

(1) Number of pages _____

(2) Date of repair _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 1884	Press
326-337	Mis-7
Dated 15-6-1866.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
15th June 1866.*

No. 336. Read the following letter from the Controller of Public Works Accounts, to the Secretary to Government, Department Public Works, dated Madras, 7th June 1866, No. 577 :—

1. Adverting to paragraph 2 of G. O. of the 5th June 1866, No. 1,770, I have the honor to request you will be good enough to furnish me with copies of the orders of the Madras Government authorizing the adoption, in this Presidency, of the revised Bengal Public Work Code recently published, together with copies of this last mentioned document.

2. I would respectfully submit, for the consideration of his Lordship in Council, that as the records of this Office show the documents above mentioned have not been furnished to it, there was nothing to guide me in disposing of the matter except the orders referred to in paragraph 2 of my letter printed with the G. O. under reference, and which are of later date than those of January 1863 ; under these circumstances I beg the course followed here may not be deemed unjustifiable.

No. 337. ORDER THEREON, 15th June 1866, No. 1,884.

ESTABLISHMENT, No. 28.

1. In the Proceedings of Government No. 1,770 of the 5th instant, the Controller of Public Works Accounts

was informed that he was not justified in directing a charge to be debited to Establishments which had been distinctly ordered by this Government to be adjusted as for a Minor New Work, under paragraph 17 of the Rules circulated in G. O. No. 28, dated 7th January 1863, which paragraph having been embodied in Chapter I, Section III., paragraph 10, of the Bengal Code, was shown to be still in force. Captain Fischer objects to this view of his proceedings on the plea that the revised Bengal Public Works Code has not been adopted in this Presidency nor been communicated to him, but the Government see no reason to modify their decision, inasmuch as their Orders of the 3rd April 1865, No. 889, were very precise, and, on turning to the Proceedings of the Governor General in Council, Department Public Works, No. 463 A, dated 23rd May 1865, to which the Controller refers as his authority for acting in contravention of the orders of this Government, it is observed that paragraph 6 on which he relies, is simply a part of a Report addressed to the Government of India by Major Chesney, the Public Works Accountant General, and cannot possibly be strained to bear the misinterpretation put upon it by the Controller. Moreover, the allusion in that paragraph was evidently not to the classification of the wages of inferior servants employed temporarily for petty survey operations under the head of Minor New Works, but to the inclusion, under that charge, of the salary of an Officer of the engineering grade. Under any circumstances, even had the Proceedings of the Government of India been capable of the construction put upon them by the Controller, he was still bound to carry out the orders of this Government, pending a reference which he might have made to them.

Proceedings of the Madras Government, Public Works Department,
15th June 1866.

2. As the Bengal Public Works Code is not in force in this Presidency, except in as far as its provisions accord with those of the Madras Code or with the orders of this Government, there is no necessity for the Controller being furnished with a copy of the former Code. A revised edition of the Madras Code will be printed in due course, and a copy of it be supplied to the Controller's Office.

(True Extract.)

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

To the Controller of Public Works Accounts.

Exd. S. T. Augustin.

Office of the Controller of
Public Works Accounts.
Madras 7th June 1866.

No. 577.

From,

The Controller of Public Works Accounts.

To,

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

Sir,

Adverting to para. 2 of L. O. of the 5th June 1866 No. 1770, I have the honor to request you will be good enough to furnish me with copies of the orders of the Madras Government authorizing the adoption in this Presidency of the revised Bengal P. W. Code recently published, together with copies of this last mentioned document.

2. I would respectfully submit for the consideration of his Lordship in Council that as the records of this Office show the documents above mentioned have not been furnished to it, there was nothing to guide me in disposing of the matter except the orders referred to in para. 2 of my letter printed with the L. O. under reference and which are of later date than those of January 1863; under these circumstances, I beg the course followed here may not be deemed unjustifiable.

I have the honor to be

Sir,

Your most obedient servant.

Wm. Kebley Captain R.E.
Controller of Public Works Accounts.

Wm. Kebley.

1884

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Public Works Department.

No 1884

PROCEEDINGS of the MADRAS GOVERNMENT

Under date the 15th June 1886.

Read the following

From
The Controller of
Public Works Accounts

(Here enter No. 577 dated 7 June 1886.)

In the Proceedings
of Government No. 1770,
of the 5th Instant, the
Controller of Public Works
Accounts was informed
that he was not justified
in directing a charge to
be debited to Establish-
ments which had been
distinctly ordered by the
Government to be adjusted
as for a minor New
Work, under para 17 of
the Rules circulated in

N?

WON

No. 577 dated 1886-87-88

17 June 1886
From the Controller of
Public Works Accounts
to the Secy: to Government.
The Secy: to Govt.
17 June 1886.

Dated 7th
June 1886.
No. 577.

Submitting the cases
of the charge for balance
of the 1886-87-88
with my request that
of the 1886-87-88
and orders on it may be
furnished.

No. 336.

No. 1884-15-1886

G. O. No. 28 dated 7th
January 1863, which ^{para 6} having
been embodied in Chapter
I, Section III para. X of
the Bengal Code, was
shown to be still in
force. Captain Tucker
objects to this view of
his proceedings on the
plea that the revised
Bengal Public Works
Code has not been adopted
in this Presidency nor
been communicated to
him, but the Govt
see no reason to modify
their decision, inasmuch
as their orders of the 3rd
April 1863 No. 889 were
very precise, and, on
turning to the Progs
of

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of the Governor Genl.
in Council D. P. No.
No. 463. A. dated 23rd
May 1863, to which the
Controller refers as his
authority for acting in
contestation of the order
of the Government, it is
observed that para 6, on
which he relies, is simply
a part of a Report ad-
dressed to the Govt. of
India by Major O'Meara,
the Public Works Account-
ant General, and can-
not possibly be strained
to bear the misinterpreta-
tion put upon it by
the Controller. Moreover,
the allusion in that para

^{indirectly} was, not to the classifica-
-tion of the wages of
inferior servants employed
temporarily for petty survey
operations under the head
of Minor New Works, but
to the inclusion, under that
charge, of the salary of
an Officer of the Engineering
grade. Under any circum-
stances, even had the pro-
ceedings of the Govt. of
India been capable of the
construction put upon them
by the Controller, he
was still bound to carry
out the orders of the
Government, pending a
reference which he might
have made to them.

As the Bengal
Public Works Code is
not in force in this
Providence, except in as
far as its provisions ac-
-cord with those of the
Madras Code or with the
orders of this Govt., there
is no necessity for the
Controller being furnished
with a copy of the former
Code. A revised edition
of the Madras Code will
be printed in due course
and a copy of it be
supplied to the Controller's
Office -

The Controller

Decr 18th June

Ab

