

19/12
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ORDINARY, MS.

Public DEPARTMENT.

G.O., DATED 19-12-93.

No. 1008

When given for copying.

[Despatch Abstract.]

*Declining to comply with Dr. M. F. de
Zabeck's request for an extension of
his term of service for a period of one
year and eleven days to complete 5
years tenure of appt. as Surgeon Genl*

No. C
128

Encl.

From

SURGEON MAJOR-GENERAL W. F. DEFABECK, M.D.

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE

Honourable The Chief Secretary to Government

SIR,

Public Department.

I have the honor to submit for the favourable consideration of His Excellency the Governor in Council this my application for an extension of my term of service as Surgeon-General with the Government of Madras for a period of one year and eleven days, to enable me to complete the five years tenure of this appointment.

Unless this concession is granted me I shall have to vacate on the 18th May 1894, in accordance with the Warrant of 16th November 1880 published in G. O. G. No 50 of 18th January 1881, at present ruling which necessitates the retirement of the Surgeon-General of the Indian Medical Service on his attaining the age of 60 years. This age I shall attain on the 18th May next. The following is the extract of the Warrant referred to

" With a view to maintain the efficiency of the service, all Medical officers of the rank of

Brigade Surgeon, and Surgeon-Major placed on the retired list when they have attained the age of 55 years; and all Surgeons General and Deputy-Surgeons General when they shall have attained the age of 60 years.

In any special case, where it would appear to be for the good of the service that the officer should continue in employment, he may be so continued, subject in each case to the sanction of the Secretary of State for India in Council.

Such extension as I now ask for is contemplated in the Warrant quoted and may be sanctioned if recommended in the interests of the public service.

I would urge that when I entered the Indian Medical service in January 1857, each member of the Medical Board was appointed for a term of 5 years; vide despatch No 92 referred to in G.O. G No 964 of 1857 and Fort St George Gazette of 18th August 1857.

Under this order now quoted from the Honourable Court of Directors, the Director-General of the Medical Department of each Presidency was also appointed for a term of 5 years; *irrespective of age*. In the Royal Warrant of 1860 published in G.O. G No 168 of 1860 dated 17th April 1860, (page 242) the tenure of office of the then called "Inspector-General" of the Indian Medical

Department was limited to 3 years and they were not compulsorily retired until the age of 65. (Vide para 8)

Moreover re-appointment for a second tour was permitted if not disqualified by age and if the interests of the public service were thereby advanced.

In this connection I would represent that in the case of any apparent hardship arising from the alteration of the Rules and Regulations of the services, the Secretary of State has graciously allowed that any such rules may be modified in any particular instance; vide a statement by the Under-Secretary of State for India in the House of Commons as reported in the 'Home News' of the 16th June 1893.

" The Secretary of State has not altered the
" declarations made to the Select Committee of
" 1890 on the grievances of Civil Servants.

" While the Government reserves to itself the
" right of changing the leave and pension rules
" at its discretion, when necessary in the interests
" of the public service, the Secretary of State
" has given instructions to the Government of
" India that when, owing to the exercise of that
" discretion, any case of apparent hardship
" arises through the alteration of the rules, the
" claim is to be examined when the officer applies

" to retire; and it is to be considered whether
" the new rules should not be modified in the
" particular instance.

" In several cases since 1890 this has been done.
" The validity of these declarations is now in practice
" admitted by the Secretary of State and the
" Government of India.

" As regards Military Officers it has been repeatedly
" laid down that the Secretary of State has the
" right of altering the conditions under which they
" are employed. But it has always been under-
" stood that, as a rule, some counter balancing
" benefit should be given to compensate for any
" advantage taken away if the loss is so great
" in degree as to call for compensation.

As a precedent for such an extension of
service as I now apply for, I would refer to
the case of the present Surgeon-General with
the Government of India, whose tenure of office
has been extended for no less than 2 years and
3 months; and many other officers in the Military
Department have from time to time been
granted an extension of service.

With regard to the conditions laid down in the
Warrant now in force for the Indian Medical
Department, requiring the Surgeon-General

of the Indian Medical Service to retire on attaining the age of 60, I wish very strongly to represent, that, although I entered the Indian Medical Service at the age of 22, which is the earliest possible age at which a candidate is allowed to appear for examination for this service; it will nevertheless be impossible for me to fulfil the conditions of the Warrant so as to complete a 5 years tour of service as Surgeon-General before the age of 60.

It has been impossible for any of my predecessors to complete their 5 years tour of service as Surgeon-General before that age, except by the supersession of senior officers, and even this was only once accomplished viz: - by Surgeon-General W. K. Cornish, who only served for four days as Deputy-Surgeon-General and who superseded eleven of his seniors on promotion to Surgeon-General. This is an important matter, as it materially affects not only my own case, and that of the Madras Medical Department; but the interests of the Indian Medical Service generally.

In the event of the extension that I am now applying for being granted, I have to state that such privilege would have no detrimental effect nor involve any injustice to the officers from whom the selection of my successor may be made.

As regards Surgeon-Colonel Sibthorpe, my

immediate junior in the Department, an officer of 23 years standing, I attach herewith a letter from him in which he states, that, in the event of the extension of service being granted to me, it would actually be to his advantage. His promotion to Surgeon-Colonel dates from 29th May 190.

Surgeon Colonel McVittie, the next on the list, has 27 years service and was promoted to his present rank on the 7th March 1891.

I would add, that, as the Warrant now in force permits of an extension of service being allowed wholly on public grounds and in the interests of the public service, I hope I may be permitted to represent that the affairs of the Madras Medical Department, both in its relations with Government and in its administration during my tenure of office, have been carried on smoothly and I trust also to the advantage of the service and with satisfaction to His Excellency the Governor in Council.

I wish also to be permitted to refer to the fact of my having enjoyed excellent health during my entire service, notwithstanding many trials and privations endured since 1853,

In conclusion I can only leave my case in the hands of His Excellency the Governor in Council, in the hope that, on such public grounds he will favourably support this my application, in forwarding the same for the final approval and decision of the Governor General in Council and the Right Honourable the Secretary of State for India.

Sir

R. H. Fackner S. m. 9.

Surgeon General with the Government
of Madras

As both my hon. colleagues are in agreement
on this question, I do not think it necessary
for me to enter into any detail on the reasons
which I would advance for refusing this
application. But I have no hesitation in
saying that from the knowledge which I possess
of the working of the Madras Medical Dept.
under Surg. General de Sabeck, it would
not be to the interests of the public service
that he should be granted any extension
of his tenure of office.
The G.O. should I think state that the
Govt. regrets etc.

W
17 Dec.

Public Department

Ar

Im

Surgeon Paul W. F. de Fubert

S. G. with front of head

L

Matthew M. Cheyler

61 DEC 95

Dates 30th Nov } 1893
Rees 1st Dec }

$$k_0 \frac{c}{128}$$

Incls. 1

Applies for an Extension
of term of Service
for a period of 1 year
& 11 days to complete
the 3 yrs tenure of
appt as Surgeon Genl

Reedville - 2001

Pub. R. no. 5371. 5.90

Lague with the Hon: Mr. Blair.
I don't think D. & F. took
trouble on any case for
himself nor that any com.
co. he used was for him
for granting him extraordinary
service in the

15/12/90

for Orders.

It is not apparent how Stanton
could be recommended in
this case on public funds.



4/12/53

I am much opposed on general
grounds to the extension of the
service of officers (of whatever dep^t)
required to retire on attaining a given
age or length of service, and consider
that no such extension should ever
be allowed unless it is patent that
the public service will suffer by its
being disallowed & by the consequent
introduction of a new incumbent into
the particular office. ^{at the transition time} I have not been
in Council long enough to gain much
knowledge of the administrative efficiency
of Maj. Genl. de Fábek, but observe
that he has not adduced any reasons
whatever on which we could base
a recommendation to the Sec. of State
to relax the retirement rule in his
favour. I think therefore that he should
be informed that Govt. rejects its in-
ability to move the Sec. of State as
requested by him - B

3.5712

5712/93

Aug 12 - 1906 see memo.

Public Current 3223.

Order: 19th Decr. 1893 No. 1008

The Govt. regrets it
is unable to comply
with Dr. de Fabeck's
request.

/from orders/

75 B.
18/12

Donnerstag - Gaul.

with Dr. Sibthorpe's DO

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

A = Copy in full.
D = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

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