Secy.

Dated December, 10th.

Recd.

And.

G. O., 10th December 1869, No. 1696.

RECEIVED

NO. 45.

Communicating a Notification ruling that Heads
of Offices are not to dismiss their subordinates on
the ground of physical incapacity without medical
examination and certificate.

To

The Under Secretary to Government in the Pension Department, Fort Saint George.

Sir,

I am a Pensioned Apothecary, having retired from the Medical Department in 1855, after a service of twelve years, on account of disease contracted while on duty in Burmah.

In 1858 I was so fortunate as to be admitted in the Revenue Settlement Department, and the manner in which I had discharged the duties intrusted to me are testified to by Messrs. Bambury and Pickles, whose testimonials (A) are appended to this letter.

In the month of February 1861, I was entertained as a clerk in the Office of the Adjutant General of the Army, on a salary of Rupees 30, which about three years subsequently was raised to Rupees 35; and up to Oct. 1868 I was regular in my attendance and diligent in the performance of the work assigned to me.

Having had a severe attack of illness, I was removed to the General Hospital, and with the permission of the Adjutant General continued an indoor patient there for about two months.

In February last I had again the misfortune of being taken seriously ill, and while under treatment in the General Hospital for this second attack received an intimation (B) from the Adjutant General's Office that my services were no longer required there.

Respectfully submitting to this decision of the Adjutant General in my case, I applied to that Officer (C) for the issue to me of the regulated scale of gratuity which my services in the Civil Department entitle me to, but have received, in reply, the Memorandum marked D, stating that I have no claim to a gratuity.

Under the circumstances, and knowing fully well that the view taken by the Adjutant General's Department is opposed to the provisions of the Pension and Gratuity Rules which a benevolent Government has sanctioned for the benefit of their servants, I venture, with the greatest respect, to solicit that you will be pleased to lay my case before the Governor in Council in order to the regulated Register and Certificate being called for, and the regulated amount of gratuity being issued to me.

I remain,

Appendix A.
Testimonials

Mr. Antonio was with my office as Apothecary for about five months, and gave me every satisfaction in the performance of his duties. He was not only skilful professionally, but also aided in the office by copying letters, testing soils, &c. He leaves me at his own request having a prospect of higher salary at Madras, and finding the constant travelling in my department too expensive for the sanctioned salary.

(Signed) L. Banbury,
Deputy Director, Rev. Lett.

January 10th, 1859.

Mr. Antonio has performed excellent service in the management of the Medical Office, and in the general discharge of the work entrusted to him: understands the preparation of the monthly accounts, and writes a very neat quick hand: is a well-conducted and respectable man, and has merited my entire approbation.

(Signed) R. E. Puckle,
Deputy Director Rev. Lett.

October 1860.

B.

No. 628.

Memorandum.

Mr. C. M. Antonio is informed that he has been struck off the strength of the Adjutant General's Office from this date, his health rendering him unfit for employment.

(By Order,)

(Signed) A. Nepean, Captain,
Deputy Assist. Adjt. Genl.

Adjutant Genl's Office,
Fort Sanit George,
15th February 1869.

Mr. C. M. Antonio,
Clerk Adjutant General's Office,
General Hospital, Madras.

C.

Colonel J. C. Robertson,
Adjutant General of the Army.

Sir,

I have received your Memorandum, No. 628, dated 16th February 1869, intimating that in consequence of my impaired health my services will be no longer required in the office under your control.

This Memo. was handed to me when in hospital, and filled me with the deepest grief. During the seven years I have had the honour of serving Government my attendance to my duty has been regular, and never as I am aware, been interrupted.

Up to October last my health has been good. A severe attack of sickness, however, at the period last mentioned, rendered my admission into the General Hospital an absolute necessity; where, in order to a complete restoration to health, I was detained for two months. Unfortunately, a second attack of the same disease, which occurred in February last, obliged me a second time to become an in-patient of the General Hospital; and, as already intimated, it was during this period of severe affliction that I was almost overwhelmed with the sad tidings conveyed to me in the Memo. referred to at the head of this letter.

I must confess, Sir, that these repeated attacks of sickness have impaired my health to such an extent as to render me unfit for the discharge of my duty for sometime; and as the disease which has undermined my constitution has been purely Providential, and brought on by no act of imprudence or excess on my part, I beg you will take my unfortunate case into kind consideration, by either granting me leave of absence for a further period of six months, in order to recruit my health and again return to duty; or if this cannot be done, I beg that measures may be adopted to obtain a Medical Certificate of my health, on which to base an application to Government for the gratuity I am entitled to under the Honorary and Service Pension Rules, Clause 1st, para. 6 of P. O., 1864, viz. No. 184, dated 14th May 1864.

I beg to remain,
Sir,

Your most obedient servant,
(Signed) C. M. Antonio.

Madras,
18th March 1869.

D.

Adjutant General's Office,
Fort Sanit George,
19 March 1869.

Mr. Antonio is informed that he has been dismissed and does not now belong to the Office Establishment of the Adjutant General.

Under Regulation he is not entitled to any gratuity.

(By Order,)

(Signed) T. L. Longcroft, Lieut.-Col.,
Offg. Deputy Adjt. General.

A

OFFICE OF CONTROLLER OF MILITARY ACCOUNTS,

Fort St. George, 1st September 1869.

From
The Controller Military Accounts,
To
The Secretary to Government,

Pension Department,

Fort Saint George,

Sir,

In returning the application for Gratuity of Mr. C. M. Antonio, a Pensioned Assistant Apothecary and late a Clerk in the Adjutant General's Office, referred to me on the 12th May 1869, I have the honor to report that his service

Revenue Settlement Department in the Revenue
As Dresser and Head Clerk from 15th September to 31st December 1858 and from March 1859 to 8th August 1861 as per Memo of the Examiner of Claims, dated 14th August 1869, & 1865, and its enclosure (therewith forwarded)
Adjutant General's Office
As Clerk from 1st April 1862 to 15th February 1869 at Rs. 30 and 35 per Mensem
Office have been verified as marginally indicated.

Pension

Pension 1869 & 1870.

Rs. 321

From
Mr. C. M. Antonio

Order of May 1869.

Requesting that gratuity may be granted him for his service of Clerk in the Adjutant General's Office.

With an order

Referred to the Controller of Military Accounts for the usual verification and Report..

Fort Saint George,
12th May 1869.

W. E. Stokes

Under Secy. to Government.

To
The Controller of Military Accounts.

11/11/1869

Referred to the Adjutant General who is requested to explain under what circumstances Mr. Antonio's name was struck off the roll on account of ill health, and whether a medical certificate of his incapacity was obtained.

W. E. Stokes

Fort St. George,
1st September 1869.

2 The above Individual having
been struck off the strength of the
Adjutant General's Office on the 15th
February 1869 on account of ill health,
and not being certified to be unfit
for further service, has no claim to
Gratuity under Regulations.

I have the honor to be

Sir.

Your Obedient Servant

J. W. Whaley
Lieut. Colonel
Controller of Mily. Accounts

Pension 1869 Dept
From *N^o 781*
The Controller of Military Accounts,
Fort St. George,
To *M^r M^r*
The Secretary to Government,
Pension Department.

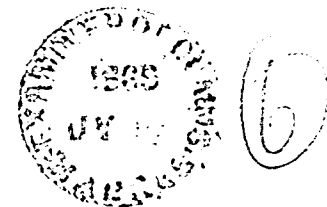
Dated *1st September* 1869.
Received *2nd*

Enclosures. 3.
Endorsement.

Reports on the appli-
cation of *M^r Antonio*
late a Clerk in the
Adjutant General's
Office.

Pension

N^o 928
108-



Official Memorandum--

The Director of Revenue Settlements
has the honor to forward to the Examiner of
Claims, in reply to his Official Memo: of the 5th
instant N^o 720, a statement showing the service
of *M^r E. M. Antonio* so far as can be collected
from the records of the Settlements Office. In
reference to the request that his services may
be verified from 1836, the Director observes
that the Settlements Department was not es-
tablished until 1858, on the 15th September of which
year *M^r Antonio* was first entertained. He
appears to have resigned on the 1st January
1859 and to have been reappointed on the 1st of
March following.

Revenue Settlements Office
Madras,
10th July 1869 —

M^r M^r

To—
Sadar Inwar Beg
Offg. Examiner of Claims —

Director of Revenue Settlements —

Am^l M^r

E. Mc. Antonio - Ages when first entertained -

Establishment	Dates -	Appointments	Period of service, in each appointment					Remarks regarding services rendered, general and formal reprimands and all special commendations or marks of approbation.
			Wiley	Green	Bentley	Way		
			4	5				

Deputy Li. - From 15th September to 31st December
 rec'd of Gov. 1858 - - -
 New Settlements - From 1st to 31st March 1859
 South America - - -
 Trichinopoly - From 1st April to 31st August 1859
 and Salem - - -

Wiley - 35 " " 3 16

Green - 35 " " 1

Bentley - 35 " " 2 14 8

On the 1st of April 1859 Mr Antonio was appointed to the post of Head Writer in addition to that of Writer and drew a salary in both capacities -

Revenue Settlements Office,
 Madras, 10th July 1859 -

Wm. E.

Secretary, Revenue Settlements -

Compd. Wm. E.

N^o 1597
42-

Official Memorandum

In reply to the Official Memorandum from the Under Secretary to Government, dated 2nd instant, N^o 58, Revenue Department, the Director of Revenue Settlements has the honor to state that Mr. E. & Mr. Antonio left the Revenue Settlements Department at his own request on the 8th August 1861.

Revenue Settlements Office,
Madras,
9th November 1861 -

W. Mas E
Director of Revenue Settlements -

To
The Honorable R. S. Ellis Esq.
Chief Secretary to Government
Public Department.

Completed

From
Mr. Macdonald
To Mr. E. & Mr. Antonio
Chennai
Franklin & Co.
Madras
Recd 23 July 1861
N^o 928
108
Revenue Settlements
Office of Mr. E. & Mr. Antonio
Chennai
Nov 7 1861

Fort Saint George
 No 1450 28th September 1869
 From, Lieut. Col. J. B. Longcroft
 Offg. Dy. Adjutant General
 To The Chief Secretary
 to Government

Sir,
 In acknowledging the receipt
 of petition from Mr. Antonio late a
 Clerk in the Adjutant General's Office,
 praying for the grant of a gratuity,
 and referred to this Department under
 date the 15th September 1869. for an
 explanation of the circumstances under
 which his name was struck off the Rolls,
 for ill health, and whether a Medical
 Certificate of his incapacity was obtained.

Received 1869 Department
 From
 J. B. Longcroft
 To
 The Chief Secretary to
 Government
 J. B. Longcroft

Books of
 1869
 1869
 1869

History of the
 War of 1869
 in the
 Department
 of the
 Chief Secretary
 to Government
 1869

I have the honor by order of the Com-
mander in Chief to state for the
information of Government, that the
ill health for which he was removed from
the Adjutant General's Office, arose from
a generally feeble habit of body and
failing memory.

2. This man was generally con-
regular in attendance at Office, but
being of a feeble constitution, he was
not capable of getting through his
work.

3. During eighteen Months
previous to his dismissal, his memory
had become so bad, as to render him of
little or no use in Office.

4. He was put to the easiest
work, but failed, and as the almost
total loss of one Clerk's services could

ill

ill be borne, Mr. Antonio was removed
on the general grounds of ill health,
rendering him incompetent for the
performance of his duty.

5. A Medical Certificate of
incapacity was not obtained, being
considered unnecessary under the above
circumstances.

I have the honor to be,
Sir

Your Obedient Servant

Rogeroff
Off. Dy. Adjutant General

Pension Department.

Memorandum.

Mr. S. M. Antonio,
a pensioned apothecary,
left the Medical Department
in 1855, in consequence
of disease contracted in
Burmah. On the 15th Sep-
tember 1858, he entered
the Revenue Settlement
Department, and served
in it as shown in the
margin for 2 years, 10
months and 24 days. On
the 1st April 1861 he was
entertained on Rs 30 in the
Adjutant General's Office
and served till the 15th
February 1869, a period of
6 years, 11 months and

15th Sept. 1858. - 31st Dec. 1858.
1st to 31st March 1859.
1st April 1859 to 8th Aug. 1861.
Note. He resigned his appointment
on the latter mentioned date
H.C.

15.3.19 1311

Pub. Sep. 10th Dec 1858
Pension 1859. Department
Oct 1858.

15.3.19 1311
15.3.19 1311
15.3.19 1311

In 10th Dec
of the Chief Secretary
to Government

Date 28th Sept 1858
Revenue 1859

Reports on
from Mr. Antonio's
a Clerk in the
Branch Office.

15 days. He was struck off the roll of the Adjutant General's Establishment on the general grounds of ill health rendering him incompetent for the performance of his duty." He was then under treatment in the General Hospital being it would appear on sick leave. No medical certificate of incapacity was obtained. He has now petitioned to be admitted to gratuity.

2. The Adjutant General says that Mr. Antonio was of a generally feeble habit of body and failing memory; that he attended regularly but was not capable of getting

getting through his work; and that for months previous to his dismissal, his memory had been so bad as to render him of little or no use in the office, though he was put to the easiest work.

3. The question is whether under these circumstances the Adjutant General was justified in dismissing him without a medical certificate of incapacity, and whether, if now certified incapable the man should be admitted to gratuity (subject to confirmation by the Government of India) the interval between cessation of service and

* of 9 months pay - Rs 315.

medical examination being overlooked.

On the one hand it is clear, though Mr. Antonio's age is not specified, that he must have been entertained late in life, that he is already in enjoyment of his military pension, and that he may have been mentally incompetent though physically fit for service. On the other he appears to have been dismissed on grounds of physical as well as mental incapacity, and the case seems a suitable one on which to hang a general ruling that heads of offices are not to

to dismiss servants on the grounds of physical incapacity, without medical examination and certificate. No order to this effect has yet been issued, but it is submitted that such an order is very desirable and would give servants a valuable security against caprice in their superiors, besides much simplifying the disposal of cases like the present. It would perhaps not be safe to extend the rule to cases of alleged mental incapacity.

Yr
Asst.
WOM

I would not recommend any practice in this case. The man is not destitute & it is not a good case in which to go to the point of dismissal of alleged mental incapacity.

Ag
I agree with Mr. Antenor
WOM

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter Papers sent

Mr. E. M. Antonio — When sent 7th May 1889.
The Controller of Milly. Accounts / — — — 1st Sept. 89. 1st
Offg. Dy. Adjutant General / — — — 28th — — — N^o 1450 /
~~Director. Revenue Settlement / — — — 7th Nov. 89. — — — 1597 /~~
~~42~~

Order thereon 10th December 1889. N^o 1696.

The following endorsement will be passed upon Mr. E. M. Antonio's petition.
"It appears from the Adjutant General's Report that Mr. Antonio was dismissed upon the ground of his incompetence from loss of memory as well as physical ill health, and under these circumstances the Governor in Council declines to interfere and ^{to} specially recommend him for grant."

3. Ordered that the following Mitigation be communicated

C: 18th Nov 89
23rd Dec

Communicated to the several departments of the Secretariat, and published in three successive issues of the Fort Saint George Gazette.

Notification.

Several recent cases of summary dismissal by Heads of Offices, of persons in Government employ having suggested the desirability of a rule upon the subject, His Excellency the Governor in Council is pleased to direct that, in future, Heads of Offices in any Department shall not dismiss their subordinates or remove them from the service, upon the ground of ill health, or of physical incompetency to perform their duties, unless they have undergone medical examination, and unless

a certificate to their unfitness for further performance of their duties has been obtained. Whenever public servant, who is entitled to any allowance upon retirement, is so entitled to be unfit, and removed from the service application on his behalf should be at once submitted through the proper channel.

W. J.

To the Pres. Dept.
M. S. & P. N. Depart. } 14/12
Gazette 14/12
Indorsed to Pres. Dept. 16/12/1891

