

Public (1896) Department.

ORDINARY PRINTED.

G.O., No. 1281

DATED 5-12-96

III

[Despatch Abstract.]

Appeal to a Medical Board against a Medl officer's
Certificate. Permitting, with remarks, Muhammad
Abdul Khadir on the establishment of the Court
the District Munsif, Cocanada, to appear before
a Medical Board in Madras for examination;
and agreeing with the Surgeon Genl that an
— should be allowed only at the request
of the Head of a Dept and subject to the Surgeon
Genl's approval.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.

FURTHER PAPERS.

O.	No.	Department.	Date.	G.O.	No.	1

Government { 1896 } of Madras. PUBLIC.

Recd. } 1896. Enclosures
Regd. } 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.

செப்பனுவல் பெயர்

செப்பனுவல் தற்கால எழுத்து
கொண்டு பட்ட நாள்

ச. ப. எ. 96
கையொப்பம் கையொப்பம்

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.)

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.

Exd. A. Raiff.

G.

note for C.S.

Please see H. W. note
on the last sheet of
the note for advs.
Submitted that enquiry
should be made, as
suggested by the C.A.

a. L. H.
2/2/56

yes
3.12.

Judicial (1896) Department.

Encl No 22A2

CURRENT No. ~~1111~~

Referred to the Surgeon
General for remarks
on para: 3 of the Regis-
trars letter - and also
as to the ^{practicability} ~~possibility~~ of con-
-vening a Medical Board from
at Cocanada - or somewhere
near there - to examine
Order the petitioner.

The Registrar,
High Court of Judicature,
MADRAS.

Endorsement *M. Annal*
Applied Secry. *24.10.*
Transferred to the Public

No.

Dep't

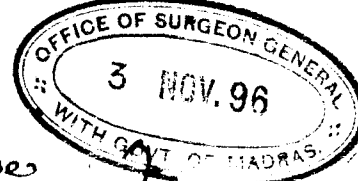
3.5.13.
26/10/16

Dated 7 Oct 16
Received
Registered
Enclosures *file 7 Notes.*
Spare copies

H. Under Secretary

21/10/96.

For L. Sh. George
2nd November 1896



SUBJECT.

Forwarding a memorial by one Muhammad
Abdul Khadir, a copyist on the establishment of
the Court of the District Munsif of Cocanada
the matter of his health certificate and suggest
that an appeal to a Medical Board might be
allowed against the decision of a medical o
cer who refuses to give a certificate of f

To the Public Dept.

RACK PAPERS.

G.O.	No.	Department.	Date.
	609	Pub	18-8-94
	2091	Pub	12-9-87
	450	Pub	16-3-87
	807	Pub	23-5-79
	1333	Pub	6-10-77
	1053		8-8-77

FURTHER PAPERS.

G.O.	No.	Department.	Date.

be correct and recommend the memorialist's confirmation in the appointment.

10. That it is very hard upon the unfortunate memorialist to fall a victim to the arbitrary opinion of Dr. Maudsley who made only a cursory examination. It is uncommon in the annals of the benign British Government that the fate of an unfortunate creature like that of the Memorialist should be so summarily settled, without a right of appeal.

Judicial (189) Department.

CURRENT No.

Order

From

The District Judge
Godavari.

No. 4729.

Dated 12th September 1896.

Received

Registered

Enclosures Four

Spare copies.

SUBJECT.

Forwarding for sub-
mission to Government,
a memorial with enclosures
from Mahomed Abdul
Khadir, a copyist in the Dis-
trict Munsif Court Cocanad
praying for the restored to the
post of a permanent Am in the
District Munsif Court of Tan-
on the strength of the medical
certificate given by Dr. Sark

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

himself memorialise Governor.

6. That your Memorialist humbly submits that, owing to the erroneous opinion, formed of him, by Dr. Marsden your Memorialist has been reduced to a life long misery. He never suffered from heart disease. He has been inured to a hard and rough life and often performed journeys by walking 25 or 30 miles a day without being fatigued. If the Memorialist's heart were really affected there is no reason why Dr. Parkies, an officer of an equal.

standing and ex-
with Dr Marsden, who
not find the same defect
in him. Dr Marsden seems
to have been misled by the
beating of the hammers by
the workmen who were
working on the premises
of the Hospital building
at the time when he
examined the Memorialist.
When the Memorialist
appeared before Dr Park
he did not tell him that
Dr Marsden had rejected
him, for if he did, he was
afraid, Dr Parkies would
either refuse to examine
the memorialist at

or would be unfavourable
prejudiced against him as
would fail to express an
impartial opinion about him

7. That the memorialist
humbly submits that Dr.
Parkes examined him
more minutely and closely
than Dr. Marsden. In fact
the memorialist begs per-
mission to submit that
Dr. Marsden's examinat-
ion was so very cursory that

he never asked the memorialist what his age was. He himself put it down without asking the memorialist a word about it.

8. That on a reference from the Surgeon General Dr. Parkies reported to the former that he carefully minutely examined the man and that he found him free from any constitutional diseases.

9. That Mr. Macken, from his own experience and that of his friends considered that a medical opinion such as that pronounced in the case the memorialist could

Government will be graciously
to issue orders for the restoration
of the memorialist to his per-
manent Amin's post in the
Tanuku District Munsiff's
Court or any other Court on
the strength of Dr Parkies
certificate. Copies of the District
Judge's letter No. $\frac{745}{26.2.96}$ to the
High Court and of High
Court's Order No. $\frac{2200}{25.6.96}$ are
attached.

Ans Abdul Khader

Cocanada

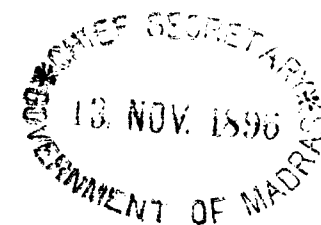
3-9-96

not proper to the No 4728
In C. No. 4905 of 1896 12-5-96

Public
Judicial (1896) Department.

To.
The Chief Secretary to Government.
Judicial Department

CURRENT No. ~~4747~~



From

The Surgeon-General with
the Government of Madras.

No. 524.

Dated 11th November 1896.

Received 13

Registered 24 11-55

Enclosures C. No. 4467 & encls. re

Spare copies

Subject.

Memorial from Muhammad
Abdul Khadir, Copyist, District
Munsiff's Court, Cocanada, -
requesting Government to restore
him to the post of Amin
in the strength of the Certi-
ficate given by Dr. Parkies.

SUBJECT.

Stating that it would not be possible
except at considerable expense, to
convene a Medical Board at Cocanada,
and suggesting that the appellant,
Muhammad Abdul Khadir, a copyist on
the Establishment of the Court of
the District Munsif of Cocanada, may
be brought before a Board in Madras.

By A. 14/11/96

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G.]
26
500-5, 3-06.

Public DEPARTMENT.

CoNo. 35247 3818

H. E. THE GOVERNOR.

THE HON'BLE MR. BLISS, C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Doctors Disagreeing.

FOR ORDERS.

The difficulty in such cases is to make sure of the identity of the person named. The course recommended by the C.S. may be allowed, but the proposed sealed letter & descriptive roll should be supported by a set of fingerprint impressions.

With C 35247, Registrar of the High Court, forwarded a memorial addressed to foot by Muhammad Abdul Khadir a copyist in the District Sifto Court, Cochin.

The facts, as shortly stated by the Registrar, are that on the memorial being appointed as a permanent Amiri of the Court of the District Munsif of Tanjore, he was directed by that officer to appear for medical examination before the Surgeon of Rajamundry, Surgeon Marudan, who on the 11th July last certified that the memorialist was disqualified by heart disease for employment in the public service; but that thirteen days later Abdul Khadir underwent

He was given the usual letter (vide page before May A) It is stated whether any description roll was sent also - as required by P.O. 814. Public. D. 15 June 87. (May F). (Please see also C.O. 1550 Public. 26. June 87. May D)

appropriate examination by the
Civil Surgeon of Cocanada, Sir
Major Sarkis, who found
him free from any disease
and gave him a certificate
to that effect. The memorialist
did not tell Dr. Sarkis that
he had been rejected by Dr.
Marsden.

On a reference being made
to the Surgeon General by the District
Judge of Daman, he replied
that there was no rule author-
-izing a candidate for foot
service to appeal against, or
to apply for a review of, the
decision of a medical officer
who refused to give a certifi-
cate of fitness. With ref. to this
please para 3 of the letter from
the District Judge to the Registrar
flagged.

In para 3 of his letter to foot
the Registrar suggested that an
appeal to a Medical Board
might be allowed.

The Surgeon General was
accordingly directed to
report on the practicability

There is nothing on record to
show that the same man
was examined in the same place
in the past. It is at Flag. F.
The Petitioner suggests that Dr.
Marsden was invited to
the residence of Petitioner's heart of
the beating of the hammer by
the witness who was sitting
on the premises of the Hospital
building at the time when he
examined the Petitioner's leg.

C. 3524

Encl. N. 2242 of 2.11.96

Submitted that if this is
approved the memorialist
be given to understand
that he must pay his
own expenses whatever
be the result.

of convening a medical
Board at Cocanada, or
some place near it.

His reply in C. 3818
is to the effect that it would
not be possible, except at
considerable expense, to
so, as Surgeon Major Sarkis
the D.M.S.O. of Rajahmundry,
being the officer who granted
the second certificate,
cannot sit on the Board.

Dr. Sibthorpe suggests
that, if foot considers it
desirable, Abdul Khadir
may be brought before
the Medical Board in Madras.

With reference to the
Registrar's remark that an
appeal to a small Board might
be allowed in cases similar
to the one in question, the
Surgeon General points out that
the privilege will be liable
to abuse unless the restric-
-tion be imposed that an
appeal will only be allowed
in cases supported by
heads of depts and in
which the Surgeon General
is satisfied "from a perusal
of the reasons of the certifying
officer that a reference to a
medical Board is justified".

It is to be presumed that
the Surgeon General is satisfied
in the present case.

Previous cases when
doctors differ will

CW. 1146

Up, viz., info. N° 1053 Pub
4.8.77, info. N° 450 Pubd 26th
March 1887 and info. N° 2091
Tudl d/12.9.87. But they
are far from being identical.

Attention is solicited to
the Rev Dept proceedings
N° 2349 d/30th July 1877
recorded in info. 1052 Pub
d/8th August 1887. In fact
therein declines to recognize
the certificates which have
been obtained inside the districts
in which these subordinates
were serving, and where
they were known, nor will
(it) allow any appeal
from the local Medical
Officers opinion in similar
cases except at the request
of the Collector or other
head of dept and only
to the Surgeon General or some
officer deputed by him.

The two points for orders are:-

May the man Mr. Abdul
Kader be examined by a
Medl. Bd. at Madras.

In similar future cases
may an appeal be allowed
to a Medl. Bd. subject to
the conditions proposed
by the S. G.

The second certifi-
cate could never be
obtained without
a previous exami-

Did not finger tip print
identification insisted on?
I think there was something of
the kind suggested the other day
in the meeting
d/15

Yes

3.12.86

understanding of the matter
is not clear. It is not clear
if the man is the same
as the one who was
examined.

It is submitted that as the
record is not clear on the
point of the identity of the
man examined by the two doctors
further information may be called
for so as to clear up the
doubt, for which it is submitted
there appears to be room. For
it may ^{about Khadi} be sent to
Surf. Major Sarkis with a
descriptive note for report on the
point.

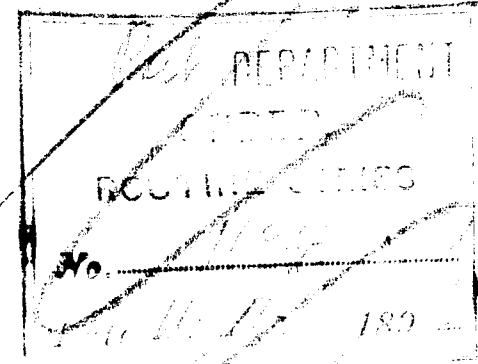
To obviate this difficulty in
future, it is ^{suggested} that
in future, when printing these
certificates, medl. officers should
add to them a
description, as full as may be,
of the person examined.

If this course is considered
to be undesirable, the question
still remains as to whether Mr.
Khadi should be examined at
Madras. It is submitted that
he may be allowed to examine
himself at his own cost, a
descriptive note, of course, to
sent to the Medl. Bd. for
examination.

as regards the S. G. who

Public (189) Department.

CURRENT No. 3524



Endt
Order

From

The Govt Dept.

No.

Referred to the Surgeon General for remarks on para 3 of the Registrar's letter and also as to the practicability of convening a Medical Board at Locanada or somewhere else near there to examine the petitioner

Dated 21

Received 22

Registered 23

Enclosures one file of papers

Spare copies -

} Oct 96

SUBJECT.

Transf's letter from the Reg'r High Ct, forwarding a memorial by one Muhammad Abdul Kadir, a copyist on the Establishment of the District Munsiff of Locanada in the matter of his health certificate and suggesting that an appeal to a Medical Board might be allowed against the decision of a Medical Officer.

(origl sent)

There is no rule authorizing the application for review of the decision of a medical officer. The refusal to certify to the fitness of a candidate for probation, it is submitted, that the same now depends upon the opinion of the medical officer. The official will be required to be satisfied.

In this connection, please refer to the order of Prob. made with regard to at High Ct. The S.G. has refused to recognize Major Sarkies' certificate as correct, but it is to be taken from his submitting case to the High Ct. that is in favor of an appeal being allowed. The S.G.'s proposed rule regarding applications for review, it is thought, is approved. It is very much the same as order at High Ct. already noted to.

2 L.H.
23/11/96

See ante
23/11/96

As far as Govt is concerned, the certificate of the Medical Officer appears for the purpose is sufficient. If the individual desires to appeal, it is therefore right it should be at his own risk. The S.G.'s proposal that an appeal shall be allowed only at the request of a head of dept. and subject to his - the S.G.'s - approval, is sound & may be accepted. In the present case it is proposed to send the man Abdul Kadir again to Dr. Sarkies with a descriptive roll. If an imposter appeared before Dr. S. this will become apparent when the real Abdul Kadir appears before the medical board. If Abdul Kadir likes to appear at his own expense before a Med. Bd. in Madras, he may be allowed to do so, but the Dr. Muff should furnish him with a letter & a descriptive roll certified by the Dr. Muff to be correct.

HA 21. 11.96

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G.]
24.
600-28-10-96.

Public DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 3524 of 1896, dated 7. 8, from The Registrar, High Court of Madras.
" " 3818 " 1896, " 11. 27, " The Surgeon General.
" " " 189 , " , "

ORDER. N° 1281 of 5-12-96

In the circumstances, ^{reported} 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 himself bear ^{his} the entire cost of the journey ^{expenses}.

2. In purposes of identification the District Officer shall furnish the petitioner with a sealed letter and a certified descriptive roll, which shall be supported by a set of finger tip impressions.

3. The Govt agrees with the Surgeon General that an appeal to a Medical Board against a Medical Officer's certificate should be.

by at the request of the Head
of a Dept and subject
to the Surgeon General's
approval, after having
satisfied himself that
the appeal is justifiable
from orders.

50B
11/11/16.

1/11/16

MT

3.12.16

9/6

Honble C. J. with C. L.
in the 4th order at
the Surgeon Genl's
dpts of the Secretariat
at Heads of Depts under
the Chief Secretariat

30.12.17/12

Dep. 6/1/17

Public DEPARTMENT.

List showing the distribution of the Proceedings of Government
No. 1281 dated 5th December 1896

Educational

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Marine Department
Local and Municipal Department
Pension Department

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EDUCATIONAL.

Director of Public Instruction
 Commissioner for Government Examinations
 Superintendent, Government Museum

THE DISTRICT MAGISTRATE OF

Anantapur
 North Arcot (Chittoor)
 South Arcot (Cuddalore)
 Bellary
 South Canara (Mangalore)
 Chingleput (Saidapet)
 Coimbatore
 Cuddapah
 Ganjam (Chatrapur)
 Godavari (Ootacamund)
 Kistna (Masulipatam)
 Kurnool
 Madura
 Malabar (Calicut)
 Nellore
 Nilgiris (Ootacamund)
 Salem
 Tanjore
 Tinnevely
 Trichinopoly
 Vizagapatam

THE DISTRICT AND SESSIONS
 JUDGE OF

North Arcot (Chittoor)
 South Arcot (Cuddalore)
 Bellary
 South Canara (Mangalore)
 Chingleput
 Coimbatore
 Cuddapah
 Ganjam (Berhampore)
 Godavari (Rajahmundry)
 Kistna (Masulipatam)
 Kurnool
 Madura
 North Malabar (Tellicherry)
 South Malabar (Calicut)
 Nellore
 Nilgiris (Ootacamund)
 Salem
 Tanjore
 Tinnevely (Palamcottah)
 Trichinopoly
 Vizagapatam