M.R.O. 1—10,006—28-2-50.

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public works DEPARTMENT

G.O. No.	2877 A	Press
B.P. No. 411 A. 411 B		Mis.
Dated	28- 11-	1951 873

Not to be folded or roughly handled

No. 411A. Read the following letter from Colonel F. J. MOBERLY, R.E., District Engineer, Chingleput, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Guindy, 22nd November 1873, No. 2,268:—

2 Letters from Messrs. Branson and Branson, 5th and 19th November 1873.
1 Agreement.
1 Letter from Government Solicitor, No. 618, 15th November 1873 (to be returned).

In reply to G. O., No. 124, dated 19th instant, I have the honour to report that work on the Conjeveram Dispensary was delayed originally by the frequent rains during last year, which destroyed the materials prepared by the man who had undertaken the work under verbal agreement with Mr. Ottmann, then in charge of Conjeveram Range, who appears to have been misled into a belief that he was a man of means.

2. Every allowance was made by Mr. Lowry for the difficulties of locality, weather, etc., and it was only after repeated directions from me that he took the work from Rajagopaul Naidu. I was exceedingly disappointed however in finding after some days that he had such influence in the place that nobody would supply labour or materials, and I was obliged to give way to Mr. Lowry and to allow of Rajagopaul Naidu's resuming work. An agreement was however drawn up, which I enclose, under which he bound himself to complete the building by 30th July 1873, or to forfeit Rupees 500 which was then due to him.

3. On a visit paid to Conjeveram the Inspecting Engineer proposed a good coat of wash instead of fine plaster to the walls, and I desired the Maistry not to go on with plastering till he received further orders from Mr. Lowry. These he must have got in a few days. There was plenty of other work, roofing, flooring, etc., to be done, and Rajagopaul Naidu had no real grounds for his assertion that, in consequence of these few days' delay, his work-people had gone away, and he had been put to extra expense. Mr. Lowry, however, gave him some further time. On the 1st October 1873, I heard that the building was still incomplete and I insisted on Mr. Lowry's taking the work up departmentally and pushing on with it at any cost, as the forfeited Rupees 500 would cover all extra charges.

4. This he did on the 10th October 1873, and in a letter received to-day reports the building complete, with the exception of asphalting the bath-rooms and latrines and placing two sky-lights in the roof of the operating-room.

5. Meanwhile Rajagopaul Naidu has appealed, through his Solicitors, against my proceeding (letter enclosed). The Government Solicitor in his reply (also enclosed) considers me justified. I have received also to-day a further demand from Messrs. Branson and Branson (Rajagopaul Naidu's Solicitors) also enclosed, and beg the early instructions of Government as to defending the suit threatened for damages.

No. 411B. ORDER THEREON, 28th November 1873, No. 2,877A.

ESTABLISHMENT, No. 33B.

BEFORE authorizing the defence of any suit which may be brought by Rajagopaul Naidu in connection with his contract for the construction of the Civil Dispensary at Conjeveram, His Excellency

the Governor in Council desires to be furnished with a copy of the plaint, together with the draft answer proposed to be made, in accordance with the rules laid down in the Public Works Code, which should be strictly followed in all legal proceedings which may hereafter arise.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government.

To the District Engineer, Chingleput.

Exd. E. C. Chunker.

Memo: No 265

Rajagopal Naidu Contractor for the construction of the Civil Dispensary buildings at Conjeevaram's attention is called to the letters as p. Margin, Copies of which are forwarded for his perusal, & he is warned that if he fails to complete the buildings in question within a reasonable time or does not carry on the work with all possible despatch that the work will be taken out of his hands & completed departmentally at his expense. The undersigned considering the length of time the building has been under construction & its present state of Progress, is of opinion that it might be completed in One month from the date hereof

3 Range
9 Sept/72

Sd/ R. J. Sowry
Asst Engr 3 Range

To
Rajagopaul Naidu
Civil Dispensary Contractor
thro' the Overseer of Conjeevaram

from Surgeon & the Vice President - No 34
from the Vice President & the Asst Engr - 157
Letter - from
1 - d -

Memo — No 313

Rajagopaul Naidu is informed that the Superd. Engineer of the 4 Division has ordered that the undersigned shall at once take over the Civil Dispensary building, & complete the same

Departmentally, & in accordance with this order, the undersigned has taken over the work into his own hands from this date – Rajagopaul Naidoo is requested to submit any claims he may have for materials delivered & work executed, for which he has not already been paid as soon as convenient.

N° 3 – Range Office
15 Sept/72

Sgd/ R. I. Lowry.
Asst. Engr. 3rd Range

– N° 731 –

From
The Executive Engineer
Chingleput Range

To.
C. Rajagopaul Naidoo

Station – Chingleput
Dated – 11 July/73.

Rajagopaul Naidoo will go on with his work with the Exception of Plastering, which will be shewn him when the Undersigned visits Conjeveram in a short time

Sgd. R. I. Lowry
Asst Engr.

N° 1017

The Contractor for the Civil Dispensary Building at Conjeveram will rule down the Rough Plaster, so as to make it similar to the Portion done as a sample by Maistry Moneesammy in the Bath Room all the Plaster inside & out must be done in this manner

Camp Valaveram
18 August/73

Sgd. R. I. Lowry.
Executive Engineer

To
C. Rajagopaul Naidoo
Civil Dispensary Contractor

Madras 12th Febry. 1874

Colonel G. W. Walker - R.E.
Secretary to Government.
Deputy Public Works.

Honored Sir,

On the 29th November last I most respectfully appealed to you, as the late Contractor under Government towards the Building of the Civil Dispensary at Conjeveram, on which I find me submitted all Particulars for your information, as to the various cutties & obstacles I had undergone from time to time from Colonel Case Moberly the District Engineer, & R. I. Lowry Esq. the Range Office towards final Completion of the same, & yet up to this time I am to say, I have heard nothing upon the subject after the lapse of nearly 2 months & delays of this nature were to occupy for any further period, the result has already proved, that I am actually debarred & shut out, from taking up any further business to keep myself engaged way of a Mercantile life.

Having already submitted full details of my said claim question, I can only indulge in the hope, that you will be pleased after a careful investigation into all the Circumstances to pronounce or decide, who were most to blame in the whole affair towards final Completion of the same, & this can be easily done or found out, on your calling for all the Correspondence between the Range Officer, & the District Engineer from 1st July to October 1873.

I am most anxious to state my Case to you Hon in Person, & shall feel exceedingly thankful, if you will be gracious

Pleased to Permit me to do so.

In the full assurance of meeting with a favorable reply at your hands.

I Remain

Honored Sir

Your most Obd.t Servant

C. Rag.s Gopaul Naidoo

Contractor

My address

C. Rag.s Gopaul Naidoo

Tent maker & Contractor

Dr. respect Mauritius

Black River

Wales

Madras 29th November 1873.

To,
Colonel R. C. Walker - R. E.
Secretary to Government
Dept. P. Works.

Honored Sir,

In humbly & respectfully addressing you on the present occasion, I earnestly beg you will be pleased to give my sad case, your very serious & patient consideration.

As a Contractor under Government, I was authorized in January 1872 by Mr. Ottman, who was then the Range Officer, to commence building the Civil Dispensary at Conjeevaram, & accordingly the work went on progressing rapidly till March of the same Year, during which time, the Out-Houses were completely finished, & the foundations of the main building were laid - Mr. Ottman the Range Officer then desired that the same should stand over till May, with the view of getting the same finally settled.

On or about the 5th May, I commenced with the work of Raising the Walls above the Foundation and

this

Let the case all papers pasted in this Subject.
25th Feb/74

MADRAS. FEB: 12.

2. DELY. MADRAS. FEB: 12.

To
Colonel R. C. Walker - R. E.
Secy: to Government
Dept. Public Works
Fort St. George

Madras 20th Feb 1874

REGISTERED. MADRAS. No. 10249. June 2. D. 12-2-74

Ordered until the receipt of
[illegible] in Colombo
Called for in G.O. 9. 877 A 28th May
in the D.P.C. Christopher
PM
4th March 1874

this had been done to the height of 10 Feet & all the Arches, & such work occupied me up to September 1872.

On the 13th September, I received an order from R. I. Lorry Asst: Engineer 3rd Range to complete the building within a Reasonable time as per Copy enclosed - Memo: No 265, & again on the 15th September, just two days after, the Superintending Engineer Colonel Moberly, suddenly stopped me from Progressing any further with the work as per Copy enclosed - Memo - No 313. so that ever since that Period up to nearly 4 months, no work of any description was done by the Departmental Agency to 20 December -

On the 21 December 1872, I Recived an Order from Asst: Engineer R. I. Lorry, to Resume the said work of the Civil Dispensary, & to be completed before the 15th March 1873, with Reference to this appointed time, it was utterly out of my Power to accomplish, in Consequence of the materials which were Previously ready in an Unburnt State, were all destroyed by the heavy falls of Rain, & these materials could not be got according to the Specifications given by the Range Offices at Conjeevaram, Unless they were Prepared & burnt under my own Kilns, which naturally will occupy some time for a New

preparation

Preparation, & yet under all my difficulties, the work went on rapidly Progressing till the 30th June 1873.

After this I called on Mr Lowry the Range Officer, on the 1st July 1873 at Chingleput for an advance towards the work already in Progress, when this gentleman asked me to give a written agreement & Security of Rs:500-- in Cash, to the effect that the said building should be completed within the same month; & as the Contractor under Government, feeling somewhat certain, that I shall not have to contend against any more obstacles in my way of Completing the said work, I accordingly gave the Agreement & Security of Rs 500-- in Cash.

Very shortly after this, while I was still in Chingleput, I was suddenly informed by the Range Officer Mr Lowry on the 6th July, that by a Report he had received from the Local Overseer, the Building work was altogether stopped by Colonel Moberly, & as soon as I received this information, I immediately started for Conjeevaram, & found that my Workmen had left the Place & Proceeded to Madras, in the understanding no doubt, to meet with the same Results as they had already experienced on a Previous occasion.

Matters continued Quiet for sometime after this, again I received an Order on the 13th July from Mr Lowry

the Executive Engineer, authorising me to go on with the work except the Plastering, till he again visits Conjeveram - Immediately after I received this order, I came down to Madras to collect my men and materials, & this work occupied me about a fortnight to recommence, & I had finished all except the Plastering., & with reference to the latter Point, I again received an Order to go on with it on 21 August as p^r enclosed Copies - Memo N^o 731 & N^o 1017. & which work continued up to the 10 October, so that the Plastering was nearly completed, with the exception of 2 days more for a final finish, moreover the levelling course of the floor with wall bricks had been finished, & only the setting of the square Bricks had remained, & could not possibly go on, as the workmen were constantly carrying materials to & fro, as the scaffolding was standing for Plastering, & when near Completed, was ordered by the Range Officer to stop the work -

On receiving this information, I immediately craved for a fortnights time to be given me to Complete the entire building, upon which requisition the Range Officer told me, that he was very much pleased by the District Engineer to put the stoppage into force altogether.

The moment I got this intelligence, I had no other course to adopt, but deemed it most prudent to make known such inconveniencies direct to the District Engineer, & moreover made

made him acquainted of all the obstacles thrown in my way from the
beginning of my Contract, who I regret to state, told me plainly that
he could not tolerate any relief towards completion of the building
by me, moreover that he will withhold back my Security of Rs 500--
Having already submitted full Particulars for your kind
information, I beg you will be pleased to observe on a serious & calm
consideration, of all the matters now put forward, moreover you will
not forget to notice, the various troublesome obstacles thrown in my
way, so that I am quite certain, you will arrive from your own
Judgment under all the circumstances, that the work of entire
completion towards the Dispensary, failed on the part of the Department
alone & not of mine, & hence as no fault of any kind can be attributed
to me from first to last, I should think that I am fully justified to receive
back my Deposit of Rs 500--- & all such losses I sit experience from
the beginning & moreover the cost of the work done by me-

If you will now be pleased to direct me to complete
the unfinished portion of the work, provided after you are fully satisfied on
a reference to all the Correspondence from the 1st July to the 10th October of
this Year, from the Range Officer to the District Engineer, regarding the
Civil Dispensary building, I shall be glad to do so, on receiving
your Sanction to that effect, after which I shall send in my Claim, &
for which act of your kindness I shall feel very thankful.

In the full assurance of receiving your final sanction

to this my appeal

I beg to remain

Honored Sir

Your obdt Humble Servant

C Rajagopaul Naidoo

Contractor Civil Dispensary

Address

C. Rajagopaul Naidoo

Contractor

Israpah Maistry's Street

Black Town

Madras

Rec'd 4-28-71 C-173

CHINGLEPUT DISTRICT ENGINEER'S OFFICE,

No. 2268 Guindy, 22nd November 1873.

From

THE DISTRICT ENGINEER,

Chingleput.

To

Colonel G. H. Walker R. E.
Secretary to Government P. W. Depth

SIR,

In reply to G. O. No. 124 dated 19th instant, I have the honor to report that work on the Conjeeveram Dispensary was delayed originally by the frequent rains during last year, which destroyed the materials prepared by the man who had undertaken the work under verbal agreement with Mr. Ottiman then in charge of Conjeeveram range — who appears to have been misled into a belief that he was a man of means —

Every allowance was made by Mr. Lowry for the difficulties of locality weather &c, and it was only after repeated directions from me that he took the work from Rajagopaul Naidoo - I was exceedingly disappointed however in finding after some days that he had such influence in the place that nobody would supply labor or materials and I was obliged

Enclosures 4
2 Letters from Messrs Branson & Branson 5th & 10th Nov. 1873.
1 Agreement
1 Letter from Govt Solicitor No. 618 15th Nov. 1873.
(to be returned)

obliged to give way to Mr. Lowry and to allow of Rajagopaul Naidoo resuming work - An agreement was however drawn up which I enclose under which he bound himself to complete the building by 30th July 1873 or to forfeit Rs. 500 which was then due to him.

On a visit paid to Conjeeveram, the Inspecting Engineer proposed a good coat of wash instead of fine plaster to the walls and I desired the maistry not to go on with plastering till he received further orders from Mr. Lowry. These he must have got in a few days. There was plenty of other work roofing flooring &c. to be done and Rajagopal Naidoo had no real grounds for his assertion that in consequence of these few days delay his work people had gone away and he had been put to extra expense. Mr. Lowry however gave him some further time. On the 1st October 1873, I heard that the building was still incomplete and I insisted on Mr. Lowry's taking the work up departmentally and pushing on with it at any cost as the forfeited Rs. 500 would cover all extra charges.

This he did on the 15th October 1873 and in a letter received to day reports the building complete with the exception of asphalting the Bath rooms and latrines and placing two Sky lights in the roof of the operating room.

Meanwhile Rajagopal Naidu has appealed through his solicitors against my proceeding (letter enclosed) The Government Solicitor in his reply (also enclosed) considers me justified. I have received also to day a further demand from Messrs. Branson and Branson (Rajagopal Naidu's Solicitors) also enclosed and beg the early instructions of Government as to defending the suit threatened for damages.

I have the honor to be
Sir
Your most Obedient Servt.

[illegible] Col R.E.
District Engineer

Proceedings who Madras Government

No 2874 dated

Read the following

From the Asst Secy
Chingleput — C. P. No 2268 of 22nd
Nov 73 —

Before entering
the defence of any suit
which may be brought
by Rajahgopaul Naidoo
in connection with his
contract for the con-
struction of the Civil
Dispensary at Conjeveram
His Excellency the Governor
in Council desires to
be furnished with as
copy of the plaint
together with the draft
answer prepared to
be made, in accordance
with the rules laid
down in the Public
Works

Public Works 1873 Department
Govt of Govt for
Fasli 1283-1401
The District Engineer
Chingleput

To,
The Secretary to Govt
P. W. Depart

Dated 22 Nov 1873
Received 25 Nov
Registered No 2268

Requests early
instruction of Govern-
ment, as to defending
the suit threatened
for damages by Con-
tractor Rajah Gopaul
Naidoo with reference
to Civil Dispensary
work at Conjeveram

No 2877 dated 28 Nov 73
With an Order

No 411 dated
Rec 25/11/73

9

His Excellency the Governor in Council
authorizes the defence, in the first
instance, at the public cost, of
any suit that may be instituted
by Rajahgopaul Naidoo in
connection with his Contract
for the construction of the Civil
Dispensary at Conjeveram —

Encl

Works Code, which should be strictly followed in all legal proceedings which may hereafter arise.

Govt. of [1873] Madras.

PUBLIC WORKS.

To The District Engr.
Chingleput

Dated

Recd. Encl. 4

G. O. 27 Nov. No. 2877

Nos. 4116 to 4118

Civil Dispensary at Conjeveram.

The Dt. Engr., Chingleput, desired, before being authorized to defend any suit which may be brought by ~~him~~ Rajahgopaul Naidoo in connection with his Contract for the Construction of the Dispensary, to furnish a copy of the plaint together with the draft answer proposed to be made.

D. Engr. Chingleput
M.O. dated 28/11/73
P-C — — 15/12/73.

+ 4 Encls. per Slide C. No. 7097 A/25
A B
No. 2411-4111