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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	2745	Press
		Mys.
451-462		
Dated	20-9	1864

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
20th September 1864.*

No. 461. Read the following letter from H. G. PRICHARD, Esq., for Government Solicitor, to Major J. H. M. SHAW STEWART, R. E., Deputy Secretary to Government, Public Works Department, dated Madras, 30th August 1864, No. 483:—

SIR,

1. I have the honor to acknowledge the order of Government noted in the margin (with its enclosures) requesting the Advocate General's opinion upon the proposed dismissal from service of Mr. P. O'Ratigan, an Assistant Engineer in the Tinnevely District.

2. I have submitted the papers for the consideration of the Advocate General; and

3. I now forward a copy of his opinion and return the order and enclosures above noted.

COPY OPINION.

1. The question referred to me is whether Mr. O'Ratigan's reported conduct justifies his removal from the public service. The Magistrate of Tinnevely merely requests that he may be removed from that District.

2. The Collector has made these complaints against Mr. O'Ratigan. That of the 21st August 1863, No. 508, has been already disposed of by the Government Order of 4th September 1863, No. 2,555.

3. On that occasion Mr. O'Ratigan appears to have evinced, what is only too common, a great want of courtesy towards a Native Officer of Government. For the assault on that Officer he was fined. He also behaved in a rude manner to the Magistrate. It must however be remembered that in all that transaction Mr. O'Ratigan was not acting *officially*. He did that which many another European has done, assaulted a Native, and on being called to account for it, treated the matter with levity altogether unbecoming and indefensible.

4. The Magistrate's second complaint, that of the 30th July 1864, No. 285, appears to me to be of a very trifling nature. Nor is the matter out of which it arose, so far as I can judge, in any way connected with Mr. O'Ratigan's official duties.

5. It may have been through an oversight or a want of courtesy towards the Magistrate that Mr. O'Ratigan omitted the ordinary formal conclusion of his letter of 29th July 1864; when the letter was returned to him, he rectified his error; and the complaint of the Magistrate appears to be couched at Mr. O'Ratigan's not having written a formal letter of apology. Different men feel differently on occasions like this. The late Colonel Ouchterloney, I remember, congratulated himself and took considerable credit for having abolished the formal conclusion of letters in his Department, on the ground of its effecting a great saving of time and ink. Whether Mr. O'Ratigan was bound to render an apology to the Magistrate for omitting his formal conclusion is a question of etiquette. He was bound to rectify the omission when brought to his notice, and he did so.

6. The Magistrate's third complaint, that of 9th August 1864, No. 293, arises out of a matter not in any way connected with Mr. O'Ratigan's official duties. As an Engineer he no doubt ought to have known that his temporarily damming a channel would affect the water supply. For that and assaulting the Ryot he has been already punished.

7. The Magistrate's complaint, however, on this occasion against Mr. O'Ratigan is that he called him a "dog."

8. Nothing can be looser than the account. I do not know whether the Tahsildar deposed this on oath. It is merely stated to have "appeared" in "the course of the trial."

9. Mr. O'Ratigan was not of course called upon to meet this entirely collateral issue. Possibly he might deny the use of the language imputed to him, if formally charged with the offence. He is evidently obnoxious to the Magistrate; and it requires no very deep knowledge of Native habits to suspect that the Tahsildar's account might be a little overcharged.

*Proceedings of the Madras Government, Public Works Department,
20th September 1861.*

10. At all events this charge cannot be accepted as *proved*, as matters now stand; and if it were determined to punish Mr. O'Ratigan on this score, he must in fairness have the opportunity of denying, explaining or apologizing.

11. But I cannot think that Mr. O'Ratigan's acts taking them at the outside, would justify his dismissal from the service. I have carefully perused his Deed of Covenants, and though I freely admit that a man's general want of courtesy towards his superiors and fellow officials may be such as to warrant the Government in putting an end to his engagement, I do not think that course could be safely taken, or ought to be, in the present instance.

12. The Magistrate merely requests that Mr. O'Ratigan may be removed to another District, and this appears to me to meet the necessities of the case. Possibly Mr. O'Ratigan may prove himself a valuable public servant in another District. Should he persist in what I may term a general cantankerousness, I shall be prepared to advise his dismissal from the public service.

26th August 1861.

(Signed) J. B. NORTON,
Advocate General.

(True Copy.)

(Signed) H. G. PRICHARD,
For Government Solicitor.

No. 462.

ORDER THEREON, 20th September 1861, No. 2,745.
Ordered to be recorded.

(True Extract)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Deputy Secretary to Government.

Exd. S. T. Augustin.

Copy Opinion.

1. The question referred to me is whether Mr. O'Ratigan's reported conduct justifies his removal from the public service. The Magistrate of Tinnevely merely requests that he may be removed from that District.

2. The Collector has made these complaints against Mr. O'Ratigan. That of the 21st August 1863 N^o 508 has been already disposed of by the Government Order of 4th Sep: 1863. N^o 2555.

3. On that occasion Mr. O'R. appears to have evinced, what is only too common, a great want of courtesy towards a Native Officer of Government. For the assault on that Officer he was fined. He also behaved in a rude manner to the Magistrate. It must however be remembered that in all that transaction Mr. O'R. was not acting officially. He did that which many another European has done, assaulted a Native, and on being called to account for it, treated the matter with levity altogether unbecoming and indefensible.

4. The Magistrate's Second Complaint, that of the 30th July 1864. N^o 285, appears to me to be of a very trifling nature. Nor is the matter out of which it arose, so far as I can judge, in any way connected with Mr. O'Ratigan's official duties.

5. It may have been through an oversight or a want of courtesy towards the Magistrate that Mr. O.R. omitted the ordinary formal conclusion of his letter of 29th July 1864. when the letter was returned to him, he rectified his error; and the complaint of the Magistrate appears to be corrected at Mr. O.R.'s not having written a formal letter of apology. Different men feel differently on occasions like this. The late Col. Ochterloney, I remember congratulated himself and took considerable credit for having abolished the formal conclusion of letters in his Department, on the ground of its effecting a great saving of time and ink. Whether Mr. O.R. was bound to render an apology to the Magistrate for omitting his formal conclusion is a question of etiquette. He was bound to rectify the omission when brought to his notice; and he did so.

6. The Magistrate's third Complaint, that of 9th August 1864 N^o 293, arises out of a matter not in any way connected with Mr. O.R.'s official duties. As an Engineer he no doubt ought to have known that his temporarily damming a channel would affect the water supply. For that and resulting the Ryot he has been already punished.

7. The Magistrate's Complaint however on this occasion against Mr. O.R. is that he called him a "dog".

8. Nothing can be looser than the account. I do not know whether the Thasildar deposed this on oath. It is merely stated to have "appeared" in "the course of the trial".

9. Mr. O.R. was not of course called upon to meet this entirely collateral issue. Possibly he might deny the use of the language imputed

imputed to him, if formally charged with the offence. He is evidently obnoxious to the Magistrate; and it requires no very deep knowledge of Native habits to suspect that the Thasildar's account might be a little overcharged.

10. At all events this charge cannot be accepted as proved, as matters now stand; and if it were determined to punish Mr. O.R. on this score, he must in fairness have the opportunity of denying, explaining or apologizing.

11. But I cannot think that Mr. O.R.'s acts, taking them at the outside, would justify his dismissal from the Service. I have carefully perused his Deed of Covenants; and though I freely admit that a man's general want of courtesy towards his superiors and fellow officials may be such as to warrant the Government in putting an end to his engagement; - I do not think that course could be safely taken, or ought to be, in the present instance.

12. The Magistrate merely requests that Mr. O.R. may be removed to another district, and this appears to me to meet the necessities of the case. Possibly Mr. O.R. may prove himself a valuable public servant in another District. Should he persist in what I may term a general cantankerousness. - I shall be prepared to advise his dismissal from the public Service.

26th Aug^r / 64.

Signed John Bruce Norton
Actg. Genl.

True Copy

H. G. Prichard

For Govt. Secy.

N^o 483.

Madras August 30th 1864.

From *John Robert Boyson*
Government Solicitor - Madras.
To *Major J. Shaw Stewart, R.E.*
Deputy Secretary to Government, P.W.D.
Madras.

Sir,

*Dated 17th August 1864
and made on Letter from
Magistrate of Tinnevely
to Government of G.O. No. 293.*

1. I have the honor to acknowledge the order of Government noted in the margin (with its enclosures) requesting the Advocate General's opinion upon the Proposed Dismissal from Service of *M^r P. O'Natigan*, an Assistant Engineer in the Tinnevely District.
2. I have submitted the papers for the consideration of the Advocate General; and..
3. I now forward a copy of his opinion and return the order and enclosures above noted..

I have the honor to be,
Sir,
Your most obedient Servant.
J. E. Prichard
For Gov^t Sol^r.

Re

*The Proposed Dismissal
from Service of M^r P. O'Natigan,
an Assistant Engineer in the
Tinnevely District.
(Copy)
Advocate General's opinion.*

J. E. Prichard 2/8/64

*In Letter from Gov^t Sol^r to J. E. Prichard
to Gov^t P. W. D. No. 403 dated 26th
August 1864.*

March 10th 1884

George Washington

Washington

Washington

Washington

Washington

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Washington

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Washington

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Deceased

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2020745/61

1861
from the Govt. & Co. - Machine

to the Govt. & Co. to Govt. P. W. S.

Dated 30th August
Recd 31st

M. N. 483.

Enclosure, viz:
No. 2 dated 15th
1861

Towards Copy Abstract
General's opinion upon the
Proposed Division from Service
of M. C. O'Halloran, an Assistant
Engineer in the same by District

97/15

Recorded

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