

Ed (1913) Department.

Series.

G.O., No. 982

DATED 29 10 1913.

DESPATCHED

[Despatch Abstract.]

Suit Communicating to the Collector of
Madras, letter from the Director of Public
Instruction submitting his remarks on the
notice of — received by the Collector of Madras
the former Officer from P. Nagaswami Ayya
for the recovery of a sum of Rs 85-14-6 due
to him the Director of Industries.

PAPERS PUT UP WITH CURRENT No. _____

Papers of the department to which the current belongs.

Number	Date.	Original (=O.) or spare copy (=S.C.)	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of clerk with date in token of return to Reference department.

Papers of other departments.

Department.	Number.	Date.	Original (= O.) or spare copy (= S.C.).	Initials with date of (1) clerk of the Chief Secretariat department acknowledging returns of the paper concerned or (2) Despatcher to denote the return of the papers to departments outside the Chief Secretariat.

EDUCATIONAL DEPARTMENT.

XXXPUBLIC WORKS DEPARTMENTXXX

R.F.D. 80 (7).

CURRENT No. _____

ENCLOSURES { Plans No.
Others No.

Received C. 2516 Eof
18/8/13 191
Registered 191

SPARE COPIES.

Total.

Passed on by Registering Clerk ...

" " U. R. Clerk ...

" " Referencer ...

" " Record Superintendent.

" " Drafting Officer ...

Subject.

Submitting a copy of a notice of suit received from Mr. B. Somiah on behalf of his client Nageswara Iyer alleging that a sum of Rs.85-14-6 is due from the Director of Industries.

Roe No. 1674 gl of 13

Station Madras, Dated the 14th August 1913.

From (Name) R.F. Austin Esq., I.C.S.,

(Designation) Collector of Madras,

To ~~The Chief Engineer~~
The Secretary to the Government of Madras,

~~Public Works Department~~

EDUCATIONAL DEPARTMENT.

Sir,

I have the honour to forward copy of a notice of suit received by me on 1st August 1913 from Mr. B. Somiah, High Court Vakil, on behalf of his client Nageswara Iyer, alleging that a sum of Rs.85-14-6 together with interest is due to him from the Director of Industries. The Superintendent of Industrial Education to whom a copy of the suit notice was sent for remarks forwards a former letter of his to the plaintiff which does not explain the connection between himself and the plaintiff, and the circumstances

under

under which the claim is made. I have the honour therefore to request you to be good enough to obtain for me a full and clear account of the connection between the plaintiff and the Director of Industries, in the absence of which I am unable to judge of the legality of the claim.

I have the honour to be,

Sir,

Your most obedient servant,

Ramesh 15/8/12

Collector.

15/8

RECEIVED
15 AUG 1912

Copy of this office letter 1320 I, dated 22nd October 1912, to M.R.Ry. P. Nageswara Iyer, Merchant, Chittore.

In reply to your letter of the 17th, I have to explain that the arrangements made by Mr. Kachapeswara Iyer regarding agency and so on, were his own and were made without my knowledge. - Mr. Kachapeswara Iyer pledged the deposit taken from you to me as part security for the stock held by him and when closing his accounts with me, Mr. Kachapeswara Iyer tendered this security as part payment. You must have been aware that at the time you have had transactions with him, he was acting as an independent agent and that he was in no sense a subordinate of mine and had no connection with this Department except in as much as he was an agent therefor.

I have been forced to sue Mr. Kachapeswara Iyer for the payment of his arrears and the only thing I can suggest is that you should do the same.

/Sd/ K.T.B. Tressler,

(True Copy)

/Sd/ x x x

Superintendent of Industrial
Education (in charge)

Julal
15/8/12
For Collector.

15/8

To

The Secretary of State for India in Council,
Represented by the Collector of
M a d r a s.

From

B. Semiah, B.A., B.L.,
High Court Valdl,
25 Pichu Pillai Street,
Mylapore, Madras.

Sir,

Under instructions from my client Mr. P. Nageswara Iyer, general merchant, Chittoor, I hereby give you notice of suit under section 80 C.P.C. as follows.

Cause of Auction.

My client became in 1909 through your clerk and manager ^{Kachapeswara} P. Nageswara Iyer an agent to the Director of Industries, Madras, for selling Chrome leather articles manufactured by the department of Industries and as security for due performance of his duties deposited a sum of Rs.100/- with the Presidency Post Office Savings Bank, Madras.

In November 1910 my client was informed by that the Director of Industries withdrew my deposit stating that my client's agency was closed and that he owed sums for exceeding his deposit.

Though on that date my client had stock worth Rs.272-8-0 he subsequently remitted various sums and finally returned unsold articles so that on 1-9-11 there remained only Rs.14-1-6 due by my client. When my client wrote to the Director for the balance he replied stating that Mr. P. Kachapeswara Iyer had pledged my client's deposit as part security for the stock held by him and that he had tendered it when closing his account as part payment for sums due by him. He also wrote that my client had dealings only with the said Kachapeswara Iyer

and

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and that he should be looked to for payment. It is not true as stated by the Director of Industries that my client had dealings with P. Nageswara Iyer only. My client was always dealing with the Director through Mr. Kachapeswara Iyer who was only a clerk and manager of the office of the Director. Further my client never authorised the said Kachapeswara Iyer to pledge my client's deposit for stock held by him or tender it for sums due by him. The action of the Director in accepting either from Kachapeswara Iyer is illegal and unwarranted. Hence the sum of Rs.85-14-6 with interest at 6% from 1-9-1911 up to the date of payment is due to my client from you.

Name, description and residence of plaintiff.

P. Nageswara Iyer, general merchant, Chittoor.

Relief claimed.

Payment of Rs.85-14-6 with int.at 6% from 1-9-11 up to the date of payment.

I have the honour to be,

Sir,

Your most obedient servant,

Mylapore,
31st July 1913.

/Sd/ B. Somayya,

(True Copy)

[Signature]
For Collector.

8/15/13

6

Educational Dept.
(Cus 2516)

Enclt No. 2516-18p

25/8/13

Referred to the D.P.I.

with the request that he will be good enough to furnish the information required by the Collector at a very early date.

T.A. (S)
20-8-13

[Signature]
22-8-13

[Handwritten]
Noted in CB
27.8.13

To The ~~D.P.I.~~ with the claim required.

25/8/13

25/8/13

EDUCATIONAL DEPARTMENT.

C. No. 3169 Edl

Received.....190 , Registered.....22.10.1903



Subject.

Submitting with remarks notice of suit received by the Collector of Madras, from P. Nageswara Ayyar for the recovery of a sum of Rs. 85-14-6 due to him from the Director of Industries.

ENCLOSURES.

No.

R. C. No. 7994 of 13.

Spare copies

Station M A D R A S , Dated the 21st October 1903.

From (Name) The Hon. Sir Alfred Gibbs Bourne, D.Sc.,
F.R.S., K.C.I.E.,
(Designation) Director of Public Instruction, Madras.

To the Secretary to the Government of Madras,
Educational Department

Sir,

I have the honour to resubmit Government endorsement No. 2516-1 Educational. dated 25th August 1913, referring for remarks the papers connected with the notice of suit received by the Collector of Madras from P. Nageswara Ayyar through his vakil, for the recovery of a sum of Rs. 85-14-6 due to him from the Director of Industries, and to state as follows:-

2. The communication was forwarded to the acting Superintendent of Industrial Education and from the copies (enclosed) of certain correspondence received from him, it

would

would appear that the validity of Nageswara Ayyar's claim 7
has not been established, as he was created a sub-Agent
for selling chrome leather articles then manufactured by
the Department of Industries by one Kachapeswara Ayyar
who is referred to in the notice and who was then an
independent agent under the direct control of the Director
of Industries; Nageswara Ayyar deposited his security of
Rs. 100/- through the latter who had it as his part secu-
rity for the stock held by him and who when closing the
accounts with the Department allowed the amount to be
withdrawn and credited towards his own dues. In these
circumstances, I would suggest that pending the filing
of a plaint, the Collector be requested to record the
notice of suit. I further beg to submit that I would in
the meanwhile request Mr. Tressler on his return from
leave next month, to furnish such further particulars
connected with the suit as may be available for ^{contesting} conducting
it.

I have the honour to be,

Sir,

Your most obedient servant,

K. V. T.

For Director of Public Instruction.

K.V.T.

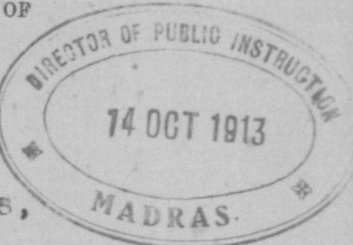
OFFICE OF THE Supdt. INSPECT
Industrial Education, OFNo. 3209

SCHOOLS,

CIRCLE
DISTRICT
RANGE

STATION, Madras,

Dated 13th October 1913.



From

M. R. Ry., M. Velayudasari Avl.,

INSPECT

OF

SCHOOLS,

CIRCLE
DISTRICT
RANGESuperintendent of Industrial Education
(in charge).

To

The Director of Public Instruction,

M a d r a s.

Sir,

In resubmitting herewith N. Ref. on C. No. 7994 of 13 dated 29th August 1913, I have the honour to state that, as I could not gather any further information from this office beyond the facts mentioned in this office letter No. 1320 I dated 22nd October 1912 copy of which I sent to the Collector of Madras, I referred the matter to the Officer in Charge of Pumping and Boring Operations as some of the men who were engaged in the Chrome Tanning Department is now employed in his office. The Officer in charge has forwarded to me in reply a report from his Supervisor copy of which I enclose herewith.

2. I am also submitting copies of all papers regarding Mr. Nageswara Iyer's claims available in this office. As Mr. Tressler is expected here by the end of November and as I think that he might be able to furnish better information, he having been in charge of the Chrome Tanning Department, I would suggest that the case might be postponed until his arrival.

I have the honour to be,
Sir,
Your most obedient servant,

M. R. Ry.
Superintendent of Industrial
Education (In charge).

ENCL:- M.I

10



Letter No. 920 M, dated 5th October 1913,
from the Supervisor, Villupuram, to the Director
of Industries, Madras.

9

After a careful search and perusal of my old
Chrome Leather Records I beg to submit as follows:--

When the general Industries Branch was in
working order, it was found necessary to develop and
active commercial policy as a means to rapidly spread
the information among the ryots and the public for
whose benefit the particular industry was intended.
Supervisors in the Pumping Branch were instructed to
sell articles in their jurisdictions, register orders,
create sub-agency under their control and to remit the
sale proceeds into the Government Treasuries in their
jurisdiction. The stock in the various sub-agencies
were checked periodically and a monthly statement had
to be submitted by each Supervisor showing the stock
held by him and his sub-agents. I had sub-agencies at
Vellore, Ranipet, Arkonam, Manavanthangal, Kalahasti,
and Dharmapur besides holding a stock in my own name
and sold at Arni, Polur, Gudiyattam and Conjeeveram.
The rules guiding these Sub-Agencies were as follows:-
The Sub-Agent selected should forward with his appli-
cation a postal savings Bank Pass Book with Rs100/-
lodged in his name but with the following entries in
the space provided in the pass book on page 1. Secu-
rities deposit lodged with the Director of Industries
for the satisfactory discharge of Government Chrome
Leather Agency. The pass book with the application
would be forwarded to the Director whose written ack-
nowledgment of the receipt of the pass book would be

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sent to the Sub-Agent through the Supervisor. The Sub-Agent would then be systematically supplied with the requisite stock on the Supervisors' instructions. The stock held by a Sub-Agent would generally be restricted to his deposit amount but when his credit is established and even then on the personal responsibility of the Supervisor the same may be increased. The sub-Agent was allowed a certain rate of commission on the sale proceeds every month. When for any reasons the agency was closed, the fact had to be reported to the Director who will scrutinise the accounts of the particular agent and return the pass book to the Supervisor with a release order addressed to the Post Master concerned. The Supervisor with previous arrangement with the Post Office would be present at the disbursement and collect the Government dues if any. The point here is that without this release order, the depositor could not withdraw his money and the Director could not withdraw the deposit money without the signature of the party.

In addition to the above agencies in charge of Supervisors, the Director had larger agents under his direct control with power to tour in the Presidency and create Sub-Agencies on their ^{own} responsibility, but at the same time taking deposit money of Rs100/- These sub-Agents would also be supplied with the necessary stock and though direct correspondence would be passing between them and the Director to simplify matters, financially the agents would be held responsible for their dues. Mr. Kachapeswara Iyer was one of such big Agents and Mr. Nageswara Iyer a Sub-Agent created by him. Mr. Kachapeswara Iyer was originally a temporary hand in the Chrome Tanning Department but subsequently gave it up and developed this agency work as this was more lucrative. Consistent with the above facts, the Superintendent of Industrial Education has referred the applicant to Mr.

12
10
(3)
Kachapeswara Iyer to whom his first letter was also reported to have been sent for disposal. Vide admission of applicant in his letter dated 25-9-12. In this letter the Accountant has made a note that Mr. Nageswara Iyer had paid a security of Rs100/- through Mr. Kachapeswara Iyer and that this was withdrawn and credited to Mr. Kachapeswara Iyer's account. From this it is ~~xxx~~ clear that the deposit was through the Agent Mr. Kachapeswara Iyer who had it as his part security ~~==~~ and allowed the same to be withdrawn and credited towards his own dues: otherwise the Director would not be empowered to withdraw and credit without the knowledge and consent of Mr. Nageswara Iyer who now contends to have paid the deposit to the Department and not to Mr. Kachapeswara Iyer. The latter was no regular subordinate of Government but ~~only~~ only an agent getting a slightly higher rate of commission. The proper way to have a regularly constituted agency is to deposit the security money at Chittore Post Office in the name of the party with the additional entries in the space provided below and send it to the Director who will then furnish a written acknowledgement of the receipt of the pass book. The postal authorities would not have then allowed the one to withdraw the money without the knowledge of the other.

To sum up the points to be settled in deciding as to the validity of the claim are as follows:--

1. To whom Mr. Nageswara Iyer paid the deposit amount of Rs100/-
2. Whether the receipt was granted by Mr. Kachapeswara Iyer or by the Director in favour of Mr. Kachapeswara Iyer.
3. In whose name the money was lodged in the Post Office.

B

(4)

4. Whether this Sub-Agency was treated as an independent unit or managed in the personal accounts of Mr. Kachapeswara Iyer.

In as much as the money has been allowed to be withdrawn without the knowledge of Mr. Nageswara Iyer who admits in his notice to have always been dealing with the Director through Mr. Kachapeswara Iyer whom he mistakes to be a permanent subordinate under Government service, it is evident that he has no hold on the Government. It is also clear that he has been unfairly treated by Mr. Kachapeswara Iyer.

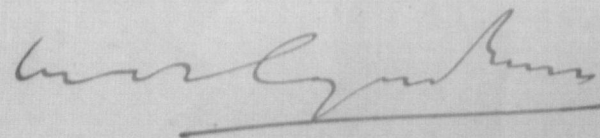
(Sd) P. S. Ramaswamy.
Supervisor

No. 1218 P/7th October 1913.

Forwarded to the Superintendent of Industrial Education in reference to his letter No.320, dated 5th September 1913.

(Sd). S. Rajagopalaswamy.
Officer in charge of Pumping
& Boring Operations.

(True Copy).



ENCLOSURE NO. 2.

COPIES OF PAPERS RELATING TO
MR. NAGESWARA IYER'S CLAIMS.

15
Letter dated 25-9-12 from P. Nageswara Aiyer, Esq., Chittoor
to the Director of Industries, Madras.

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12
In reply to my application regarding the non-payment of my security which was reported to you on 9th February 1912. You have informed me in your endorsement No.925 dated 13th February 1912 that my letter was sent to Mr. Kachapeswara Aiyer for his disposal. But nothing was heard from him

Gentleman,
I deeply regret to inform you that my security was not yet paid though the articles were returned to you on 1st September by me.

Further you have withdrawn my security from the Presidency Post Master as per your letter No.1700 dated 14th November 1910 stating that I owe you more than the sum pledged by me. Now as I am free from your transactions since September 1911, it is very unreasonable on your part for not paying my security.

Therefore I humbly request you to make an immediate arrangement for the payment with the interest. If not I am obliged to take legal proceedings to recover the amount

(Sd) P. Nageswara Aiyer.

(True Copy)

Curry
Superintendent of Industrial
Education (in charge)

Rs 100 pledged as security by this man through Mr. P. Kachapeswara Aiyer was withdrawn from the Savings Bank and the amount was credited to Mr. Kachapeswara Aiyer's account.

Sd. M. Akhadi
(Accountant - Pumping
& Mining Dept)

Letter No. 1320 dated 2nd October 12 from Ag. Superintendent of Industrial Education, Madras to M. R. Ry. P. Nageswara Aiyer, Merchant, Chittoor.

-----o-----

In reply to your letter of the 25th September 1912, I have to inform you that the previous letter alluded to by you was forwarded to Mr. Kachapeswara Aiyer and I have no record of the same. As regards your claims I understand that the transaction was one between yourself and Mr. Kachapeswara Aiyer and beyond asking Mr. Kachapeswara Aiyer to settle the alleged claims, I am unable to give you any assistance.

I regret the inconvenience which you have been put by Mr. Kachapeswara Aiyer but I myself have been served in the same way.
SD. K. J. B. Fowler.
(True Copy).

K. J. B. Fowler
Superintendent of Industrial Education (in charge)

2nd Oct 12 N. 62
(True Copy)

Handwritten notes in Tamil script, likely a translation or summary of the letter's content.

Letter dated 17th October 12 from Mr. P. Nageswara Aiyer,
Chittoor to the Director of Industries, Madras.

14

I beg to acknowledge receipt of your reply No. 1320-I dated 2-10-12 and to request that you will be good enough to take some steps to get Mr. Kachapeswara Aiyer who was a sales manager for the Chrome Leather Department under you to settle my claims.

I was not dealing with Mr. Kachapeswara Aiyer in his personal or private capacity but only as a subordinate under you and the money I deposited in the Savings Bank was deposited in your name and withdrawn by you only.

It is true that on the 1st October 1910 there were articles of yours in my possession whose value was Rs. 272.8.0 and I therefore owed you on that date Rs. 272.8.0 But subsequent to that date I sent Rs. 48-8-0 on 28-11-10 and Rs. 49-14-6 on 20-4-11 and the above sums were acknowledged by the sales manager. I also returned goods of the value of Rs 137-8-0 on 1st September 1911. So out of Rs. 272-8-0 due from me Rs. 235-14-6 have discharged and there remains only Rs. 14-1-6 still due from me deducting the commission.

Under the above circumstances I beg to request you will be pleased to take out of the 100 Rs. which I originally deposited in the Savings Bank in your name and which you have subsequently withdrawn, only Rs. 14-1-6 as mentioned above is due to you and remit to me the balance at your earliest convenience with interest from October 1910.

Further I do not even know the movements or whereabouts of Mr. Kachapeswara Aiyer and it is improbable that where you have failed to get proper accounts. I beg to submit that Mr. Kachapeswara Aiyer's failing to submit proper accounts is a matter entirely within your cognizance and to request that the unsatisfactory and misbehaviour of your subordinate may not be made a justification for withholding sums justly due to me.

Praying for a favourable reply and remittance.

(2nd Cpr)

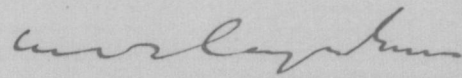
P. Nageswara Aiyer
Superintendent of Industrial
Education (in charge)

18
Copy of Post card dated 4th November 1912 from P. Nageswara
Aiyer, Chittoor to the Director of Industries, Madras.

----- 15
Will you kindly let me know the place and the correct
address of Mr. Kachapeswara Aiyer as I am ignorant of his
whereabouts to take legal proceedings and oblige

(Sd) P. Nageswara ayar

(True Copy)


Superintendent of Industrial
Education (in charge)

19
Copy of letter dated 5th November 1912 from the Superintendent
of Industrial Education to M. R. Ry. P. Nageswara Aiyer, Mer-
chant, Chittoor. 16

In reply to your post card dated 4-11-12, I have to inform
you that the present address of Mr. Kachapeswara Aiyer so far
as can be made out is " Late Chrome Leather Agent of the
Department of Industries, Ponnappen lane, Wall tax road,
Parktown P. O.

(Sd) K. T. B. Tressler

(true Copy)

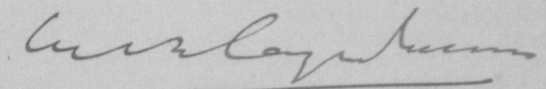
Superintendent of Industrial
Education (in charge)

Letter No. 320-I dated 8-8-13 from the Superintendent of Industrial Education, Madras to the Collector of Madras. 17

With reference to Endt. R. O. C. No. 1674/13 dated 1st August 1913, I have the honour to state that from the enclosed letter it will be seen that Mr. Nageswara Aiyer has no claims over this Department. As however Mr. Tressler who was dealing with these papers is now on leave and is expected back only in November, I would request that the matter may be postponed till his return.

(Sd) M. Velayudha asari.

(True Copy)


Superintendent of Industrial
Education (in charge)

*The letter from the
R.O. No. 7974 of 1913 is
with it enclosed will be
sent to the Collector of Madras.*

4,800-7-1-13

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” ” ” ” ” ” 191

3169 529 7994 21-10-1913

” ” ” ” ” ” ” ” 191

mis

No. 98250^{hu} dated 29/10/1913

Pages 7 & 8 of C.F.-

The letter from the D.P.I.
R.C. no. 7994 of 1913 D. 21-10-13
with its enclosures will be Communi-
cated to the Collector of Madras.

7.H. CR
25-10-13 25/10/13

1/2 27/10

To The Collector of Madras - 940
-- D.P.O. - 940.

20th Nov 13

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14-8-41 1174
2-10-12 7994

The letter from the B.F.J.
R.C. no. 7994 of 11/12/12 is
with its enclosure will be
sent to the Collector of
Muziris.

21-10-12
21-10-12

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When given for copying
When copied
When examined
When signed

19

READ AGAIN G.O., No. 19 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

A A A A A A A

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.