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(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 3364 Press / ~~Mis.~~

169-172

Dated 10—11— 1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
10th November 1865.

Read the following papers :—

No. 169. From the Superintending Engineer, 6th Division.

Requesting Colonel Greenaway's services for a period of six months to conduct the Law Suit in connection with the "Trichinopoly Citadel stone case," and the Andapuram Suit. } (Here enter 31st October 1865, No. 1,257.)

No. 170. From do. do.

Regarding the Staff Salary of Colonel Greenaway. | (Here enter 30th October 1865, No. 1,251.)

No. 171. From the Controller of Public Works Accounts.

Do. do. do. | (Here enter 4th November 1865, No. 1,871.)

No. 172. ORDER THEREON, 10th November 1865, No. 3,364.

ESTABLISHMENT, No. 14.

1. The Governor in Council considers it very desirable that the services of Lieutenant-Colonel Greenaway should be retained for some time to carry on two Suits which are pending in the Court at Trichinopoly, and on the successful management of which public interests of the highest importance depend. Lieutenant-Colonel Greenaway is the only Officer fully conversant with all the circumstances connected with these cases, and his presence at Trichinopoly to conduct them seems absolutely necessary to secure a favorable issue.

2. Under these circumstances, and taking into consideration that Lieutenant-Colonel Greenaway's emoluments in the Department are less than those to which he would be entitled with the Regiment to which he stands appointed, His Excellency in Council resolves to authorize the Controller of Public Works Accounts to continue to pass to Lieutenant-Colonel Greenaway the rate of salary which he has hitherto drawn.

3. A copy of these Proceedings will be furnished to the Military Department, with a view to application being made to His Excellency the Commander-in-Chief for the services of Lieutenant-Colonel Greenaway being made available for temporary employment in the Public Works Department.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 6th Division.
„ Controller of Public Works Accounts.
„ Military Department.

Exd. S. T. Augustin.

part of the Circular in any way limiting the

No. 971

Ist Chief Engr. Office
27th October 1865

From Lieutenant Colonel J Greenaway
Executive Engineer

To Captain R F Baker R E
Superintending Engineer

Sir,

I have the honor to acknowledge
receipt of Extract of letter Ct. No. 1709 of 21st October
to your address from the Controller of P.W.D, in
which it is stated that I can only draw Rs 600
per mensem and that as far as his Office is aware
no deception can be made

As this appears to me to be in direct
Contradiction to the terms of P.W.D. G.G. Circular
Ct. 80 dated Simla 23rd August 1865 I have
the honor to request you will have the goodness
to submit the Case for the decision of Government

In para 6 of the said Circular it is
unequivocally laid down that "no reduction
" will be made in the Salaries of those Officers
" who are at present in receipt of higher allowances
" than those now prescribed as the maximum of
" their Grades" and there is nothing in any other
part of the Circular in any way limiting the

application of this general Condition

In standing Order of Government of India No 11 an Officer holding no substantive appointment is authorized to receive in addition to his military pay and allowances upto an amount not exceeding what he would draw if Confirmed in the lowest grade of the Class in which he officiates In accordance with which I have been in the receipt of the salary of an Executive Engineer Lowest grade at the rates in force when the Circular was published and I Conceive that by the liberal terms of the present Circular No 80 I am as much entitled to Continue to draw the same Salary until promoted as any other Officer in the Department.

The Controller thus appears to be himself making an exception, when without any warrant from the terms of the Circular he excludes one Officer, or I believe I should strictly say two Officers, from the privilege Conceded to all the rest.

Even had there been any ambiguity in the terms of the Circular, I submit that according to the Custom of the Service it should have been interpreted according to the spirit of the Order, a spirit most generously liberal and which has been adopted as a guide in the only Case hitherto referred for decision vide Order No 3104 of 19th October 1865

Regarded in the light of this liberal spirit it is I Conceive impossible to imagine that it could have been the intention of Government, to Cut down the Salary of an Officer who though at present accidentally holding an acting Appointment Can boast of long and approved Service in the Department to a pittance little more than half what he has been hitherto drawing and much Considerably less than what by, Her Majesty's warrant he is entitled to receive while Serving in India as the pay of his rank in virtue of his length of Service.

I also beg most respectfully to submit that had it been the intention of Government to make this exception from the general Condition to the detriment of any class of Officers, they

would as a matter of simple justice have made it wholly prospective and have given each Officer the option of accepting the new Scale or resigning his appointment prior to — withdrawing from him the Salary in Consideration of which he had accepted it.

I have &c

Greenaway Lieut R.E.
Executive Engineer Tuch

No 977.

Trichinopoly Exec Engr's Office
1st Range
1st November 1865.

From

Lieutenant T Greenaway
Executive Engineer
Trichinopoly

To

The Controller of P&A
Accounts
Madras.

Sir,

I have the honor in forwarding the Pay Abstract of the 1st Range Trichinopoly for the Month of October to explain that I have drawn for myself the same amount of pay and allowances as heretofore, under the following reasons

In Circular Ch.-80 of the Government of India dated Simla 23rd August 1865, introducing the reorganization and new scale of Salaries for the D P W it is distinctly stated in para 16 General Conditions, "that "no reduction will be made in the Salaries "of those Officers who are at present in receipt "of higher allowances than those now prescribed

(14)

From
The Executive Engineer
Trichinopoly
To
The Supdg Engineer
Trichinopoly
Dated 2nd October 1865
Recd 4th

Useless
No 971

Officer Certain reasons
& explanation regarding
my the increase
salary & executive
Officer.

Trichy 1st Nov 1865. T Greenaway

"as the maximum of their grades"

I Conceive that this applies to acting as well as permanent incumbents, because neither the Circular itself nor the Madras Order No. 2845 of 26th September introducing it into this Presidency specifies any distinction or limitation

And also from the analogy of former precedent to wit, that on the introduction of the revised Scale of staff Salaries in 1863, the Secretary of State for India ruled in his Despatch No. 311 of 31st August 1863 Para 30. that "reduction of Salaries effected by this "Order are not to be made to affect the "present permanent incumbents or those "who are officiating for such permanent "incumbents being temporarily absent from "their duties"

I therefore Consider myself entitled to receive pay at the same rate as before upto the date of my being relieved and request that should you differ in opinion you would have the goodness to submit the Case for the decision of Government.

I beg to add that I have been furnished with an Extract of so much of your letter to the Superintending Engineer 6th Division No. 1709 of 21st October as referred to me, and have submitted my reasons for dissenting from the view therein expressed through the usual Channel

I have &c.

W. Kennedy Lieut.

Executive Engineer & Mayor

Trichinopoly

No 1871

Submitted for the orders of Govern-
-ment pending the receipt of which the maxi-
-mum salary laid down in the order of the
Government of India circulated with G.O.
No 2845 of the 26th of September has only been
passed to Lieutenant-Colonel Greenaway
that Officer holding only an Acting appoint-
-ment.-

Office of the Controller
of P.W. Accounts
Madras 4th Nov 1865

Captain R.E.
Controller of P.W. Accounts

To
The Secretary to Government P.W.D
Fort St George

Recd 6th Nov 1865

Dated 1st Nov 1865

Rec'd 6th Nov 1865

Explains reasons
for drawing the amount
of his salary as stated

Submitted
Dr Colonel Greenaway
Superintending Engr
for Executive
P.W.D. Madras
Secretariat

Approved
Fort St George
6th Nov 1865

...With all matters in
connection with these cases he is
well

Supt Engr's Office 6th Div.
Sangor 31st October 65.

No. 1257 From,

Captain R. F. Baker RE.

A/g Supt Engineer 6th Div.

To,

Colonel C. A. Orr. R.E.

Secretary to Government

D. P. Wks

Sir,

With reference to G.O. No. 379

Page 637 Military Department.

in the Fort St. George Gazette of the 27th instant placing the services of Lieut Colo. T. Freemantle at the disposal of His Excellency the Commander-in-Chief for Regimental duty, I have the honor to inform you that Colonel Freemantle's services can ill be spared at present, & I would urge that his services should be temporarily retained in the D.P.W. if only in order that he may conduct the Law Suits in Connection with the Fort Citadel Stone Case, and the Nadapuram Case, to a successful termination. With all matters in connection with these cases he is well

No. 1264

Dated 31st Oct. 1865

From the Secretary to Government

To the Superintending Engineer

Sixth Circle

Fort St. George

Dated 31st October 1865

Received 1st November 1865

Subject

Retention of Lieut Colonel T. Freemantle in the Public Works Department

Sir

I am directed to request that you will inform Lieut Colonel Freemantle that the Commander-in-Chief has been pleased to direct that he be retained in the Public Works Department for the purpose mentioned in your letter No. 1257 dated 31st October 1865.

I have the honor to be

Sir

Your most obedient servant

Secretary to Government

To

Captain R. F. Baker RE.

Asst Superintending Engineer

6th Division

Trichinopoly

No. 3364 - 1st Dept.

well informed while a Stranger would have every thing to learn & it is of the utmost importance to Government that both these Cases should be carefully Conducted & should terminate in favour of Government, the latter more Especially, for if the decision is adverse to Government a precedent will be established which will enable any petty Landowner who obtains a supply of Water from any River or Channel to put a stop to all improvements in the River or Channel, whereby large tracts might be brought under Cultivation, on the plea, that his rights will be thereby infringed & his supply be indirectly affected. A stop would in fact be put to all large schemes of irrigation, or the Executive would be retarded till every petty Zemindar had been disposed of legally.

2 The Andaipuram Case will, it is expected, come on for hearing about January next if not again postponed

at the request of the Plaintiff, & that of the Fort Citadel Stone Case, on the 20th Proximo; I would, therefore, suggest that Lieut.t Col. Freemanay's services, should be retained for 6 months from the 1st Proximo so as to ensure his Conducting both Cases to their termination

3 Colonel Freemanay has expressed a wish that his services may be retained in the D.P.W. temporarily to enable him to Conduct the Cases above mentioned to a successful issue provided, of Course, he is permitted to draw the Salary he has hitherto drawn while acting for Captain Palmer regarding which I addressed you yesterday.

Letter No. 1251.

4 I should wish, if possible, to retain Col.t Freemanays services till Captain Palmer's return to the Division, for the Charge of the Trichinopoly Range "is no ordinary Charge - The Works in it are important, the outlay is large & more than ordinary ability, application & &

& business habits are required to conduct the duties which devolve upon the Range Officer successfully.

I have the honor to be,
Sir,
Your Most Obed.t Serv.t
W. T. Oakes Captain &c.
Hd.Qrs. Hd. Qrs. 3d & 6th Div.s

1865 Depw
Hd Qrs 3d & 6th Div.s
The A. Dutf Esq.r
A.A.G. 3d Division

To
The Secretary
of Government
P.E.I.

Dated 31st Oct.r } 1865
Rec.d 4 - Novem.r }

No 1257.

No 169.

Requesting C.S. Gunnaway
Services for a period of 6 Months
to conduct the Law Suits in con-
nection with the "Fredericton
Citadel Stone Case" and the
"Algonquin Suit."

No 3364 - 10th Nov.r 1865

2 Colonel Greenaway
his claim to the Salary &c. &c.
further Co.

No 1257.

Supdg Engineer's Office 6th Div
Calcutta 30th October 1865.

From
Captain H. T. Drake R.E.
Supdg Engineer 6th Div

To
Colonel C. A. Orr R.E.
Secretary to Govt P.W.D.

Sir,

No 971 dated 27th Octr 1865

In forwarding an original Letter from Colonel Greenaway relative to the Salary to which he may be entitled from the 1st October i. under G.O. No 2845 dated 26th September 1865, I have the honor to inform you that in reference from that Officer on the Subject, I addressed the Controller who in his reply states that Colonel Greenaway is entitled to only Rs 600 per mensem, as he has no permanent appointment in the D.P.W. Colonel Greenaway would therefore lose Rs 227 while employed in the D.P.W. on his Military pay as a Lieut Colonel in the Staff Corps is Rs 827-

2 Colonel Greenaway bases his claim to the Salary he has hitherto

* No 1196 dated 18 Octr 1865
° No 1709 dated 21st October/65

hitherto drawn, viz Rs 300 per annum and
Staff Salary on para 16 of Circular
No 80 dated 23d August 1865 Com-
municated in G. O. No 2845 and 26th Sept
states "as I do fully that it is
unnecessary for me to recapitulate
"his Arguments, I would, however,
call attention to the Order Q.C.G.J. No 156A
noted marginally on the sub- dated 13th October
ject of proposed Staff Sala- in G.O. No 392, dated
ries, in which it is stated 6th November 1863
that "Reductions of Salaries effected Page 816, Fort
"by this Order are not to be made St. Geo. Gazette
"to affect present permanent Para 30
"incumbents or those who are
"officiating for such permanent
"incumbents being temporarily
"absent from their duties".

3 Colonel Greenaway, I sub-
mit, clearly comes under "those
officiating for permanent incum-
bents" as he is acting 1st Class
Executive Engineer for Cap-
tain Palmer, and I presume
that the Liberal terms under
which the proposed Table of Staff
Salaries were introduced in
1863 are applicable to the
changes

changes to be effected in the D.P.W.
on the 1st October 1865, I trust
therefore that Government will
overrule the Controller's inter-
pretation of para 16 of Circular
No 80, and authorize that Officers
passing the Salary hitherto drawn
by Colonel Greenaway for such
period as he may continue to be
employed in the D.P.W. while
acting for Captain Palmer.

I have the honor to be
Sir
Your most Obed't Servant.

H. P. Bate Captain R.E.
Ag Exec Engineer, 6th D.

P.W.D.

No 3364

Proceedings of the Madras Government.

Under date the 10th Nov/65.

Read the following papers.

From the Secy: G.A. to Govt.

Respecting Coll. Greenaway's services for a period of 6 months to conduct the law suit in connection with the "Trichinopoly Citadel Stone Case" and the Andamans suit

From —— to —— do. } H.F. 31st Oct/65 - No. 1257.

Regarding the Staff Salary of Coll Greenaway

From Controller of Pay Accts. } H.F. 30th — do. — do. — No. 1251

do —— do —— do — H.F. 4th Nov/65 No. 1871.

The Governor in Council considers it very desirable that the services of Lieutenant Colonel Greenaway should be retained for some time to carry on two suits which are pending in the Court at Trichinopoly, and on the successful management of which public interests of the highest importance depend - Lieutenant Colonel Greenaway is the only officer fully conversant with all the circumstances connected

From Secretary to Govt. Public Works Department to the Chief Engineer & Secretary to Govt. Military Department

Dated 30th Nov 1865

No 1251

Forwarding Staff Pay Bill of Lieutenant Colonel Greenaway for the month of October 1865

No 170

No 3364-10th Nov/65

connected with these cases, and his presence at Trichinopoly to conduct them seems absolutely necessary to secure a favorable issue.

Under these circumstances, and taking into consideration that Lieutenant Colonel Greenaway's emoluments in the Department are less than those to which he would be entitled with the Regiment to which he stands appointed, His Excellency in Council resolves to authorize the Controller of Public Works Accounts to continue to pass to Lt. Col Greenaway the rate of salary which he has hitherto drawn.

A copy of these Proceedings will be furnished to the Military Department with a view to application being made to His Excellency the Commander-in-Chief for the services of Lieutenant Colonel Greenaway being made available for temporary employment in the Public Works Department.

WB

To
Supg. Engr. 6th Dn.
" Controller
" Military Department

Dated 10th November

Pd 1865 Dec 28th
Pd by Govt for Lease
No 3364
Pd by the M Govt
Dec 10th 1866

Lieut Col. Greenaway.
Application made through the
Judge Advt to the Commander-in-
Chief for the services of -, being
retained temporarily to carry
on certain suits & the Contr of
P.W. A authorizes to pay to
that Officer the rate of salary
he has hitherto drawn

No 169 @ 172