

Public (1899) Department.

ORDINARY M.S.

G.O., No. 772

Dated 12-7-99

INDEXED.

[Despatch Abstract.]

Passing orders on petition
from Mr E. Bonner, late Head Steward
of the General Hospital, Madras, appealing
against the order of dismissal passed
against him by the Senior Medical
Officer of the Hospital.

T
14/7/99

BACK PAPERS.

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

FURTHER PAPERS.

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

Cm 2261/23 (85.)

Public (1894) Department.

CURRENT No.

*To await receipt of the
original petition forwarded
through the Surg. General.*

Cm 2261/23

Order

From

*Mr. G. Bonney
Admiral's Office
St. Thomas, Virgin Islands*

No.

Dated 17 May 1894

Received 17 May 1894

Registered

Enclosures

Spare copies.

SUBJECT.

*Forwarding for information
copy of an report he is submitting
that the Surg. General requires his
services from the 1st June 1894
to the 1st July 1894.*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

HIS EXCELLENCY

SIR ARTHUR ELIBANK HAVELOCK, G.C.M.G., G.C.I.E.,

Governor and President in Council,

Fort St. George.

The appeal petition of EDWIN BONNER, one of the Surgeons,
of the General Hospital, Madras.

RESPECTFULLY SHOWETH:

That in January 1896, Brigade Surgeon W. Price (then Senior Medical Officer of the General Hospital) elected Petitioner, out of a large number of applicants, to fill the vacancy existing as Head Steward of the General Hospital, and in consequence of Petitioner not having passed the requisite medical tests, the Surgeon-General applied to Government for sanction to exempt Petitioner from the operation of the rules in view to his appointment as Head Steward on a salary of Rs. 250 a-month, *sabb. pro tem*, and on probation for six months. Sanction was accordingly given in G. O. No. 109, dated 22nd January 1896.

2. That Petitioner held the aforesaid office till the 5th of April 1898, when he was suspended from his duties by Lt. Col. W. R. Browne, I.M.S., the present Senior Medical Officer of the General Hospital, and called upon to furnish an explanation in reference to the charges set out in that officer's order No. 1454, herewith attached (Ex. A). In obedience to the same, Petitioner submitted an explanation in due course, a summary of which is given in the accompanying order (Ex. B).

3. That, subsequently, on the 22nd December 1898, Petitioner was informed by the Senior Medical Officer, in his Proceedings of same date, that he was "dismissed from the public service with effect from the date of his suspension, viz., the 5th April 1898," and that such "dismissal will be notified in the *Fort St. George Gazette* to exclude him (Petitioner) from being re-employed in the public service" (Ex. B).

4. That Petitioner's dismissal was accordingly notified in the *Fort St. George Gazette* of the 10th January 1899, at p. 25, and, for reasons generally known to the Surgeon-General and to the medical officer referred to, was not disclosed to Petitioner, the aforesaid notification was subsequently withdrawn by the *Gazette* of the 14th February following. That such withdrawal was not officially communicated to Petitioner, but it having been brought to his private knowledge, Petitioner wrote to the Senior Medical Officer and inquired for an

the second notification rescinded the order of dismissal, and was informed in reply that "the dismissal order" still held good and that its *publication* only in the *Gazette* was cancelled" (Ex. C).

5. That, next, between the dates of Petitioner's suspension and his dismissal from office, the accounts of the General Hospital underwent audit by the Accountant-General's department, and Petitioner accordingly awaited the submission of the Auditor's report to Government and their orders thereon, before taking any action against his removal from his appointment. These orders were eventually passed in G. O., 4th March 1899, No. 270, Public.

6. That, afterwards, in connection with the Senior Medical Officer's Proceedings dismissing Petitioner from the service, Petitioner submitted a petition to the Surgeon-General on the 10th April 1899, calling into question the authority of the Senior Medical Officer to dismiss Petitioner, as the appointment of Head Steward was always held to be one in the gift of the Surgeon-General, and praying that the order of the Senior Medical Officer be cancelled, and that the Surgeon-General do adopt, in reference to Petitioner, the course prescribed in the marginally-noted orders of Government regarding the dismissal of public servants from the service.

G. O., 15th Sep. 1879, No. 1401,
and 3rd Dec. 1888, No. 2290.

7. That, in reply, Petitioner was informed that "*the Senior Medical Officer has jurisdiction over the Steward's appointment and is empowered to deal with the incumbent in whatever way necessary*" (Ex. D.) This dictum, Petitioner respectfully submits, is directly opposed to that laid down in G. O., 22nd July 1893, No. 569, Public, wherein the papers relating to charges affecting Petitioner's predecessor which, when submitted to Government by the Surgeon-General for disposal, were returned to that officer with the intimation that "*it is for him to deal with the case*". This, in effect, meant that, as the appointment of Head Steward was vested in the Surgeon-General, it also rested with him to take the initiative in directing a dismissal, should such a step be called for; and, as a matter of fact, it was the Surgeon-General himself who afterwards dealt with Mr. MacPherson's case, and not the Senior Medical Officer. Petitioner, therefore, again begs very respectfully to submit that the action of the Senior Medical Officer in dismissing Petitioner was *ultra vires*, unauthorised by previous custom and practice, and irregular, and that the procedure indicated in Mr. MacPherson's case, whose position at the time was identical with that filled by Petitioner afterwards, should have been implicitly followed as a precedent in Petitioner's case.

8. Further, in proof that the Surgeon-General has not followed the procedure prescribed in the orders of Government regulating the dismissal of public servants, Petitioner begs to state that he was also informed in the Surgeon-General's reply (Ex. D) that the Senior Medical Officer's "*action in dismissing you (Petitioner) for the grave offences specified in his proceedings was quite valid and approved by the Surgeon-General.*" But, if Your Excellency will be pleased to peruse the Senior Medical Officer's Proceedings, it will be observed that that officer has taken the full responsibility of the Proceedings upon himself and nowhere is any allusion made to his Proceedings having been submitted to the Surgeon-General for "approval". Petitioner, in this connection, begs very respectfully to submit that, notwithstanding repeated orders, Heads of Departments do not, much to the prejudice of parties thereby affected, follow the

procedure prescribed for them by Government and that had those orders been followed in Petitioner's case, it was the Surgeon-General himself and not the Senior Medical Officer who should have held proceedings preparatory to dismissing Petitioner. The latest orders in this connection are contained in G. O., 31st October 1898, No. 1313, Public. Having regard, therefore, to the very informal proceedings taken both by the Senior Medical Officer and the Surgeon-General as pointed out above, and to the fact that Petitioner was practically appointed by the Government on special grounds, Petitioner begs very respectfully to appeal to Your Excellency in Council against his dismissal from the service, and to pray that, after careful consideration of the facts set out herein, Your Excellency will be pleased in Council to pass such orders as Petitioner's case may merit.

9. That, next, as regards the charges formulated against Petitioner, they will be found set out in detail in the Senior Medical Officer's Proceedings dated 5th April 1898, No. 1088, suspending Petitioner (Ex. A), and in his proceedings of the 22nd December 1898, wherein Petitioner was dismissed, and your Petitioner's explanation will be found placed in juxtaposition to each charge in the latter paper (Ex. B). To these charges and explanation Petitioner begs very respectfully to invite Your Excellency's careful attention. Summarized, it will be observed that *all* the charges refer to a single offence, *viz., neglect of duty*. In this connection Petitioner begs to bring to Your Excellency's notice that three months after his appointment Petitioner brought to the notice of the Senior Medical Officer in writing that the clerical assistance at the disposal of the Head Steward was inadequate, but a recommendation made for additional assistance was unfortunately negatived by the Government, though supported by the Senior Medical Officer. In the correspondence which took place during the disposal of Mr. MacPherson's case, and from facts then brought to notice, the Government, it will be observed, were convinced that the duties of the Head Steward were too multifarious, and that the charges of remissness of duty alleged against Petitioner's predecessor were due more to overwork than to any positive act or acts of negligence or fraud. This has practically been also Petitioner's position and experience, and the relief which has now been afforded the Head Steward, on the advice of the Accountant-General, is really what should have been done years ago. It is needless to trouble Your Excellency with any lengthened explanation in regard to each charge, as they are more or less matters which the Senior Medical Officer as the head of the institution could have himself dealt with. Besides, in more instances than one, the Senior Medical Officer has accused Petitioner of personal neglect when the duty alleged to be neglected has been directly cast by the Rules of the Steward's department on other specified subordinates; for instance, Item (6) (1)—the Received Register,—is a book which has to be kept by the Copyist (and not by Petitioner) and for the safe custody of which he is individually responsible, *vide* rules affecting the Copyist on page 7 of Ex. B, herewith submitted. Also Items (c) 1, 2, 3, 4, 5—loss of certain books. All these books, except the Bill book, are by the Rules referred to placed in charge either of the 1st Assistant Steward or the Copyist—see pp. 5 and 7 of the Rules; and such being the case, the Senior Medical Officer did, as a matter of fact, take action against those subordinates, for he suspended the 2nd Assistant Steward for 15 days and dismissed the Copyist. In the circumstances Petitioner respectfully submits that it is unfair that the loss of these books should now be laid at his door. The loss of the books, as far as Petitioner was concerned, was reported to the Senior Medical Officer in writing

as they occurred, and though their loss may have been a matter of serious inconvenience, it cannot be alleged that Petitioner had any personal motive in getting them concealed or destroyed. The last charge as affecting the Senior Medical Officer's *first* proceedings, is the one wherein Petitioner is accused of having omitted to make recoveries from certain patients and to have thus caused a loss to Government. In reference to this charge, Petitioner explained that the names do not appear in the Civil Bill book, probably because they were *non-paying* patients under Sec. 4, Rule 4, sub-para 2, page 9 of the Rules relating to the Steward's Department (Ex. E). Neither has the Senior Medical Officer since been able to establish that the patients specified in the charge were liable to be placed under hospital stoppages.

10. That, as regards the foregoing charges, Petitioner begs very respectfully to submit that the action of the Senior Medical Officer in suspending Petitioner from pay and office was exceedingly severe and arbitrary, considering that the '*neglect of duty*' alleged against Petitioner consisted mainly in certain books not being written up and in others being mislaid. In a large institution like the General Hospital, and with inadequate scriptory assistance at the time, it was, Petitioner respectfully submits, the first duty of the Senior Medical Officer to have assisted Petitioner by extraneous help, and to have treated him, in the circumstances, with great consideration and forbearance, and not to have degraded him in the eyes of his establishment, by suspension.

11. That, next, as regards the three *additional* charges included in the order of dismissal by the Senior Medical Officer (Ex. B) and which were not included among those specified in the order of suspension (Ex. A), Petitioner begs to submit the following remarks for the consideration of Your Excellency in Council. As regards (f), the item is one which was brought to notice by the Auditor in para. 6 (4) of his report, and in regard to it Petitioner has explained that the omission to credit the amount (Rs. 29) in the Cash Book was doubtless due to the fact that owing to the multifariousness of his work and the various calls he had to attend to, the matter must have escaped his (Petitioner's) attention. The omission complained of, it was also explained, did not alter the cash in the cash chest, for the money was intact, and, as a matter of fact, the amount was subsequently brought to credit by the Senior Medical Officer from the source indicated. Attention is also invited to page 21 of G.O., 4th March 1899, No. 270, where the remarks made by the Auditor, the Senior Medical Officer and the Surgeon-General in reference to this particular item are recorded, and it will be noted that by none of these officers is any dishonesty imputed to Petitioner, so as to have in any way justified Petitioner's removal from his appointment.

12. As regards item (g), Petitioner begs to state that, in accordance with Rule I under Section 4 on page 8 of the rules of the Steward's Department (Ex. E.), the patient in question was required to pay an advance of ten days' hospital charges, and having been discharged within that period, the sum to his credit was reimbursed to him, in accordance with the same rule; and in this particular instance the case fell under the provisions of Rule 4, sub para. 3, as, on admission the patient paid on his *full* salary, and having subsequently produced a certificate from the Head of his Department that he was on *half* pay, the stoppages were calculated on the pay received and the refund admissible, made. No loss has occurred to Government in this instance, as the omission to debit the Government with the refund

was practically a loss to Petitioner. As regards (h), the bills referred to after being signed were handed to the Copyist whose duty it was to see them sent out, and for his neglect to do so, the Senior Medical Officer should have held him responsible. Lastly, as regards (i), Petitioner begs to state that a demand was made by the Senior Medical Officer for payment of the sums of Rs. 24 and Rs. 6 only, and Petitioner complied with the same, though not admitting his liability to do so thereby.

13. That, at the risk of repetition, your Petitioner begs once more to observe that he has been treated with great severity by the Senior Medical Officer in regard to delinquencies which it was quite within the competence of the Surgeon-General and of the Senior Medical Officer to have dealt with and during the whole time of Petitioner's suspension which extended over 8 months, he was also denied the customary subsistence allowance. Some of the charges which are alleged as grounds for justifying Petitioner's suspension and dismissal were practically expiated for by the 2nd Assistant Steward and the Copyist, for the former was suspended for "*neglect of duty*" in causing the loss of certain books and "*carelessness in the performance of his duties*," and the Copyist was dismissed "*for gross neglect of duty in having lost a Letter Book and for not having reported the loss*." It will thus be observed by Your Excellency in Council that the "loss of books" was considered by the Senior Medical Officer to have been directly established against these individuals; and it is certainly nowhere suggested that Petitioner had a hand in causing this loss; and even granting for sake of argument that Petitioner has been to blame for any *inefficiency*, Petitioner begs to submit that a more lenient punishment than dismissal might have sufficed.

14. That, apprehending probably that the charges formulated against Petitioner were not sufficient to justify his removal from his appointment, the Senior Medical Officer in his second order (Ex. B.) makes reference to the Auditor's report as to the manner in which Petitioner kept the accounts of the hospital—*vide* para. 16 of report, recorded in G.O., 4th March 1899, No. 270. With all deference to the Senior Medical Officer, Petitioner begs to invite perusal of the next clause of the Auditor's report wherein the Senior Medical Officer is not held blameless himself. Further, if Your Excellency will be pleased to peruse the remarks of the Auditor, of the Accountant-General and of the Surgeon-General printed on pages 21—26 of the aforesaid G.O., Your Excellency will observe that in more places than one, the *laxness* of the supervision exercised by the Senior Medical Officer has been remarked on, and, in defence the Senior Medical Officer has called attention to the *onerous duties* which he has to discharge both as Senior Medical Officer and *Principal* of the Medical College, and has stated that all the supervision that it was possible for him to give was given. Petitioner, with all deference, merely draws attention to these remarks in order to show that this condition of overwork is not peculiar to the Senior Medical Officer alone, for Petitioner can equally, without fear of contradiction, state that the multifarious duties required of the Steward were more than could possibly be expected of any mortal man. Abundant testimony to this fact was adduced by Mr. MacPherson when his case was under the consideration of Government, and it will be noted that the Surgeon-General himself on page 25 of G.O., 4th March 1899, No. 270, Public, gives emphatic confirmation to the fact in the following words: "*I agree with the Auditor that the functions of Accountant and Cashier should not be exercised by the*

same official, and FROM MY EXPERIENCE OF THIS HOSPITAL AND THE DIFFICULTIES I HAVE SEEN OF THE STEWARD PERFORMING HIS MULTIFARIOUS DUTIES IN BOTH THE CASE OF MR. BONNER AND OF MR. MACPHERSON, I AM CONVINCED THAT THE STEWARD SHOULD HAVE MORE HELP." It has also been overlooked that the Steward's position has been rendered more arduous and difficult than it ever was by the transfer, 4 years ago, of the Women's and Children's Hospital to the General Hospital. This transfer necessarily threw additional work and responsibility on the Head Steward, and the only increase to the Steward's Department was a 4th Assistant Steward, on Rs. 19. Lastly, Petitioner craves leave to invite attention to para. 7 of the order of Government on the report of the audit, wherein Your Excellency's Government, after careful consideration of the views held by the officers concerned in reference to the recent audit, observed "that the results of the examination of the accounts are not sufficiently definite to render it desirable to recover from the Steward, or any other officer, any sum for the loss of which he has not been proved to be directly responsible. In the absence then of proof, Petitioner craves leave to submit that no good ground existed for such a severe punishment as dismissal.

15. Petitioner also craves leave to bring to Your Excellency's notice that he joined the Army in 1872, and after a military service of 6½ years was transferred to the Ordnance Department, Madras, in which Department he served for 17 years, till the 2nd February 1896, when he retired on a pension, and was entertained as Head Steward of the General Hospital on the following day.

Finally, in consideration of the facts set out in this appeal, your Petitioner respectfully prays that Your Excellency in Council will be pleased to set aside and cancel his unauthorised and unjust dismissal, as it will seriously affect your Petitioner's future prospects either in the Government service or in any other Department, and as it would be inexpedient, for more reasons than one, that Petitioner should again place himself in subordination to Dr. Browne, he begs that permission may be accorded to his resigning the office of Head Steward; and for the long period of 8 months that Petitioner was kept under suspension, Petitioner respectfully prays that Your Excellency will be pleased to sanction him an allowance of at least half pay per mensem.

ST. THOMAS' MOUNT, }
16th May 1899. }



Dear Sir,
 I have the honor to acknowledge the receipt of your letter of the 17th inst. in relation to the matter of the appeal of the late Head Steward of the General Hospital, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
 I am, Sir, very respectfully,
 Your obedient servant,
 J. H. [Signature]

1897
 Pub. Dept.
 Encls. No. 1
 To
 C. No. 1486

Advance Street
 St. Louis, Mo.
 17th May 1899

The Honorable G. Stokes J.C.
 Chief Secretary to Governor
 St. Louis
 Missouri

CHIEF SECRETARY
 19. MAY 1899
 GOVERNMENT OF MISSOURI

Sir,
 I beg to forward for the information of His Excellency the Governor in Council copy of an appeal I am this day submitting thro' the Surgeon General with the Governor of Madrid against my dismissal from the Head Stewardship of the General Hospital.

I beg to remain
 Sir
 Your Obedt. Servant
 J. H. [Signature]
 late Head Steward
 Genl. Hosp. St. Louis

Handwritten notes and signatures on the left margin, including "11th May 1899" and "The Hon. Mr. ...".

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23 MAY 1899
DEPARTMENT OF ...

Public (1899) Department.

CURRENT No.

DATE
H.D.
Date

From
Surgeon General C. L. Thorpe, C.B.
Surgeon General with the Govt.
Marad

No.

Dated the 22nd May 1899

Received 23 5 1899

Registered 25 5 1899

Enclosures /

Spare copies

SUBJECT.

Submitting with remarks
appeal from Mr E. Bonner late
Head Steward of the General ...

...

BACK PAPERS.

G.O.	No.	Department.	Dts.
	442	Pub.	17.4.99.
	270	"	4.3.99.
	266	"	9.2.99.
	854	"	12.3.99.
	107	"	22.1.96.
	852	"	5.7.95.
	871	"	16.11.94.

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	570	Pub.	16.7.94.
	724	"	27.7.94.
	467	"	20.6.94.
	582	"	27.7.94.
	864	"	24.5.94.
	104	"	16.2.94.
	10	"	2.2.94.

774 " 6.12.93.
 567 " 22.7.93.
 1372 " 23.7.97.
 2270 " 3.12.98.
 102 " 15.2.91.
 1020 " 16.12.90.
 1586 " 25.10.90.
 1402 " 15.1.79.
 1372 " 15.11.75.

To

HIS EXCELLENCY

SIR ARTHUR ELIBANK HAVELOCK, G.C.M.G., G.C.I.E.,

Governor and President in Council,

Fort St. George.

*The appeal petition of EDWIN BONNER, late STEWARD
of the General Hospital, Madras.*

RESPECTFULLY SHOWETH:

That in January 1896, Brigade-Surgeon W. Price (then Senior Medical Officer of the General Hospital) selected Petitioner, out of a large number of applicants, to fill the vacancy existing as Head Steward of the General Hospital, and in consequence of Petitioner not having passed the requisite educational tests, the Surgeon-General applied to Government for sanction to exempt Petitioner from the operation of the rules, in view to his appointment as Head Steward on a salary of Rs. 250 a-month, *sub. pro tem.*, and on probation for six months. Sanction was accordingly given in G. O., No. 109, dated 22nd January 1896.

2. That Petitioner held the aforesaid office till the 5th of April 1898, when he was suspended from his duties by Lt.-Col. W. R. Browne, I.M.S., the present Senior Medical Officer of the General Hospital, and called upon to furnish an explanation in reference to the charges set out in that officer's order, No. 1088 I, herewith attached (Ex. A). In obedience to the same, Petitioner submitted an explanation in due course, a summary of which is given in the dismissal order (Ex. B).

3. That, subsequently, on the 22nd December 1898, Petitioner was informed by the Senior Medical Officer, in his Proceedings of same date, that he was "dismissed from the public service with effect from the date of his suspension, viz., the 5th April 1898," and that such "dismissal will be notified in the Fort St. George Gazette to exclude him (Petitioner) from being re-employed in the public service" (Ex. B).

4. That Petitioner's dismissal was accordingly notified in the Fort St. George Gazette of the 10th January 1899, at p. 25, and, for reasons probably known to the Surgeon-General and to the medical officer referred to, but not disclosed to Petitioner, the aforesaid notification was subsequently withdrawn in the Gazette of the 14th February following. That such withdrawal was not officially communicated to Petitioner, but it having been brought indirectly to his knowledge, Petitioner wrote to the Senior Medical Officer and inquired whether

the second notification rescinded the order of dismissal, and was informed in reply that "the dismissal order" still held good and that its *publication* only in the *Gazette* was cancelled" (Ex. C).

5. That, next, between the dates of Petitioner's suspension and his dismissal from office, the accounts of the General Hospital underwent audit by the Accountant-General's department, and Petitioner accordingly awaited the submission of the Auditor's report to Government and their orders thereon, before taking any action against his removal from his appointment. These orders were eventually passed in G. O., 4th March 1899, No. 270, Public.

6. That, afterwards, in connection with the Senior Medical Officer's Proceedings dismissing Petitioner from the service, Petitioner submitted a petition to the Surgeon-General on the 10th April 1899, calling into question the authority of the Senior Medical Officer to dismiss Petitioner, as the appointment of Head Steward was always held to be one in the gift of the Surgeon-General, and praying that the order of the Senior Medical Officer be cancelled, and that the Surgeon-General do adopt, in reference to Petitioner, the course prescribed in the marginally-noted orders of Government regarding the dismissal of public servants from the service.

7. That, in reply, Petitioner was informed that "*the Senior Medical Officer has jurisdiction over the Steward's appointment and is empowered to deal with the incumbent in whatever way necessary*" (Ex. D.) This dictum, Petitioner respectfully submits, is directly opposed to that laid down in G. O., 22nd July 1893, No. 569, Public, wherein the papers relating to charges affecting Petitioner's predecessor which, when submitted to Government by the Surgeon-General for disposal, were returned to that officer with the intimation that "*it is for him to deal with the case*". This, in effect, meant that, as the appointment of Head Steward was vested in the Surgeon-General, it also rested with him to take the initiative in directing a dismissal, should such a step be called for; and, as a matter of fact, it was the Surgeon-General himself who afterwards dealt with Mr. MacPherson's case, and not the Senior Medical Officer. Petitioner, therefore, again begs very respectfully to submit that the action of the Senior Medical Officer in dismissing Petitioner was *ultra vires*, unauthorised by previous custom and practice, and irregular, and that the procedure indicated in Mr. MacPherson's case, whose position at the time was identical with that filled by Petitioner afterwards, should have been implicitly followed as a precedent in Petitioner's case.

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as they occurred, and though their loss may have been a matter of serious inconvenience, it cannot be alleged that Petitioner had any personal motive in getting them concealed or destroyed. The last charge as affecting the Senior Medical Officer's *first* proceedings, is the one wherein Petitioner is accused of having omitted to make recoveries from certain patients and to have thus caused a loss to Government. In reference to this charge, Petitioner explained that the names do not appear in the Civil Bill book, probably because they were *non-paying* patients under Sec. 4, Rule 4, sub-para 2, page 9 of the Rules relating to the Steward's Department (Ex. E). Neither has the Senior Medical Officer since been able to establish that the patients specified in the charge were liable to be placed under hospital stoppages.

10. That, as regards the foregoing charges, Petitioner begs very respectfully to submit that the action of the Senior Medical Officer in suspending Petitioner from pay and office was exceedingly severe and arbitrary, considering that the '*neglect of duty*' alleged against Petitioner consisted mainly in certain books not being written up and in others being mislaid. In a large institution like the General Hospital, and with inadequate scriptory assistance at the time, it was, Petitioner respectfully submits, the first duty of the Senior Medical Officer to have assisted Petitioner by extraneous help, and to have treated him, in the circumstances, with great consideration and forbearance, and not to have degraded him in the eyes of his establishment, by suspension.

11. That, next, as regards the three *additional* charges included in the order of dismissal by the Senior Medical Officer (Ex. B) and which were not included among those specified in the order of suspension (Ex. A), Petitioner begs to submit the following remarks for the consideration of Your Excellency in Council. As regards (f), the item is one which was brought to notice by the Auditor in para. 6 (4) of his report, and in regard to it Petitioner has explained that the omission to credit the amount (Rs. 29) in the Cash Book was doubtless due to the fact that owing to the multifariousness of his work and the various calls he had to attend to, the matter must have escaped his (Petitioner's) attention. The omission complained of, it was also explained, did not alter the cash in the cash chest, for the money was intact, and, as a matter of fact, the amount was subsequently brought to credit by the Senior Medical Officer from the source indicated. Attention is also invited to page 21 of G.O., 4th March 1899, No. 270, where the remarks made by the Auditor, the Senior Medical Officer and the Surgeon-General in reference to this particular item are recorded, and it will be noted that by none of these officers is any dishonesty imputed to Petitioner, so as to have in any way justified Petitioner's removal from his appointment.

12. As regards item (g), Petitioner begs to state that, in accordance with Rule I under Section 4 on page 8 of the rules of the Steward's Department (Ex. E.), the patient in question was required to pay an advance of ten days' hospital charges, and having been discharged within that period, the sum to his credit was reimbursed to him, in accordance with the same rule; and in this particular instance the case fell under the provisions of Rule 4, sub para. 3, as, on admission the patient paid on his *full* salary, and having subsequently produced a certificate from the Head of his Department that he was on *half* pay, the stoppages were calculated on the pay received and the refund admissible, made. No loss has occurred to Government in this instance, as the omission to debit the Government with the refund

was practically a loss to Petitioner. As regards (h), the bills referred to after being signed were handed to the Copyist whose duty it was to see them sent out, and for his neglect to do so, the Senior Medical Officer should have held him responsible. Lastly, as regards (i), Petitioner begs to state that a demand was made by the Senior Medical Officer for payment of the sums of Rs. 24 and Rs. 6 only, and Petitioner complied with the same, though not admitting his liability to do so thereby.

13. That, at the risk of repetition, your Petitioner begs once more to observe that he has been treated with great severity by the Senior Medical Officer in regard to delinquencies which it was quite within the competence of the Surgeon-General and of the Senior Medical Officer to have dealt with and during the whole time of Petitioner's suspension which extended over 8 months, he was also denied the customary subsistence allowance. Some of the charges which are alleged as grounds for justifying Petitioner's suspension and dismissal were practically expiated for by the 2nd Assistant Steward and the Copyist, for the former was suspended for "*neglect of duty*" in causing the loss of certain books and "*carelessness in the performance of his duties*," and the Copyist was dismissed "*for gross neglect of duty in having lost a Letter Book and for not having reported the loss*." It will thus be observed by Your Excellency in Council that the "loss of books" was considered by the Senior Medical Officer to have been directly established against these individuals; and it is certainly nowhere suggested that Petitioner had a hand in causing this loss; and even granting for sake of argument that Petitioner has been to blame for any *inefficiency*, Petitioner begs to submit that a more lenient punishment than dismissal might have sufficed.

14. That, apprehending probably that the charges formulated against Petitioner were not sufficient to justify his removal from his appointment, the Senior Medical Officer in his second order (Ex. B.) makes reference to the Auditor's report as to the manner in which Petitioner kept the accounts of the hospital—*vide* para. 16 of report, recorded in G.O., 4th March 1899, No. 270. With all deference to the Senior Medical Officer, Petitioner begs to invite perusal of the next clause of the Auditor's report wherein the Senior Medical Officer is not held blameless himself. Further, if Your Excellency will be pleased to peruse the remarks of the Auditor, of the Accountant-General and of the Surgeon-General printed on pages 21—26 of the aforesaid G.O., Your Excellency will observe that in more places than one, the laxness of the supervision exercised by the Senior Medical Officer has been remarked on, and, in defence the Senior Medical Officer has called attention to the onerous duties which he has to discharge both as Senior Medical Officer and Principal of the Medical College, and has stated that all the supervision that it was possible for him to give was given. Petitioner, with all deference, merely draws attention to these remarks in order to show that this condition of overwork is not peculiar to the Senior Medical Officer alone, for Petitioner can equally, without fear of contradiction, state that the multifarious duties required of the Steward were more than could possibly be expected of any mortal man. Abundant testimony to this fact was adduced by Mr. MacPherson when his case was under the consideration of Government, and it will be noted that the Surgeon-General himself on page 25 of G.O., 4th March 1899, No. 270, Public, gives emphatic confirmation to the fact in the following words: "*I agree with the Auditor that the functions of Accountant and Cashier should not be exercised by the*

15. Petitioner also craves leave to bring to Your Excellency's notice that he joined the Army in 1872, and after a military service of 6½ years was transferred to the Ordnance Department, Madras, in which Department he served for 17 years, till the 2nd February 1896, when he retired on a pension, and was entertained as Head Steward of the General Hospital on the following day.

Finally, in consideration of the facts set out in this appeal, your Petitioner respectfully prays that Your Excellency in Council will be pleased to set aside and cancel his unauthorised and unjust dismission, as it will seriously affect your Petitioner's future prospects either in the Government service or in any other Department, and as it would be inexpedient, for more reasons than one, that Petitioner should again place himself in subordination to Dr. Browne, he begs that permission may be accorded to his resigning the office of Head Steward ; and for the long period of 8 months that Petitioner was kept under suspension, Petitioner respectfully prays that Your Excellency will be pleased to sanction him an allowance of at least half pay per mensem.

ST. THOMAS' MOUNT, }
16th May 1899. }

E. H. Hopper

[1]

No.

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

THE

Sanatorium and the 22nd May 1899

From

SURGEON-GENERAL J. J. [unclear]

SURGEON-GENERAL [unclear]

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

32

Public

DEPARTMENT.

SIR,

I have the honor to transmit the accompanying appeal from Mr. E. Bonner, late Head Steward of the General Hospital against his dismissal.

N

2 The circumstances which led to Mr. Bonner's dismissal have already been reported to Government and the action approved in G.O. No. 442 Public dated 19th April 1899. It is therefore unnecessary for me to make any comments on the present appeal.

I have the honor to be,

Sr,

Your most obedient servant,

J. J. [unclear]

Surgeon General

Surgeon General with [unclear]

Enclosed

C 17/6/88. C 25/6/88
R 20/6/88.

DEPARTMENT.

Subject

Appeal from Mr. E. Bonner late H^o
Steward of the Madras General Hospital
against his dismissal

C. No. 1513 From the Surgeon General, No. 727, dated 2-7 1899.

"....." "....." , , , , 189 .

”.....” ”.....” “ ” “ ”

189 .

C.L.

H. m.

A. S. The End!

alt with by that officer, and not by

Senior Medical Officer, and that
is dismissal by the Senior Medical
Officer was therefore ultra vires. He

rays that his dismissal may be set
aside, and that, as he would be unable to
serve again under Dr. Browne, he may be
permitted to resign the office of Head
Steward.

4. The charges framed by the

Senior Medical Officer, the generally

unsatisfactory nature of Mr. Bonner's

defence, and the state of affairs dis-

closed in the papers printed with G.O.

No. 270, Public, dated 4th March 1899

prove beyond doubt that the late Head

Steward was unequal to his duties. The

Senior Medical Officer says that "lazi-

ness and carelessness were the leading

features in his work, and neither re-

primand nor advice has had the least

effect in modifying his conduct". His

dismissal appears therefore to be

fully justified. There is some force

in his contention that the Surgeon-

General should have dealt with his

case, but the result would doubtless

have been the same, for the Surgeon-

General approved and confirmed the ac-

tion of the Senior Medical Officer.

The Govt. too in G.O. No. 403, Public, dated

19th April 1899 has practically approved

his dismissal. As regards his dismissal

therefore, Mr. Bonner might be informed

that the Govt. declines to interfere.

5.

*but he gave retro:
Spectator effect to it
from 5-4-98.*

*N
I don't see this. Govt. said
that Mr. B. was "sufficiently
punished by dismissal" of
the charges brought against
him. It was Dr. Browne
dismissed him not Govt. etc.*

41
N
Approved in G.O.No. 442, Public, dated 19-4-99, but he might have given ~~some~~ reasons for the refusal to grant subsistence allowance. Mr. Bonner's request for half pay is of course inadmissible, but the Surgeon-General might be asked to report whether he may not be granted the one-fourth pay authorized by art.

215(a) C.S.R., for the period of his suspension.

Cu
13.6.99 C.J.

If Govt. considers that the acknowledged defects of the system at the General Hospital (vide para.2 of G.O. 270, Public, dated 4-3-98) flag E, and the heavy work thrown upon the Steward, mitigate in some degree Mr. Bonner's faults, the order of dismissal might perhaps be modified to one of removal from the service, which will be a slighter stigma, and will not bar reemployment (vide para. 2 of Govt. of India letter in G.O. 532, Public, dated 5-7-98) and the suggested report from the Surgeon-General regarding the grant of subsistence allowance might be called for.

13.6.99

Please see sub-attached.

13.6.99

note.

I think Mr. Bonner has been dealt with in an extremely harsh and unjustifiable manner. Of the charges formulated against Mr. Bonner charges (a), (b), (c), (d), & (e) all are based on his not keeping certain books entered up to date. No doubt he was responsible for seeing these books written up to date but the actual duty preparator, then was entrusted to a subordinate. In regard to all this part of the case there is an answer very much to the point viz. that Mr. Bonner was very much overworked & state of things which Govt. was responsible for by affording relief to the Head Steward on the advice of the Accountant-General.

The case in regard to charges (f), (g), (h) & (i) is however more serious. In all these cases money which was or ought to have been received has not been ~~received~~. In case (f) Mr. Bonner pleads mistake and the money has been made good. Mr. Bonner's plea seems true and there is no suggestion of fraud. In case (g) Mr. Bonner seems to have first levied too much and then returned too much with the result that he has

6
had to pay up Rs.5. This again seems to have been a bona fide mistake. In case (h) it is not easy to understand in what Mr. Bonner's fault lay. I gather it to be that Mr. Bonner having received these bills for collection is responsible for the amount represented by them. He may have collected the amounts but there is nothing to show he did. He says he gave them to the copyist who ought to have sent them out. As the record stands no fault is brought home to Mr. Bonner in this matter. The most important charge is (i). This relates to 3 sums Rs.24, Rs.6 and Rs.4 of Hospital stoppages not brought to credit in the Cash Book. These sums have been paid by Mr. Bonner under protest. There is however no explanation of this omission and nothing to show what became of the money or by whom it was received.

Even making allowance for the ugly aspect of the charge last mentioned, I think that Mr. Bonner has been very hardly treated. He has shewn himself quite unequal to the duties of the General Hospital Stewardship and it was quite necessary and high time to get him out of the position but I do not think his dismissal was called for. He asks to be allowed to resign as of course that would leave a lesser blot

It was certainly necessary to get rid of Mr. Bonner. His proposal to be allowed to resign has been made in appeal after his dismissal.

As no dishonesty has been proved against him I think he is entitled to the lesser concession, viz. that of removal from the service instead of dismissal.

The report re subsistence allowance may be called for.

I think the power given under Reg. 215 (a) should also be held by the appellate authority. If any difficulty is now

raised to the grant of the subsistence allowance by the appointing officer & the AG should be addressed.

At 6.29

I accept the Hon. Mr. Sturges' view of the case.

F. S. H.

8.7.99

blot on his reputation and I think his request should be complied with. The last which should be done I think is to convert his dismissal into removal from the service.

As to subsistence allowance a report might be called for in support.

made change

Dr. 11.07.98

C. No. 1496 From the Mr. S. Bommer, Capt., No. —, dated 17.5-1899.

" 1573 " Mr. Surgeon General, " 7.9/21, " 22.5-1899.

" " " " " " 189 .

" " " " " " 189 .

W. 772 of 12.7.99.

14.7.99

On a careful
consideration of the charges
brought against Mr. S.
Bommer, late Head Steward
of the General Hospital, under
H.S. the Governor in Council
is of opinion that although
Mr. Bommer was clearly
unfitted for the office of
Head Steward, yet, as no
dishonesty was proved
against him, the
punishment of dismissal
inflicted on him was
unnecessarily severe, and
that the lesser penalty
of removal from the
service would have

Done
on
12.7.99

presently and the case.
 The Surgeon General will
 accordingly be requested
 to modify the sentence to
 one of removal from the
 service, in the terms of
 para 2 of the Govt. of India
 Resolution printed with
 G.O. no 552 Public, dated
 5th July 1895.

2. The Surgeon General will
 also be requested to report
 why subsistence allowance
 at the rate prescribed in
 Art. 215 (a) C. S. Regs. should
 not be granted to Mr. Boman
 for the period from 5th April to
 22nd Decr 1898, during which
 was under suspension.

3. Mr. Boman will be
 informed that orders on the
 subject of
 his appeal have been issued
 to the Surgeon General who will
 communicate with him in
 due course.

C₂ (Boman order)
 11.7.99

[Signature]

To the Surgeon General (200)

Mr. S. Boman }
 with enclos }
[Signature]

When given for copying
 When copied
 When examined
 When signed

READ AGAIN G.O. No.
 189



CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DICTO.

PAPERS NOT FILED UP, BEING READY FOR DESPATCH
 IN ORIGINAL.

S.B. -

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