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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

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G.O. No. 2290 , Press / Mis.

7. 8

Dated 9 — 12 — 1857

Not to be folded or roughly handled

No. 7. Read the following letter from Colonel C. E. FABER, Chief Engineer; to H. FORBES, Esq., Acting Secretary to Government, dated 26th November 1857, No. 5518.

SIR,

With reference to the Petition of Dorasawmy Moodelly, late Acting Head Accountant, District Engineer's office in Tanjore, which was referred to me for report under date the 17th November 1857, I have the honor to submit the following statement.

2. On the 18th May last, Major Birdwood reported his dismissal of Dorasawmy in the following terms "I have this day dismissed my Acting Head writer Dorasawmy Moodelly, in some "measure as unfit for the berth, but chiefly for absenting himself under false pretences as you "will perceive by the accompanying note from the Medical Officer at this station."

"He has been detected also within the last three days in a dishonest and swindling trans-"action with reference to a sum of money, viz. Rupees 10 given to him by Lieutenant Francis "for payment to a dismissed writer two months ago, from whom he managed to obtain a false "receipt and has not paid the money up to this date sufficient, imagine, to prevent his being "again employed in the Public service."

"Since writing the above he has sent in his resignation but I think some public notice "should be taken of his conduct."

3. On the 26th May, orders were sent to Major Birdwood to furnish Dorasawmy with a written statement of the charges against him, agreeably to Extract Minutes Consultation 5th May 1854, No. 421 and to report fully on them with reference to an explanatory letter that person had sent to the Central office.

4. In reply to this order, Major Birdwood submitted a long statement signed by five clerks of his office and countersigned by himself, setting forth the circumstances of Dorasawmy's official history, repeating also the charges of malingering misconduct and embezzlement, and denying the truth of the Petitioner's counterstatement of ill treatment received from Major Birdwood, as well as his assertion of Major Boileau's good opinion of him.

* No. 1626 dated 29th June 1857.

5. On this paper (dated 17th June 1857,) Proceedings were recorded in this office,* recommending to Government the dismissal of Dorasawmy "for fabrication of false statement and gross untruth," but the case was again referred to me in Extract Minutes Consultation No. 1325, 10th July 1857, stating that the power of dismissal rested with the District Engineer, subject to appeal, and the order was duly communicated to Major Birdwood.

6. Nothing was further heard on the subject until October last, when the Superintending

† Dated 14th October 1857, No. 226.

Engineer Southern Circle requested a re-consideration of Dorasawmy's case in a letter† which is herewith submitted, and which was transmitted to Major Birdwood who, in his reply dated 21st October 1857, No. 142, vindicated his right to decide on the fitness of Dorasawmy for the public service, asserted the justice of his dismissal for absenting himself without leave, and afforded detailed information regarding the charge of swindling. That Officer also justified his submission of the statement signed by his clerks, and his language towards Dorasawmy.

7. In reply to this letter, Major Lawford again addressed me under date 27th October 1857, No. 229, and having reviewed the circumstances of the case I decided on removing from Dorasawmy the stigma of incompetency and dishonesty which would incapacitate him for re-employment, but I judged it wholly inexpedient to direct his restoration to the District Engineer's office after making such serious allegation against Major Birdwood.

8. In the Petition now referred to me from Government, Dorasawmy complains of continued harsh usage by Major Birdwood from the first day of his assuming charge in Tanjore, with the apparent intention of effecting his removal, details his subsequent proceedings, and in proof of his good character submits an original note from Major Boileau dated 22nd January 1857, which certainly disproves the allegation by Major Birdwood's Clerks of the former Officer's opinion being unfavorable.

9. Dorasawmy also persists in asserting that the District Engineer used insulting and abusive language to him, denies that any impartial enquiry was made into the alleged case of swindling and submits a Certificate of character by Major Lawford.

10. Having now placed before Government all the principal features of the Petitioner's case, I may proceed to state that on the charges of incompetency, dishonesty and absence from office on false pretences, I do not think the dismissal of Dorasawmy can be justified, and if not guilty of dishonesty and swindling, his public accusation of their crimes admitted by Major Birdwood must be regarded as an act of unnecessary harshness.

11. But it perhaps will be thought by Government, as it is by myself also, that the Petitioner has completely disentitled himself to redress, and incapacitated himself from re-employment under the District Engineer of Tanjore by the language used by him; Dorasawmy, in his first Petition* to the Central office. After applying such terms and advancing such charges, it would seem quite clear that whatever the hardships of the case, Dorasawmy and Major Birdwood can never resume their previous mutual relation of employee and employer

* Dated 19th May 1857.

To

The Right Honorable the President in Council,
&c. &c.
Fort Saint George,

The humble Petition of P. DORASAWMY Moodelly late Acting Head Accountant in the District Engineer's office Tanjore.

MOST RESPECTFULLY SHEWETH,

* 1 Petition from P. Dorasawmy to the Chief Engineer.
2 Certificate from Major Boileau.
3 Do. from Major Lawford.
4 Extract from the Proceedings of the Chief Engineer.

1. That your Petitioner craves leave most humbly to approach your Lordship in Council with this Petition, and its accompaniments, as numbered in the margin* and respectfully solicits that your Lordship will be pleased after perusing the whole to take the just merits of his case into your Lordship's impartial consideration, and condescend to grant the prayer of his Petition.

2. That your Petitioner was entertained in the Engineer's Department at Tanjore in 1854, by Major Lawford, and was promoted in 1855 to the temporary Accountantship by Lieutenant P. O'Connell who succeeded Major Lawford. During the early part of 1856, he was appointed to act as Head writer and Accountant by Major Boileau, and in the month of September of the same year, as Acting Head Accountant by the same Officer on a salary of 60 Rupees in March 1857, Major Birdwood the present incumbent succeeded.

3. That up to this period, your Petitioner had the satisfaction to know, that all the predecessors of Major Birdwood were well satisfied with your Petitioners zeal, diligence, and efficiency in the discharge of his Public duties. His conduct and character were both unexceptionable, and met with their approbation your Petitioner has reason to say so, from the fact, that Major Lawford took him into the service, Lieutenant O'Connell promoted him to the temporary Accountantship, and Major Boileau entrusted him with both the Head writer and Accountantship on a salary of 60 Rupees. It is evident, therefore, that if these Offiicer's were dissatisfied with your Petitioner in any respect, they would not have advanced him.

4. That no sooner did Major Birdwood take charge of the District, than your Petitioner found himself, to his great surprise and astonishment, the object of his superior's aversion. From that moment your Petitioner never enjoyed a moment's peace of mind. Without any apparent cause, he was continually subjected to harsh, if not cruel, treatment. However your Petitioner shaped his conduct; however diligently and zealously he attended to his duties; however early he went to the office, and returned home late, still, whatever he did to secure the approbation of his Master, proved ineffectual. It seemed to your Petitioner, from the tone and Deportment of of the Head of the Department, that he was determined to get rid of your Petitioner; and it is presumed, with this object in view, Major Birdwood did not allow a day to pass over your Petitioner's head, without subjecting him to insult and abusive language; but which he refrains from expressing here, being warned by the Chief Engineer's Minute, on Major Lawford's letter: as your Petitioner had unwillingly mentioned the objectionable language in his address to Colonel Faber, for which, he is now very sorry, and begs to apologise for the indiscretion.

5. That in this painful manner, your Petitioner dragged on the days, bearing with the utmost humility all the insults that were heaped upon him; never attempting to say any thing calculated to irritate his Master, and patiently looking forward for a turn in the tide of his affairs. But to his great grief, things went on from bad to worse, till he was necessitated and forced to tender his resignation Major Birdwood did not accept it. He tore it to pieces, and sent in a report against your Petitioner to the Chief Engineer, charging him among other things with having deceived Lieutenant Francis in some money matters of a private nature, and unconnected with the Public service, and recommending his summary dismissal. On *hearing* this, for there were no written charges given him, your Petitioner made his report to Colonel Faber, enclosing all the documents to prove the groundlessness of the Major's allegations, and to establish his innocence. The Petition was referred to Major Birdwood. He replied, enclosing a Mauzernamah received from his writers after your Petitioner's dismissal to the effect, that his predecessor, Major Boileau had a very bad opinion of your Petitioner, with much more to the same effect.

6. Your Petitioner now found it necessary to come down to Madras. It was in June last, and he waited on the Chief Engineer, who desired him to see Lieutenant O'Connel, your Petitioner did so, and was advised by that Officer to return to Tranquebar, and wait the decision of the Government, which was not then known, your Petitioner accordingly returned to Tranquebar and waited till October. He heard nothing further on the subject of his dismissal. He was left completely in the dark as to what decision superior authority had come to; therefore your Petitioner again came down to Madras, but before he started, he addressed two appeals to the Chief Engineer, without receiving any reply. He then set out, arrived at the Presidency, waited on Major Lawford who had been previously absent on duty and represented to that *eminent* and *just* Officer, the whole circumstances of his case, your Petitioner was directed to furnish the Major with a Memo: of the dates of his several Petitions sent in to the Chief Engineer. It was done, Major Lawford having perused all the documents connected with your Petitioner's dismissal, addressed the Chief Engineer on the subject. It was forwarded to Major Birdwood, and a reply was received, to which a rejoinder was put in by Major Lawford addressed to Colonel Faber. The Chief Engineer then declared that the case was closed, and wrote his Minute No. 1838 restoring your Petitioner to the service, but objecting to re-appoint him to the Tanjore District, on the ground that your Petitioner had stated, in his Petition to Colonel Faber, the highly objectionable expressions made use of by Major Birdwood towards him.

7. That having thus narrated as succinctly as the subject would admit of, the circumstances that led to your Petitioners dismissal, he craves permission, *very respectfully* to submit that he is well connected by birth, and is the heir of respectable ancestors who served the Government, and the degradation of his treatment, in the presence of all the writers, has left a wound that time alone could heal, your Petitioner is a native of Tranquebar, and his family are well known in Tanjore. The disgrace that has been put on him by Major Birdwood, is the common talk of every one in the country, and considerations for re-gaining his lost reputation, compel him most respectfully and most earnestly to solicit your Lordship in Council to order him back to his former station.

8. In proof of your Petitioners innocence of the charges of "swindling" and "dishonesty" recorded by Major Birdwood, your Petitioner begs leave to submit a note addressed to him by Major Boileau on the eve of departure for Persia, showing that no such suspicion existed in that Officers mind, and your Petitioner is confident that if an impartial enquiry had been made by Major Birdwood he could not have asserted the intention of defrauding Lieutenant Francis, but such enquiry was never instituted.

9. That your Lordship is the representative of the Sovereign, and the Sovereign of eternal Right on Earth. To whom else could the poor, injured native look to, but to the head of this paternal Government, who once declared, that the people of India may feel assured, that where-

ever the Red cross Flag of England waved, equal laws, equal justice, and equal protection shall be meted out to every subject of the Empire, without any distinction of caste, creed or color.

10. That firmly relying on this great truth, your Petitioner most humbly solicits justice by ordering his re-instatement in the situation from which he had been so ignominiously dismissed, or by bestowing on him any other place in the *same District*. And for which act of strict justice your Petitioner as in duty bound,

Shall ever pray,

P. DORASAWMY.

At Doctor Soobarayah Moodelliar's House in Soontharam Pillay's Street, Perasawauk, Madras.
Perasawaukum, 4th November 1857.

No. 2561 of 1857.

Referred to the Chief Engineer for report.

Fort Saint George,
17th November 1857.

By order,
M. NORMAN,
Depy. Secy. to Government.

Letter from P. DORASAWMY Moodelly, late Acting Accountant District Engineer's Office, Tanjore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Perasawaukum, 4th November 1857.

HONORED SIR,

I beg most respectfully to request, that you will be pleased to lay the enclosed, to the address of the Right Honorable the President in Council, before his Lordship.

Letter from P. DORASAWMY Moodelly, Accountant; to Colonel C. E. FABER, Chief Engineer, dated Tranquebar, 19th May 1857.

SIR,

I the Accountant in the District Engineers' Office Tanjore, beg most respectfully to inform you that on the 9th December 1854, I was employed in the Chief Engineer's Office as a 2nd Assistant Chief Engineer's writer by Major Lawford, and in the month of August 1856, Lieutenant O'Connell who was then Civil Engineer, promoted me to the duty of a temporary Accountant on the salary of Rupees 50 for 6 months, and also was so good as to teach me to keep Books according to the system practised in the D. P. W.

2. I was so doing the duty till 21st January 1856, when Major Boileau came at, and took charge of the District, and relieved Lieutenant O'Connell, Major Boileau finding the Records of the office were not kept properly, and that there was a confusion in finding any letters or documents, also that there were 3 year's rough letters to be entered in the Books, and the Head Writer Soobaroya Pillay having gone to Lieutenant Ryves as an Accountant, Major Boileau ordered me to take up the duties of Head Writer and Accountant. I was accordingly doing the two duties till last September 1856 receiving the pay of Rupees 50 from the estimate fund. Major Boileau being pleased with me for having brought up the 3 years arrears, and kept all the Records in good order, appointed me as an Acting Accountant in the permanent strength in the month of September on the salary of Rupees 60 per mensum, according to the list of establishment accompanied with your extract Proceedings.

3. Major Birdwood arrived at Aunakauren Chuttrum on the 3rd of March 1857, and I was the first that paid visit to the Gentleman. The moment he looked at me, he was very angry on me, and told me to my great *vexation* that he will *reduce* me ever since, he was always very angry on me, and every day, *charges* and *accusations* based upon no ground, even for a trifling

thing, he used to abuse most bitterly in the Public Office and treated me shamefully. I put up with all these things considering my poor circumstances, and having no other means; but on the 29th April last he troubled me very much, and treated me in a most shameful manner without any reason, charging for things of no value and notice keeping some things in his mind, God knows what? whether by *persuation* or on any *design*. I was puzzled so much that I got head ache, and I took leave from him and returned home.

4. I was formerly very sick, and though now recovered, yet, I am very weak, and subject to bile. In addition to this *fear* of Master and *vexation* made me rather unwell next morning. I applied to the Doctor who advised me thus: "you are weak you are not well, you look very pale, you had better take leave for a few days, and take medicine" so saying, he gave me some medicine, and 3 pills to be taken every 3rd night I reported this to Major Birdwood, and remained home and took medicine, on the 4th day (5th May 1857,) I returned to my duty, and was about to work, when Major Birdwood called me and said "I say you dont want to come to me, you go home, you try to get a situation outside, I will not admit you in my office." I replied "Sir the other day you troubled me so much that I indeed got headache, and consequently took leave and returned home" I am all right now, I have to prepare great many returns due on the 1st May, also report of 1856, the Chief Engineer is very particular about these things, please permit to do my duty "he said" you go away, dont you come here for a fortnight, I shall then see" I was of course obliged to return home lamenting my fate. While I was thus at home, Major Birdwood wanted an account of expenditure for Rupees 50 the advance for contingent charges. Although I gave that account to Major Birdwood on the 13th April last, I prepared one upon recollection in one page of my letter to Mr. Rouse a writer in the office, and in the other page I wrote to him to say "I shall attend the office *soon*." In the same morning, I vomitted some bile, and bad geddiness, upon which, I asked the Doctor some medicine; but it is my bad time, the Doctor wrote to Major contrary. Major Birdwood remarked about what Doctor wrote, and in the meanwhile. Mr. Rouse, produced my letter, and said, I am not well. He was then silent. It was on the 13th Instant I went to Major Birdwood, he told me, "you are a very humbugging fellow, you wrote to Mr. Rouse you will come to the office *to-morrow* but at the same time to the Doctor for some *medicine*. I have got these two letters with me. I replied "Sir. If I have written to Mr. Rouse I will come to the office *to-morrow*, I am ready to undergo any punishment." He did not speak anything afterwards. I was engaged in preparing the Monthly Return of Officers and Subordinates for 4 months, but in the evening of the 16th after the closing of the office, when all people were about to leave the office, Major Birdwood came to me and said publicly "Here, you are a *Rascal* go way out of my office, you have humbugged Lieutenant Francis, you are a *Rascal* indeed, bloody humbugging fellow. If you dont go out I will push you" I bore all these with patience, and began to explain to him the truth, but without hearing me, he came up to me to push me by the neck, and abused me most shamefully which modesty would not allow me to put down here, also told me I am smoking and I live like a lord at home. I was obliged to return home.

5. With reference to my humbugging Lieutenant Francis mentioned in the latter part of Para. 4, I beg to explain, that I owed to Lieutenant Francis 10 Rupees, and the gentleman told me to pay that sum and also 17 Rupees to his man Jaganatha Pillay at Tanjore, accordingly, when I went to Tanjore I sent for Jaganatha Pillay, and was speaking to him about the money, when Cauliah Pillay Head writer who was sitting by me, said, "Sir, I owe some money to Lieutenant Francis, and I will pay you that sum of Rupees 17 and report to the gentleman I have paid to you, you also write the same way to the gentleman." Jaganatha Pillay also told me, "yes Sir, it is a good plan, you receive that sum from him, and pay me with your money Rupees 10, I shall report the gentleman I have got Rupees 27. Depending upon Cauliah Pillay, I was so fool as to inform the gentleman I have paid the money; but on the next day, Cauliah Pillay told me, that he cannot pay me 17 Rupees, and he will write to Lieutenant Francis' writer Daniel Pillay to collect all the sums due to Cauliah Pillay by Overseers, Lascars, &c., and pay at once to Lieutenant Francis; otherwise it is difficult to collect all the sums from the Overseers, &c. I expressed my regret very much at this, and I told him he made me a liar to Lieutenant Francis, and I thought of writing these to Lieutenant Francis but owing to the pressure of

business, and travelling here and there, I forget *indeed* to write and inform to Lieutenant Francis, and I have not seen since Jaganatha Pillay.

6. On the 14th Lieutenant Franci's Writer Daniel Pillay asked me what money Lieutenant Francis owes me, I said "he owes nothing to me, whereas, I must owe him Rupees 10, and I explained to him the whole truth." This is what took place to call me, who am an *innocent*, humbugging fellow, Lieutenant Francis Writer wrote to me to pay that Rupees 10 to Jaganatha Pillay accordingly I replied to Daniel yesterday I was going to send the sum to Jaganatha Pillay last evening In reply to mine, he wrote to me to pay the sum to Lieutenant H. Francis, so this morning I sent the money. As a further proof I beg to enclose the original 2 letters of Daniel and the copies of my correspondence.

7. Knowing well that Major Birdwood, with an intention of vacating my duty for his own man Ethoorajooloo who is now coming from Madras*, he troubles me very much and for fear that he may very likely, bring up any charges against me, and vilify my Character, and accuse and dismiss me for nothing. I submitted my resignation yesterday at about 12 O'clock A. M. and on reading it, he tore it into pieces; and I now hear that he has written to you against me afterwards upon which I am now obliged to report to you all these particularly, merely to save myself from any bad opinion you may entertain on his Report, which will be injurious to me for ever I have no other means except situation if I lose it, I declare unto you most solemnly, I, and my family, will be left to starvation *Indeed* I am at a loss to know what to do next month for my maintenance, under these circumstances. I throw myself to your support and protection, and I with my family, most humbly beg you will be good enough to have commiseration upon this large family for God-sake, and save me from all troubles and risks which Major Birdwood may have brought me into, and kindly obtain for me a certificate for excepting my resignation, and take me back in your Department for which only I am qualified. I dont know any other profession but this.

* Or I dont know where I was told so.

8. Trusting I am sure, to obtain redress from you.

Letter from Major A. BOILEAU, District Engineer Ganjam; to P. DORASAWMY, Moodelly Accountant, dated 22nd January 1857.

I have received your note of the 14th any money you may have of mine may be given to Mr. Francis.

I am glad to be able to say you have always given me great satisfaction, and I have no doubt that with a little further experience you will make a good Writer and Accountant.

You can show this note to Major Birdwood which will prove sufficient recommendation.

Dorasawmy Moodelliar late Writer and Acting Head Accountant in the District Engineer's Office in Tanjore having applied to me for a certificate of character I hereby state that I have known him since 1853, I appointed him as a writer on my establishment in December 1854, and always found him industrious, intelligent and well conducted. He discharged the duties of Acting Head Accountant when I was in Tanjore in February last.

Madras
28th October 1857.

E. LAWFORD, Major,
Late Civil Engineer P. D.

Extract from the Proceedings of the Chief Engineer, dated 29th October 1857, No. 4808.

Read again letter from the Superintending Engineer Southern Circle No. 226 under date the 14th and recorded in Diary of the 27th October 1857.

Read also the following letter from Major W. J. BIRDWOOD, District Engineer Tanjore; to Colonel C. E. FABER, Chief Engineer, dated Tranquebar, 21st October 1857, No. 142.

SIR,

I have the honor to acknowledge the receipt of Extract from your Proceedings, under date the 17th Instant, No. 4524, giving cover to an original letter from Major Lawford.

With regard to Major Lawford's opinion in Para. 4, that Dorasawmy Moodeliar was perfectly fit for the post of writer in my office, I beg leave to differ from him, and as I am the party responsible for the efficient performance of the duties of my office, it is I venture to think, a question which it were better left for me to decide.

In Para. 5, Major Lawford objects to my bringing forward Dorasawmy Moodaliar's having absented himself (more than once) from office, on "false pretences", among the other grounds for his dismissal and considers that "the forfeiture of pay for that period would have been punishment enough". I am to presume then, that any, or as many, of my office Establishment, as choose to take the alternative of forfeiting their pay for one or more days, may absent themselves when it suits their convenience with perfect impunity.

In Para. 6, Major Lawford objects to the charge of swindling being brought forward by me, instead of Lieutenant Francis Major Lawford has here given, somewhat too implicit credence, to the statement of the dismissed writer, the true position of the case is as follows; when bad health had rendered Lieutenant Francis incapable of attending to business, either public or private, he sent for me, and told me, that that day he had been informed by Caliah Pillay that Jugganatha Pillay had not received the 10 Rupees sent to him through Dorasawmy Moodelly, though he; (Dorasawmy) had obtained a receipt by promise of immediate payment. Lieutenant Francis asked me to enquire into the matter, and on questioning Dorasawmy Moodeliar as to why he had not paid the 10 Rupees to Jugganatha Pillay, having forwarded a receipt from Jugganatha Pillay for the same, after considerable hesitation and prevarication he distinctly asserted though twice in Combaconum with me since the date on which he had written to Lieutenant Francis stating he had paid it, that he could not find Jugganatha Pillay, thus acknowledging the non payment of the money. I desired him, instantly to pay the amount which he had thus unjustly withheld from its rightful owner, to Lieutenant Francis.

In para. 7, Major Lowford writes, that Dorasawmy Moodeliar further stated to him, that "the amount was by mutual consent to remain his own debt to Jugganatha Pillay", if such be the case (and it is not in reason to be believed that had there been any "mutual consent" in the matter, Jugganatha Pillay would have complained through Caliah Pillay to Lieutenant Francis,) why did Dorasawmy Moodeliar tell me, that he could not find Jugganatha Pillay in Combaconum, and so readily refund the money to Lieutenant Francis, without alluding in any way to this debt by "mutual consent", although aware that in my eye his character lay under the imputation of swindling.

With regard to para. 8 and 9, at the time Dorasawmy Moodeliar sent up to the Central Office a complaint against me, he added to it a statement of the high opinion Major Boileau entertained of him, this statement was known to some of my office establishment to be the very reverse of the truth, it was subjoined also to the complaint of harsh treatment and offensive language, to which he had been subjected by the District Engineer, I ventured to assure myself, that you could not do me the injustice to credit libels from such a quarter, and therefore I did not feel it required of me to pledge *my word* against *that* if a writer whom I had recommended to be dismised for swindling, and who had lost all character for truth, and honesty. I therefore considered the charge best refuted by the testimony of the only witnesses present, and I trust the "extraordinary paper", which has drawn on me a repetition of Major Lowford's severe strictures, has not appeared to you, to deserve so strong a censure, as up to this date it has passed without comment, and that you understood the light in which I viewed the case, and did not disapprove, as it was followed by sanction for the dismissal of Dorasawmy Moodeliar.

If the vague terms of "offensive language" and "harsh treatment" signify my having plainly accused Dorasawmy Moodeliar of dishonesty and swindling as also systematic disregard to truth, and a stern dismissal from my office, pending the reference to you, I must certainly plead guilty.

Letter from Major E. LAWFORD, Superintending Engineer Southern Circle; to Colonel C. E. FABER, Chief Engineer; dated 27th October 1857, No. 229.

SIR,

With reference to Major Birdwood's letter, No. 142 of the 21st Instant, I think it necessary to remark, that if such a reason for dismissal as that advanced in his second para be valid, no

public servant would have any security against injustice, Dorasawmy was considered by myself, Lieutenant O'Connell, and Major Boileau a good and efficient writer, and Major Birdwood has shewn no grounds for holding an opposite opinion after a very short trial.

2. Major Birdwood's inference from the view I took of the extent of punishment due for a single case of malingering, is not warranted, and as Dorasawmy ascribes his absence to the ill-treatment he met with, in the office, I think you will consider his dismissal still less justifiable on that account.

3. The Statement respecting the alleged case of swindling would not carry conviction in any Court of Justice, and if you think otherwise, it is but fair to refer the matter to the Magistrate of Tanjore.

4. I cannot at all concur in the view Major Birdwood takes of Dorasawmy's complaint, or of his own duty in regard to it, and I can positively deny the truth of the allegation made by his present office servants of Major Boileau's bad opinion of a man, whom he appointed Head of his office, in preference to those of their number who alone could know any thing of the matter.

5. Nor can I admit that an Officer is exempt from the obligation of answering distinctly, and categorically complaining of ill usage, and injustice preferred against him, for if such were the rule, or usage of the service, the right of Petition would be utterly nugatory.

6. I do not pretend to assert any thing of the language alleged to have been used by Major Birdwood, beyond the terms " harsh and offensive" but I write your own audience of the Petitioner, and I am very much mistaken if you do not then concur with me in thinking that the Government will not sanction his dismissal.

The Chief Engineer cannot but concur in the opinions so forcibly expressed in the preceding rejoinder by the Superintending Engineer Southern Circle dated the 27th Instant, No. 229 to Major Birdwood's reply, in explanation of the causes for the summary dismissal of his late Acting Accountant Dorasawmy; and there is so much of sound justice and correct principle as to the treatment of office servants, in what has now been enunciated by Major Lawford, that it is resolved to forward a copy of the same for the information and future guidance of the District Engineer of Tanjore.

2. Colonel Faber is of opinion that Major Lawford's able advocacy of Dorasawmy, has been so far beneficial to that individual, that armed, with an attested copy of what has now been placed on record in the Central office, there will no longer be, as formerly there must have been any insurmountable objection to his re-employment in the public service.

3. Regard however being had to the language in which Dorasawmy's first petition to the Head of the Department was couched, the Chief Engineer is clearly of opinion, that his re-instatement under the Officer against whom he has permitted himself to make such allegations, is altogether impracticable, and that every consideration of the efficiency of the public service forbids the thought of the late acting Accountant being re-employed in the Tanjore District.

4. Resolved finally, that as the Government have ruled, that a reference to the Right Honorable the Governor in Council was uncalled for, the present proceeding shall close the discussions on Dorasawmy's case, which the Chief Engineer is of opinion have been prosecuted to the fullest extent that its circumstances can be considered to have authorized.

(True Extract.)

Central office of P. W.
Fort Saint George
28th October 1857,

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

We the undersigned of the District Engineer's office, have read the Appeal Petition addressed to the Chief Engineer by Dorasawmy Moodelliar, the late Head writer, regarding his dismissal, and of certain ill-treatment by Major Birdwood, and beg to attest our own knowledge of the matter as follows.

The Said Dorasawmy Moodelliar was employed as a Second Assistant Civil Engineer's writer by Major Lawford in December 1854, and was appointed as a temporary Accountant by Lieutenant O'Connell in August 1855, for which, he was paid from the funds of the Munnyar works. On Major Boileau's arrival in January 1856, Soobaroya Pillay the Head writer removed himself to the Trichinopoly District Engineers office as an Accountant, and Chuckarapawny Pillay the Second writer succeeded him. Major Boileau also ordered Dorasawmy Moodelliar to assist Chuckarapawny Pillay as he had very little to do as a temporary Accountant, but not " to take up the Office of the Head writer and Accountant at once" as stated by Dorasawmy Moodelliar, nor it is true that there were arrears of 3 years rough letters to be entered in the Books and that he acted an efficient part in regulating the records, Major Boileau had indeed entertained no such good opinion of him, nor did he consider him to be fit to the post when appointing him as the Acting Accountant and estimate maker in the permanent strength of the establishment in September 1856, that Gentleman had very often declared that " he was utterly unfit to the post," and made the above arrangment only as a temporary measure and was seeking for a competent man to fill it up Major Birdwood considering his incompetency to the post and the great responsibility that will be shortly attached to that Office, has been pleased to appoint him as the Head writer, but the man was not satisfied with it, and had often absented himself under the plea of being sick, throwing the business in great arrears and placing the records under his charge into such a disorder and confusion that caused a great difficulty for references, and for which, of course, he incurred a great displeasure of the District Engineer. He was also charged by Lieutenant Vertue, who had been in charge of the Office, for some time, as having made some intentional and unauthorized additions in certain Tamil orders which Lieutenant Vertue, ordered him to prepare and by Lieutenant Francis of an embezzlement of Rupees 10, the pay of a dismissed Goomastah, which that Officer had given to Dorasawmy Moodelliar to be paid to the said Goomastah, but which have not been accordingly paid to him, though Dorasawmy Moodelliar had produced a receipt as having been paid 3 months ago, under these circumstances the District Engineer considered him to be unworthy of belief and ordered his dismissal.

Dorasawmy Moodelliar states in his Petition, that he was very infamously and meanly treated by Major Birdwood without any reason whatever, and describes them with very absurd exaggerations it is true, that he was questioned by the District Engineer respecting the several charges brought against him, but we attest that we have never heard him called a *rascal* or any such indecent language by the District Engineer, nor was he pushed by the neck as stated by him in para. 4 of his Petition.

Soondrarajooloo Naick Acting Estimate maker and accountant.
Tranquebar, 17th June 1857.

W. Johnston, District Engineer Tanjore.

P. Mootoocurpah Pillay, Draftsman.
R. Appauttory Moodelly, Deputy Estimate maker and Accountant.
W. A. Rouse, writer.
V. Thomas, Acting writer.

Extract from the Proceedings of the Chief Engineer, dated 17th October 1857, No. 4524.

Letter from Major E. LAWFORD, Superintending Engineer Southern Circle; to Colonel C. E. FABER, Chief Engineer, dated 14th October 1857, No. 226.

SIR,

Very shortly after my return from my late tour, I was called on to sign for dispatch, the order of Government of the 10th July 1857, No. 1325, which I did without looking over the antecedent papers.

2. The late Head Writer of the District Engineer's Office in Tanjore Dorasawmy Moodelly has just come before me in the office and made a Statement which induces me to request your serious consideration of his case.

3. Dorasawmy was appointed by me second Writer in the office about six months before I left Tanjore, he was made by Lieutenant O'Connell special Accountant for the Munnyaur works, and by Major Boileau Acting Head Accountant and estimate Maker of the District.

4. I did not think him qualified for this, the Chief situation, and advised Major Birdwood to restore the former Head Writer Soobroy Pillay, but I considered, and still do, that Doraswamy was perfectly fit for the post of Writer.

5. I have now read attentively all the papers connected with his dismissal and confess my inability to concur in Major Birdwood's opinion of its necessity on the ground of unfitness, and as to his absenting himself from duty under false pretences, I think that the forfeiture of pay for that period would have been punishment enough.

6. The charge of dishonesty and swindling is in my opinion by no means established, and should have been brought forward by Lieutenant Francis, and not Major Birdwood, as the former Officer lent the money to Dorasawmy, as a purely private accommodation on the latter being suddenly ordered to join me at Combaconum.

7. Lieutenant Francis it appears desired Dorasawmy to pay the sum of 10 Rupees to a man named Jaganatha Pillay, which was not done, although Dorasawmy wrote to say that it was and Jaganatha acknowledged its receipt as an acquittance to Lieutenant Francis, but Dorasawmy states that the amount was by mutual consent to remain as his own debt to Jaganatha and if this be true it is not a case of swindling for no one was defrauded. The money was afterwards paid to Lieutenant Francis and the receipt is among the papers before me.

8. I regret extremely that Major Birdwood should have sent up such an extraordinary paper as that signed by his clerks, three at least of whom are interested on Dorasawmys dismissal, and could not as they pretend have known, Major Boileau's opinions, as two of them were entertained since that Officers departure.

9. If Dorasawmy's dismissal is justifiable at all, it is so only on the ground of his making false charges of harsh treatment and offensive language having been used towards him by the District Engineer, as I conclude that such accusations are unfounded, though apparently they have not been denied by Major Birdwood.

Resolved that however unadvisable it may be to disturb proceedings after a lapse of three months, whether as a precedent in the Central Office or as possibly encouraging hopes in the applicant in the highest degree unlikely of realization, as in the present case Dorasawmy has disqualified himself for employment under Major Birdwood, by the violence and nature (if not untruth) of his allegations, still that there are reasons why the foregoing representation No. 226 of the 14th October 1857, from the Superintending Engineer Southern Circle Public Works should be sent in original for the rejoinder of the District Engineer of Tanjore.

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

No. 8. ORDER THEREON, No. 2290; dated 9th December 1857.

Under the explanation submitted by the Chief Engineer, the Right Honorable the Governor in Council agrees with Colonel Faber that it would be inexpedient to replace Dorasawmy Modelly in the office of the District Engineer of Tanjore. Under all the circumstances of the case however, the Government will be glad to hear that the Chief Engineer has been able to arrange for the Petitioner's employment in some other office.

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

Central Office of Fort St. George 22nd May 57

No. 3578.

From

The Chief Engineer

To

The Secretary to Government Pub. Dept.

Sir,

Public.

Enclosures 9.

With reference to the petition of Dorasawmy Modelly, late Acting Head Accountant, District Engineers Office at Tanjore, which was referred to me for report under date the 4th November 1857, I have the honor to submit the following Statement:-

2. On the 18th May last, Major Birdwood reported his dismissal of Dorasawmy in the following terms "I have this day dismissed my Acting "Head Writer Dorasawmy Modelly "in some measure as unfit for the "berth, but chiefly for absenting him- "self under false pretences as you "will perceive by the accompanying "note from the Medical Officer at "this Station."

"He has been detected — also

"also within the last three days in
"a dishonest and swindling trans-
"action with reference to a sum of
"money viz Rupees 10 given to him by
"Lt Francis for payment to a dismissed
"writer two months ago, from whom
"he managed to obtain a false Receipt
"and has not paid the money up to
"this date. Sufficient, I imagine, to
"prevent his being again employed in
"the Public Service."-

"Since writing the above
"he has sent in his Resignation but
"I think some public notice should
"be taken of his Conduct."

3. On the 26th May, orders were sent to Major Birdwood to punish Doraiswamy with a written Statement of the charges against him, agreeably to Govt Mins: Circ: 8th May 1854 No: 421, and to report fully on them with reference to an explanatory letter that person had sent to the Central Office.

4. In reply to this order, Major Birdwood submitted a long Statement* signed by five Clerks of his Office and countersigned by himself, setting forth the circumstances of Doraiswamy's official history, repeating also the charges of malfeasance, misconduct and embezzlement, and denying the truth of the Petitioner's counter statement of ill treatment received from Major Birdwood, as well as his assertion of Major Boileau's good opinion of him.

*Hereunto forwarded

5. On this paper, dated 17th June 57, proceedings were recorded in this Office, recommending to Government the dismissal of Doraiswamy "for "fabrication of false Statement and "prosecution," but the case was again referred to me in Govt Mins: Cir: No: 1626 of 29th June 57, No: 1325, 10th July 1857, stating that the power of dismissal rested with the District Engineer, subject to appeal, and the order was duly communicated to Major Birdwood.

6. Nothing was further heard on the subject until October last, when the Superintending Engineer Southern Circle requested a re-consideration of Doraiswamy's case in

in a letter which is herewith submitted, and which was transmitted to Major Birdwood who, in his reply dated 21st October 1857, No. 142, vindicated his right to decide on the fitness of Doraswamy for the public service, asserted the justice of his dismissal for absenting himself without leave, and afforded detailed information regarding the charge of swindling. Both Officers also justified his submission of the Statement signed by his Clerks, and his language towards Doraswamy.

In reply to this letter, Major Lawford again addressed me under date 27th October 57 No. 229, and having reviewed the circumstances of the case I decided on removing from Doraswamy the stigma of incompetency and dishonesty which would incapacitate him for re-employment, but I judged it wholly inexpedient to direct his restoration to the District Engineers Office after making such serious allegation against Major Birdwood. 9/14th Oct 57 No. 228. Remitted forwarded

Birdwood.

In the petition now referred to me from Government, Doraswamy complains of continued harsh usage by Major Birdwood from the first day of his assuming charge in Tanjore, with the apparent intention of effecting his removal, details his subsequent proceedings, and in proof of his good character, submits an original note from Major Boileau dated 22nd January 1857, which certainly disproves the allegation by Major Birdwood's Clerks of the former Officer's opinion being unfavorable.

Doraswamy also persists in asserting that the District Engineer used insulting and abusive language to him, denies that any impartial enquiry was made into the alleged case of swindling and submits a Certificate of Character by Major Lawford.

Having now placed before Government all the principal features of the petitioner's case,

I

I may proceed to state that on the charges of incompetency, dishonesty and absence from Office on false pretences, I do not think the dismissal of Doraswamy can be justified, and if not guilty of dishonesty and swindling his public accounts of these Crimes omitted by Major Birdwood must be regarded as an act of unnecessary harshness.-

11. But it perhaps will be thought by Government, as it is by myself also, that the Petitioner has Completely disentitled himself to redress, and incapacitated himself from being employed under the District Engineer of Tanjore by the language used by him, Doraswamy, in his Final Petition to the Central Office. After applying such terms and advancing such charges, it would seem quite clear that notwithstanding the hardships of the Case, Doraswamy and Major Birdwood can never resume their previous mutual Relation of employee and employer.-

I have the honor to be
Sir
Your most obdt Servt
A Scott Q.C.
Chief Judge

Fort St George
28th May 1857

C.A.
A.G.S. Circle

To
The Secretary to Govt
P.W.D.

+ dated 19th May/57

Comd III

Public Works 1858 Dept
No 7352
Returns 15 Dec.
From Resident Engineer
To The Secretary to Govt
15th Dec.

Date 2 Dec. } from 1857
Rec 22 }

No 5518

Encls: 3 Returned 19-1-58

No 7+8

Reports in accordance to instructions contained in Public Works letter No 17 Nov 57 on the petition of Abraham Lobry Inspection Cadet Head Quarters Lascars in the District Engineer Office Tanjore.—

William Cozier
No 2290 4th December

Cn 28th Nov. R 1 Dec.

No 2290

Under the explana-
tion submitted by the Chief
Engineer, the Right Honorable
the Governor in Council agrees
with Colonel Farber that it
would be inexpedient to
replace Doraisawmy Moodelly
in the Office of the District
Engineer of Tanjore — Under
all the circumstances of the case I see no reason to
be dissatisfied with the decision arrived at by
the petitioners superiors in connection therewith.

For the Secy to Govt 9 Dec 57 A Copier to the Chief Engr C.P.