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MADRAS RECORD OFFICE.

Government of Madras.

Rubella Works DEPARTMENT.

G.O. No. 1231	Press
61-62	Mis.
Dated 3-5-	1871.

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*Proceedings of the Madras Government, Public Works Department,
3rd May 1871.*

No. 61. Read the following letter from the Consulting Engineer for the Madras Irrigation and Canal Company, to the Secretary to Government, Public Works Department, dated Madras, 13th April 1871, No 7 —

In reference to Government Order, No. 2,704, 11th November 1870, disallowing, as a charge against the Capital Accounts of the Madras Irrigation and Canal Company, travelling allowances which the Agent had improperly passed to certain engineers on the termination of their service with the Company, because those gentlemen had proceeded on privilege leave, and, not having rejoined therefrom, were not, when their engagements terminated, at the stations from which to Madras the travelling allowances were granted, I have the honour to submit a remonstrance from Mr East, one of the engineers, against the ruling of Government, pursuant to which the Agent had called on him to refund the amount of travelling allowances that he had drawn

From Agent, No 122, 21st March 1871

16th February 1871

Mr East grounds his remonstrance on the fact that he did not ask for privilege leave; that he simply asked to be allowed to leave the Company's service a month before the end of his engagement for reasons assigned, which he felt entitled him to consideration, and that the question of expenses from Shemoga to Madras had been asked and answered affirmatively, and that if he had doubted the payment of those expenses, he would not have taken the leave

2. On examining the correspondence with Mr East, I find that his original request was clear enough, namely, to be allowed to quit his station on 31st May, drawing pay to the 30th June. The Chief Engineer upon this recommended him for one month's privilege leave, which the Agent granted.

His No 21, 19th January 1870, to Deputy-Chief Engineer
From Agent to Chief Engineer, No 241, 26th March 1870

3 Mr East next expressed his thanks to the Agent for the one month's privilege leave, which he knew entailed loss of field allowances, and remarked—

His No 79, 9th April 1870, to Agent

"It may, however, be an open question whether you will allow me some expenses in travelling from Shemoga to Madras, such as, in the ordinary course of things, you would have allowed me on the strength of my Agreement. I have no wish to press the matter, but simply submit it." Mr. East evidently did not at that time feel that he had any claim under his Covenant to the travelling allowances, and he must have been somewhat surprised when the Agent replied that he had no objection to allow him a fair amount on account of travelling expenses from Shemoga to Madras.

Agent's letter to Mr East, No 66, 22nd April 1870

4. I see nothing in the explanations now submitted which call for any alteration in the decision of Government on the matter; whether Mr. East should be obliged to refund the amount is for him to settle with the Board of Directors.

From the Agent and Manager of the Madras Irrigation and Canal Company, to the Consulting Engineer for the Madras Irrigation and Canal Company, dated Madras, 21st March 1871, No 122

With reference to G. O., No 2,704, of 11th November 1870, I have the honour to inform you that Mr East being in India, I have called upon him to repay to the Company the

*Proceedings of the Madras Government, Public Works Department,
3rd May 1871*

amount which you disallowed, and to enclose copy of his reply, which I request you will be kind enough to submit to Government with a view to their reconsidering their decision.

2 The payments made to the engineers of this Company are regulated by their Agreements and by the Company's Rules, not by the Government Rules which are framed to meet an entirely different state of circumstances.

3 There is no analogy between the Company's temporary employees and the servants of the Government who belong to a permanent service.

4 Our employees are engaged under a temporary Agreement, every Covenant of which can be maintained in a Court of Law. Had I refused to satisfy any one of those Covenants, the engineers would have had their remedy in a Court of Law where no Government Regulation would have been pleaded on my part, inasmuch as neither the engineers nor myself was cognizant of any Government Regulations, nor were any such Regulations recognized by either party when signing the Agreement.

From F EAST, Esq., to the Agent and Manager of the Madras Irrigation and Canal Company, dated Bombay, 16th February 1871.

I WILL on another occasion reply fully and conclusively to the remark which leads your No 43 of the 31st ultimo. My present object is to request you to do me the honour of submitting on my part to the Government Examiner of Accounts as also to the Government Consulting Engineer for the Canal reasons which I hope will enable both these gentlemen, from their point of view, to allow me my travelling expenses.

2 I address them without prejudice to any convictions I may have, or any proceedings I may rely on, as touching the obligations of the Company to me.

3 The ground of disapproval as regards my travelling expenses is that I took "privilege leave." Waiving for the moment my utter ignorance, when in Madras, of Government Rules as affecting privilege leave, I wish to draw attention to the terms of my application for final leave.

4 I did not ask for privilege leave as technically defined. I asked to be allowed to leave the Company a month sooner because—

1st—I had, for the necessities of Shemoga work, given up a fortnight of the only privilege leave I had ever taken.

2nd—Because of giving up my Easter Holidays, which I did give up.

3rd—Because being so much farther from the port of embarkation than any other engineer, namely, at Shemoga instead of the Main Canal, I considered it equitable that time due to the difference in distance should be allowed me. My application was special, and it was neither asked for, nor was it believed to have been accepted as privilege leave, in the sense that privilege leave meant a reward for past services; so that, so far as I am concerned, and so far as leave granted was conveyed to me, the leave asked for and granted was *quid pro quo* leave, which only for want of a missing definition was called privilege leave. In fact, the official intimation, which I received from Madras, of leave granted distinctly referred to my letter containing my special application.

5 Moreover, the question of expenses being allowed from Shemoga to Madras had been asked and answered affirmatively. This last remark is not necessary to my argument. I mention it simply to back my assurance that had I doubted the payment of these expenses, I would not have taken my leave.

6. Now it cannot be wished that I should be caught in a trap, being held to have taken a leave which my letter so clearly show I guardedly avoided taking.

7 My case is so special on account of what I have stated that I am in hopes that it will be specially considered. I trust so; for harshly to apply a Government rule, meant to bear upon the members of a rich and life-long service, to a private individual, with his occupation gone, is to me incomprehensible. Requesting that you will send this letter per copy to the gentlemen referred to, I have, etc.

*Proceedings of the Madras Government, Public Works Department,
3rd May 1871.*

From the Agent and Manager of the Madras Irrigation and Canal Company, to the Consulting Engineer for the Madras Irrigation and Canal Company, dated Madras, 3rd April 1871, No 159.

As requested in your letter of the 23rd ultimo, No. 374, I have the honour to forward herewith copies of the correspondence referred to in Mr East's letter of the 16th February 1871, which accompanied my No 122 of the 21st March last.

From the Chief Engineer, to the Agent and Manager of the Madras Irrigation and Canal Company, dated Kurnool, 31st January 1870, No. 160.

In forwarding copy of Mr Gordon's letter, No 38, of 25th instant, with enclosure, I have the honour to enclose Form No 7, recommending privilege leave for Mr East from 31st May till 30th June 1870 inclusive, Mr East having given up a fortnight of his previous leave, and not proposing to take Easter Holidays.

From the Deputy-Chief Engineer, to the Chief Engineer of the Madras Irrigation and Canal Company, dated Cuddapah, 25th January 1870, No 38.

I HAVE the honour to forward a letter, No 21, of 19th instant, from Mr East, requesting leave from the 31st May till the end of his engagement without rejoining. Although I do not understand Clause 9 as Mr East seems to do (see Clause 11 of the Agreement), I see no objection to Mr East having the leave he asks for. He gave up about a fortnight of his last leave, and he proposes that he should not take holidays at Easter. I have the honour to recommend that his request be complied with.

From the Executive Engineer, to the Deputy-Chief Engineer of the Madras Irrigation and Canal Company, dated Shemoga, 19th January 1870, No 21.

I HAVE the honour to ask you to submit and recommend the following request.

2 I desire to be allowed to leave Shemoga for good on the 31st May, with pay, etc., to the 30th June.

3 Several considerations go to support my request.—

1st—Field work cannot be reasonably entertained here after the end of May when, with a diminished staff, Mr Holmes can act efficiently without me.

2nd—By Clause 9 of my Agreement I am entitled to a passage to England at the termination of my engagement, and for that clause to have effect I must leave here before the 30th of June. A march of 12 days and 2 days by rail will account for a fortnight.

3rd—I gave up nearly a fortnight of my privilege leave a few months ago to meet you in Cuddapah.

4th—I propose to take no Easter Holidays. Requesting the favour of an early reply, I have, etc.

From the Agent and Manager of the Madras Irrigation and Canal Company, to the Chief Engineer, dated 26th March 1870, No 241.

With reference to your letter, No 160, dated 31st January 1870, I have the honour to accord my approval of the leave you propose to allow Mr. East, and enclose the usual form.

From the Executive Engineer, Bellary Division, to the Agent and Manager of the Madras Irrigation and Canal Company, dated Shemoga, 9th April 1870, No 79.

I HAVE the honour to thank you for having granted me privilege leave for June next, of course privilege leave implies pay without allowances. It may, however, be an open question whether you will allow me some expenses in travelling from Shemoga to Madras, such as, in the ordinary course of things, you would have allowed me on the strength of my Agreement. I have no wish to press the matter, but simply submit it.

Proceedings of the Madras Government, Public Works Department,
3rd May 1871.

From the Agent and Manager of the Madras Irrigation and Canal Company, to F EAST, Esq.,
dated Madras, 22nd April 1870, No 66

With reference to your letter, No 79, dated 9th April 1870, I have the honour to state that
I shall have no objection to allow you a fair amount on account of travelling expenses from Shemoga
to Madras.

No. 62.

ORDER THEREON, 3rd May 1871, No 1,231.

IRRIGATION, No. 8

His Excellency the Governor in
Council having fully considered the
grounds on which Mr. East appeals
against the decision of Government in G. O, No 2,704, dated 11th November
1870, which disallows the travelling allowance passed to him during privilege
leave, sees no reason for modifying those orders, and the question of Mr East being
called upon to refund the amount drawn by him will be left to be settled between
himself and the Board of Directors

(True Extract)

Colonel, R E,

Secretary to Government

To the Chief Engineer for Irrigation
.. Agent and Manager for the Madras Irrigation and Canal Company

Exd F R Bantleman.

Consulting Engineer's Office
Irrigation and Canal Co.
Madras 13th April 1871.

From
Colonel J. Carpenter R.E.
Consulting Engineer S.V.C.C.

Colonel R. E. O. R.E.
Secretary to Government P.W.D.

In reference to Government Order No 2704,
-11 November 1870 disallowing as a charge against
the Capital accounts of the Madras Irrigation
and Canal Company travelling allowances
which the Agent had improperly passed to
certain Engineers on the termination of their
service with the Company, because those
gentlemen had proceeded on privilege leave and
not having rejoined therefrom were not,
when their engagements terminated, at the
stations from which to Madras the travelling
allowances were granted; I have the honor
to submit as remonstrance from Mr East,
one of the Engineers, against the ruling of
Government pursuant to which ^{the agent} had called on
him to refund the amount of travelling allow-
ances that he had drawn - Mr East grounds
his remonstrance on the fact that he did not
ask

From Agent Re.
22-28 March 1871.

16th February 1871

ask for privilege leave: that he simply asked to be allowed to leave the Company's service a month before the end of his engagement for reasons assigned, which he felt entitled him to consideration, and that the question of expenses from Shimoga to Madras had been asked and answered affirmatively, and that if he had doubted the payment of these expenses he would not have taken the leave.

2. On examining the correspondence with Mr. East, I find that his original request was clear enough, namely, to be allowed to quit his station on 31st May, drawing pay to the 30th June. The Chief Engineer upon this recommended him for one month's privilege leave, which the Agent granted.

3. Mr. East next expressed his thanks to the Agent for the one month's privilege leave which he knew entailed loss of field allowances, and remarked:—it may however be an open question whether you will allow me some expenses in travelling from Shimoga to Madras such as in the ordinary course of things you would have allowed

Agent's letter to
Mr. East No. 66.
22. April 1870.

4. allowed me on the strength of my agreement, I have no wish to press the matter, but "simply submit it." Mr. East evidently did not at that time feel that he had any claim under his covenant to the travelling allowances, and he must have been somewhat surprised when the Agent replied that he had no objection to allow him a fair amount on account of travelling expenses from Shimoga to Madras.

4. I see nothing in the explanations now submitted which call for any alteration in the decision of Government on the matter. whether Mr. East should be obliged to refund the amount, is for him to settle with the Board of Directors.

I have the honor to be,
Sir,

Your most obedient servant
Approved and Colonel R. E.
Consulting Engineer, I. & C. Co.

P. E.

P 11 Sept.

No 1231

9

Proceedings of the Madras Government
Under date the 3rd April 1871
Read the following

From the Cons. Engineer No 66/14 E No 7 of 13 April 1871

Mr. East is gone off with the money. If he had a married all the end of his term, then come down to Madras, he would have been entitled to his certificate. Because he left a month earlier in he to lose then. I think it is a question that the govt. might have to be settled between Mr. East & his Director.

His Excellency the Governor in Council having fully considered the grounds on which Mr. East appeals against the decision of Government in G. O. No 2704, dated 11th November 1870, which disallows the travelling allowance passed to him during privilege leave, sees no reason for modifying those orders. and the question of Mr. East being

called upon to refund the amount drawn by him will be left to be settled between himself and the Board of Directors.

The Comptroller & Cashier

Agent & Manager do

Chief Eng^r for Irrigation & Civil Works
Des^d 4/5/71

AM

Co 11 November 1905

Public Works 1379
No 11 of 1905 for 1379

of the Low Eng^r 1379

The Secretary to Govt.

W. D.

Oct 13

18 April 1871

G. 2.

Submits a remittance from Mr. East one of the suggestion Co. Engineer, against the ruling of Govt. Government to which he ought had referred on him to refund the amount of travelling allowance that he had drawn.

2/12/51 - 5 May 1871

22/11/1905

PUBLIC WORKS.

2. The Chief Engineer & Brigadier

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And

603 May 11 1231.

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