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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. <u>448</u>	Press ~~Mis.~~
<u>302-62</u>	
Dated <u>11-2-</u>	<u>1869.</u>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
11th February 1869.*

No. 302. Read the following letter from the Superintending Engineer, 7th Division, to the Secretary to Government, Public Works Department, dated Oodamulpettah, 20th January 1869, No. 182:—

1. I am compelled, by my own opinion of the merits of the case, at the repeated request of Captain H. Bailey, Assistant Engineer, in charge of Cannanore Range, to re-submit his letter, No. 120 of 16th May 1868, disposed of in
1. Captain Bailey's letter, No. 120 of 16th May 1868.
2. Do. No. 351 of 29th July 1868.
3. Abstract of papers.

G. O., No. 1,772 of 5th June, in the earnest hope that Government will be pleased to remedy an apparent injury inflicted upon him under a misapprehension of their own original orders on his case. I submit also his further exposition of it, No. 351 of 29th July; but can add nothing to my pleadings for him, as printed with the G. O. above referred to.

2. Captain Bailey, however, gives me to understand that a personal allowance, such as is denied to him, is still continued to two of his juniors, viz., Lieutenant Graham and Ensign Bevan, though their services in the grade of First Class Sub-Engineer are, the one a little over, the other much less than, one year, against his service of ten years in that appointment, to which doubtless he would not have been so early appointed save for special merits. And I can personally testify to his conduct having continued not less specially meritorious for upwards of five years that I have known him intimately. Captain Bailey also, as having lately been at the head of the Warrant Officers of the Madras Department of Public Works, and consequently the first to obtain the Honorary Commission of Captain under the new Regulations, cannot but feel it a grievance (in which I sympathize with him) that a brother Officer,* who was promoted

* Captain Howard.

to First Class Sub-Engineer, to fill the vacancy caused by his own promotion to be a Second Class Assistant Engineer, should have lately passed over his head as a First Class Assistant Engineer.

3. It is with great reluctance that Captain Bailey ventures to impugn the decision of the Head of the Department Public Works, but he feels that the honorable character which he has so long maintained is practically ignored and slighted by the manner in which his claims have been met. And it is in the earnest desire to uphold the credit of the Public Works staff of the 7th Division, as not the least efficient members of the Department, that I feel bound to assist, in his prosecution of them, one who (as I have already stated) stands second in merit on its list.

P. S.—An abstract of Government Orders bearing on the subject is appended.

No. 303. ORDER THEREON, 11th February 1869, No. 448.

ESTABLISHMENT, No. 48.

1. The Government see no reason for modifying their Orders of the 5th June 1868, No. 1,772.

2. Captain Bailey's transfer to the Engineer Establishment took place prior to the promulgation of the Orders of the Government of India of the 7th August

Proceedings of the Madras Government, Public Works Department,
11th February 1869.

1867, under which Captain Howard was appointed as an Assistant Engineer of the First Grade, and as the Government have more than compensated Captain Bailey for the loss of salary which his appointment to the rank of Assistant Engineer

G. O., 16th May 1867, No. 1,479. involved, and as his promotion to that rank opens out to him superior prospects of advancement, His Excellency in Council fails to see that Captain Bailey can fairly assert a claim to share in the advantages resulting from the operation of the Orders of the Government of India above quoted.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 7th Division.

Exd. S. T. Augustin.

Abstract of papers relative to Captain
Bailey's Case -

1. Promoted from Senior 1st Grade Sub Engineer to 2nd Class Assistant Engineer in Fort Saint George Gazette of 30th April 1867.

2. In G. O. No. 1479 of 16th May 1867 Government decline to grant Captain Bailey a personal allowance equal to the loss of Departmental Salary entailed by his transfer from the Upper Subordinate to the Engineer List; but have no objection to his reverting to his former Departmental position.

3. G. O. No. 1745 of 11th June 1867 grants Captain Bailey a personal Allowance of Rs 50, until further promotion (Departmental) on his pointing out that the pay of Warrant Officer was about to be increased and that he lost Rs 50 of Departmental Pay by the transfer, which he accordingly requested might be cancelled.

4. In Circular from the Government of India No. 67 of 7th August 1867 published with G. O. No. 2692 of 3rd September 1867 all Honorary Commissioned Officers holding the rank of Sub Engineers 1st Grade were promoted to the grade of 1st Asst. Engineer as conferring the same Departmental Salary which they had previously drawn.

5. By Fort Saint George Gazette of 14th February, 1868, page 204, Capt. Bailey's Military Pay as Deputy Commissary

was increased from Rs 212-9-4 to Rs 300.

6. In G.O. No 1369 of 2nd May Gover.

ment struck off the last item of Pay drawn by Captain Bailey as follows, viz:

Pay as Deputy Commissary — Rs 300.
Salary as 2nd Asst. Engineer — 200
Personal Allowance — 50

although mean while he had not received any promotion either Military or Departmental.

Supg Engr's Office, Co. R.R. *Quartermaster* Col. R.R.
Admiralpetta 20th Jan. 1869. *Supg Engr's Office*

Abstract of Report submitted to Captain Bailey's case

1869/29/69

*Copy letter from the Engr. in-
tending Commissary to the
Secretary to Govt.
O.P.N. No 102 of 20 Jan 1869*

1503/19/5/69

No 120
30

Cannanore 16th May 1868

*The Superintending Engineer
7th Division
D.R.W.*

Sir,
With reference to Proceedings of Govt. No 1369 of the 2nd Instants, I have to request the favor of your kindly applying for a reconsideration of the decision of Government therein conveyed for the following reasons.

When in April 1867 Govt. were pleased to appoint me a 2nd Assistant Engineer I appealed to be allowed to draw the salary I would have received as a subordinate till such time as my promotion in the Engineer grade would give me an equal amount, at the same time pointing out that an increase of salary to Warrant Officers having been promised by the Secretary of State, my acceptance of the appointment of 2nd Assistant Engineer would be such a very serious loss to me, unless Government kindly granted my request, that I saw no other course open to me, but to beg, should the matter be decided against me, that my promotion might be cancelled.

On this Appeal Govt. as a special case granted me a personal allowance of Rs 50 per mensem to cease on my obtaining "further promotion."

Now however that the increase of Military Pay has been granted, my personal allowance has been withdrawn in the representation contained in letter No 193 of the 22nd

Altho-
gives me that appointment to which I

Ultimo from the Controller of Public Works,
and I find therefore that not only do I hold
a lower position in the Department than I
would have been entitled to, under the orders
by the Governor General N^o 76 dated 7th August
1867, had I remained a subordinate, but that I
am also a loser of 50 Rupees a month.

Under these circumstances I trust you
will feel yourself at liberty to recommend the
matter for the favorable consideration of Govt.
and that they will be pleased to authorize
my being paid the salary I would have
been entitled to as a subordinate, as it will
be a very hard case indeed if the fact of my
having obtained the favorable opinion of those
above me, entails on me a loss in both position
and salary.

The Controller's letter to Government above
adverted to hardly put the case fairly, my
letter to which it was a reply was in answer
to a Memo by him refusing to pass the in-
creased rate of Military Pay, there having
been no question raised at that time about
my personal allowance, and the expression in
addition to the pay of their grade in the
Department should it appears to me have
been considered with reference to the position
of the person using that expression and not
with reference to the salary of other members
of the Department of the same standing.

I gave no thought about my personal
allowance the circumstances under which it was
granted still continuing in force, the
additional.

additional salary being granted till
further promotion.

I have the honor to be
Sir
Yours most Obedt Servant

A. Bailey
Asst. Surg. General

years in that appointment to which a

N^o 351. Commenced 29th July 1868

To The Superintending Engineer
7th Division
R. P. W.

As I feel much aggrieved at the decision conveyed in Proceedings of Government N^o 1772 dated 5th June 1868. I have the honor to request the favor of your submitting this application for a reconsideration of the matter, as it appears to me that Government must have overlooked the fact that I accepted the post of 2nd Assistant Engineer on the express understanding that I was to be allowed the same salary I would have received as a subordinate. My letter N^o 1770 dated 25th May 1867 to your Address shows the terms in which, alone I was willing to accept the promotion offered me.

Where Government in Proceedings N^o 1479 dated 16th May 1867 refused to sanction the Additional salary, applied for in my letter N^o 109 dated 3rd Decy 1867 to my address but left me the option of reverting to my former appointment, and I asked in reply to have my promotion cancelled unless the higher salary was granted, it appears to me that the fact of its being afterwards altered was an implied promise on the part of Government that I was to receive the salary I should have received as a subordinate, till my position in the Engineer grade gave me an equal one. That being the request made in my letter N^o 177 dated 25th Decy 1867 in which Proceedings N^o 1745 dated 11th June 1867 were refused. Had I not in my letter above quoted

brought prominently to notice that I think I would shortly be entitled to additional salary as a Warrant Officer, and that this additional salary I would have to forfeit, unless my request to receive the salary I would be entitled to as a Subordinate was acceded to, the matter would have been different, but with this before them when Government passed their proceeding granting me the additional salary, it seems very hard that the terms on which I accepted my promotion to 2nd Asst. Engineer should now be altered.

I would beg to point out that it will be a peculiarly hard case if the fact of my having afforded you satisfaction should be only to my disadvantage. Yet had I instead of trying to afford satisfaction merely tried to carry out my work so as to escape censure, and thus led you to form an unfavorable opinion of me, I would under the orders of the Secretary of State granting the additional salary to Warrant Officers, have been entitled to the salary I ask for, and would in addition under the Proceedings of the Governor General ordering the transfer of Subordinates with Germany Commission to the Engineer grade have been entitled to a higher position than I now hold in the Department.

As matters stand therefore and not considered deserving of advancement has merely led to loss of position and the infliction of a heavy fine likely to be continued for years. I do not doubt I receive now a slightly higher salary than I used to receive before

my promotion but it appears to me that the real question is, not what salary I used to receive but what I would now be receiving under the orders of the Secretary of State and Governor General had I not been promoted.

I would beg to point out that the additional salary granted to Warrant Officers by the Secretary of State has been granted as compensation to them for advantages lost by the amalgamation of the Home and Indian Armies, and can therefore in justice hardly be used as a reason for withdrawing Compensation granted by the Government for loss caused by their own orders.

I trust therefore that Government will be pleased to order their proceeding No 1745 dated 11th June 1887 to continue in force as originally intended, thus granting me the same salary I would have received had I remained a subordinate.

I have the honor to be
Sir
Your most Obedt. Servant
H. B. Bailey
Assistant Engineer
Malabar

1/182

Superintending Engineer's Office
7th Division
Coddanulpetta, 20th Jan'y 1869.

From, Colonel G. W. Walker R.E.
Superintending Engineer 7th Division
To, Colonel C. A. Barr R.E.
Secretary to Government S.P.W. Madras.

Sir,
I am compelled, by my own opinion of the merits of the case, at the repeated request of Captain H. Bailey, Assistant Engineer in charge of Cannanore Range, to resubmit his letter No. 120 of 15th May 1868 disposed of in L.O. No. 1772 of 5th June 1868. in the earnest hope that Government will be pleased to remedy an apparent injury inflicted upon him under a misapprehension of their own original orders or his case. I submit also his further exposition of it, No. 351 of 29th July 1868. but can add nothing to my pleadings for him as printed with the L.O. above referred to.

Captain Bailey, however, gives me to understand that a personal ^{appearance} such as is denied to him is still continued to 2 of his juniors, viz. Lieut. Graham & Ensign Bevan, though their services in the grade of 1st class Sub Engineer are the one a little over, the other much less than, one year, against his service of 10 years in that appointment to which doubt

Enclosures
1. Cap. Bailey's letter No. 120 of 15th May 1868.
2. " " No. 351 of 29th July 1868.
3. Abett. of Papers - 1868.

For a letter from the Engrs.
Engineer's Division to the
Secretary to Government No.
No. 182 of 20th January/69

Mr. 29/2/69

Captain Bailey's letter
No. 201 of 29th July 1868
about his loss of pay &
consequence of promotion
to the Engineer Grade

1 case
inform

2/1/69
not
to be

less he would not have been so early
appointed same for special merits. And
I can personally testify to his conduct
having continued not less specially me-
ritorious for upwards of 5 years that I
have known him intimately. Captain
Bailey also as having lately been at
the head of the Warrant Officers of
the Madras Department of Public Works
and consequently the first to obtain the
Honorary Commission of Captain under
the new Regulations, cannot but feel
it a grievance (in which I sympathize
with him) that a brother Officer, who Capt. Howard
was promoted to 1st class Sub Engineer,
to fill the vacancy caused by his own
promotion, take a 2^d class Assistant
Engineer, should have lately passed
over his head as a 1st class Assistant
Engineer.

3. It is with great reluctance that
Captain Bailey ventures to impugn the
decision of the Head of the Department
Public Works, but he feels that the hono-
rable character which he has so long
maintained is practically ignored and
slighted by the manner in which his
claims have been met. And it is in
the earnest desire to uphold the credit of
the Public Works Staff of the 7th Division,
as not the least efficient members of
the Department, that I feel bound to
assist, in his prosecution of them, one who
(as I have already stated) stands second
in merit on its list.

I have the honor to be,
Sir, Your most obedient servant
G. Walker Colonel R.E.
Supt. Engineer
P.S. An Abstract of Government Orders
bearing on the subject is appended.

Public Works Department.

No. 448.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 11th Feb/69.

Read the following

From the Engineer of the
7th Division (Here enter No. 182 dated 20th Jan/69)

The Government
see no reason for modify-
ing their orders of the 5th June
1868. No 1772.

Capt. Bailey's trans-
fer to the Engineer Estab-
lishment took place prior
to the promulgation of the
orders of the Government
of India of the 7th August 1867,
under which Capt. Howard
was appointed as an Assist-
ant Engineer of the 1st grade,
and as the Government
have

From the Engineer of the
7th Division
The Engineer of the
7th Division

The Secretary to Government
No. 448.

No 182

Dated 20th Jan/69
No 233

Enclosure 3

Being forward Captain
Bailey's 1st General Order
for securing the station
by his transfer to the
Engineer's Dept.

No 448. 11th Feb/69.

2300 Jan 1869 A. 6th Feb

have more than compensated Capt. Bailey for the loss of salary which his appointment to the rank of Assistant Engineer involved, and as his promotion to that rank opens out to him superior prospects of advancement, His Excellency in Council fails to see that Capt. Bailey can fairly assert a claim to share in the advantages resulting from the operation of the orders of the Government of India alone quoted.

G. O. 16 May 1887, No 1479.

1/ Supdng: y. D. ✓

17 Decr? 12/2/89.

WJH

Dec 292
Govt. of 1869 Madras.

PUBLIC WORKS.

To the Superintending Engineer
7th Division

Dated

Recd.

Dec. 31

G. O. 11th Feb 1869, No. 448

Nos. 312-313

Bailey - Capt. - Appd Engr - Mys
Order of Int declining to sanc-
tion a personal allowance
to Appd Engr - Capt Bailey, de-
clined, further seasons being
to be modified.