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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public works DEPARTMENT

G.O. No.	2591	Press
B.P. No.		Mis.
382-383		
Dated	23-10-1873	195

Not to be folded or roughly handled

27

16

*Proceedings of the Madras Government, Public Works Department,
23rd October 1873.*

No. 382. Read the following endorsement of the Chief Secretary to Government, dated 8th September 1873:—

Read the following letter from W. S. WHITESIDE, Esq., President Local Fund Board, North Arcot, to the Hon. W. HUDLESTON, Chief Secretary to Government, dated Chittoor, 30th August 1873, No. 53.

I HAVE the honour to report, for the information of Government, that on the 6th instant Mr. H. Sewell, Vice-President of the Vellore Circle Local Fund Board, forwarded to me for disposal a petition, dated 31st July, addressed to him by Sadagopal Naidoo, Local Fund Maistry in the Vellore Taluq, complaining that the Range Officer, Subroya Achariar, had dismissed him from his appointment under the Local Fund Board without any just cause, and without his having had an opportunity for defending himself, and praying for restoration to office. On the 9th instant Mr. Sewell also sent on to me another petition from the same individual, setting forth that the Range Officer had removed him from his post purposely in order to make room for a dependent of his own, one Rajappa Moodelly, whom for that object he had brought up from Madras three or four days prior to petitioner's dismissal, and that he had in vain brought this fact to the notice of the District Engineer, Captain Pennycuick, in the presence of Subroya Achariar.

2. I had received no communication of any kind from the District Engineer bringing to notice the misconduct of the Maistry, or making proposals for his punishment and the appointment of his successor; and on the 12th instant I

* Copy forwarded, marked A.

wrote to Captain Pennycuick my letter*

No. 321, informing him that I had heard

of the dismissal of the Maistry, and pointing out that as, under the provisions of Section 24, Act IV. of 1871, the duty of appointing or removing subordinates of the Local Fund Board, as may be necessary from time to time, is vested in the President of the Local Fund Board, the dismissal of Sadagopal Naidoo and nomination of his successor, without reference or notice of any kind to me, was illegal. I went on to request that Captain Pennycuick would be so good as to inform me of the nature of the complaint that had been preferred against the Maistry, and promised that I would at once give the matter my careful attention; but I observed that it would not be just to dismiss the man summarily and before he had had an opportunity for disproving the charge brought against him, and that he should in the meantime be restored to office.

3. On the 14th instant Captain Pennycuick replied in his official letter,*

* Copy forwarded, marked B.

No. 1,591, informing me that he had

dismissed the Maistry Sadagopal

Naidoo, but not so summarily as I had been informed; that though the appointment and dismissal of Local Fund Subordinates does legally rest with me, still, in practice, such appointments and dismissals have always been hitherto left to the District (or Superintending) Engineers, for otherwise it would be impracticable to work at all with the men. He admitted that there had been an oversight in his not reporting his proceedings to me for confirmation, and he then concluded by requesting me to confirm his removal of Sadagopal Naidoo and appointment of Rajappa Moodelly in his stead from the 8th July last, on which date the orders

were issued by him. Captain Pennycuik did not give me the slightest intimation as to the nature of the offence for which he had dismissed the Maistry.

4. Almost simultaneously with this letter I received from the Maistry, Sadagopalu Naidoo, a petition* wherein he reiterated his complaint of the

* Copy forwarded, marked C.

manner in which he had been dismissed without proper inquiry, on the representations of the Range Officer, in order to make room for his own dependant, and prayed for a thorough investigation of the whole case. On the 22nd instant I

† Copy forwarded, marked D.

addressed Captain Pennycuik my letter, † No. 330, in which I informed him of the petition I had just received, and observed that, of course, if Sadagopalu Naidoo were proved to have been guilty of fraud or gross misconduct it would be proper to punish him in accordance with his offence, but that, as the case then stood, I had not before me such information as would warrant my taking the extreme step of removing him from the public service. I therefore again requested Captain Pennycuik to inform me fully of the nature of the charges which had been preferred against Sadagopalu Naidoo, and forward to me the documents connected with the case on which he had originally based his opinion that the Maistry should be dismissed. I assured him that on receiving this information I was prepared to give the matter my immediate consideration, and I then went on to draw his attention to the allegations of the petitioner as to the objectionable manner in which his dismissal had been brought about by Subroya Achari, and said that, if this was the case, Rajappa Moodelly's service must be dispensed with at once.

5. In reply to this communication Captain Pennycuik addressed to me his letter,* No. 1,706, dated the 25th instant, in which he flatly refused to enter into

* Copy forwarded, marked E.

any details, or to furnish me with his reasons for dismissing the Maistry, beyond the simple statement that he did not consider it expedient to retain his services any longer; that I should accept his decision as final; and that if, after dismissing the Maistry as desired by him, I wished, for my own information, to know why he had been so removed from the service, he would then inform me; but he would not for one moment admit that I have any power to revise his proceedings in the matter. Captain Pennycuik went on to say that his reasons for dismissing the Maistry were based only in a very slight and remote degree on any charge of fraud brought against him, and that no examination of witnesses was necessary for the conclusion at which he had arrived almost entirely on his own observation. He added that it was of course open to me to decline to confirm his order of dismissal, but that in that case, if I ordered his restoration, he would refuse in any way to employ the Maistry, who would then be maintained in idleness at the expense of the Local Fund Board.

6. The Government will thus perceive that matters have now come to a dead lock, for it is manifest that if the state of things thus brought about by Captain Pennycuik's extraordinary conduct is to continue, it will be wholly impossible for me to work cordially with him in future. I invite the serious attention of Government to the singularly discourteous and overbearing tone of Captain Pennycuik's last letter. I had asked in the most courteous manner for

information which I was bound to have before I ordered the dismissal of a Local Fund subordinate, in the absence of which, and especially in view of the protest I had received from the Maistry, it would have been most unjust to pass such an order; but Captain Pennycuik, with what may almost be termed studied rudeness, has refused altogether to comply with my request, beyond asserting that he considers the dismissal necessary; and has further threatened that if disobeying the instructions he has conveyed to me, I venture to exercise the authority vested in me by law, and allow Sadagopalu Naidoo to continue in the office to which he was nominated by the late Local Fund Board President, Mr. J. D. Robinson, he will not permit him to do any work, and throws upon me the *onus* of maintaining him in idleness at the expense of the district tax-payers.

7. Captain Pennycuik is in error when he asserts his belief that no President of a Local Fund Board ever requires more than a mere expression of the District or Superintending Engineer's opinion as to the appointment or removal of a Local Fund Board Overseer or Maistry. The records of his own office show that so recently as the 31st December 1872 his predecessor Colonel F. J. Moberly wrote to me his official letter, No. 206, wherein he brought to my notice the grave misconduct of Ranganadha Moodelly, a Local Fund Overseer; he accompanied that letter with the various documents on which he had based the opinion that the Overseer should be dismissed, and he went on to recommend that I should so punish him. The facts then brought to my notice were quite sufficient to warrant the Overseer's dismissal, and I accordingly at once ordered it, then consulted Colonel Moberly as to the person who should be appointed to the vacant post, and finally appointed the man approved of by him. This was the course I was also prepared to follow in the present case if Captain Pennycuik had only treated me with common courtesy, and given me the information I had so reasonably asked for.

8. I do not at all deny that the expression of a District Engineer's opinion as to the appointment or removal of Local Fund subordinates is deserving of much weight and consideration, and no Collector would hesitate to treat it accordingly, if satisfied that it is framed on some tangible and reliable evidence. But Captain Pennycuik's idea of the manner in which I should mete out justice to my subordinates, when he insists that I should first blindly dismiss a man off-hand on receipt of a hasty recommendation to that effect, and then afterwards ask what he has done, is almost grotesque in its severity, and his urging the point so strenuously is certainly not calculated to make me accept his opinions as those which may be safely relied on. The subordinates of the Local Fund Boards have important duties to discharge, exactly identical with those performed by the servants employed in corresponding grades in the Department Public Works. I can see no reason why the mode in which these officials are removed from the service should be a whit more summary, or devoid of the ordinary rules of procedure than in the case of officials in the regular line in the Public Works Department; and I should esteem it a misfortune if it should ever be believed that Local Fund servants hold their appointments merely at the will and pleasure of native Supervisors (who under the present system are in charge of ranges in nearly every district), and are liable to be summarily dismissed if their immediate superior chooses to represent their conduct unfavorably to the District Engineer.

9. I am sincerely desirous of working cordially and harmoniously with the Department Public Works officials in any district where I am employed. Such has always hitherto been my aim, and I have pleasure in stating that throughout my services in the Revenue Department in the Districts of Nellore, Tanjore, Trichinopoly, South Canara, and North Arcot, I have so succeeded that this is the very first occasion on which I have ever found it necessary to make a reference to higher authority for the settlement of any dispute with an officer of the Public Works Department. With each and all of Captain Pennycuick's predecessors my official and private relations were most cordial and friendly, and I regret exceedingly that Captain Pennycuick has compelled me now to lay this question before Government for their orders.

10. In conclusion, I beg respectfully to suggest that the Government may now be pleased to direct Captain Pennycuick to withdraw his letter, No. 1,706, dated the 25th instant, and to reply afresh to my letter of the 22nd instant, furnishing me at the same time with the information I require.

A.

From W. S. WHITESIDE, Esq., President of the Local Fund Board, North Arcot, to Captain J. PENNYCUICK, R.E., District Engineer, North Arcot, dated Chittoor, 12th August 1873, No. 321.

I HAVE learned that on the representation of the Vellore Range Officer, Subroya Achariar, you have lately summarily dismissed Sadagopal Naidoo, the Local Fund Maistry, and have appointed one Rajappa Moodelly in his stead.

2. You are doubtless aware that under the provisions of Section 24, Act IV. of 1871, the President of the Local Fund Board is vested with authority to appoint and remove, as he may find necessary from time to time, the various Local Fund Board subordinates; the removal of Sadagopal Naidoo from his appointment and the employment of his successor by you without notice or reference of any kind to me were therefore manifestly illegal. I have consequently directed that Sadagopal Naidoo shall be at once restored to the post he holds under the Local Fund Board, and draw pay from the date of his temporary removal.

3. If you have any complaint to make against the man, I request that you will be so good as to lay it before me officially, when it will receive my careful attention, but it would be manifestly unjust summarily to dismiss him from the public service without giving him an opportunity for disproving the charges preferred against him.

B.

From Captain J. PENNYCUICK, R.E., District Engineer, North Arcot, to W. S. WHITESIDE, Esq., President of the Local Fund Board, North Arcot, dated Vellore, 14th August 1873, No. 1,591.

WITH reference to your letter, No. 321, of the 12th instant, I have the honour to state that Sadagopal Naidoo was not summarily dismissed without inquiry, as the tenor of your letter seems to show that you suppose, but after careful consideration, and personal inquiry in the presence of the man himself as well as of the Range Officer.

2. It is quite true that the appointment and dismissal of the Local Fund Overseers and Maistries rest legally with you, but as these men are to all intent subordinates of the Public Works Department, it has always been (so far as I am aware) the custom that their appointment and dismissal should be made on the nomination of the District (or Superintending) Engineer, with whom, practically, the control of such matters has always been left.

3. Otherwise it would be quite impracticable to work with these men at all.

4. I must allow, however, that there was an oversight on my part in not reporting my proceedings to you for formal confirmation as I should have done. This was accidental, and I therefore request you will be good enough to confirm the dismissal of Sadagopal Naidoo, and the appointment in his place of Rajappa Moodelly from the 8th ultimo.

C.

From J. SADAGOPALU NAIDOO, Local Fund Maistry of Vellore Taluq, to W. S. WHITESIDE, Esq., President of the Local Fund Board, North Arcot District, Chittoor, dated Vellore, 16th August 1873.

IN continuation of my two appeal petitions to the address of the Vice-President, Local Fund Board, which I have come to understand transferred to your honour, regarding my unjust dismissal.

2. I beg most respectfully to inform your honour that the Range Officer, Subroya Achariar, yesterday sent for the road coolies. I do not know myself what all he is fabricating or persuading them to tell against me in case any investigations taking place by your honour.

3. Had Subroya Achariar in the first instance had no bad intention to dismiss me and place his friend Rajappa Moodelly in my place, he would have made thorough inquiry in my presence into the case alleged to have done by the Road Pygust through my inducement, and if proved to his satisfaction he would have prosecuted the Pygust for cheating Government money and me for abetting. He without so doing simply dismissed me as well as Pygust, with a view of bestowing my place to his friend, who came from Madras two days before my dismissal, whom he took in his bandy on the day he was appointed, to show that he gained complete victory against me.

4. I represented all to the District Engineer, who without making any inquiry from road coolies or Pygust confirmed the decision of the Range Officer, Subroya Achariar, who filled him with well framed stories made purposely to meet his wishes.

5. The District Engineer's duty on my appeal was to send for the coolies and ask them whether the Pygust made false account, whether Local Fund Maistry was conniving at, whether they have brought this to the notice of either to Local Fund Maistry or Taluq Overseer during their inspection, if not the reason of their not having done so, and the reasons for their communicating the circumstance direct to the Range Officer, and such other material points as he may deem proper, so as to see whether statement of the Range Officer is to be believed or not. It is great unjust therefore on the part of the District Engineer to dismiss a man like me, who is in every way quite innocent and faithful, by a mere statement of the Range Officer who got rid of me solely for the reasons above stated.

6. As I have learnt from every directions that your honour is just, correct, and impartial in administering justice to those who were treated very badly contrary to law, I avail myself of this opportunity to bring the above, and request that your honour will, after taking into your consideration and making thorough inquiry into my poor case, be pleased to cause to reinstate me in the appointment I had held for the last four years very faithfully, and from which I have unjustly been removed on account of the Range Officer's friend, who was waiting on him from years to years.

For this act of benevolence and kindness I as in duty bound shall ever pray.

D.

From W. S. WHITESIDE, Esq., President of the Local Fund Board, North Arcot, to Captain J. PENNYCUICK, R.E., District Engineer, North Arcot, dated Chittoor, 22nd August 1873, No. 330.

I HAVE the honour, in acknowledging receipt of your letter, No. 1,591, dated 14th instant, to inform you that the Local Fund Maistry Sadagopal Naidoo has complained to me that he has been removed from his appointment without any examination of witnesses in his presence, or defence having been taken from him. Of course if he is satisfactorily proved to have been guilty of fraud or gross misconduct, it will be proper to punish him in proportion to the magnitude of his offence;

*Proceedings of the Madras Government, Public Works Department,
23rd October 1873.*

but, as the case stands, I have not sufficient information before me as to the nature and extent of his misconduct which would warrant my removing him from the public service as summarily as you propose.

2. I have therefore the honour to request that you will be so good as to inform me fully of the nature of the charges preferred against Sadagopal Naidoo by the Range Officer, and forward to me at the same time for perusal all the documents connected with the case upon which you originally founded your opinion that Sadagopal Naidoo should be dismissed, I will then give the matter my immediate consideration.

3. Sadagopal Naidoo has also brought prominently to my notice that the Range Officer, Subroya Achariar, has filled up his post by nominating thereto one Rajappa Moodelly, formerly a writer in his employ, whom he brought up from Madras shortly before he (Subroya Achariar) complained to you against him. If this is the case, I would point out to you that the Range Officer has acted in direct contravention of the provisions of Section 24, Act IV. of 1871, and that I cannot permit him to make appointments of Local Fund subordinates in such a manner. If Rajappa Moodelly has thus been employed in the room of Sadagopal Naidoo in this illegal manner, I must decline to sanction his pay for the time he has been so improperly employed, and I request that you will be so good as to dispense with his services at once. Pending the result of the inquiry in Sadagopal Naidoo's conduct he should be restored to office, and I shall issue the necessary orders on the subject.

E.

From Captain J. PENNYCUICK, R.E., District Engineer, North Arcot, to W. S. WHITESIDE, Esq., President of the Local Fund Board, North Arcot, dated Vellore, 25th August 1873, No. 1,706.

In reply to your letter No. 330, of the 22nd instant, I have the honour to state that I am prepared at present to go further into details as regards my reasons for dismissing the Maistry referred to, than the simple statement that I do not consider it expedient to retain his services any longer.

2. All inquiry into the subject should be made, and has been made, by me, and I consider that my decision should be accepted by you as final.

3. I have never heard of an instance of a President of Local Fund Board requiring more than the simple expression of a District or Superintending Engineer's opinion regarding either the appointment or dismissal of a Local Funds Overseer or Maistry.

4. If, after dismissing the Maistry in question, as desired by me, you wish for your own information to learn the reasons why I have recommended his dismissal, I shall be most happy to communicate them to you; but to adopt the course proposed in the 2nd paragraph of your letter under reply would be to allow a power on your part of reviewing my proceedings in a purely departmental matter, which I cannot for one moment admit.

5. I may however observe that you are evidently under a very erroneous impression as to the real grounds for the man's dismissal by me; my decision was based only in a very slight degree on any charge of fraud brought against him, and no "examination of witnesses" was necessary for a conclusion based almost entirely on my own observation.

6. I do not deny that you possess, whatever I may think of the expediency of your using, the power to refuse either to dismiss this man on my recommendation or to appoint the person whom I have nominated to succeed him. The latter appointment I have accordingly cancelled, and it rests with yourself to re-appoint Sadagopal Naidoo; but I must altogether decline to employ the man in any way, and it will be well to consider how far it is advisable to spend the public money in maintaining in idleness a subordinate, who has been declared by the only officer officially qualified to form an opinion on the matter, entirely unfit for the post he holds.

7. With regard to the 3rd paragraph of your letter under reply, I must request that the Range Officer may be left out of the discussion. Whatever has been done in the matter has been done by me alone, and the Range Officer has nothing whatever to do with it.

*Proceedings of the Madras Government, Public Works Department,
23rd October 1873.*

REFERRED to the Department Public Works for consideration.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 383. ORDER THEREON, 23rd October 1873, No. 2,591.

ESTABLISHMENT, No. 20.

THE attention of the District Engineer of North Arcot is called to the wording of paragraph 24 of the Local

Funds Act of 1871 and Rule III. framed upon the same. These vest the appointment and removal of all members of the Local Fund Petty Establishment in the President; and the instruction to consult the Superintending Engineer (now the District Engineer) in his selection of men implies that the latter is to give his reasons for recommending them, but does not imply that the former is bound to employ the person recommended or may not accept the services of a man otherwise recommended. Similarly, the District Engineer is bound to submit his reasons for desiring to dispense with the services of any subordinates to the President, who alone has power to dismiss them, and who is at liberty to overrule those reasons on what may appear to him to be sufficient grounds; and it is the duty of the District Engineer to accept such decision as final, and to utilize without hesitation and in the same manner as before the services of the man so absolved.

2. Captain Pennycuick having neglected the opportunities given him by the President of the Local Fund Board of laying before him his reasons in detail for recommending the dismissal of Sadagopal Naidoo and the appointment of Rajappa Moodelly in his stead, is now ordered to carry out the above general instructions, without further discussion, by employing the former in the capacity of Local Fund Maistry in which he has been reinstated. The necessities of the department have evidently placed Captain Pennycuick in a position for which he is unfitted by his want of judgment and courtesy, viz., the charge of a district, and the earliest opportunity will be taken of relegating him to range work on return of senior officers from leave.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,

Secretary to Government.

To the District Engineer, North Arcot.
Financial Department.

Exd. S. T. Austin.

Spare Copies.

To

W. S. Whiteside Esquire
President of the Local Fund Board
Northwest District
Chulaboot

Most Honored Sir,

In Continuation of my two appeal
Petitions to the address of the Vice President
Local Fund Board which have come to under-
stand transferred to your honor regarding my
unjust dismissal.

I beg most respectfully to inform
your honor that the Range Officer Subrayachariar
yesterday sent for the Road Coolies. I do not know
myself what all he is fabricating or persuading
them to tell against me in case any investigation
taking place by your honor.

That Subrayachariar in the
first instance had no bad intentions to dismiss
me and place his friend Rajappa Moodaly in
my place, he would have made thorough enquiry
in my presence into the case alleged to have done
by

by the Road Pygmal through my inducement,
and if proved to his satisfaction, he would
have prosecuted the Pygmal for cheating
Government money and me for abetting. He
without so doing, simply dismissed me as
well as Pygmal, with a view of bestowing my
place to his friend, who came from Madras two
days before my dismissal, whom he took in his
hand on the day he was appointed to show that
he gained complete victory against me.

I represented all to the District
Engineer who without making any inquiry from
Road Coolies or Pygmal confirmed the decision of
the Range Officer Subrayaachariar who filled him
with well framed stories made purposely to meet
his wishes.

The District Engineer's duty on my appeal
was to send for the coolies and ask them, whether
the Pygmal made false amount, whether Local
Fund Ministry was conniving at, whether they
have brought this to the notice of either to Local
Fund Ministry or Local Officer during their
inspection if not, the reason of their not having
done so, and the reasons for their communicating
the

the Circumstance Direct to the Range Officer,
and such other Material points as he may deem
proper so as to see whether statement of
the Range Officer is to be believed or not.
It is great injustice therefore on the part
of the District Engineer to dismiss a man
like me who is in every way quite innocent
and faithful, by a mere statement of the
Range Officer who got rid of me solely for
the reasons above stated.

As I have learnt from every
Direction that your honor is just, correct, and
impartial in administering justice to those who
were treated very badly contrary to law, I avail
myself of this opportunity to bring the above, and
request that your honor will after taking into
your consideration and making thorough inquiry
into my poor case, be pleased to cause to reinstate
me in the appointment, I had held for the last
4 years very faithfully, and from which I have
unjustly been removed on account of the Range
Officer's friend, who was waiting on him for our
years to years.

For this act of benevolence and
kind

kindness I as in duty bound shall ever pray.

Vellore
16th August 1873

Respectfully remains,

Most Honored Sir

Your Most Obedient & Humble Servant

Signed Sadasopala Raider

Local Fund Master
of Vellore Subj.

(True Copy)

W. Whitridge
Collector

has been from the

Collection of South Arc

the Chief Secy of Govt

4300 Bangalore 1873 Dec 53

P. M. 5409/73

10 No. 2591-93-10-73

File 1563/73

No 53

13th North Street
Collector's Office
Chittoor 30 August 1873

From

W. J. Whitridge Esq

President Local Fund

Board North Arc

Mr. J. P. M. P. Ruddekin

Chief Secretary to Govt

Govt. Saint George

I have the honor to report
for the information of Government that
on the 6th instant Mr. J. P. M. P. Ruddekin Vice
President of the Vellore Circle Local
Fund Board forwarded to me for
disposal, a Petition dated 31st July
addressed to him by Sadasopala Raider
Local Fund Master in the Vellore Subj.
complaining that the Range Officer
Subroop Acharian had dismissed him
from his appointment under the Local
Fund Board without any just cause,
and without his having had an oppor-
tunity for defending himself, and
praying

16th praying for Restoration to office.
On the 9th Instant Mr Sewell also sent
on to me another Petition from the same
individual, setting forth that the Range
Officer had removed him from his post
purposely, in order to make room for a
dependant of his own, one Rajappa
Mudali whom for that object he had brought
up from Madras 3 or 4 days prior to Petitioner's
dismissal, and that he had in vain brought
this fact to the notice of the District Engi-
neer Captain Pruntych, in the presence
of Subraya Acharya.

2. I had received no communication
of any kind from the District Engineer
bringing to notice the misconduct of the
Mistry, or making proposals for his
punishment and the appointment of his
successor: and on the 12th Instant I wrote
to Captain Pruntych my letter No 321 * Copy forwarded
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be necessary from time to time, is vested
in the President of the Local Fund
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Kaidu and nomination of his suc-
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would be so good as to inform me
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had been preferred against the
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and before he had had an opportunity
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against him, and that he should in
the meantime be restored to office.

3 On the 14th Instant Captain
Penneywick replied in his official letter
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but not so summarily as I had been
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and dismissal of Local Subordinate
does legally rest with me, still in practice
such appointments and dismissals have
always been hitherto left to the District
(or Superintending) Engineer, for otherwise
it would be impracticable to work
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reporting his proceedings to me
for confirmation, and he then concluded
by requesting me to confirm his
Removal of Sadagopala Raidu and
appointment of Ruzappa Raidu in his
stead from the 8th July last, on which
date the orders were issued by him.

* Copy for-
warded
marked B

2 175 3
Captain Penneywick did not give
me the slightest intimation as to the
nature of the offences for which he had
dismissed the Maistry.

4 Almost simultaneously
with this letter I received from the Maistry
Sadagopala Raidu a Petition wherein
he reiterated his complaint of
the manner in which he had been dis-
missed without proper enquiry on the
Representations of the Range Officer,
in order to make room for his own de-
pendant, and prayed for a thorough
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misconduct, it would be proper to
punish him in accordance with his

* Copy forwarded
marked C

* Copy forwarded
marked D

3 offence, but that, as the case then stood
I had not before me such information
as would warrant my taking the extreme
step of removing him from the public
service. I therefore again requested
my Captain Pennington to inform me
and fully of the nature of the charges which had
been preferred against Sadagopal Krishna,
and forward to me the documents
connected with the case on which he had
originally based his opinion that the
Ministry should be dismissed. I assured
him that on receiving this information
I was prepared to give the matter my
immediate consideration, and then
went on to draw his attention to the allegations
of the Petitioner as to the objectionable
manner in which his dismissal had been
brought about by Subba Rao Acharya,
and said that, if this was the case, Raja-
da Krishna's service must be dispensed with
at once.

* Copy forwarded
marked E

196 4
5 In reply to this communication
Captain Pennington addressed to
me his letter No. 1706 dated the 25th instant,
in which he flatly refused to enter into
any details, or to furnish me with
his reasons for dismissing the Ministry,
beyond the simple statement that
he did not consider it expedient
to retain his services any longer,
that I should accept his decision
as final, and that if, after dismissing
the Ministry as desired by him, I wished
for my own information, to know
why he had been so removed from the
service, he would then inform me,
but he would not for one moment
admit that I have any power to
revise his proceedings in the matter.
Captain Pennington went on to
say that his reasons for dismissing
the Ministry were based only in a very
slight and remote degree on any

change of fraud brought against him,
and that no examination of witnesses
was necessary for the conclusion at
which he had arrived almost entirely
on his own observation. He added that
it was, of course, open to me to decline
to confirm his order of dismissal, but
that in that case, if I ordered his res-
toration, he would refuse in any
way to employ the Drutsky, who would
then be maintained in idleness at the
expense of the Local Fund Board.

The Government will thus
perceive that matters have now come
to a dead lock, for it is manifest
that if the state of things thus brought
about by Captain Prunzick's
extraordinary conduct is to continue,
it will be wholly impossible for me
to work cordially with him in future.
I invite the serious attention of Govt.

3 214 5
to the singularly discourteous and
overbearing tone of Captain
Prunzick's last letter. I had
asked in the most courteous manner
for information which I was bound
to have before. I ordered the dismissal
of a Local Fund subordinate,
in the absence of which, and especially
in view of the facts I had received
from the Drutsky, it would have
been most unjust to propose such an
order; but Captain Prunzick,
with what may almost be termed
studied rudeness, has refused altogether
to comply with my request, beyond
asserting that he considers the dismiss-
al necessary; and has further threat-
ened that if, disobeying the instruc-
tions he has conveyed to me, I venture
to exercise the authority vested in
me by Law, and allow Sadagopala
hand

cho. Kaula to ~~continue~~ in the office
an to which he was ~~appointed~~ by
was, the late Local Fund Board President
who Mr J. D. Robinson, he will not
on a permit him to do any work, and
it throws upon me the onus of main-
taining him in idleness at the expense
of the District Tax-payers.

for 7 Captain Pruntych is
in error when he asserts his belief that
no President of a Local Fund Board
ever requires more than a mere ex-
pression of the District or Superintending
Engineer's opinion as to the appoint-
ment or removal of a Local Fund
Board overseer or trustee. The
Records of his own office show that so
recently as the 31st December 1872 his predecessor,
Colonel G. J. Moberly wrote to me
his official letter No 206, wherein

6
he brought to my notice the grave
misconduct of Kaula and the
Gudali a Local Fund Overseer; he
accompanied that letter with the
various documents on which he
had based the opinion that the
overseer should be dismissed, and
he went on to recommend that I
should so punish him. The facts
then brought to my notice were
quite sufficient to warrant the
overseer's dismissal, and I accord-
ingly at once ordered it, then consulted
Colonel Moberly as to the person
who should be appointed to the vacant
post; and finally appointed the man
recommended by him. This was then
consequence I was also prepared to follow
in the present case, if Captain Pruntych
had only treated me with common
courtesy, and given me the information
I had so reasonably asked for.

I do not at all deny that the expression of a District Engineer's opinion as to the appointment or removal of Local Fund Subordinates is deserving of much weight and consideration, and no fallacious would hesitate to treat it accordingly, if satisfied that it is framed on some tangible and reliable evidence. But Captain or Pennington's idea of the manner in which I should mete out justice to my Subordinates, when he insists that I should first blindly dismiss a man off-hand on receipt of a hasty Recommendation to that effect, and then afterwards ask what he has done, is almost grotesque in its perversity, and his urging the point so strenuously is certainly not calculated to make me accept his opinions as those which may be safely relied on.

The Subordinates of the Local Fund Boards have important duties to discharge, exactly identical with those performed by the servants employed in corresponding grades in the Department Public Works. I can see no reason why the mode in which these officials are removed from the Service should be a bit more summary, or devoid of the ordinary rules of procedure ^{than} in the case of officials in the regular line in the Public Works Department; and I should esteem it a misfortune if it should ever be believed that Local Fund Servants hold their appointments merely at the will and pleasure of native Supervisors (who under the present system are in charge of things in nearly every

(District), and are liable to be
summarily dismissed, if their im-
mediate superior chooses to
represent their conduct unfavorably
to the District Engineer.

9 I am sincerely desirous
of working cordially and harmoniously
with the D. P. W. Officials in any
District where I am employed. Such
has always hitherto been my aim,
and I have pleasure in stating that
throughout my services in the Revenue
Departments in the Districts of Malabar,
Sanyore, Trichinopoly, South Canara,
and North Arcot, I have succeeded
that this is the very first occasion
on which I have ever found it in-
necessary to make a reference
to higher authority for the settlement
of

271-8
of any dispute with an officer of
the Public Works Department.
With such and all of Captain
Prungetich's predecessors, my
official and private relations
were most cordial and friendly,
and I regret exceedingly that Captain
Prungetich has compelled me now
to lay this question before you
for their orders.

10 In conclusion I beg res-
pectfully to suggest that the Govt.
may now be pleased to direct
Captain Prungetich to withdraw
his letter No 1706 dated the 25th instant,
and to reply afresh to my letter of
the 22nd instant, furnishing me at
the same time with the information
I require -
I have

I have the honor to be,
Sir,

Your most obedient servant

South Street,
Collection Office
Clinton 30 August
1875

C. Phillips
President L. L. Board

The Honble W. Brewster
Chief Secretary
Genl. Ant. St. George

P. No. 1673 Depart
 From the Clerk of
 North West
 No. 5409
 To the Chief Secretary
 to Government

dated 30 Aug 73
 Recd 6th September 73
 Recd 3rd October 73
 53

No. 5 1583
 Submit for order
 copies of certain copies
 of orders that passed
 between this office and the
 District Engineer's report
 may described of
 local Government
 by the latter office
 No. 591-12 3rd Oct 73
 Referred

Referred to the Chief Secretary
 for consideration

Instructions

Administrative

No. 382

Q. 4. Oct 73

8 Sept 1873

291

The Secretary has the
 honour to request the
 orders of Govt. with
 reference to the District
 to which Capt. Perry
 which should be trans-
 ferred -
 South West, now trans-
 ferred held by Mr. No.
 for, would appear from
 the accompanying list
 to be the only District
 available, being trans-
 ferred held by a very
 junior officer, quite un-
 fit for the change -
 But there is no Specia-
 tive Engineer in North
 West to take charge from

No. 20/9

No. 20/9

Captain Perryman;
and would Mr. Knapp
there would not be for
the advantage of a Dis-
trict which has not
had the ~~advantage~~ ^{benefit}
of its able Engineers in
it for some time.

It would be for the ad-
vantage of the Public
Service, the Secretary
respectfully submits to
await the arrival of
Colonel Wilkerson and
Major Prendergast. The
1st week of April 1876,
succeeded by H. J. Arthur
Moberg in the middle of
May; letting Capt. Perry-
man know that the first
opportunity will be taken

of removing him, ³¹⁶ sent to
another District where he
may equally clash with
the collector as now, but to
a Range where he will be
under orders -

By this procedure will
also be avoided a change
of direction in the middle
of the season, which is
much to be deprecated,
especially at the present
stage of the reorganiza-
tion of the P. W. Dept, not
10 months established -

J. M. W.
26.5.70

12
Capt Perry, United States

33
to the United States
at the same time

to the United States
At Mr. Sims's
request, I have gone
carefully over the papers
relating to previous
impropriety of conduct
on the part of Captain
Perry.

I cannot consent
anything worse than the
spirit evinced on a
former occasion, when
to the Mr. Sims & Lord
Napier (afterwards
withdrawn) decided
that removal was
the proper way to
vindicate the government

in the face of
insubordination of - to
my mind - the worst
type.

The present case
simply shows that
Captain Pennington
has learned nothing
by the great forbearance
then exercised, and that
nothing but the measure
of removal will
sufficiently mark what
I at least think of his
official character and
conduct.

I withdraw my
opinion that the milder
measure - severe as
are the terms of the
proposed censure -
will meet the case
and

32
And I concur with Mr. Sims
proposal that Capt. Pennington
be removed at once.

24/9 MZ

Cap. H. B. B. B.

It was also seen that
 Dr. B. B. B.
 he should be removed
 to another district

It is necessary that
 Cap. B. B. B. should be removed
 to another district
 Dr. B. B. B. is much to be regretted
 that a hard working intelligent officer
 like Cap. B. B. B. should be removed
 his usefulness by another who is
 of a different kind and character

Mr. D. B. B.
 Pres. of the Madras Port
 Trust

From the President, L. F. Board
 North Arcot.
 (H. B. No. 53 of 30 Aug/73)

No. 2591

See order.
 can cover in all
 but the last part
 L. B. S.

The attention of the
 District Engineer of
 North Arcot is called
 to the wording of para
 24 of the Local Funds
 Act of 1871, and Rule
 III framed upon the
 same. These vest the
 appointment and
 removal of all mem-
 bers of the Local Fund
 Petty Establishment

M. B. B.
 2/10

in the President; and
the instruction to con-
sult the Superintending
Engineer (now the Dis-
trict Engineer) in
his selection of men
implies that the latter
is to give his reasons
for recommending them,
but does not imply
that the former may
not accept the ser-
vices of a man
otherwise recommended.
Similarly, the District
Engineer is bound to
submit his reasons
for desiring to dispense
with the services of

is bound to employ
the person recommended
or

391-
any Subordinates, to
the President; who
alone has power to
dismiss them, and who
is at liberty to over-
rule those reasons
on which they may appear
to him to be sufficient
grounds. And the
District Engineer
(shall further) accept
such decision as final,
and, reconciling him-
self to it, shall
loyally proceed to
utilize the services
of the man so
absolved, or whose
punishment has

without the authority
of the same
as before

been mitigated as before.

Captain Pennycuik will accordingly lay before the President of the North West Local Boards his reasons in detail for recommending the dismissal of Maistry Sadagopaludraidu and the appointment in his stead of Rajapa Mudali.

W.M.W.

I am of opinion that Capt Pennycuik should be transferred to another District at once. His letter E

It is in my most humble opinion that it is our duty to let the Chairman in the City of the City in President at the time in his own it in a way to include any and provide or arrange. I believe that a voluntary & practical step like this will be successful of Capt P. I.D.S.

I think that Capt P. has subjected himself to severe and unnecessary and desecration of the name - that he ventured to say the Regt. was not a reasonable of the President of the Local Board - and I think that censure should be passed on him in some such terms

W.P.

14/9

W.P.

W.P.

W.P.

W.P.

the irregularity in which Capt P. has acted

W.P.

W.P.

Captain Pennycuik having neglected the opportunities given him by the President of the Local Fund Board of laying before him his reasons in detail for recommending the dismissal of Sadgopaludraidu and the appointment of Rajapa Mudali in his stead, is now ordered to carry out the above general instructions without further discussion, by employing the former in the capacity of Local Fund Maistry in which he has been reinstated. The

necessities of the Department have evidently placed Captain Pennington in a position for which he is unfitted by his want of judgment and courtesy, viz the charge of a District; and the earliest opportunity will be taken of relegating him to Range work on return of senior officers from leave.

Yours
L. M. M.

34
3

To the Dist. Engr
Financial - North anchor
Habitat de Porto

S. C. v. i. b. e 3/11/73

No. 5409
Govt. of 1873 Madras.
PUBLIC WORKS.

*to the District Engineer
North Arcot*

Dated

Recd.

Encl. 5

G. O. 23 Oct 1873, No. 2591.

Nos. 382 & 383

S. J. Maishaj Sadagopal
Kaidu - Papery orders as
letter from the President
of the L. I. Board, North
Arcot, submitting cor-
respondence relating
the disempowerment of the
Ministry by the L. I. Board
and soliciting orders
on the subject.

Recd. 10/13/73