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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. <u>1888</u>	Press ~~Mis.~~
<u>520-521</u>	
Dated <u>25. 6.</u>	<u>1867.</u>

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department.
25th June 1867.

No. 520. Read the following Petition from Mr. T. SPURR, late Overseer in the Department of Public Works, in the Coimbatore District, to the Secretary to Government, Public Works Department, dated Caroor, 10th June 1867 :—

RESPECTFULLY SHEWETH,

1. That your Petitioner has been an Overseer in the Department of Public Works for nearly four years past, is a passed Candidate from the Civil Engineering College, and bears high testimonials of character from almost every Range Officer whom he has served under, copies of which he begs herewith to enclose, marked A; that he has acted for nearly three months as a Range Officer in charge of Collegal Range, and possesses an authenticated copy of a letter from Colonel Walker, Superintending Engineer of the 7th Division, No. 31, dated 27th October 1866, and herewith forwarded, B, from which it is evident that he contemplated at the least the promotion of your Petitioner to a higher grade.

2. That on the 23th January 1867, your Petitioner was ordered to join the Caroor Range under Mr. Supervisor Wiffen, an officer who had, before the arrival of your Petitioner at Caroor, and within the last four years, procured the dismissal from the department of three Overseers placed under his orders, and the removal to other ranges of three more; that for this cause your Petitioner dreading to meet the fate of his predecessors, earnestly prayed Colonel Walker that he might not be placed in the Caroor Range; that your Petitioner being denied his request joined his new appointment on the 4th February 1867, and on the 16th February your Petitioner made application to Captain Oakes, R. E., Superintending Engineer of the 6th Division, and finding there was an opening in his Division which he was promised, made application to Colonel Walker for permission to be removed to that Division, and being refused permission, requested Colonel Walker to allow him to return to his Regiment, which request he was also denied. Your Petitioner begs to forward enclosures marked C and D to substantiate these statements.

3. That on the 1st of April your Petitioner was suspended by his Range officer Mr. Wiffen, on the charges stated by Colonel Walker in the letter referred to in the Proceedings of the Madras Government, Department Public Works, No. 400, dated 17th April 1867, several of which charges, according to Colonel Walker's own showing, fell to the ground from evidence furnished him *direct* by your Petitioner; and in respect to the charge mentioned in the latter half of paragraph 1 of Colonel Walker's letter, referred to in the Proceedings above cited, which Colonel Walker says your Petitioner "may be said to have admitted," that your Petitioner begs respectfully to submit that he not only does not make such admission, but also earnestly and humbly repudiates it. Your Petitioner humbly begs respectfully to submit, for perusal, the enclosure marked E, which he vain would hope will show that in making the payment to the Contractors which Mr. Wiffen objected to, he acted only according to the express commands of Mr. Wiffen, this statement your Petitioner is prepared to attest upon oath if necessary; that according to the orders of Colonel Walker your Petitioner was prosecuted in the Joint Magistrate's Court at Coimbatore on the 27th April 1867, on the charge of "receiving unlawfully Rupees twenty-five from a Contractor concerned in the execution of Public Works under

Proceedings of the Madras Government, Public Works Department.
25th June 1867.

his supervision," that notwithstanding your Petitioner did not produce a single witness or make any defence yet the Joint Magistrate discharged him, on the grounds that the evidence was insufficient, and your Petitioner after passing safely through this severe ordeal is still punished by dismissal, as will hereafter appear.

4. That your Petitioner has, since the trial by the Joint Magistrate, sent in to Colonel Walker the statement marked E just referred to, and that it was returned unopened, because your Petitioner sent it direct and not through his Range Officer Mr. Wiffen; that your Petitioner had good reasons to seek direct access to the Superintending Engineer, and to dread placing the means he held for his own defence in the hands of his Range Officer, in that Mr. Wiffen had given him good grounds to believe him to be actuated by malice, and also to doubt his veracity as will appear from the statement enclosed, marked F.

5. That your Petitioner received from Mr. Wiffen, while he was yet under suspension, the accompanying Memorandums Nos. 3, 11, 12, 22, and 26, written probably with the view to draw from your Petitioner matter for accusation, separately from the charges previously preferred; that your Petitioner abstained from replying to them, because he had already had proof that Mr. Wiffen would afford no candid consideration to any explanation which he might offer for any of his proceedings; that, nevertheless, your Petitioner sent on his explanation called for by those Memorandums direct to the Superintending Engineer when forwarding the enclosure marked E, and before he had received extract of the Superintending Engineer's orders to afford such explanation, and it was returned to him unopened; that explanation your Petitioner respectfully begs to forward, marked G.

6. That your Petitioner did not receive the extract marked H of the Superintending Engineer's orders to afford such explanation, until the 16th of May 1867; and from the circumstance that the date was erased, and also from Mr. Wiffen's Memorandum No. 4, K, herewith enclosed, your Petitioner had good reason to conclude the Superintending Engineer's orders were issued before your Petitioner was tried and discharged by the Joint Magistrate, and not subsequently, for he could not suppose that Colonel Walker, despite the acquittal of the Magistrate, still considered him guilty of the felony he was accused of, or that Colonel Walker desired to subject him to a course of questioning for the purpose of leading your Petitioner, while under suspension, to criminate himself; and your Petitioner therefore persisted in declining to answer Mr. Wiffen's Memorandums.

7. That on 2nd June your Petitioner received from the Superintending Engineer Memorandum No. 27, copy enclosed, marked L, announcing his dismissal from the 1st April without any explanation of the grounds of that dismissal; that your Petitioner being at a loss to know why he was dismissed, addressed the Superintending Engineer direct, requesting a copy of the report sent to Government against him, and begged to be informed the cause of his dismissal, also acquainting him of his purpose to appeal against this decision, and that your Petitioner's letter of returned opened, but not read.

8. That your Petitioner humbly acknowledges his letter of explanation to Colonel Walker, referred to in the 4th paragraph of the Proceedings before mentioned, contains language your Petitioner should not have used, but it was written hurriedly and under great provocation; from the false charges brought against him

Proceedings of the Madras Government, Public Works Department.
25th June 1867.

your Petitioner would have been more guarded in his language had there been sufficient time to re-consider it. If this is the cause of your Petitioner's dismissal, he trusts the troubles he has now passed through will prevent him similarly offending in future, and most earnestly prays a lenient Government to kindly consider his state of feelings under the circumstance, and overlook this grave fault.

9. That your Petitioner has no other object in making this appeal than to vindicate his own character, and to protect his future prospects.

10. That your Petitioner respectfully prays that the Government will graciously inquire into his case, and if it is not deemed advisable to afford him a fair trial, will, at the least, save him from the disgrace of dismissal, and order him either to be removed to another Division in the Department Public Works, or to return to the army at his own request. And in duty bound your Petitioner will ever pray.

No. 521. ORDER THEREON, 25th June 1867, No. 1,888.

ESTABLISHMENT, No. 52.

The Government find nothing in these papers to lead them to change their opinion of Mr. Spurr's unfitness for employment in the Department of Public Works, nor do they see any reason for modifying their orders dispensing with his services in that Department.

(True Extract.)

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

To

Col^l C. A. Carr R.E.

Sec^y to Gov^t D.P.W.

Madras

The humble petition of Thomas Spurr late Overseer in the Department of Public Works in the Coimbatore District respectfully sheweth.—

1 That your petitioner has been an Overseer in the Department of Public Works for nearly (4) four years past, is a passed Candidate from the Civil Engineering College, and bears high testimonials of character from almost every Range Officer whom he has served under; Copies of which he begs herewith to enclose.—marked

That he has acted for nearly 3 months as a Range Officer in charge of Collegal Range, and possesses an authenticated copy of a letter from Col^l Walter Superintending Engineer of the 7th Division, No. 31 dated 27th October 1866 and herewith forwarded from which it is evident that he contemplated at the least the promotion of your petitioner to a higher grade

2 That on the 28th January 1867 your petitioner was ordered to join the Caroor Range under Mr. Supervisor Kiffen, an Officer who had before the arrival of your petitioner at Caroor, and within the last (4) four years, procured the dismissal from the Department, of three Overseers placed under his orders, and the removal

removal to other Ranges of three more that for this cause your petitioner dreading to meet the fate of his predecessors, earnestly prayed Colonel Walker that he might not be placed in the Baroor Range, that your petitioner being denied his request joined his new appointment on the 4th February 1887, and on the 16th February your petitioner made application to Capt. Oakes R.E. Superintending Engineer of the 6th Division, and finding there was an opening in his Division which he was promised, made application to Col. Walker for permission to be removed to that Division and being refused permission, requested Col. Walker to allow him to return to his Regiment, which request he was also denied. Your petitioner begs to forward enclosures marked & to substantiate these statements

3 That on the 1st of April your petitioner was suspended by his Range Officer Mr. Wiffen on the charges stated by Col. Walker in the letter referred to in the Proceedings of the Madras Govt. D.P.M. No. 400 dated 17th April 1887, several of which charges according to Col. Walker's own showing fell to the ground from evidence furnished him direct by your petitioner, and in respect to the charge mentioned in the latter half of para 1 of Col. Walker's letter referred to in the Proceedings above cited which Col. Walker says your petitioner "may be said to have admitted" - that your petitioner begs respectfully to submit that he not only does

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does not make such admission, but also earnestly and humbly repudiates it. - Your petitioner humbly begs respectfully to submit for perusal the enclosure marked which he vain would hope will show that in making the payment to the Contractors which Mr. Wiffen objected to he acted only according to the express commands of Mr. Wiffen, this statement your petitioner is prepared to attest upon oath if necessary, that according to the orders of Col. Walker your petitioner was prosecuted in the Joint Magistrate's Court at Coimbatore on the 27th April 1887 on the charge of "Receiving unlawfully Rupees (25) Twentyfive from a Contractor concerned in the execution of Public Works under his supervision" that notwithstanding your petitioner did not produce a single witness or make any defence, yet the Joint Magistrate discharged him, on the grounds that the evidence was insufficient, and your petitioner after passing safely thro' this severe ordeal ~~and~~ is still promoted by dismissal as will hereafter appear. -

4 That your petitioner has since the trial by the Joint Magistrate sent in to Col. Walker the statement marked just referred to and that it was returned unopened because your petitioner sent it direct and not through his Range Officer Mr. Wiffen - that your petitioner had good reasons to seek direct access to the Superintending Engineer and to dread placing the means he held for his own defence in the hands of his Range Officer in that Mr. Wiffen had given him good grounds to believe him to be actuated by Malice and

and also to doubt his veracity as will appear from the statement enclosed marked

5 That your petitioner received from Mr Wiffen while he was yet under suspension the accompanying Memoirs Nos 3. 11. 12. 22 & 26 written probably with the view to draw from your petitioner matter for accusation, separate from the charges previously preferred, that your petitioner abstained from replying to them, because he had already had proof, that Mr Wiffen would afford no candid consideration to any explanation which he might offer for any of his proceedings; that nevertheless your petitioner sent on his explanation called for by those Memoirs direct to the Sup^r Engineer when forwarding the enclosure marked and before he had received extract of the Superintending Engineer's orders to afford such explanation and it was returned to him unopened, that explanation your petitioner respectfully begs to forward marked

6 That your petitioner did not receive the extract marked of the Superintending Engineer's orders to afford such explanation until the 16th of May 1864 and from the circumstance that the date was erased & also from Mr Wiffen's Memoirs No 4, herewith enclosed your petitioner had good reason to conclude the Superintending Engineer's orders were issued before your petitioner was tried and discharged, by the Joint Magistrate, and not subsequently, for he could not suppose that Col^l Walker, despite the acquittal of the Magistrate, still considered him guilty of the felony he was accused of, or that Col^l Walker desired to subject him to a course

course of questioning for the purpose of leading your petitioner, while under suspension to criminate himself; and your petitioner therefore persisted in declining to answer Mr Wiffen's Memoirs.

7 That on 2nd June your petitioner received from the Superintending Engineer Memoirs No 27 copy enclosed marked announcing his dismissal from the 1st April without any explanation of the grounds of that dismissal that your petitioner being at a loss to know why he was dismissed, addressed the Superintendent Engineer direct requesting a copy of the report sent to Gov^t against him, & begged to be informed the cause of his dismissal, also acquainting him of his purpose to appeal against this decision, and that your petitioner's letter was returned opened, but not read.

8 That your petitioner humbly acknowledges his letter of explanation to Col^l Walker referred to in the 4th para of the Proceedings before mentioned contains language your petitioner should not have used, but it was written hurriedly & under great provocation, from the false charges brought against him, your petitioner would have been more guarded in his language had there been sufficient time to reconsider it, if this is the cause of your petitioner's dismissal he trusts the troubles he has now passed through, will prevent him similarly offending in future, and most earnestly prays a lenient Government, to kindly consider his state of feelings under the circumstances, & overlook this grave fault.

9 That your petitioner has no other object in making this appeal than to vindicate his own Character and to protect his future prospects.—

10 That your petitioner respectfully prays that the Government will graciously inquire into his case and if it is not deemed advisable to afford him a fair trial, will at the least save him from the disgrace of dismissal, and order him, either to be removed to another Division in the D.P.H., or to return to the Army at his own request

And in duty bound your petitioner will ever pray

Carroll
10th June 1887

W. L. G. M.

Public Works Department.

1868
c10 1888

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 25th June/67

Read the following

From Mr. T. Spurr

(Here enter No. and dated 10 June/67)

The Government find nothing in these papers to lead them to change their opinion of Mr. Spurr's unfitness for employment in the Department of Public Works, nor do they see any reason for modifying their orders dispensing with his services in that

Mr. T. Spurr. with two inclosures

Recd 26/6/67

W. B.

7/2/1867 Defd
Pro. of Govt. for June
A 2226.

From
Mr. T. Spurr
To the Secy. & Govt
P.W.D.

2/10 } June/67
Recd 13/

Ex. 10. A

Praying that he may be removed to another ~~Secy~~ or per-
mitted to return to the Army at his own request.

c10. 1888-25th June 1867

No 520

c. 17 June 1867 Or. 197

520-521

P. W. 1867. Department.

Pro: of Govt. for June
No. 1888

PROCEEDINGS OF GOVERNMENT.

Madras

Dated 25th June 1867

Informing Mr. [unclear]
that no reason can be
seen for modifying the orders
dispensing with his services
as a Taluk Overseeer in the
Public Works Department.

520-521

2.17 June 1867