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.	2907	Press
~~B.P. No.~~		~~Mis.~~
40-41		
Dated	2-12-	~~1951~~ 1873

Not to be folded or roughly handled

No. 40. Read the following petition from Mr. E. M. GILL, late Taluq Overseer, Bellary, to His Excellency the Right Honourable the Governor in Council, Fort St. George, dated Madras, 27th November 1873.

THAT your memorialist after going through the usual course of study in the Civil Engineering College in Madras, and after having passed the necessary tests at the annual examination with honorable mention, was appointed in the year 1867 Taluq Overseer of Nundial in the district of Kurnool, and having served there for about two years was transferred to the taluq of Durmaveram in the district of Bellary, whence, after a year's stay, your memorialist was sent to the taluq of Anantapore in the same district.

2. Your memorialist served at Anantapore for more than three years, at the end of which period he was suddenly dismissed from the service without any reasons being assigned, as the annexed memorandum (marked A) from the Officer in charge of Ghooty Range will show.

3. Your memorialist begs leave respectfully to lay before your Lordship in Council the circumstances which he believes led to his dismissal by the District Engineer, and in so doing craves particular attention to the facts, so that your Lordship in Council may arrive at a just conclusion as to whether those facts justified the hard measure of dismissal from a service, to qualify himself for which your memorialist has spent the best portion of his youth.

4. In the month of March (official year 1871-72) your memorialist having many irrigation and road works on hand in his taluq, and being much pressed for time, accepted a Contractor's measurement, and prepared a bill thereon, taking care, however, that there was sufficient security in shape of deposits and works unpaid for to cover the payment of the bill. The bill was paid, eighteen months had elapsed since its payment, and a new official year had well begun, when the Contractor complained in a petition to the Range Officer that your memorialist upon re-measurement of works had assigned to him only a balance of Rupees 24, as being due to him by Government, whereas he claimed 300 or 400 Rupees as the amount to which he was entitled. On this petition the Range Officer made a personal examination of the works, and having found your memorialist's measurement and assignment of the balance due to the Contractor perfectly correct, made an endorsement to that effect on the Contractor's petition, and offered to pay him the sum of Rupees 24, which however the Contractor refused to accept, and which is still held unpaid. The Contractor then had recourse to the District Engineer with the same complaint; that officer referred the matter to the Range Officer for disposal. The Range Officer informed the District Engineer of the peculiar circumstances under which your memorialist had acted, and out of which the Contractor's claim arose, and in which he considered your memorialist blameless. The District Engineer was satisfied with the explanation, and directed that Rupees 24 should be paid to the Contractor, as the annexed document (marked B) will show. The only particular in which the District Engineer differed with the Range Officer was that the latter had taken too lenient a view of your memorialist's conduct, which the former considered blameable.

5. Such being the facts of the case your memorialist thought nothing more of it, and occupied himself as usual in the discharge of his duties as an Overseer

In the taluq, which he continued to do for six months subsequent to the Contractor's petition, and its disposal in the manner set forth. There was no charge or suspicion entertained against him; he continued to receive and pay Government money, take measurement of works, and make out Contractor's bills. In short your memorialist continued to discharge all the duties and to take all the responsibilities which appertain to the office of an Overseer in the Department of Public Works with a character unimpeached, though attempts were made by certain parties to do him wrong, but without the slightest success, when on the 27th August 1873 your memorialist received the accompanying document (marked C) from the Range Officer.

6. On the receipt of the above document your memorialist wrote a letter (copy attached marked D) to the Range Officer, asking permission to resign his place. To this letter your memorialist received no reply for almost two months, during which time he was still working at his post in the department, and during this time also there were no less than three letters from the office of the District Engineer requesting to know whether there were any claims against him, as his letter of resignation could not be disposed of till it was ascertained that there were no claims against him. Your memorialist applied twice for copies of the correspondence between the District Engineer and the Range Officer during this period, but he was practically refused the request, as no answer has been received by him with regard to this request. After the lapse of almost two months from the date of his letter resigning his post, your memorialist received a memorandum (annexed and marked A) dismissing him from the service, but assigning no reason for such dismissal, and not referring to the letter resigning his post.

7. On the receipt of the above document, your memorialist, as above stated, wrote twice by post (register receipts attached and marked F) to the District Engineer, and once to the Range Officer, requesting to be informed of the reasons of his dismissal from the service, and to have copies of the correspondence with regard to that event, and also with regard to his reduction while in the service. To these letters your memorialist received a memorandum, dated 11th November 1873, (memorandum annexed and marked G) from the District Engineer, from which document your Lordship in Council will observe that the only ground of your memorialist's dismissal from the service is that he took upon himself to resign his post as Overseer of the Department Public Works in the Anantapore Taluq, a reason which your memorialist begs respectfully to submit is quite inadequate to deprive him of his services under your Lordship's Government for the past six years, and to throw upon him the hard necessity of seeking some other line of life after having devoted so large a portion of his time in qualifying himself for employment in the Department of Public Works. Your memorialist also craves permission to state that his dismissal from the service is contrary to the letter and spirit of the rules which the Government has sanctioned, and which guide the Uncovenanted Civil Service in such cases, and which rules also apply to the Department of Public Works in the grade of that service to which your memorialist belongs. By those rules it is laid down that no servant of your Lordship's Government shall be dismissed from service, or be deprived of any of the privileges appertaining to that service, unless the person affected by such deprivation shall have had a full and

fair opportunity of explaining his conduct, and making out his defence, for which purpose also by the same rules, he is entitled to copies of all such papers and documents in the possession of the department whence he has been put out as will help him in making out his defence. In your memorialist's case, your Lordship in Council will observe that he has been altogether denied the benefit of these rules, and to this day is not aware of the reason of his dismissal from the service, except that above stated, viz., his having asked permission to resign his post as Taluq Overseer at Anantapore.

8. Your memorialist has further to state, for the information of your Lordship in Council, that besides suffering in his official position by the action taken by the District Engineer with respect to the matter of the Contractor's claim, your memorialist has also a suit pending against him in the Munsif's Court at Caliandroog, Anantapore Taluq, brought by the same Contractor for recovery of an alleged claim which your memorialist's superiors in office have since pronounced untenable. Your Lordship in Council will therefore perceive that your memorialist has suffered, and is suffering still, both in his public and private capacity in a matter in which the Government has not suffered the slightest loss by any act of your memorialist.

9. In presenting this appeal to your Lordship in Council, your memorialist craves permission to request that, before arriving at a decision, your Lordship will be pleased to call for the under-mentioned papers, copies of which the District Engineer refused to supply your memorialist when he applied for them. These papers are—

1*st.*—All papers including those received from Taluq Office, Sub-Division Office, Range Office, District Engineer's Office, etc., with reference to your memorialist's reduction.

2*nd.*—All papers including those received from Taluq Office, Sub-Division Office, Range Office, District Engineer's Office, etc., with reference to your memorialist's dismissal.

10. Your memorialist begs leave, in conclusion, to state that he is the son of an old and faithful servant of Government, the late Mr. Edward Gill, Manager of the Office of the Private Secretary under several of your Lordship's predecessors, and that at the time of his death the Acting Governor of Madras was the late Honourable W. A. Morehead, and that he had at the time of his death served the Government for 30 years, and that during all that long period he diligently, honestly, and efficiently discharged his duties.

11. Your memorialist, following his father's example, has endeavoured to discharge his duties honestly and faithfully, and he may confidently appeal to all the officers under whom he has had the honour of serving whether he has at any time been detected in any kind of official malpractice or dishonesty whatsoever, in the course of the six years during which he has served the Government. Your memorialist confidently appeals to your Lordship in Council, and leaves his case to your Lordship's attentive and favourable consideration. Your memorialist begs leave to request that your Lordship in Council will be pleased to direct the order of dismissal to be cancelled, and that he be restored to the service of the Department Public Works in the position which he hitherto occupied, or to pass such order in your memorialist's case as your Lordship in Council shall deem fit. For which, as in duty bound, your memorialist shall ever pray.

2. (Your Memorialist served

No. 41.

ORDER THEREON, 2nd December 1873, No. 2,907.

ESTABLISHMENT, No. 2.

MR. OVERSEER GILL was reported by the District Engineer of Bellary as deserving of dismissal for having certified that certain measurements of work were made by himself, whereas they were made by the Contractor who carried out the work, and accepted by him without check.

2. The District Engineer at the same time reported his readiness to carry out the milder punishment of degradation from the 2nd to the 3rd grade, if inflicted in preference, in consideration of his youth and inexperience.

3. The Chief Engineer, in whom is vested the power of promoting or degrading Overseers, accordingly sentenced Mr. Gill to degradation from the 1st August 1873, leaving any enhancement of that punishment that he might think necessary to the District Engineer.

4. That Officer awarded the punishment of degradation only. Intimation of which Mr. Gill tendered his resignation of his appointment on the 29th August. On the 12th October he was summarily dismissed, and under date the 11th November the District Engineer assigns, as the sole reason for his dismissal, the fact of his resignation.

5. It appears from an entry in the last quarterly return of the district that further charges had been brought against Mr. Gill, after final report on which it was the District Engineer's intention to have dismissed him. But no such charges have been alleged as the actual causes of dismissal; no report of his dismissal was ever made; and as his original offence was once punished by degradation, the District Engineer having once inflicted it, was not justified in enhancing it on no further grounds but that of resignation.

6. Mr. Gill's resignation will be accepted from the date of his giving over charge of his taluq, and he is at liberty to obtain re-employment as Overseer, 3rd grade, in any other district.

(True Extract.)

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

Secretary to Government.

To the District Engineer, Bellary.

To Mr. E. M. Gill, with eight Enclosures.

Exd. E. C. Sharker.

To

His Excellency the Right Honorable
Henry Vere Lord Hobart
Governor of Fort Saint George
and its dependencies.

The humble Memorial of Edward
Middleton Gill.

Respectfully Sheweth.

1. That Your Memorialist after going through the usual course of Study in the Civil Engineering College in Madras, and after having passed the necessary tests at the Annual Examination with honorable mention, was appointed in the year 1867, Taluq Overseer of Nundial in the district of Kurnool, and having served there for about two Years was transferred to the Taluq of Dummaveram in the district of Bellary, thence, after a Years stay Your Memorialist was sent to the Taluq of Anantapore in the same district.

2. Your Memorialist served at Anantapore

for more than three years, at the end of which period he was suddenly dismissed from the service, without any reasons being assigned therefor; as the annexed Memorandum (marked A) from the Officer in charge of Gooty Range will shew.

3. Your Memorialist begs leave respectfully to lay before Your Lordship in Council the circumstances which he believes led to his dismissal by the district Engineer, and in so doing, craves particular attention to the facts, so that Your Lordship in Council may arrive at a just conclusion as to whether those facts justified the hard measure of dismissal from a service to qualify himself for which Your Memorialist has spent the best portion of his Youth.

4. In the month of March Official Year 1871-72. Your Memorialist having many irrigation and road works in hand in his Taluq and being much pressed for time accepted a Contractors measurement and prepared a bill thereon, taking care however that there was sufficient security in shape of deposits and works unpaid for, to cover the payment of the bill. The bill was paid, Eighteen months had elapsed since its payment; and a new Official Year had with-

began, when the Contractor complained in a petition to the Range Officer, that Your Memorialist upon re-measurement of works, had assigned to him only a balance of Rupees 24, as being due to him by Government, whereas he claimed three or four hundred Rupees as the amount to which he was entitled. On this petition the Range Officer made a personal examination of the works, and having found Your Memorialists measurement and assignment of the balance due to the Contractor perfectly correct, made an Indorsement to that effect on the Contractors petition, and offered to pay him the sum of Rupees 24 which however the Contractor refused to accept, and which is still held unpaid. The Contractor then had recourse to the District Engineer with the same complaint; that Officer referred the matter to the Range Officer for disposal. The Range Officer informed the District Engineer of the peculiar circumstances under which Your Memorialist had acted, and out of which the Contractors claim arose, and in which he considered Your Memorialist blameless. The District Engineer was satisfied with the explanation, and directed that Rupees 24 should be

paid to the Contractor as the annexed documents (marked B) will shew. The only particular in which the District Engineer differed with the Range Officer, was, that the latter had taken too lenient a view of Your Memorialists conduct, which the former considered blameable.

5. Such being the facts of the case Your Memorialist thought nothing more of it, and occupied himself as usual in the discharge of his duties as an Overseer in the Taluq, which he continued to do for Six Months subsequent to the Contractors petition, and its disposal in the manner set forth. There was no charge or suspicion entertained against him, he continued to receive and pay Government money, take measurement of Works, and make out Contractors bills. In short Your Memorialist continued to discharge all the duties and to take all the responsibilities which appertain to the Office of an Overseer in the Department of Public Works, with a character unimpeached, though attempts were made by certain parties to do him wrong, but without the slightest success, when on the 2nd August 1873, Your Memorialist received the accompanying documents (marked C) from the Range Officer.

6. On the receipt of the above document, Your Memorialist wrote a letter (copy attached marked D) to the Range Officer, asking permission to resign his place. To this letter Your Memorialist received no reply for almost two months during which time, he was still working at his post in the department, and during this time also, there were no less than three letters from the Office of the District Engineer requesting to know whether there were any claims against him, as his letter of resignation could not be disposed of till it was ascertained that there were no claims against him. Your Memorialist applied twice for copies of the correspondence between the District Engineer and the range Officer during this period but he was practically refused the request as no answer has been received by him with regard to this request. After the lapse of almost two Months from the date of his letter resigning his post, Your Memorialist received a Memorandum (annexed and marked A) dismissing him from the service, but assigning no reason for such dismissal, and not referring to the letter resigning his post.

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to his reduction while in the Service. To these letters
Your Memorialist received a Memorandum
dated 11th November 1873 (Memo annexed &
marked G) from the District Engineer, from which
document Your Lordship in Council will observe
that the only ground of Your Memorialists dismissal
from the Service is, that he took upon himself to
resign his post as Overseer of the Department
Public Works in the Anantapore Taluq, a reason
which Your Memorialist begs respectfully to submit
is quite inadequate to deprive him of his Services
under Your Lordships Government for the past
Six Years; and to throw upon him the hard necessity
of seeking some other line of life, after having de-
voted so large a portion of his time in qualifying
himself for employment in the Department of
Public Works. Your Memorialist also craves
permission to state that his dismissal from
the Service is contrary to the letter and spirit of the
rules which the Government has sanctioned, and
which guide the Uncovenanted Civil Service in
such cases, and which rules also apply to the
Department of Public Works in the grade of that
Service to which Your Memorialist belong. By
those rules it is laid down, that no Servant of
Your Lordships Government shall be dismissed
from Service, or be deprived of any of the privileges
appertaining to that Service, unless the person affec-
ted by such deprivation shall have had a full and
fair opportunity of explaining his conduct, and
making out his defence, for which purpose also
by the same rules, he is entitled to copies of all
such papers and documents in the possession of
the department whence he has been put out, as will
help him in making out his defence. In Yours
Memorialists case, Your Lordship in Council
will observe that he has been altogether denied
the benefit of these rules, and to this day, is not
aware of the reason of his dismissal from the
Service, except that above stated, namely, his
having asked permission to resign his post as

Taluq overseer at Anantapore

8. Your Memorialist has further to state for the information of Your Lordship in Council that besides suffering in his Official position by the action taken by the District Engineer with respect to the matter of the Contractors Claim Your Memorialist has also a suit pending against him in the Moonsiffs Court at Rallandroog, Anantapore Taluq, brought by the same Contractor for recovery of an alleged claim which Your Memorialists Superiors in Office, have twice pronounced untenable. Your Lordship in Council will therefore perceive that Your Memorialist has suffered, and is suffering still, both in his public and private capacity in a matter in which the Government has not suffered the slightest loss by any act of Your Memorialist.

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1st. All papers including those received from Taluq Office, Sub Division Office, Range Office, District Engineers Office, &c. with reference to Your Memorialists reduction.

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11. Your Memorialist following his father's example, has endeavoured to discharge his duties honestly, and faithfully, and he may confidently appeal to all the Officers under whom he has had the honor of serving, whether he has

has at any time been detected in any kind of
Official malpractice or dishonesty whatsoever
in the course of the Six Years during which
he has served the Government. Your Memo=
=rialist confidently appeals to Your Lordships
in Council and leaves his case to Your Lordships
attentive and favorable consideration. Your
Memorialist begs leave to request that Your
Lordship in Council will be pleased to direct
the Order of dismissal to be cancelled, and that
he be restored to the service of the Department
Public Works in the position which he hitherto
occupied, or to pass such Orders in Your Memo=
=rialists case, as Your Lordship in Council
shall deem fit. For which, as in duty bound
Your Memorialist shall Ever Pray.

27th November 1873
Chintadrapett
Madras

T. Subbiah

The humble memorial of

E. M. Gill.

late Taluq overseer Anantapore

Bellary District

regarding his

Reduction and dismissal.

P. W. 1873 Depart.
Original Order
No 6468.

From.

Mr. E. McGill.
Lake Tuleg Surveyor.
Bellary

Dated 27th November/73
Recd 2nd Dec/73
Encl: 8. No.

Praying for an investigation of his case & for restoration to the position which he formerly held in the Public Works Department.

No 2907 - 2nd Dec/73

No 40
C. 29-11-73

No 6468

No 2907

Mr. O'Connell, Civil & Mily Secretary to Government

Mr. McGill, District Superintendent, Bellary, in transmitting a memorial for himself, praying certified statements of work executed by himself, which were rejected by the Executive Engineer, may be submitted with the usual check.

The District Superintendent with the accustomed report on this application to be carried out the rules laid down in the enclosures of despatch

C. 29-11-73

tion from the 2.d to the
3.d Grade; if inflicted
in preference, in com-
mutation of his sentence
of imprisonment.

The Chief Engineer, in
which is vested the pow-
er of remitting or
suspending Overseers,
accordingly sentenced
shall to diminution
from the 1st Sept. 1873;
leaving any subsequ-
ment of that punish-
ment that he might
think necessary, to the
District Engineer —

That Officer awarded
the punishment of de-
gradation only — On
receiving intimation of
which Mr Gibbs tendered
his resignation of the
Appointment, on the
29th Sept. to take effect
October 1st 1873 which was
duly accepted, dated
the 11th Nov.
made date. The District
Engineer in order
to fill the vacancy
reported for the Board's
information the facts of this
transaction.

It appears that
Mr Gibbs was duly
sworn in as the District
Return of the District
Engineer changed
from time to time
and was finally
signed by all, after
final report of which
it was the District
Engineer's intention

have dismissed him.
Both no such charges
have been alleged as
the actual cause of
discontent; no report
of his character was
ever made; and, as
his original offence
was once punished
by degradation, the
District Engineer has
no case sufficiently
grave to justify him
in enhancing it to so
further grade by that
of resignation.

Mr. Hill's resignation
will be accepted from
the date of this, giving
over charge of his Talcahuano
works at liberty to do
this resignation as
Overseer 3d Grade in any
other District.

E.W.S.

To Lt. Engr. Hillary
Insp. U.S. Light Houses.
Lt. Engr. Hillary, Insp. U.S. Depot 2/12/73 Lt. Engr.
Office Insp. U.S. Depot 2/12/73 Lt. Engr.
Mr. Hill's Resignation
17-10-41

Cr. Lab 8

Govt. of {1873} Madras.

PUBLIC WORKS.

To The District Engr
Bellary

Dated

Recd. Encl.

G. O. 2nd Dece 1873. 2907.

Nos. 40141

Wr. E. M. Fill, Lake

Salary Overseer. Kellary.

~~Directing~~ the resignation
of Wr Fill ordered to be
accepted from the
date of his giving over
charge of his Salary
& authority granted

for his re-employment
as Overseer, 8th Grade
in any other District.