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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Con 2 3—12—57

G.O. No. 2584 Press Mis.

115-16

Dated 24—12—1857.

Not to be folded or roughly handled

No. 115. Read the following letter from Colonel W. E. BAKER, Secretary to the Government of India; to H. FORBES, Esq., Acting Secretary to the Government of Fort Saint George, dated Fort William, the 6th November 1857, No. 5328.

SIR,

From the entries 29, 30 in the Proceedings of the Government of Fort Saint George, Public Works Consultation of 14th July last, it is observed that the question of allowances to Non-Military Public Works servants during suspension from any cause, has, in consequence of the Notification dated 2nd June last, on the subject, issued from this Department, been brought under the consideration of the Madras Government by its Chief Engineer.

2. The Notification alluded to, runs as follows:—

"Persons not in the Military service of Government employed in the Department of Public Works who shall, for any cause, be suspended from the exercise of their functions, shall, during such suspension, be entitled to receive one-fourth only of their regulated salaries, the subsequent grant of any additional amount being reserved for the consideration of the Government on the decision come to regarding the offence for which their suspension may have taken place."

And the Chief Engineer solicits that it may be made applicable to the Non-Military Subordinates of the Madras Public Works Department, being of opinion that it is likely to prove a check to the Commission of offences, and that altogether it is a desirable measure.

3. The Right Honorable the Governor in Council, it is seen, has declined to accede to this request, conceiving—

(1st.) That no deprivation of allowances could be enforced against the Engineers &c., sent out from England, under the terms of their Covenants.

(2nd.) That as it has been ruled in Madras that individuals shall, on occasions of misconduct, be formally discharged, instead of being suspended, the Notification would be inconsistent with that order.

4. In regard to the first objection, it may be remarked that it was not intended that this Notification should affect Civilians sent out from England under Covenant for the Public Works Department. For them it is specially provided in their Covenants that, in case of misconduct, they are liable to dismissal with forfeiture of a sum of money equal to one year's salary as liquidated damages in respect thereof. Suspension or allowances during suspension, are in no way alluded to in the Covenants; and as the fine is a heavy one, the Covenanters may well be permitted to draw their full salaries up to the hour of their dismissal for any misconduct.

5. It is noted, however, that Colonel Faber desires that the rule should be made applicable to Subordinates only, whereas, under this Government, it applies to all Non-Military Public Work servants—saving (it should be understood) those under special Covenants, which provide pains and penalties in case of misconduct.

6. As to the second objection, it may be explained that the allowance of one-fourth salary to a man under suspension, is for "subsistence," no formal discharge can be made until the offence has been investigated. Pending this it might, in many cases, be desirable to suspend the individual, and, during such suspension, a subsistence allowance, as provided in the Notification, would be essential.

7. The Chief Engineer of Madras has apparently understood from the Notification, that suspension on one-fourth salary therein referred to, is a final punishment recognized in the Department of Public Works under the Government of India, and if so, has misapprehended its objects.

8. And, it would appear from the manner in which the recent order of the Madras Government in the Military Department (Extract Minutes of Consultation 9th June 1857, No.

1899) is quoted in the second objection, that it was intended to apply to suspensions awarded as punishments for offences investigated and adjudicated and not to the class of suspensions contemplated by this Notification.

9. Wherefore, as it is very desirable that the practice of the Public Works Department, whether directly under the control of the Government of India or that of Madras, should be in consonance, I have been instructed to advise you to the above effect, and the Right Honorable the Governor General in Council desires to suggest that the question raised by Colonel Faber, should with reference to the foregoing exposition, be reconsidered.

No. 116. ORDER THEREON, No. 2384; dated 24th December 1857.

On the 15th June last, the Chief Engineer recommended the extension to this Presidency of the Bengal Notification of the 2nd Idem, by which persons, not in the Military service of Government, employed in the Public Works Department, are entitled, during suspension from Office, to receive one-fourth, of their regulated salaries. The Government declined to accede to this recommendation on the plea that the Notification in question was inapplicable to Engineers and Overseers sent out from England under Covenants, the terms whereof ensure to them their salary at a given rate per mensem, so long as they are retained in the Public Service; and that it was inconsistent with the Government order* in the Military Department, which, on occasions of misconduct, enjoins the formal dismissal of individuals rather than their suspension.

* Ext Mins. Cons. 9th June, No. 1899.

2. The above reference from Colonel Faber, and the order of Government thereon, bearing respectively Nos. 29 and 30, formed a portion of the Proceedings of Government Public Works Department for July last, which were, in the usual course, transmitted to the Government of India for their information. Adverting to these entries, the Supreme Government now address the Government, and recommend a re-consideration of the question raised by the Chief Engineer. They set out by stating that the Notification referred to was not intended to affect persons sent out from England by the Honorable Court of Directors for the Public Works Department, inasmuch as the Covenants executed by them, prior to their engagement, provide special and heavy penalties for misconduct; and that, as no allusion is made in the Covenants to suspension or allowances during suspension, the Covenanted Servants may be permitted to draw their full salaries up to the moment of their discharge.

3. As respect the grant of one-fourth salary to an individual under suspension, the Bengal Government state that it is made for subsistence, and remark that, as no formal dismissal can be authorized till the charge has been inquired into, and, in several instances, as it might be desirable to suspend a Public Servant pending inquiry, the subsistence allowance, provided for in the rule under consideration, would be essential.

4. The Government of India next observe that the Chief Engineer solicits the extension of the Notification to this Presidency so for as regards the Subordinates only, but that in Bengal it is applicable to all Non-Military Public Works Servants, save those under special Covenants.

5. Under the views expressed by the Supreme Government, and with a view to secure uniformity of practice in the Public Works Departments of the several Presidencies, the Right Honorable the Governor in Council is pleased to direct that the Notification of the Fort William Public Works Department, No. 94, dated 2nd June 1857, be made applicable to all persons not in the Military Service of Government now on the Public Works Establishment, excepting those holding Covenants, and that it be published in the Fort St. George Gazette for general information.

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

No. 5328.

From

Colonel W. C. Baker,
Secretary to the Govt. of India

To

H. Forbes, Esqre
Acting Secy to the Govt of Fort Saint George

Dated the 6th November 1857.

Pub. Works Departt
Public

Sir,

From the entries 29, 30 in the Proceedings of the Government of Fort Saint George Public Works Consultation of 11th July last, it is observed that the question of allowances to non-Military Public Works Servants during suspension from any cause, has, in consequence of the Notification dated 2nd June last on the subject, issued from this Department, been brought under the consideration of the Madras Government by its Chief Engineer.

2. The Notification alluded to runs as follows:-

"Persons not in the Military Service of Government employed in the Department of Public Works who shall, for any cause, be suspended from the exercise of their

their functions, shall, during such suspension, be entitled to receive one fourth only of their regulated Salaries; the subsequent grant of any additional amount being reserved for the consideration of the Government on the decision come to regarding the offence for which their suspension may have taken place".

and the Chief Engineer solicits that it may be made applicable to the non-Military Subordinates of the Madras Public Works Department, being of opinion that it is likely to prove a check to the commission of offences and that altogether it is a desirable measure.

3. The Right Honble the Governor in Council, it is seen, has declined to accede to this request, conceiving

(1st) that no deprivation of allowances could be enforced against the Engineers sent out from England, under the terms of their Covenants.-

(2) that as it has been ruled in Madras that individuals shall, on occasions of misconduct, be formally discharged, instead of being suspended, the Notification would be

be inconsistent with that order.

4. In regard to the first objection, it may be remarked that it was not intended that this Notification should affect Civilians sent out from England under Covenant for the Public Works Department. For them it is specially provided in their Covenants that, in case of misconduct, they are liable to dismissal with forfeiture of a sum of money equal to one years salary as liquidated damages in respect thereof. Suspension or allowances during suspension, are in no way alluded to in the Covenants, and as the fine is a heavy one, the Covenanters may well be permitted to draw their full Salaries up to the hour of their dismissal for any misconduct.

5. It is noted, however, that Colr Falcon desires that the Rule should be made applicable to Subordinates only - whereas, under this Government, it applies to all Non-military Public Work Servants - among it should be understood those under Special Covenants, which provide pains and penalties in case of misconduct.-

6. As to the second objection, it may

may be explained that the allowance of one fourth Salary to a man under suspension, is for "subsistence" - no formal discharge can be made until the offence has been investigated. Pending this it might, in many cases, be desirable to suspend the individual, and, during such suspension, a subsistence allowance, as provided in the Notification, would be essential.

7. The Chief Engineer of Madras has apparently understood from the Notification, that suspension on one fourth Salary therein referred to, is a final punishment recognized in the Department of Public Works under the Government of India, and if so, has misapprehended its object.—

8. And, it would appear from the manner in which the recent order of the Madras Government in the Military Department (Extract Minutes of Consultation 9th June 1857 No. 1899) is quoted in the present objection, that it was intended to apply to suspensions awarded as punishments for offences investigated and adjudicated and not to the class of suspensions contemplated by this Notification.—

9. Wherefore, as it is very desirable that the practice of the Public Works Department, whether directly under the control of the Government of India or that of Madras, should be in consonance, I have been instructed to advise you to the above effect - and the Right Honble the Governor General in Council desires to suggest that the question raised by Colonel Fabers note, with reference to the foregoing exposition, be reconsidered.

I have the honor to be,
Sir,
Your most obedt Servant.

W. Muir Colonel
Secretary to the Govt of India

Fort William,
The 6th November,
1857.

Public Works Dept.

No 2384.

Extract from the Minutes of Consultation

Under date the 24th December 1857.

Read the following letter from the Secretary to the Government of India.

Fort William 6th November 1857

On the 15th June last the Chief Engineer recommended the extension to the Presidency of the Bengal Notification of the 2d Idem, by which persons not in the Military Service of Government employed in

Public Works Dept.
No 2384
Dated 24th December 1857.
Extract from the Minutes of Consultation
Under date the 24th December 1857.
Read the following letter from the Secretary to the Government of India.
Fort William 6th November 1857

Sir,

I am directed to address you on the subject of the Petition of Messrs. Peacock Brothers, Contractors for the Supply of Bullocks for the Commissariat Department, praying that the Bullocks employed by them may be exempted from the operation of the Act for the Registration of Cattle.

2. The Petitioners state that they have entered into Contracts with Government for the supply of Bullocks, and that they have found it impossible to procure the number required, owing to the Cattle Registration Act, which has rendered the Cattle unwilling to enter the Country.

3. The Petitioners have been informed that the Act does not apply to Bullocks employed in the Public Service, and they have applied to the Collector of Customs for a Certificate to that effect, but he has declined to grant it, on the ground that he has no power to do so.

4. The Petitioners have also applied to the Commissariat Department for a Certificate, but that Department has declined to grant it, on the ground that it has no power to do so.

5. The Petitioners have also applied to the Chief Engineer for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

6. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

7. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

8. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

9. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

10. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

11. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

12. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

13. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

14. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

15. The Petitioners have also applied to the Secretary to the Government of India for a Certificate, but he has declined to grant it, on the ground that he has no power to do so.

in the Public Works Department, are entitled, during suspension from Office, to receive one-fourth of their regulated salaries. The Government declined to accede to the recommendation on the plea that the notification was inapplicable to Engineers and Overseers sent out from England under Covenants, the terms whereof ensure to them their salary at a given rate per annum, so long as they are retained in the public service; and that it was an inconsistent

inconsistent with the Government order in the Military Department, which, on occasions of misconduct, enjoins the formal dismissal of individuals rather than their suspension.

2. The above reference from Colonel Faber, and the order of Govt thereon, bearing respectively Nos. 29. & 30. formed a portion of the Proceedings of Government Public Works Department for July last, which were in the usual course transmitted to the Govt of India for their information

* Ex Mins Con. 9. June No. 1899.

information. Adverting to these entries, the Supreme Government now address the Govt, and recommend a reconsideration of the question resolved by the Chief Engineer. They set out by stating that the Notification referred to was not intended to affect persons sent out from England by the Honorable Court of Directors for the Public Works Department, inasmuch as the Covenants executed by them, prior to their engagement, provide Special and heavy

penalties

penalties for misconduct; and that, as no allusion is made in the Covenants to suspension or allowance during suspension, the Covenanted Servants may be permitted to draw their full salaries up to the moment of their discharge.

As respects the grant of one-fourth salary to an individual under suspension, the Bengal Government state that it is made for subsistence, and remark that

that, as no formal dismissal can be authorized till the charge has been inquired into, and, in several instances, as it might be desirable to suspend a public servant pending inquiry, the subsistence allowance provided for in the rule under consideration, would be less than

Para 3. The Government of India next observe that the Chief Engineer solicits the extension of the Notification to this Presidency so far as it regards the Subordinate

subordinate, only, but that in Bengal it is applicable to all non-Military Public Works Servants, save those under special Covenants.

Under the views expressed by the Supreme Government, and with a view to secure uniformity of practice in the Public Works Departments of the several Presidencies, the British Honorable the Governor in Council is pleased to direct that the notification of the

Forth

Fort William Public
Works Department.
Cir. 94 dated 2d June
1857, be made applic-
-cable to all persons
not in the Military
Service of Govt now
on the Public Works
Establishment, ex-
-cepting those hold-
-ing Covenants,
and that it be
published in the
~~Fort St George~~ Gazette
for general in-
-formation.

J. C. Phipps to the Chief Engr.
Cir. No 26.
Notification Published.

C14 Dec. 1822

Re-Cons: 30th June 1857 No 2021.
Ref- 4th July " " 2930

Public Works 1857 Dept^t
Ex^d After Cons: 23^d Dec^r.

No 2384.

Extract Mins: of Cons:
Dated 24^th Dec^r 1857

From the Ad. Civil and:
D/ 4^th May 1857 - No. 1111. in Cons.
From Md Civil Engr 28th April 1857
Ex^d & Trans^d in No.

Directing that the Bengal
modifications regarding allowances
to persons in the Department Public
Works during suspension from office
be made applicable to all not in the
Military Service of Government, ex-
cepting those holding Covenants.

No 1154 & 16.