

Public (1895) Department.

ORDINARY MS. 21

G.O., No. 1321

Dated 15-12-96

[Despatch Abstract.]

Communicating to the High Court
letter from the Sayer Civil Judge
forwarding copy of proceedings of a Native
Board in which process-server V.
Subbarajulu of the District Munsif
Court, Rayachoti, is declared fit
for further service.

Public (1896) Department.

ORDINARY PRINTED

1321
-2-

G.O. No. 1321

DATED 15-12-96

INDEXED.

[Despatch Abstract.]

Certificate of fitness for further service.

Communicating to the Hon'ble the Judges of the High Court letter from the Surgeon General forwarding copy of proceedings of a Medical Board in which process server K Subbarayudu of the District Munsif Court, Rayachoti is declared fit for further service.

Government (1896) of Madras.
PUBLIC.

1321
-3-

Recd.

Regd.

1896.

Enclosures

Spare copies

G.O., No. 1321, 15th December 1896.

DECEMBER.

Certificate of Fitness for further Service.

Communicating to the Hon'ble the Judges of the High Court letter from the Surgeon-General forwarding copy of proceedings of a Medical Board in which process-server V. Subbarayudu, of the District Munsif's Court, Rajahmundry, is declared fit for further service.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following paper:—

G.O., R. No. 1184, Public, dated 11th November 1896.

Read—the following letter from D. W. G. COWIE, Esq., Registrar of the High Court of Judicature, to the Chief Secretary to Government, dated Madras, 27th October 1896, Ref. on Cur. No. 5184:—

I am directed to forward, for the orders of Government, copy of letter, No. 5135, dated the 17th instant, from the Acting District Judge of Gódvári, together with its enclosures.

ENCLOSURE.

From H. MOBERLY, Esq., Acting District Judge, Gódvári, to the Registrar of the High Court of Judicature, Appellate Side, dated Rajahmundry, 17th October 1896, No. 5135.

On the 27th August last Varre Subbarayudu, a process-server attached to the Rajahmundry District Munsif's Court, submitted an application (translation of which forms Appendix A) for ten days' leave on the ground that he had pains in his legs. On this, the District Munsif addressed a letter (Appendix B), No. 465, dated 29th August 1896, to the District Surgeon asking for a certificate as to the state of the man's health. The District Surgeon therefore certified (*vide* Appendix C) that Varre Subbarayudu is completely and permanently incapacitated for further service. On the 30th August the District Munsif placed V. Subbarayudu on the retired list and on 28th September forwarded an application on behalf of the process-server for gratuity.

2. As I was not satisfied that the man should be retired, or that he was unfit for further service, I wrote to the District Surgeon on 3rd instant inviting his attention to Rule 7 of Government notification, No. 358, dated 18th August 1894 (*vide* *Fort St. George Gazette* of 4th September 1894, Part I, page 1022), and requesting him to explain how he came to grant the certificate. Copies of my letter and of the District Surgeon's reply form Appendices D and E.

3. This particular process-server has been unfortunate in incurring the District Munsif's displeasure, and although he may not be fit to travel 400 miles every year serving processes, I am of opinion that he is quite fit to do light work about the court, such as guarding property or the court-house, and that, under Article 469 of the Civil Service Regulations, he should not be pensioned. Clause (c) of Article 491 of the Civil Service Regulations and Article 527 appear to have been overlooked. I have the honour, therefore, to request that the orders of Government may be obtained as to whether, in the circumstances, I am bound to accept the medical certificate and to forward the application for pension. I must remark that Varre Subbarayudu has not submitted the statement prescribed by Article 988 (a) of the Civil Service Regulations and that the formal application under Article 990 has been prepared by the District Munsif on his own initiative.

Order—R. No. 1184, Public, dated 11th November 1896.

The Surgeon-General will be requested to arrange for the examination of process-server V. Subbarayudu by a Medical Board at some convenient station as near as possible to Rajahmundry, with a view to ascertaining definitely whether he is fit for further service or not.

(True Extract.)

(Signed) A. T. ARUNDEL,
Ag. Chief Secretary.

To the Surgeon-General.

Copy to the Hon'ble the Chief Justice (with C.L.).

READ—also the following paper :—

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, 5th December 1896, No. 541.

With reference to G.O. R. No. 1184, dated the 11th November 1896, I have the honour to submit herewith proceedings of the Civil Medical Board, assembled at the Government General Hospital, Madras, on Saturday, the 28th ultimo, declaring process-sayer V. Subbarayudu fit for further service.

2. A Board could not conveniently be convened elsewhere nearer than Madras, as Surgeon-Major S. C. Sarkies could not serve on it, being the certifying officer.

3. The papers received with the above Government order are herewith returned.

ORDER—No. 1321, Public, dated 15th December 1896.

The Surgeon-General's letter will be communicated, and the proceedings of the Medical Board will be forwarded, to the Hon'ble the Judges of the High Court.

(True Extract.)

A. T. ARUNDEL,
Ag. Chief Secretary.

To the Hon'ble the Chief Justice (with C.L.).
" Surgeon-General.

C. No. 4733

= the fitness or unfitness of process server Subbar
for further service

1321
5

FOR ORDERS

The Judd Dept Transfers a letter from the Registrar of the High Court forwarding for the orders of Govt a communication from the Acting District Judge of Godavari to the following effect:—

Varre Subbarayudu, a process server attached to the Rajahmundry District Munsifs Court, submitted an application on the 27th August last for ten days leave on the ground that he was suffering from pain in the legs. The District Munsif thereupon wrote to District Surgeon asking for a certificate as to the state of man's health. The District in reply certified to Subbarayudu being completely permanently incapacitated.

in service. On the 30th
and therefore the Municip
placed the man on the
sired list and on the 28th
September forwarded an
application on behalf of
the process server
"for a gratuity".

Mr. Motley, the Acting
District Judge, not being satis
fied that the man should be
rewards, that he was unfit
for further service, Enquired

of the District Surgeon why
"the rule" of those published

of the Gazette 4-9-94
that he had granted the certificate

in question without being asked
by the District Municip

Surgeon Major Parkes replied
that from the tone of the Municip

letter he gathered that he
was to state whether the

man was fit for further
service or not.

Mr. Motley remarks that
process server has un-

fortunately incurred the
Municip's

* V. de G. This rule states that
medical officers should not grant a
certificate of unfitness for further
service to any foot servant except
on the recommendation of and with the
signature of the head of the office
or department in which he is employed.

* E

processes vide 16

* in Mr. Moberly's opinion

6
1321

* gratuity

Munsif M. J. M. that though he may not be fit to travel 400 miles. Every year serving processes, he is quite capable of doing light work about the court e.g. guarding property on the court lines; and that under Art 469 C.R. he should not be pensioned. He enquires with ref to Arts 491(b) and 527 C.R. which appear to have been overlooked, whether he is bound under the circumstances to accept the medical certificate and to forward the application for pension. He adds that Subbarajudu has not submitted the statement prescribed by Art 988(a) C.R. and that the formal application under Art 990 has been prepared by the District Munsif on his own initiative.

"To pension an officer capable of useful service is a waste of public money. So says Art 469 and if Mr. Moberly hints the pensioner has been retired the Munsif against his will he should, it is submitted, be employed if possible, even on pay" vide 491(b) C.R.

It is submitted the case should go to the Bench. Attn

yes.
MA 7.11.56

5013
6/11/6

2/11/67

C. No 4082

$$\begin{array}{r} 7 \\ \hline 1321 \end{array}$$

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

~~THE HANDLE MR. GROSS O.F.~~

SUBJECT

Subj. report of a
Medl. Bd. on process-
siver V. Subbarayudu

FOR ORDERS

Attention is
invited to the vote for
orders with G.O. 1184 11.11.96.

Orders are requested whether the D. C. O. should be called upon to state the grounds on which the certificate of permanent incapacity was granted by him.

The Cause will
no doubt be attended
to by the High Court.

303
7/20/6

1/12/56

Better leave him
to the S. G. I
should say. It is
a case of doctors
"differing". The
mere fact of losing
consciousness ^{in the M.D.} is
overlooked with make
him careful.
M.H.
8.12.96

Public (1896.) Department.

CURRENT No.

What does this mean?

communicated
30.13.
14/12

14.12
G.O. and not
be entered
14/12

CHIEF SECRETARY
-5 DEC. 1896
GOVERNMENT OF MADRAS

Order N. 1321 of 15-12-96

Mr. G's letter will be

forwarded: and the

pro. of the Medl. Board will be

warded to the Hon'ble

2 Judges of the High Court

by orders

30.13.
12/11/96

MA
14.12.96
12/12/96

A. J. Amundell
14.12.96

From
Surgeon-Major-General G. Sibthorpe,
R. R. C. P. I.

Surgeon-General with the
Government of Madras.

No. 544.

Dated 3rd December 1896.

Received 5
Registered 5 } 12-96

Enclosures 7. (6 of which are mado. to
Incl. C. No. 4783/96.)

Spare copies

The Hon. the C. J. (with C. J.)

with 8 enclos.

Surgeon-General

SUBJECT.

Submitting with remarks Proceedings
of the Civil Medical Board, assem-
bled at the Government General Hos-
pital, Madras, on Saturday the 28th
ultimo, declaring process-server V.
Subbarayudu fit for further service.

BACK PAPERS.

G.O.	No.	Department.	Date.
R	1184 767 609	Public " "	11/11/96 24/7/97 18/1/98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

செப்பனிருவதற்காக எடுத்த
கொள்ளப்பட்ட நாள்

~~சுபிரமணியம்~~ சுபிரமணியன்
~~மு. கருணாநிதி~~ மு. கருணாநிதி
கையொப்பம் கையொப்பம்

சுரீபாஸகம் ஆராய்ச்சி
மு. பதிவு உதவியாள்
கைவெளிப்பம் உதவியாள்