1. Number of pages: 16
2. Date of repair: 22-8-57
3. Initials of Repairer: G

M.R.O. 1—50,000—16-10-56.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

Cons. 10-11-57

G.O. No. 2079 Press Mis.

4465

Dated 7 — 11 — 1957

Not to be folded or roughly handled

No. 11. Read the following Extract from the Proceedings of the Chief Engineer, dated 15th October 1857, No. 4475.

Read the following letter from Major W. J. BIRDWOOD, District, Engineer Tanjore; to Colonel C. E. FABER, Chief Engineer, dated Tranquebar, 8th October 1857, No. 130.

SIR,

In acknowledging the receipt of Extract from your Proceedings under date the 25th September 1857, No. 4011, I have the honor to forward copies of a correspondence, that has taken place between the Acting Collector and myself, regarding the late Monegar, &c., of the Permal Covil Lock.

Letter from Major W. BIRDWOOD, District Engineer, Tanjore; to H. D. PHILLIPS, Esq.' Acting Collector of Tanjore, dated Camp Paupanassum, 21st August 1857, No. 207.

SIR,

I have the honor to bring to your notice the conduct of the Neeranicum establishment at the Permal Covil Lock.

The Paupanassum Thasildar and myself visited the Lock yesterday at ½ past 7, found only one Cothen in attendance, and about 12 boats, whose owners complained that they arrived there, the day before in the morning, and had been made to remove the sand in front of the lock gates.

The Lock Monegar Soobraya Moodely at last arrived, and who no doubt in a great measure is to blame for the manner in which the boats were delayed and the boatmen employed, he informed me also that the Head Cothen Curpah Pillay lived in the village of Munnyaur, and never attended until late in the morning, and that Rungasawy another Cothen has absented himself without leave for a month, I beg therefore to suggest that the Monegar be fined for the way in which the Lock is attended to, and that the Head Cothen Curpah Pillay, and Rungasawmy be dismissed as useless, and others employed in their stead.

Letter from Major W. BIRDWOOD, District Engineer, Tanjore; to H. D. PHILLIPS, Esq., Acting Collector of Tanjore, dated Camp Trivalore, 2nd October 1857, No. 261.

SIR,

I have the honor to forward copy of an Extract from the Proceedings of the Chief Engineer expressing disapproval of the steps taken in dismissing Soobraya Moodely late Lock Monegar of the Permal Covil enclosing also a Petition from him addressed to Major Lawford. In my former letter I believe I requested that the Monegar should be fined one Pagoda, and the Cothens dismissed, may I request therefore you will have the goodness to reconsider the case.

Letter from H. D. PHILLIPS, Esq., Acting Collector of Tanjore; to Major W. J. BIRDWOOD, Civil Engineer of Tanjore District, dated 6th October 1857, No. 314.

SIR,

I have the honor to reply to your letter, dated the 2nd Instant, No. 261.

2. In the communication from the Chief Engineer of which you have sent me a copy, I do not discover the expression of any "disapproval" of the dismissal of the Ex-Lock Monegar Soobraya Moodely to which you refer. Such indeed would scarcely have been recorded, seeing that the Chief Engineer, at the time he addressed you, had before him in this matter nothing more than a Petition* from the Ex-Monegar to Major Lawford of the Engineers.

25th Sept. 1857, No. 4011.

* Returned.

3. It appears that a report from you is required, and the Chief Engineer in asking for that, has stated as his opinion, that "the dismissal of such servants as the Lock Monegar should be subject to your concurrence" according to "the usage in all Districts for a long period."

4. In acting towards the late Monegar as I have done, I was not aware of any usage of the character mentioned by the Chief Engineer, and nothing that I can trace in my records affords, any sanction for the belief that the Collector of a District has not full control over a Subordinate of the Lock Monegar Class. Should you however be able to favor me with any orders or proceedings tending to show that I am laboring under an error in this respect, I shall feel extremely obliged.

Extract from the Proceedings of the Chief Engineer, dated 25th September 1857, No. 4011.

Read the following Petition from SOOBROYAH, Moodelly, late Lock Monegar of Permal Covil, Tanjore, dated 16th September 1857.

To the Honorable Presence of Major E. LAWFORD, Superintending Engineer, Southern Circle.

The Humble Petition of SOOBROYAH Moodelly, late Lock Monegar of Permaul Covil.

Most Honored Sir,

It is with much grief I have to inform your honor, that, I have been dismissed from my situation of Lock Monegar at Permaul Covil (entailing the greatest distress on myself and large family, to whom your honor has ever extended your bountiful protection) under the following circumstances.

1st. The Navigation Canal was accumulated near the lower gate to a certain extent and on Major Birdwood visiting the Lock in March last, I was ordered to remove the same by the Cothens, but the cut having required clearing in other parts, I had previously made an estimate in December 1856, inclusive of all which not having been sanctioned in time, was not carried out and the part alluded to was left untouched, under the above anticipation, and on Major Birdwood visiting the Lock again on the 20th Ultimo, it was observed.

2nd. On the afternoon of the 19th Ultimo, 13 empty basket Boats arrived, but the Chambers of the Lock becoming continually accumulated from the dilapidated state of the gates, and there being many cracks in the plankings, I immediately set the Cothens to work to clear out the same, and notwithstanding they were employed all the evening, the task was not completed, and the Boats were detained until the next morning, when Major Birdwood came. The Boatmen made a great noise and the Gentleman was very angry with me supposing that I had detained the Boats with improper motives; but I ventured to explain the above practical difficulty; and I would also most respectfully remark to your honor that if such was the case rather than submit to any illegal exactions the Boatmen would have rolled their Boats over (being empty) the distance from the Cauvery to the Navigation cut being so short as your honor is aware.

3rd. That I was not present at the time of the Gentleman's visit. This was very early in the morning and it being my usual custom to go to the Lock at 7 o'clock, I was at home, when a man came to inform me that the Civil Engineer had arrived. I proceeded immediately,

and had I any previous intimation, or even suspicion that the Gentleman would have come there so early, I would have waited as in duty bound.

On these three faults the District Engineer was pleased to write to the Collector to fine me one Pagoda, and to dismiss two Cothens who were absent; but that Gentleman dismissed *me* from the service *entirely* and simply *fined* the *Cothens*.

I was 1st employed in the Military Department in 1819, in which I continued up to 1840. In 1841, I was appointed Lock Monegar to Trippendal, and subsequently transferred by your honor to the Permal Covil Lock, to take charge of the same and to attend to the General Marahmut duties between Cabestalum and Eachungoody; thus I have served Government 38 years in all. 16 in this District as Lock Monegar during which long period I have always given satisfaction to my superiors as the numerous testimonials in my possession will prove.

I do not mean to plead that I am altogether blameless, but considering the long period of my service, and the faithfulness with which I ever strived to perform them (as your honor well knows during the 15 years of your administration of the Marahmut duties of the District) and taking into consideration of old age, indigent circumstances, and the large family I have, depending on me alone for support, I humbly crave your honor's generous interference on my behalf in order that my bread may be restored me, and in this I feel I am addressing myself to one who has ever been a Father to his dependants. I have petitioned the Collector and made my deplorable case known to the District Engineer, but without effect. The latter Gentleman telling me he only recommended a fine as certified in his Diary, and he cannot help it if the Collector went further.

I, my wife and twelve children throw ourselves on your honor's generous and mighty support and with the most profound respect I beg most respectfully to subscribe myself.

(Signed) J. SOOBOROYAH, Moodelly,
Late Lock Monegar.

Resolved to forward the above Petition for the information and report of the District Engineer of Tanjore, with an expression of the Chief Engineer's opinion that the dismissal of such Servants as Lock Monegars, should be subject to that Officer's concurrence such having been the usage in all Districts for a long period.

(True Extract.)

(Signed) E. LAWFORD,
Superintending Engineer Southern Circle.

Resolved, with reference to the foregoing letter No. 130, dated 8th October 1857, to forward for the information and orders of Government, copies of the correspondence between the Acting Collector and District Engineer of Tanjore, relative to the dismissal of Soobroyah Moodelly, Lock Monegar at Permal Covil, whose Petition is also submitted.

2. The Petitioner was appointed a Lock Monegar on the recommendation of Major H. C. Cotton in 1841-42, and his duties, as well as those of other public servants of his class, have invariably been under the immediate control and supervision of the Civil Engineer, although he was equally subject to the orders of the Collector.

3. It seems that for certain neglect of duty, the Monegar was reported to the Collector by the District Engineer with Major Birdwood's recommendation that a fine should be inflicted on the delinquent, and that two Cothens should be dismissed.

4. The Acting Collector appears to have taken a different view of the Monegar's conduct, and without any further communication with the District Engineer, to have dismissed him, on which he petitioned the Superintending Engineer of the Circle.

5. The Petition was referred to the District Engineer with an order, copy of which is enclosed, in which the Chief Engineer expressed his opinion that servants of the class to which the Monegar belonged, were usually dismissed only with the concurrence of the local Engineer Officer.

6. The Acting Collector demurs to this opinion, and states that there is nothing on record to shew that he has not full control over the Monegar, and the Chief Engineer does not dispute the position taken up by Mr. Phillips, because he is well aware that such has been the harmony between the two Departments in Tanjore from the very beginning, that questions of this sort never did, nor could arise to produce discussion.

7. But if the Collector thus stands upon his right to dismiss a man solely employed on duties connected with Public Works, on the request of the District Engineer that he should be only fined, it is necessary to point out that a state of things now exists in Tanjore, which must preclude efficient co-operation between the Collector and Engineer, and that it is highly desirable to expedite that separation of duties and control which the stoppage of public expenditure has unfortunately delayed.

8. In conclusion the Chief Engineer considers that no sufficient reason is shewn for the dismissal of the Monegar after fifteen years service.

(A true Extract.)

(Signed) C. E. FABER, Colonel,
Chief Engineer.

No. 15. ORDER THEREON, No. 2079; dated 7th November 1857.

The Government observe that the Petition to which the Proceedings of the Chief Engineer give cover, is an appeal from the act of the Collector addressed to the Superintending Engineer, who is vested with no appellate jurisdiction on the Collector's acts, and the regular course of proceeding would have been for the Chief Engineer to have referred Petitioner to the Government, who alone are competent to deal with the case.

2. To avoid unnecessary delay, the Government now resolve to forward the papers received from the Chief Engineer to the Acting Collector of Tanjore, with a request that he will explain the cause of the Monegar's dismissal from office.

(Signed) H. FORBES,
Acting Secretary to Government.

5

No. 4071

Extract from the Proceedings of the Chief Engineer in the Department of Public Works
Under date the 25 September 1857

Read the following petition from Cabrampah Modelly, late Lack Monegar of Pattimal Coil Tanjore.—

Dated 16th September 1857

Resolved to forward the above petition for the information and report of the Dist. Engineer of Tanjore, with an expression of the Chief Engineer's opinion that the dismissal of such Servants as Lack Monegars, should be subject to that Officer's Concurrence such having been the usage in all the Districts for a long period.—

To The Dist. Engineer of Tanjore

True Extract
Signed C. Lawford
Superintending Engineer &c &c

True Copy
C. E. Faber Colonel
Chief Engineer

To The Secretary to Government P. W. D.

No. 4475

Extract from the Proceedings of the Chief Engineer in the Department of Public Works Fort St. George

Under date the 15th October 1857

Read the following letter

From the District Engineer
Tanjore

Forwarding Copies of a Correspondence that has taken place between the Acting Collector and himself regarding the Removal of the Perumal Oil Locks.

Received with reference to the foregoing letter No. 130 dated 8th October 1857, Report and for the information and orders of Government, copies of the correspondence between the Acting Collector and District Engineer of Tanjore, relative to the dismissal of Sooberayah Moodelly, Lock Monegar at Perumal Oil, whose petition is also submitted.

2. The petitioner was appointed a Lock Monegar on the Recommendation of Major R. C. Cotton in 1841/42, and his duties, as well as those of other public Servants of his class, have invariably been under the immediate Control and Supervision of the Civil Engineer, although he was equally subject to the orders of the

Examined in Office of Public Works
Fort St. George 15th October 1857
Chief Assistant to Secretary

Dated 15th October 1857
Rec'd 20th ditto

Examined, Registered & Forwarded
Secretary to the Board of Revenue
Fort St. George 20th October 1857
Acting Chief Assistant to Secretary

the Collector.

3. It seems that for certain neglects of duty, the Manegar was reported to the Collector by the District Engineer with Major Birdwood's recommendation that a fine should be inflicted on the delinquent, and that two Cutanes should be dismissed.

4. The Acting Collector appears to have taken a different view of the Manegar's Conduct, and without any further communication with the District Engineer, to have dismissed him, on which he petitioned the Superintending Engineer of the Circle.

5. The petition was referred to the District Engineer with an order, Copy of which is enclosed, on which the Chief Engineer expressed his opinion that Servants of the Class to which the Manegar belongs were usually dismissed only with the concurrence of the Local Engineer Officer.

6. The Acting Collector demurs to this opinion, and states that there is nothing on record to shew that he has not full Control over the Manegar, and the Chief Engineer does not dispute the position taken up by Mr Philipps, because he is well aware that such is now the harmony between the two Departments in Tanjore from the very beginning, that question of this sort never rise, nor could arise to produce discussion.

7. But if the Collector thus stands upon his right to dismiss a man solely employed on duties connected with Public Works, on the request of the Executive Engineer that he should be duly fined, it is necessary to point out that a state of things now exists in Tanjore, which would prevent the efficient Cooperation between the Collector and Engineer, and that it is highly desirable to separate that separation of duties, and control which the stoppage of public expenditure has unfortunately delayed.

8. In Conclusion the Chief Engineer considers that no sufficient reason is shewn for the dismissal of the Manegar after fifteen years Service.

I have the honor to be
Sir
Your most obedient
humble Servant
(Signed) [illegible]
Chief Engr

To
The Secretary to
Government P.W.D.

Compd

N.D.

No

Extract from the Minutes of Consultation
held in Council
at Fort St George under date the Octr 1857.

Read the following
Extract from the Proceedings
of the Chief Engineer.

Received under 15th Octr/57 [illegible]

The Chief Engineer,

[illegible] in the paper above recorded
[illegible] submits, for the decision
of Government, the question
whether the Lack Monegar
of Pernad Coil in Canjeveram
is subject to the immediate
Civil authority of the
Collector, or
in punishing and re-
moving him, the Con-
currence of the District
Engineer is necessary.

The duties of the
Monegar are not [illegible]
any

any way professional;
he is required to attend
to the locks, and to open
its gates when boats
are passing up and
down the river, and there
is nothing in these duties
that necessarily calls for
the supervision or in-
terference of the District
Engineer.

Like all natures
placed in similar po-
sition, it is very pro-
bable that he makes
the performance of
his duty a source of
private profit, and
attends to, or neglects
his charge, according
to what he receives
for giving speedy passage
through the locks. There
are matters with which

the Collector is more likely
to be cognizant than the
Professional Department,
and one such as he is
clearly competent to
deal with.

The Government see
no reason whatever to
question that Mr Phillips
is as fully alive as any
one of his predecessors
to the policy of giving
every consideration to
the wishes of the Engi-
neer authorities, and
they remark that it
was in consequence of
a representation from
Major Birdwood, that
the Acting Collector
took notice of the in-
mate's neglect of duty.

The manner in
which

which that neglect should
be noticed, and the extent
to which punishment
should be awarded, the
Government consider to
be matters within the
Collector's competence to
decide, and in the pre-
sent instance they
are not prepared to
question the decision
arrived at by the
Chief Engr.

DR

C19 Oct. 1821

N° 2079 15 PWD

Extract from the Minutes of Proc. under date the
7th November October 1857

Read the following Ex-
tract from the Proc. of the Chief
Engineer Office under 15 Oct. 57 N° 2479

Re Chief Engineer, in the
matter above recorded,
referred, ~~to the reference~~
~~of this~~ a correspondence
between himself and
the District Engineer &
Judge, on account &c.
between the Cable Rice-
& the Ceylon Collector, re-
-specting the discontinu-
& Mr. Phillips of the Lock
hunaque of Revenue Cour-
-ts to be addressed &c.
-titions of appeal to the
Superintending Engineer
& the Southern Circle -

Re Chief Engineer
makes no objections
for the withdrawal of
Summons issued in the
Cable & Lock Estates

an opinion that such
direct proceed has
not been shown for the
Respondent Decantilac;
and such claim of the Col-
lector to distribute the Archi-
episcopal right to dis-
-pose the Income shall
of Opinion that the exercise
of that right without the
concurrence of the
Diocesan Engineer does
not entitle a State
of things in Favour
of which must precede
official corroboration
between the Collector
and Diocesan Engineer,
& make it right de-
-cisive that to ex-
-clude that relaxation

have 8

have 6

have 5

have 7

of Justice & contrad dict
to stoppage & hostile ex-
-cesses for carry-
-ing the collected.

X The Govt decree that
the petition to stick the
proceedings of the Chief
Engineer give cause,
is an appeal from the
act of the Collector ad-
-dressed to the Superin-
-tending Engineer, so
is vested with the
appellate jurisdiction
over the Collectors acts,
and the regular course
of proceeding would
have been for the
Chief Engineer to
have referred the
petitioner to the Govern-
-ment, so above
we cannot be sure

to Lead with the Lake
So avoid unnecessary delay the Communication to friend the Packet received from the Chief Engr to the Ag. Collector of Customs, with a request that he will obtain the Consent of the Municipal Council for the Purpose

9 Copies to the Chief Engr with 3 Ltrs to Engrs
1 — to Ag. Coll. of Customs
with Copies of the Packet Ltr &c.

Public Works 1857 Dept. 16
Dis. to Cons: 18th. November

No 2079.

Extract Mins: of Cons.
Dated 7th. Nov.r 57

From Coll.r of Tanjore
5th Jan.y 58 No. 15 in
Cons 22 Feby 58.

Forwarding the Papers
received from the Chief Engineer to the
Acting Collector of Tanjore, requesting
that Officer to explain the cause of the
dismissal of Subbarayulu Moodaliyar late
Manegar at Pannal Tank.

No. 4446.

27 Oct. to 3 Nov.