

(1) Number of pages _____

(2) Date of repair _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No.	2256	Press
323-325.		Mis.
Dated	23-9-	1872

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
23rd September 1872.*

Read the following papers:—

No. 323. Endorsement of the Superintending Engineer, 8th Division, dated Tirumungalum, 8th August 1872, No. 2,233.

From the Executive Engineer in charge of Dindigul Range, to the Superintending Engineer, 8th Division, dated Periacolum, 30th July 1872, No. 261.

I HAVE the honour to enclose a travelling allowance bill for Rupees 20-8-0, which I request you will be so good as to forward to Government for consideration with this letter.

2. The first two items were included in my travelling allowance bill for May, and struck out by you for the reasons stated in your memorandum No. 1,366 of the 26th ultimo.

3. The third item was included in my bill for June, and appears to have been passed by you and struck out by the Controller.

4. In explanation of these charges I beg to offer the following remarks:—

5. On the 25th May I was at Pulney, and I had, in obedience to instructions from your Office, to inspect certain anicuts on the tributaries of the Shunmuga Nuddee, one of which was in the jungle at the foot of the Pulney Hills, about 11 miles from Pulney.

6. Now, if I had camped at this spot (Iyempully), I should have wasted a whole day, as there was nothing else to do in the neighbourhood, to say nothing of the prospect of myself and the people with me being laid up with fever from remaining in such a place in the middle of May.

7. On the 27th I inspected the "Paumben and Palghaut" road from Pulney to the boundary of the district, and there was nothing whatever to be done in the neighbourhood or on that side of Pulney, whereas there was a good deal that required attention to the north and east of the taluq.

8. I consider therefore that in each of these instances it was much better that I should return to Pulney in order to be ready for other work the next day, than that I should take two days (going and returning) over what could be done in one.

9. The third journey, on the 2nd June, was made in consequence of the receipt of a memorandum* from your Office, forwarding a letter from the Collector to

the effect that the Taluq Cutcherry at Periacolum was in a highly dangerous condition, as, indeed, it certainly was, and I considered it my duty to go down to Periacolum at once to take steps to ensure its safety; perhaps I was wrong, but I am pretty sure that if I had delayed a day and any accident had happened in consequence, Government would not have hesitated to hold me responsible for the same.

10. Concerning this last journey I have only to remark further that if a report by the head of a department that a building in the occupation of one of his subordinates is in a highly dangerous condition does not constitute an "extraordinary emergency," it is difficult to say what does.

11. But with regard to the other two the case is rather different. There was nothing in either instance to be called an "emergency", but the question I had

*Proceedings of the Madras Government, Public Works Department,
23rd September 1872.*

to ask myself was simply whether it was more for the public interests that I should make the double journey in one day, or that I should take two days over it. I decided on the former course, and still believe that I was right in so doing.

12. This range has an area of over 3,000 square miles, and contains upwards of 300 miles of road maintained or under execution by this department, besides an enormous number of small irrigation-works. It is nearly 120 miles in length from north-east to south-west, and about 80 from north-west to south-east, and will be shortly increased about a third by the addition of another taluq. Government lay the greatest stress on the frequent inspection of works by Range Officers, and it becomes necessary for me to arrange my movements so as to get over as much ground as possible in the course of each month. How far these movements have been judicious you are able to judge.

13. No doubt it can very rarely happen that a journey of over 20 miles in a day can be necessary (if only because it is not easy to find a length of 20 miles without work of some kind in progress); but now and then such cases do occur, and I maintain that an officer in my position may reasonably be allowed some discretion, and that where he conscientiously believes a journey of over 20 miles to be advisable on public grounds, he ought not to be restrained from making it by any considerations about "extraordinary emergencies".

14. Of course, it may be said that such a discretion is liable to be abused; but that is an argument which I decline to take into consideration.

15. Observe that I am not claiming any uncontrolled discretion. I am quite ready to accept the Superintending Engineer's decision as to the propriety of any particular journey, and in the special cases under consideration, if the charge had been struck out by you on the ground that the journeys were unnecessary or injudicious, I should never have questioned the decision for a moment. Your memorandum above referred to showed that this was not the case, and that the correction was made in obedience to a rule, which rule, I think, acts, or is likely sometimes to act prejudicially to the public interest.

16. I hope it will be understood that I have nothing to gain personally by the acceptance of the principle for which I am contending. If the Government decide that the very modified discretion which I ask for is not allowable, I shall probably be able to reduce my travelling expenses to an extent which will much more than counterbalance the trifling amount of travelling allowance at issue. Whether the public service will gain in the same proportion is another question, but such a decision as I am contemplating implies that I am not competent to form an opinion on that point.

FORWARDED for the favourable consideration and orders of Government.

1 Copy of Memorandum.
1 Travelling Allowance Bill.

2. A copy of the undersigned's memorandum quoted by Captain Pennycuik, R.E., is forwarded for information.

3. The rules regarding mileage are so stringent that the Superintending Engineer is almost powerless to exercise any discretion in the matter, as even

*Proceedings of the Madras Government, Public Works Department,
23rd September 1872.*

what he may pass is almost sure to be cut by the Controller. A certain amount of relaxation of these rules would, in the undersigned's opinion, tend to the advantage of the service.

(Signed) R. A. ROBERTS, Lieut.-Colonel, R.E.,
Superintending Engineer, 8th Division.

REFERRED to the Controller of Public Works Accounts for report.

OOTACAMUND, (Signed) G. W. WALKER, Colonel, R.E.,
16th August 1872. Secretary to Government, P.W.D.

No. 324. From the Officiating Controller of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Fort St. George, 20th August 1872, No. 1,093.

WITH reference to your endorsement on the accompanying papers from the Superintending Engineer of the 8th Division, I have the honour to state that, under the orders of Government, communicated in Proceedings Nos. 482 and

1 Letter and one Memorandum.
1 Bill.
2 Inspection Reports for May and June 1872.

1,141 of the 17th February and 22nd April 1871, mileage is admissible to the Executive Officers of the department only for such journeys exceeding 20 miles per day as may be made under exceptional circumstances, or under the most urgent necessity.

2. The three claims now preferred by Captain Pennycuik were disallowed by the Superintending Engineer of the 8th Division prior to the submission of the Bills to this Office, and the former officer is mistaken in supposing that his claim to mileage for the 2nd June 1872 was objected to by the Controller. Had the charges been approved by the Superintending Engineer and the bills transmitted *with information*, similar to that now supplied by Captain Pennycuik, of the necessity of each journey, mileage for the 25th May and 2nd June would have been passed, as the forced march on the former date appears to have been undertaken under exceptional circumstances, and there seems to have been an urgent necessity for that made on the latter date.

3. The journey of the 27th May 1872 appears to have been of an ordinary character, and having in view the ruling of Government that journeys undertaken for the purposes of ordinary inspections do not entitle to mileage, *Vide* the two orders of Government quoted in paragraph 1 and Nos. 339 and 944 of the 29th January and 20th March 1866.

I am of opinion that Captain Pennycuik's claim for that date is inadmissible.

4. I enclose for reference Captain Pennycuik's Inspection Reports for May and June 1872.

5. Adverting to paragraph 3. of Colonel Robert's endorsement on Captain Pennycuik's letter, I have to observe that the action of this Office in accepting or disallowing claims to travelling allowance or mileage is guided by the rules and orders of Government issued from time to time. When charges are disallowed, which the Superintending Engineer considers should be passed, an appeal to Government is always open to that officer. Colonel Roberts's remark would seem

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23rd September 1872.*

to imply that the "cutting" was effected according to the personal views of the Controller, while I may safely say that such is not the case.

No. 325.

ORDER THEREON, 23rd September 1872, No. 2,256.

ESTABLISHMENT, No. 25.

His Excellency the Governor in Council remarks that it was under a misconception of the spirit of former rulings, as pointed out by the Controller, that the Superintending Engineer, 8th Division, disallowed Captain Pennycuik's claim for mileage on two out of the three occasions in question, and though the Controller is doubtful as to the third, His Excellency is of opinion that it may also be passed.

2. And to obviate further controversy on this subject, he directs, in supersession of all former rulings on this subject, that all claims for mileage be passed by the Controller on certificate from Superintending or District Engineers that they have examined into each claim, and are satisfied that the journey has been performed for the benefit of the service.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, 8th Division.
" all other Superintending Engineers.
" the Controller of Public Works Accounts.
" Major R. B. Kennedy.

Ed. F. R. Bantleman.

N^o 1
N^o 11 Ends: her Executive Engineer's office
Camp Paracolum
8:26.
30th July 1872.

To, The Executive Engineer

In charge of Dindigul Range

To The Superintending Engineer
8th Division.

Sir,
I have the honor to enclose
a travelling allowance Bill for Rs 20-8-4
which I request you will be so good as
to forward to Government for consideration
with this letter.

2. The first two items were in-
cluded in my travelling allowance
bill for May and struck out by you
for the reasons stated in your Memo
No 1366 of the 26th ultimo.

3. The third item was included
in my bill for June and appears to have
been passed by you and struck out by
the

the Controller. —

4. In explanation of these charges.

I beg to offer the following remarks. —

5. On the 25th May I was at Pulney, and I had, in obedience to instructions from your office to inspect certain rivers on the tributaries of the Shumuga Nudda, one of which was in the jungle at the foot of the Pulney Hills, about 11 miles from Pulney. —

6. Now if I had camped at this spot (Sympully) I should have wasted a whole day, as there was nothing else to do in the neighbourhood, to say nothing of the prospect of myself and the people with me being laid up with fever from remaining in such a place in the middle of May. —

7. On the 27 I inspected the "Pannikere" and "Palghat" road from Pulney to the boundary

boundary of the district, and there was nothing whatever to be done in the neighbourhood, or on that side of Pulney, whereas there was a good deal that required attention to the North and East of the Palug. —

8. I consider therefore that in each of these instances it was much better that I should return to Pulney, in order to be ready for other work the next day, than that I should take two days (going and returning) over what could be done in one. —

9. The third journey, on the 2nd June, was made in consequence of the receipt of a letter from your office forwarding a letter from the Collector to the effect that the talook butchery at Periasalem was in a highly dangerous condition, as indeed it certainly was, and

* 12861 of 28th
May

I

I considered it my duty to go down to Peracolum at once to take steps to ensure its safety; perhaps I was wrong, but I am pretty sure that if I had delayed a day and, any accident had happened in consequence, Government would not have hesitated to hold me responsible for the same.

10. Concerning this last journey I have only to remark further that if a report by the head of a department that a building in the occupation of one of his subordinates is in a highly dangerous condition does not constitute an 'extraordinary emergency', it is difficult to say what does.

11. But with regard to the other two, the case is rather different. There was nothing in either instance to be called an 'emergency', but the question

V.

73
I had to ask myself was simply whether it was more for the public interests that I should make the double journey in one day, or that I should take two days over it. I decided on the former course, and still believe that I was right in so doing.

12. This range has an area of over 3000 square miles and contains upwards of 300 miles of road maintained or under execution by this department, besides an enormous number of small irrigation works. It is nearly 120 miles in length from North East to Southwest, and about 80 from North West to South East and will be shortly increased about a third by the addition of another taluq. Government lay the greatest stress on the frequent inspection of works.

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necessary for me to arrange my move-
ments so as to get over as much ground
as possible in the course of each month.
How far these movements have been
judicious, you are able to judge.—

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in a day can be necessary, (if only
because it is not easy to find a length
of 20 miles without work of some kind
in progress) but now and then such
cases do occur, and I maintain that
an officer in my position may reason-
ably be allowed some discretion, and
that where he conscientiously believes a
journey of over 20 miles to be advisable
on public grounds, he ought not to be
restrained from making it by any con-
sideration

considerations about extraordinary emergency.
14. Of course it may be said that
such a discretion is liable to be abused;
but that is an argument which I decline
to take into consideration.—

15. Observe that I am not claiming
any uncontrolled discretion. I am quite
ready to accept the superintending
Engineer's decision as to the propriety of
any particular journey, and in the
special cases under consideration, if
the charge had been struck out by you
on the ground that the journeys were
unnecessary or injudicious I should never
have questioned the decision for a moment.
Your Minor above referred to showed
that this was not the case, and that
the correction was made in obedience
to a rule, which rule I think acts

16. I hope it will be understood that I have nothing to gain personally by the acceptance of the principle for which I am contending. If the Government decide that the very modified discretion which I ask for is not allowable, I shall probably be able to reduce my travelling expenses to an extent which will much more than counterbalance the trifling amount of travelling allowance at issue. Whether the public service will gain in the same proportion is another question, but such a decision as I am contemplating implies that I am not competent to form an opinion on that point. — I have &c

Chanc. Sec.
(Signed) John Penmyerick Capt. R.E.
Electric Engineer in charge of
Sundoght Race.

Forwarded for the favorable
consideration and orders of Government.

2. A copy of the undersigned's

Enclosure: 2: Memo quoted by Captain Pennycook
copy of memo. R.E. is forwarded for information.

3. The rules regarding mileage are so stringent that the Superintending Engineer is almost powerless to exercise any discretion in the matter, as even what he may pass is almost sure to be cut by the Controller. A certain amount of relaxation of these rules would in the undersigned's opinion tend to the advantage of the service. —

Camb. Ironworks & Co. Ltd.
 8th August 1872.

Pica. J. Roberts
 Superintendent Engineer 8th Dec.

Compt.
to Merodunptumy.

From
The Offg. Controller of Accounts,
To the Secretary to Government
Public Works Department,
Fort Saint George.
Sir

malnutrition

P. Dr. 1872 Richard:

From

2233

The duty Engineer
 8th Div
 Dec 28 1894

50

The Secular to
the Government of Dr.
All

Referred to
the Controller of
P.R. Accounts for
report.

Dated 8th Aug 1872
Revised 12th do.

Week 12 —

See: 2. p. 9. 4061/72

forward for

Wm. H. C. 1883.
Say: before 1883.
Orlando }
18. Aug 1883 }

favorable consideration
copy of a letter from
Lieut. Pennington
RE requesting to forward
to Capt. Wm. S. F.
Travelling allowance
bill.

19.32.3

2255-2314
Peters.

privilege is admissible to the
Executive Officers of the
Department only for such
journeys exceeding 20 miles
per day as may be made
under exceptional circum-
stances, or under the most
urgent necessity.

2. The three claims
now preferred by Captain
Pennyquik, were disallowed
by the Superintending Engineer
of the 8th Division prior to
the submission of the bills
to this Office, and the
former Officer is mistaken
in supposing that his claim
to mileage for the 2nd June
1872 was objected to by the
Controller.

Controller. Had the charges
been approved by the Superin-
tending Engineer and the
bills transmitted with in-
formation, similar to that
now supplied by Captain
Pennyquik, of the necessity
of such journey, mileage
for the 2nd May and 2nd
June would have been
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der taken under excep-
tional circumstances, and there
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urgent necessity for that
made on that latter date.

3. The journey of the
27th May 1872 appears to have

have been of an ordinary character, and, having in view the ruling of Government that journeys undertaken for the purposes of ordinary inspections do not entitle to mileage, I am of opinion that Captain Pennycuik's claim for that date is inadmissible.

Vide the two orders of Government quoted in para 1 and Nos 339 and 944 of the 29th January and 20th March 1866.

4. I enclose for reference Captain Pennycuik's Inspection Reports for May and June 1872.

5. Adverting to para 3 of Colonel Roberts' endorsement on Captain Pennycuik's letter, I have to observe that the action of this Office in accepting or disallowing claims

claims to travelling allowance or mileage is guided by the Rules and Orders of Government issued from time to time. When charges are disallowed which the Superintending Engineer considers should be passed, an appeal to Government is always open to that officer. Colonel Roberts' remark would seem to imply that the "cutting" was effected according to the personal views of the Controller while I may safely say that such is not the case.

I have the honor to be,
Your most obedient ^{Sir} Servant,
J. H. Trail Capt. R. &
offg. Controller of P.W. Accounts.

His Excellency the Governor
in Council agrees with the
Controller of P. & W. Accounts
that the claims made by Capt.
Pennycuik for mileage on
the 25 May and 26 June
when journeys were made under
exceptional "circumstances" were
incorrectly disallowed by
the Superintending Engineer,
but that his objection to
pay mileage on the 27 May
for a journey over 20 miles
made under ordinary cir-
cumstances, was founded

Should have
all 3 days.

LOS

A.A.

P. M. 1872 Report.

George Francis Johnston

The Superintendent of
P. & W. Accounts

The Secretary to Government
Quebec with the Department

Fort St. George

Dated 20 June 1872

Received 24 August 1872

Referring to the letter
from the Superintending
Engineer of the 8th Division regarding
Captain Pennycuik's sup-
plemental, reflecting allow-
ance bills for May and
June 1872.

June 1872.

20 June 1872

upon a correct apprehension
of the ruling of Government
as to the spirit in which
§ IV of the Travelling Al.
Voyance Rules is to be
interpreted. And he doubts
not that Capt. Pennington
will submit to be guided
by their ruling, which is
for the benefit of the public
service generally, though it
may appear to bear hardly
on particular cases.

The Secretary in
Council does not consider
that the 3rd Para of Lt.
Col. Roberts' endorsement
was meant to convey
the imputation which seems
to have been felt by the

I will quote
the preceding part
note. I think
rather

LOS

A. V.

Controller - While Lt Col
Roberts will himself see
from the Controller's letter how
ill founded was his appre-
-hension that almost any
mileage he might pass
would be sure to be cut
by the Controller.

Guw

To

S. H. or Dr
Controller

2. Changes to train
to mileage

No 2256. Read the
Pro. of the Hudson
from the Superintendent
Controller, P. M. Act

His Excellency
the Governor in
Council remarks
that it was under a
misconception of the
spirit of former rulings
as pointed out by
the Controller that the
Superintending Engrs
8th Div disallowed
Captain Demme's
claim for mileage
on 2 out of the 3
occasions in question

A. R.

L. D. S.

And though the
Controller is doubtful
as to the third, His
Excellency is of opinion
that it may also
be passed.

And to obviate
further controversy
on this subject he
directs, in supersession
of all former rulings
on this subject, that

all claims for mileage
be passed by the

Controller on certificate
from Superintending
or District Engineers

that they have examined

into each claim
and are satisfied

that the journey has
been performed for the
benefit of the ^{public} services
public grounds -

W.M.

165-
11

130 J. Engle 8th Div
All other Divs Engineers
13 Cont. Div. Life four Engrs
Village Kennedy
Hops 30/9/12

Cp 4061

Govt. of 1872 Madras.

PUBLIC WORKS.

To
The Inspecting Engineer
8th Division

Date

Recd.

Encl. 1

G. O. 23rd Sept No. 2256.

Nos. 323 @ 325

Capt. Pennycook R.E.

Pay orders on the
claim of Capt. Penny-
cook, Ex-Maj., District
Range, to mileage.