

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1490	Press
		~~Mis.~~
Dated	1-6-	1871.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
1st June 1871.*

No. 4. Read the following letter from the Acting Superintending Engineer, 8th Division, to the Secretary to Government, Public Works Department, dated Madura, 17th May 1871, No. 421 :—

In reference to G. O., dated 23rd March 1871, No. 873, directing that Supervisor Mooneappah Pillay, in charge of
1 Letter from Supervisor Mooneappah Pillay, dated 11th May 1871. No. 2 Range, Tinnevely, should be
1 Proceedings of Sessions Court, dated 3rd February 1871. removed to Madura, I have the honour to bring the following circumstances to the notice of Government for such orders as they may be pleased to pass in the matter.

2. Mooneappah Pillay is now engaged in handing over charge of his range to Conductor Wiffen, and in the course of a few days he will be available for duty in Madura. He informs me that as he has not had any leave for several years he is desirous, after joining his new office at Madura, to solicit leave for the few months which now intervene between the present time and the date of his completing thirty years' service, namely, the 1st September next.

3. A petition of a very damaging character having been received by Major Payne, when in charge of this division, against Mooneappah Pillay, he was directed by Major Payne to prosecute the petitioner for defamation of character; and he accordingly did so. The verdict given on the occasion by Mr. Stuart, the Acting Joint Magistrate, was reversed on appeal to the Sessions Judge, and it will be seen from the Proceedings of the Sessions Court that are herewith forwarded for information, what a very unsatisfactory opinion both the Judge and the Acting Joint Magistrate have formed with regard to Mooneappah Pillay's conduct, as elicited by the facts recorded on the trial.

4. From what has come personally under my own observation, and from the expressed opinion of the Collector and of other officials in the district, I am satisfied that Mooneappah Pillay has, to say the least, performed his duties for several years past in a perfunctory manner. And as I cannot with any confidence nominate him to a range in Madura, so no one in that district seems to care for his transfer there.

5. Under these circumstances, I venture to solicit that the Government will be pleased to permit Mooneappah Pillay to retire at once, and grant him such a pension as they consider that his length of service and general conduct deserve. I may mention that when I was in charge of this division, fifteen years ago, Mooneappah Pillay was Maramut Superintendent, and was held in good esteem by me, as he had been for many years by my predecessor, Colonel (then Captain) Horsley.

No. 5. ORDER THEREON, 1st June 1871, No. 1,490.

ESTABLISHMENT, No. 2.

THE Acting Superintending Engineer of the 8th Division will be informed that the rules of the service preclude any application for pension being entertained before the completion of the prescribed period of service. The disposal of such applications, involving a

*Proceedings of the Madras Government, Public Works Department,
1st June 1871.*

verification of previous services by the proper officers, occupies some time, pending which it does not appear what arrangements Lieutenant-Colonel Roberts intends to make for the performance of the duties on which Mooneappah Pillay is proposed to be employed in Madura. There would be no objection to giving the Supervisor the amount of leave to which he may be entitled if Lieutenant-Colonel Roberts can spare his services.

2. The Proceedings of the Joint Magistrate should be obtained and submitted for the information of Government.

(True Extract.)

(Signed) J. CARPENDALE, Colonel, R.E.,
Secretary to Government.

To the Acting Superintending Engineer, 8th Division.

Exd. S. T. Augustin.

35.
*Proceedings of the Session Court of Tinnevely
dated 3rd February 1871*

*Read against criminal Regular
Appeal No. 34 of 1870*

*Read records of case No. 69 of 1870
in file of the Acting Joint Magistrate
Mr. Stuart.*

*Appellant was fined 100 Rupees
and in default 3 months simple imprison-
ment for defamation.*

*This case is as follows. One Therapadma
wrote a complaint against one Muniappa
Pillai, a Range officer in the Public Works
Department, to his superior officer, charging
him with a variety of very serious derelictions.
Many of these are allowed by the Joint
Magistrate to be substantiated, and the
very first, a very serious charge is among
those so found to be true. It is that the Range
officer, contrary to the known rules of the
Department and, contrary to his own state-
ment to his superior officer, had bought
land within his range, and the Joint
Magistrate's own remark is that though*

he, the Prosecutor, denied this on oath before him, he was at last obliged to allow that he had, and that he had sold and transferred it to his wife. As the Joint Magistrate naturally says, there was no defamation in this, and in fact the conduct of the Prosecutor in this particular case makes him liable to removal from his office and from the service, and in fact only by his artfulness has he saved himself from direct perjury in this matter. After going through the list of the accusations, some of which the Joint Magistrate rightly considers substantiated and others not, the Magistrate adds that as the others are not proved to be true they must be assumed to be false and that therefore the Prisoner cannot be presumed to have made them in good faith.

Now I disagree entirely on this point. If a complaint is made against a Public Officer to his superior on charges that would, if proved true,

cause that officer to be liable to be removed, and if several of those charges are proved, and if the officer in question is proved to have lied to his superior officers on those very points, then there was ground for the complaint, and it was for the public good that it should have been made, and though in some of the instances alleged, the allegations charged by their nature difficult of proof, are not established, I consider that the accuser is not liable for defamation. He has not only shown that he had ground for making a complaint but has proved quite enough to show that the Prosecutor has, on a most important matter, made a false report to his superior officer and is unfit for the public service. — by the acts which he has proved he has committed. It is clear that should a man be liable for defamation, unless he proves not the main part only of his charges, but every particular item, not one man would dare to make any complaint

leaves for 3 months to process no more
nature of place

against any public officer whatever.
In the present case the Prisoner
is proved to have had ample ground
on which to complain against the
prosecutor to his superior, and that
is sufficient to screen him, and there-
fore I reverse the finding of the Joint
Magistrate and permit the punishment.

/ True Extract

/ signed J. S. Child
Session Judge

/ True copy

W. Child
Session Judge

To
The Acting Superintending Engineer
8th Division

Liberalizing

From
The Session Judge
Trinmalay

Dated 16 May 1911

Proceedings of the
Session Court of Trinmalay
relating to the criminal appeal
against the Superintendent
of the Trinmalay

Trinmalay

11th May 1911

From
Trinmalay Superintendent
S. D. W.

To
The Superintending Engineer
8th Division

Sir

I beg respectfully to bring to your
worthy notice that the Executive Engineer
in charge of the Irrigation Range
has been pleased to order me to deliver
over charge of the Sub-Engineer to Sub-Engineer
Mr. Wiffen, who has joined me
on the 7th instant & took over charge
of the office. Records & all the
incomplete works in the Trinmalay
Taluk. There are only two incomplete
works in Trinmalay Taluk, which remain
to be handed over to Mr. Wiffen,
which will also be accomplished in a
day or two & thus waiting for your orders.

I further must respectfully
solicit you will be kindly pleased
to obtain me cumulative privilege
leave for 3 months to proceed to my
native place.

against any public officer whatever.
In the present case the Prisoner
is proved to have had ample ground
on which to complain against the
prosecutor to his superior and that
is sufficient to screen him, and there-
fore I reverse the finding of the
Magistrate and permit the pri-

/ True Extract
/ Signed F. S. C. H.
/ True copy
/ Signed
Sesim Judge

The Acting Superintending
8th Dec

Enclosure No. 2 in a letter
from the Asst. Sup. Engineer
8th Dec. to the Secretary
to Government P. W. &
No. 421, dated 17th May
1871.

P. W. 2300/71.

Proceedings of the
Sesim Judge, formerly
dated 3rd February 1871.

20
S. B. S. S. S.

Umbraimoodam
11th May 1871.

From
Umbraimoodam
L. D. W.

To
The Superintending Engineer
S. S. S.

Sir

I beg respectfully to bring to your
worthy notice that the Executive Engineer
in charge of the Irrigation Range
has been pleased to order me to deliver
over charge of the Sub Div. to Sub Eng.
Mr. Wiggles, who has joined me
on the 7th instant, & took over charge
of the office. Records &c. & all the
incomplete works in the Ambasamudram
Taluk. There are only two incomplete
works in Tenkasi Taluk, which remain
to be handed over to Mr. Wiggles,
which will also be accomplished in a
day or two & thus waiting for your orders.

I further most respectfully
solicit you will be kindly pleased
to obtain me cumulative envelope
leave for 3 months to proceed to my
native place.

on some urgent private affairs,
as I am not availed of any leave
of the above description since the
year 189 & beg to be permitted
to avail myself the above leave
from the date of its appearance
in the Fort Saint George Gazette.

I moreover declare that no leave
of any kind will be applied for
within 6 months from the date of
my availing the above leave.

I beg to remain

Sir

Your most obedient servant
Mooneappah Pillay
Supervisor & C. S.
Tinnevely

P. 421

Madura
17th May 1891

From

Lieut. Col. R. A. Roberts. R.E.
Superintg. Engineer S.D.

el. J. Sainpanda. R.E.
Secretary to Government & M.

reference to G.O. dated 23rd
No. 873 directing that
Mooneappah Pillay in
to 2nd Range. Tinnivelly should
to Madura. I have the
ring the following circum-
stances of Government
orders as they may be
to pass in the matter.

Mooneappah Pillay is now
engaged in handing over charge
his Range to conductor Wiffen.
In the course of a few days he
will be available for duty in
Madura. He informs me that as
he has not had any leave for

on some urgent private affairs,
as I am not availed of, any leave
of the above description since the
year 189 & beg to be permitted
to avail myself the above leave
from the date of its appearance
on the Fort Saint George Gazette.

I moreover declare that no leave
of any kind will be applied for
within 6 months from the date of
my availing the above leave.

I beg to remain

Yours

Your most obedient servant
Mooneappa Pillay
Supervisor & C. O.
Tinnevely.

I am,

Superior Mooneappa Pillay
T. P. K. Tinnevely

To,

The Superintending Engineer
or Division

Dated 11th May 1871
Recd 16th

Inform that he has been
engaged in handing over charge
of the Sub Div to Mr. Subly
Wiffen & apply for
3 months cumulative
leave
to accompany his wife.

A. 421

Madura
17th May 1871

From

Lieut. Col. A. Roberts & Co.
Asy. Superintg. Engineer & Co.

Colonel J. Carpendale & Co.
Secretary to Government & Co.

In reference to L. O. dated 23rd
1871 No 873 directing that
viz. Mooneappa Pillay in
charge of No. 2 Range. Tinnivelly, should be
removed to Madura. I have the
honour to bring the following circum-
stances to the notice of Government
viz. orders as they may be
issued to pass in the matter.

Mooneappa Pillay is now
engaged in handing over charge
of the Range to Mr. Wiffen.
In the course of a few days he
will be available for duty in
Madura. He informs me that as
he has not had any leave for

on some urgent private affairs,
as I am not availed of any leave
of the above description since the
year 1870 & beg to be permitted
to avail myself the above leave
from the date of its appearance
in the Fort Saint George Gazette.

I moreover declare that no leave
of any kind will be applied for
within 6 months from the date of
my availing the above leave.

I beg to remain

Sir

Your most obedient servant
Mooneappa Pillay
Supervisor D. G. M.
Tinnevely.

Enclosure No. 1 in a letter
from the M. Supy. Engineer
8th Div. to the Secretary
to Government, P. W. D.
dated 17th May 1871. No.
421.

P. W. 2300/71

Letter from the
Supervisor Mooneappa
Pillay, dated 11th May
1871.

No. 421

Madura
17th May 1871

Sir

Lieut. Col. A. Roberts R.E.
M. Supy. Engineer 8th Div.

To

Colonel J. Harpendale R.E.
Secretary to Government & M.

Enclosures 2.

1 Letter from
Supervisor

Mooneappa
Pillay dated

11th May 1871.

1 Proceedings
of Session Court
dated 3rd February
1871.

In reference to L. O. dated 23rd March 1871 & 873 directing that the
Supervisor Mooneappa Pillay in
charge of the 8th Div. Tinnevely should
be removed to Madura. I have the
pleasure to bring the following circum-
stances to the notice of Government
for such orders as they may be
pleased to pass in the matter.

Mooneappa Pillay is now
engaged in handling over charge
of his range to another officer
and will be absent for a few days he is
not available for duty in
Madura. He informs me that as the
he has not had any leave for

several years he is desirous, after joining his new office at Madras, to solicit leave for the few months which will intervene between the present time and the date of his completing 30 years service, viz. the 1st September next.

3. A petition of a very damaging character having been received by Major Payne when in charge of this Division against Mooneappah Pillay, he was directed by Major Payne to prosecute the petitioner for defamation of character. And he accordingly did so. The verdict given on the occasion by Mr. Stuart the acting Joint Magistrate was reversed on appeal to the sessions' judge, and it will be seen from the proceedings of the sessions' court that are herewith forwarded for information, what a very unsatisfactory opinion both the judge and the acting Joint Magistrate have formed with regard to Mooneappah

Pillay's conduct, as elicited by the facts recorded on the trial. From what has come personally under my own observation, and from the expressed opinion of the collector and of other officials in the District, I am satisfied that Mooneappah Pillay has, for the least, performed his duties for several years past in a perfunctory manner. And as I cannot with any confidence nominate him to a charge in Madras, as no one in that District seems to care for his transfer there.

5. Under these circumstances, I venture to solicit that the Government will be pleased to permit Mooneappah Pillay to retire at once, and grant him such a pension as they consider that his length of service and general conduct deserve. I may mention that when I was in charge of this Division 15 years ago, Mooneappah Pillay was Marambat Superintendent

and was held in good esteem
by me, as he had been for many
years by my predecessor, Colonel,
then Captain Ainsley.

I have the honor to be
Sir
Your Most Obedient Servant
Dick J. Roberts Lieut. Col. R.E.
Adj. Superintg. Engineer S.D.W.

P 11 Dept

No 11,90

Proceedings of the Madras Government
Under date the 1st ~~May~~ ^{June} 1871
Read the following

The Hon. the Sub. Engineer, S.D.W. 17 May 1871

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and was held in good esteem
by me, as he had been for many
years by my predecessor, Colonel,
then Captain Hirsley.

I have the honor to be
Per 23rd Mado 1/1 87 545-546
P.W. 1871
From, The Sp. Supg Engineer
8th Division

To, The Secretary to Govt.
P.W.D.

Dated 17th May 1871
Received 20th May 1871

Enclosures 2

States his views regarding
the transfer of Superintendent
Moomrapah Pillay from
the Sinnerelly to the
Madura District & re-
quests that he be permitted
to retire at once.

C 27th May 1/1 22. 290

No 1490-1st June 71

P.W. Dept.
No 1490
Proceedings of the Madras Government
Under date the 1st June 1871
Read the following
From the Sp. Supg Engineer } H.C. No 131 of 17th May 1871
8th Div

I am to state that this
man ought to be allowed
to retire on a pension.
The proceedings of the
Joint Comtee should be
submitted for
A.A.

The Acting Superin-
tending Engineer of the
8th Division will be
informed that the rules
of the service preclude
any application for pension
being entertained before
the completion of the
prescribed period of
service. The disposal
of such applications, in-
volving a verification
of previous services by the
proper officers, occupies
some

some time, pending which
it does not appear what
arrangements Lieut. Col.
Roberts intends to make
for the performance of
the duties on which
Mooneappa Pillay is
proposed to be employed
in Madras. There would be
no objection to giving the
Supervisor the amount
of leave to which he may
be entitled if Lieut. Col.
Roberts can spare his
services.

[Handwritten signature]

2. The proceedings of
the Joint Magistrate should
be obtained & submitted
for the information of Govt.

18
3. The Supergrange 8. Du /
In-s-dept 24/6/71.
O-C 8/6/71

7/20/71
Govt of 1871 Madras.

PUBLIC WORKS.

To

Dated

Recd.

End.

G. O. of June 1871, No. 1490.

Nos. 4 & 5.—

Handwritten text, likely a memorandum or order, mentioning 'Public Works' and 'Madras'.