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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.

1276

Press

B.P. No.

Mis.

Dated

12 - 5

1276

195

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
12th May 1874.*

No. 276. Read the following endorsement of the Acting Chief Secretary to Government, dated Ootacamund, 16th April 1874 :—

From Gunner A. CROWE, late a Supervisor, Public Works Department, to the Honourable D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madras, 11th April 1874.

I beg to request you will be so good as to lay before His Excellency the Governor in Council the accompanying memorial for the Secretary of State for India, which I most respectfully solicit His Excellency will be pleased to forward in my behalf to the Home Government as addressed. The subject of the memorial is an appeal against an Order of the Madras Government, in the Public Works Department, No. 2,234, dated 10th September 1873, by which I was dismissed from the public service; and another order, No. 155-C, dated 23rd January 1874, in which His Excellency the Governor in Council was pleased to observe that there was nothing in the appeal I submitted against that order on which to alter the opinions therein expressed.

2. Conscious as I am that my conduct while in the Cumbum Range under the very exceptional circumstances from which my dismissal arose, as also during the whole of my service in India since 1862, has been guided by principles of truth and obedience, as also zeal for the public service, I cannot but feel deeply that the decisions against which I appeal are not such as have been drawn from a fair and impartial consideration of the case, and that they are not consistent with the facts of it. Moreover, that the consequences involved in my dismissal are of such painful importance, as to make it my bounden duty to endeavour by every means in my power to obtain a more favourable consideration of the case, and a consequent reversal of the orders in question. I most solemnly assert my innocence in all that may have been said as affecting my moral character; and I as solemnly assert that as a faithful servant of Government I have zealously and honestly done my duty.

3. I still hope that the Government will take a more favourable and truthful view of my conduct in the very exceptional difficulties I had to contend against in the Cumbum Range, and that the forwarding of this memorial may be seen in my favour to be unnecessary; but if this hope should not be realized then I beg that His Excellency the Governor in Council will be pleased to forward my memorial for the favourable consideration of the Right Honourable the Secretary of State for India. With the memorial I beg also to forward copies of the two Government Orders in question, as also of my appeal to Government, dated 6th November 1873, and of certificates and extracts from office records of my past service.

4. Not having a true copy of my first defence which was submitted to Government with the whole case in June 1873, I cannot forward one; but I beg the Government will forward a transcript of this, as well as any other papers necessary for the elucidation of my case. I requested the District Engineer of Kurnool to furnish me with copies of these before I submitted my appeal to the Government, but that officer declined to comply with my request on the ground that these papers were too voluminous for his establishment to copy.

New Town
Madras 11th April 1874

Proceedings of the Madras Government, Public Works Department.

12th May 1874.

Transferred to the Public Works Department.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

No. 277. ORDER THEREON, 12th May 1874, No. 1,278.

ESTABLISHMENT, No. 16.

Ordered that the memorial with its
enclosures received with the above letter
be forwarded to the Secretary of State
for India, and that the memorialist be advised of its despatch.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To Gunner A. Crowe.

For S. T. Adams.

Spurs Office.

as been removed from his appointment
in the Public Works Department,
a Government Order No 2234 dated
4 September 1873, on grounds which
set forth in that Order, he ventures
to

Proceedings of the Madras Government, Public Works

12th May 1874.

C. W. & S. to Engd 13. 1874
19th 1874 -

Pub. Works 1874 Dept.

From No: 2293 A.

The Ag. Chief Secy.
to Government.

Dated 15th
Received 17th April 1874.

Encls. 5

Transcribing
a letter from
Crown late a
Superman R. M. S.
submitting a
Memorandum for
transmission to
the Secretary of
State for India.

276.

G. O. No. 1276/12-5-74.

Ed. S. N. August

Spate Copies

New Town
Madras 11th April 1874

To The Right Honorable
The Marquis of Salisbury
Her Majesty's Secretary of State
for India.

The Humble Memorial
of Andrew Crowl late
a Supervisor in the Public
Works Department of
Madras.

Most Respectfully Sheweth.

That your Memorialist

has been removed from his appoint-
ment in the Public Works Department,
by a Government Order No 2234 dated
10th September 1873, on grounds which
as set forth in that Order, he ventures
to

Complaint
stated.

to affirm, are not consistent with the facts of this case. These facts were partly represented in a voluntary statement, which your Memorialist submitted to Government previous to their Order in question. One an appeal subsequently submitted, in which the grounds given for his dismissal were fully gone into, showing also that the representations made in that Order were not in accordance with the facts, and praying for the Cancellation of that Order, or for the substitution of some punishment of less severity than that of absolute dismissal, the Government were pleased in their proceedings No 155, dated 23rd January 1874, to observe, that there was nothing in this defence to alter the opinion already expressed by them. Against these decisions of the Madras Government your

your Memorialist feels that he has just cause for complaint, and to hope that under all the circumstances of his case, and on a favorable consideration of this Memorial, he will be restored to his appointment in the Madras Public Works Department.

Record of
Service and
Character.

2 Your Memorialist herewith submits Copies of his Appeal, and the Government Orders in question; and he requests the Madras Government to be so good as to forward a transcript of his first defence - the Voluntary Statement before alluded to - as he has not a true Copy of that paper with him. Your Memorialist requested the District Engineer to furnish him with Copies of this and other papers connected with his case, before submitting his appeal to the Government.

Government; but that Officer declined to comply with his request, on the ground that they were too voluminous for his Office Establishment to copy. Your Memorialist can therefore only refer to the defence of his case, as that case is set forth in the Government Order and from his own knowledge of the transactions. He further begs to submit Copies of Certificates he received from the Madras Civil Engineering College, and extracts from Office records. These will show that while in the College as an Engineering Student and the Instructor of Photography, viz. from 1862 till 1865, and during his employment in the Public Works Department since 1865, his conduct had been such as to secure for him the most favorable opinions from the Officers under

whom he served. In addition to this, your Memorialist while serving in the Company of Indian Engineers with the Royal Engineer Establishment at Chatham, secured by his conduct there, a very speedy promotion to, and long service in, the rank of Sergeant before coming to India.

cause of
dismissal

3. Your Memorialist's dismissal arose out of circumstances in which it was sought to evolve charges of a serious character against him, and encouragement was freely given to draw out all the evidence which could be offered, by the Native Subordinate who preferred the Charges; but the inquiry which immediately followed, resulted in his acquittal from all guilty complicity in the transactions involved. The Charges preferred

Government; but that Officer declined to comply with his request, on the ground that they were too voluminous for his Office Establishment to copy. Your Memorialist can therefore only enter into the defence of his case, as that case is set forth in the Government Order, and from his own knowledge of the transactions. He further begs to submit Copies of Certificates he received from the Madras Civil Engineering College, and extracts from Office Records. These will show that while in the College as an Engineering Student and the Instructor of Photography, viz. from 1862 till 1865, and during his employment in the Public Works Department since 1865, his conduct had been such as to secure for him the ^{highest} praise from the Officers under whom

whom he served. In addition to this, your Memorialist while serving in the company of Indian Engineers with the Royal Engineer Establishment at Chattram, secured by his conduct there, a very speedy promotion to, and long service in, the rank of Sergeant before coming to India.

cause of
dismissal

3. Your Memorialists disingled arose out of circumstances in which it was sought to evolve charges of a serious character against him, and encouragement was freely given to draw out all the evidence which could be offered, by the Native Subordinate who preferred the Charges; but the inquiry which immediately followed, resulted in his acquittal from all guilty complicity in the transactions involved. The Charges preferred

preferred were as follows.

1st Having made a payment of Rspees 1994-13-1 for work on the Buddapah road in July 1872, which work had been condemned by a former Range Officer and valued at only Rspees 200.

2nd Having made six payments aggregating Rspees 784-6-5 on the 25th and 26th October for work which was never done.

3rd Having borrowed Rspees 300 from a Contractor, to return which the above sums are only said to have been paid.

4th On the 3rd Charge, no evidence whatever was procurable in support of it, and your Memorandum having given a positive denial to his ever having had any such transaction with a Contractor, or

Charge for Rs 2234-10-0 of the 10th of September 1873

Charge for Rs 2234-10-0 of the 10th of September 1873

or any other person in Cumbum; this charge was withdrawn, and no allusion is made to it in the Government Order in question. But it will be seen that in the wording of this charge, it was sought to establish a direct criminality, which the other two contained only by implication.

5.— On the first charge which is dealt with in Paras 2 to 5 of the Government Order, it is stated in Para 5 that your Memorandum "assumed a great responsibility in his settlement with the Contractor, who was doubtless heavily overpaid, but he would appear to have acted in good faith, though without good sense, in settling a matter which had been unjustifiably neglected by

G.O. Para 5
no 2234
10th September
1873.

by his predecessors for upwards of two years, in a manner unfortunately characteristic of the former 3^d Division. Further; - Mr Sub-Engineer Fredericks (the Officer who condemned the work) "will now be called on to account for his neglect, ^{to carry} out the repeated and positive orders of the Superintending Engineer, which has resulted in this considerable loss to Government."

Para 5
G.O. 2234
10th Sept
1875

From this it will appear that your Memorialist is exonerated from blame in the actual settlement of this matter, but that his conduct of it was "without good sense and resulted in a considerable loss to Government." To suspect this view of your Memorialist's conduct, the Government assume that what Mr. Hudson reported in the correspondence alluded to in Paras 3 and 4 of 1st Charge.

Chadwick stated.

of the Order is correct; and upon this assumption, a Bill amounting to only Rupees 430. 13. 4 is given in Para 3 as what would have been a "justifiable" and most favorable settlement with the Contractor, instead of that of

Observations on Para 3 of G.O. No 2234.

Rupees 1994- 13- 1 shown in Para 2, as the bill actually paid, and to satisfy a claim amounting to Rupees 2692. But your Memorialist begs most respectfully to protest against what is here assumed to be correct, and in support of this, he appeals to the facts he has set forth in Paras 3 to 11 of his appeal to the Government, the inconsistencies contained in the report itself; and the greater inconsistency, that if that report was a correct and a reliable one to be guided by, that Mr Hudson who

who wrote it, should have so long neglected to settle the matter in the manner he did, and this too in direct disobedience of the repeated and positive orders of the Superintending Engineer. To these inconsistencies another is to be added; viz the fact that the only action Mr. Hudson did take, was the endorsement of an Order on the Contractor's Bill, for the Overseer to check the measurements, not for Mr. Vandana, but for him, Mr. Hudson to pay it at a time too, when the Overseer was power less to do so, from his having been placed under suspension by Mr. Hudson. Further it is well known in Ceylon, that although this Officer wrote the report he did in the work, he never inspected or measured the work himself.

Your

Refutation
of 1st Charge
continued.

b. — Your Memorialist carefully read the whole of the Correspondence put into his hands on this matter, and saw that its settlement was one of immediate necessity, since it is that it was undertaken "within fourteen days of his joining the range." The objections to this, on the ground of its being his first range, and his ignorance of the Language of the District, are sufficiently overruled by the facts, of his past experience of road work in Malabar and Wynnad for $4\frac{1}{2}$ years, and a further experience of $2\frac{1}{2}$ years in Madras, and that those he had to deal with in this matter, understood English and Tamil. The work as entered in the bill was carefully inspected and measured by

by your Memorialist in the presence
of the Contractor, the 2^d Accountant
and others; and the rates which were
a given, are those which were agreed
upon, and had been paid before by
the Officer (Captain Taylor Executive
Engineer) under whom the work was
executed two years before; and this work
was passed, not only by this Officer,
but by the Superintendent Engineer
himself, in his presence; and would
have been paid for then, but that there
was no allotment of funds for the work.
Further, this Officer under whom the
work was done, was not only the
Superior of your Memorialist, but he
was the same to Mr. Hudson,
who at the time this work was
done was his subordinate in the
range. The existence of the 2^d Accountant

on which this charge is based, let your
Memorialist to exercise the utmost
care in his conduct of this settlement;
and there was nothing done in it
without the presence and assistance
of the 2^d Accountant, as advised
by the Officer he received; that such
-not being represented to him, as
knowing every thing about the matter.
Yet, although such was the fact,
and this Individual never raised
one word of remonstrance against
any thing that was done, excepting
to that of the amount paid, being
far below the sum claimed; he
eight months after, makes this
charge against your Memorialist.
In Mr. Hudson's report,
and the bill made upon it, Anna
two per Cubic yard is allowed for
Simple

Repetition
of Charge
continued.

a simple excavation of a shallow drain
in easy soil, and turning the earth
on the side of the excavation; and
no more is allowed for the ground
in heaps. - A material barrier
and more difficult to dig, takes from
a pit, - and was carted five miles
to its site, to a considerable
distance to where required. - It was
"repaid" all utility for making,
as thoroughly laid, and not costing
the Contractor Annas 3 per Cubic
Yard; yet the District Engineer allows
a rate of Annas 8 per Cubic yard
for it. The correctness of your Mem-
orialists' measurements is admitted,
yet the rock cutting and gravel work
in channel excavation, and side
cuttings as paid for, are disallowed
on the ground that Mr. Hiram reported
that

that "there was none but in easy
soil". Notwithstanding that your
Memorialist did actually measure
his work, and Annas 8 per Cubic
yard is allowed for the retelling,
yet only Annas 4 per Square is en-
tered in the bill; this allows only
about $1\frac{1}{2}$ Such for its thickness, when
by the measurements, it is quite 3
Suches thick and equals one Cubic
yard in a Square. This discrepancy
accounts for the statement of your Me-
morialist having paid nearly two
Rupees a Cubic yard, when in fact
he paid only One Rupee per square contain-
ing a Cubic yard for that which
was spread, and Annas 12 per Cubic
yard for that in heaps; and as
before stated, all the rates he paid,
are those which were agreed upon
by

By the Contractor with the Officer under whom the work was executed. Under the above circumstances, and that the Contractor's claim was for Refused 2692 for which their sum of only Refused 1994 13. 1 was paid as a settlement of all demands, your Memorialist respectfully submits that the Government have not sustained the "loss" as stated in the Order, but that a careful and equitable settlement was made of this long outstanding claim, and he hopes that on a favorable consideration being given to all the circumstances of his case, that the same may be passed upon hereafter in a more favorable manner.

Respecting the Refused 250 mentioned in Para 3 of the Order as being paid by Mr. Hudson, your

Deputation of 1st Charge concluded.

your Memorialist knew nothing, it was never brought to his notice, and the Contractor's claim was exclusive of all former payments made. But he would beg to observe here, that if, as stated in the charge, Mr. Hudson condemned the work and valued it at only Refused 200, there is another great inconsistency here, in his having paid the Contractor this Refused 250 upon it.

2nd Charge

9 As regards the second charge, it is stated in Para 6 of the Order, that "the District Engineer took all the evidence offered," and the Government were pleased to observe that he (the District Engineer) does not doubt the truth of such evidence, and believed that more of the work paid for was well done. That evidence was to the effect that

That men were paid who never took
Contracts on the works, from the sanctioned
for which they were paid; and that
Mr. Crowe never took the measure-
ments entered by him in the bills.
But the payments in each case appear
to have been made by the Head
Accountant, and by Cheque and
there is not the slightest evidence
that any portion of the money was
received by Mr. Crowe. All Contractors
are checked by the District Engineer
to have been originally introduced by
the Head Accountant. And yet he
paid away some Cheques to men
of whom he professed to have no know-
ledge, and who were not forthcoming
when wanted to give evidence, and
others to Asaramy Moodi, whose
complicity with him is established
by

Para 6
G.O. No. 2234
dated 10
Sept 1873.

by the former's letter to the Head
Constable of Cumbum.

In addition to these observa-
tions your Memorialist respectfully
begs to draw attention to the follow-
ing taken from Paras 8-9 and
10 of the Government Order: Para 8-
"Meanwhile they direct the imme-
diate dismissal from the Government
Service of Head Range Accountant
Palmy Andy Pillay as having
been fully cognizant of the falsity
of the Contractors' claims for which
he made out the bills and gave
away the Cheques, without one
word of remonstrance to the
Range Officer, if he was not the
actual instigator of these claims.
He is moreover reported as quite
incapable

Para 8 G.O.
No. 2234 dated
10th Sept 1873.

inevitable, the Office records having at one time been allowed to get six months into arrears, and as utterly unmindful of, and wilfully disobedient to the orders of the District Engineer himself". In Para 9 "It would appear to the Government that the role of accuser was fixed upon the Second Accountant Durgachellum Chetty, by the District Accountant, and that the Contractor Jagaswamy's letter to the Head Constable of Cumbum seems to clear him in some measure from complicity in any conspiracy against his Range Officer. Durgachellum Chetty merits praise for

Para 9.
G.O. N. 2234
dated 10 Sept
1873

Para 9. G.O. N. 2234
dated 10 Sept 1873

Para 10 G.O.
N. 2234 8/10 Sept
1873

"for bringing to notice dealing of the latter, which have been found to be very reprehensible, and he is stated to be intelligent and clever, but artful and given to plotting". And in para 10 "His Excellency the Governor in Council regrets to receive so unsatisfactory a report of the two Saling Officers, Ramachandra Rao and Mr. Carroll. Of the latter it is recorded that though a European he systematically thwarted his Range Officer, and of both that they were ignorant of their duties and unfit for their posts. and in concluding this Para, the Government make some allusions to the demoralized state into which the department has confessedly fallen in the districts comprising the 3rd Division. 2nd Charge stated 10. In respectfully requesting attention to the above extracts from the order in question your memorandum trust that what is observed

observed of his conduct as given in Para 5
 as the result of the evidence which was given
 regarding the six payments aggregating
 a Rupees 784-6-5 made on the 28th and 29th
 October 1872, and forming the subject of
 the only remaining charge against him.
 It will be seen that he was labouring under
 circumstances of exceptional difficulty. The
 difficulties he had to contend with were
 fully set forth in his first defence and
 again in his appeal to Government, and
 they were to some extent seen by the Dis-
 trict Engineer during that Officer's visit
 of four months to the Range, and in his
 enquiry into the charges. But although
 sufficiently seen, and reported upon by
 that Officer and fully interpreting the
 remarks of Government on the character of
 the

the Range in question, it is not possible
 that during the District Engineer's actual
 presence in the range, those difficulties
 would have been manifested to anything
 like the extent your Memorials had
 to contend with, during the previous eight
 months that he was without any support
 from his superior Officer. And whatever
 might be said of the demoralized condition
 the department had fallen into in the
 other ranges of the districts composing the
 late 3rd Division; your Memorials re-
 spectfully submit that the neglect in
 which the Lunkhwa Range was left
 for two years previous to his joining it,
 in its being virtually without a Range Officer,
 the condition of this range was an exception
 to the others. Further that such were
 the circumstances in which he was
 placed

placed there, and under which these payments were made; that any other Officer would probably have done the same as he did, and like him would have felt that his conduct was justifiable and necessary.

11. That men were paid who never took Contracts on the works from the sanctions for which they were paid; arose from the fact that when your Memorials joined the Range in July 1872, as the sixth Officer appointed to it in less than two years, no information was given him, such as is usually obtained by a relieving Officer from the retired when taking over charge. The Officer he relieved confessed himself unable to give him any, and he was referred to the Officer Subordinate, as the only person from whom to get the information necessarily required.

required; he had therefore to trust to them more than he otherwise would have liked to do, or would have been justifiable in doing under other circumstances. Not a single work was in progress, nor had been for some months previous to his arrival, so that he could not possibly know who were the Contractors engaged on them; and there were several of these works not nearly completed. So his repeated inquiries respecting the Contractors who should resume these works, the men who were paid, were introduced to him as such; and further represented as refusing to return to their work, until certain claims for work alleged to have been done by them and not paid for, had been settled. Further all your Memorials effort to prevail

prevail upon these men to resume their work, or to induce his Officers and Trustees to procure others, to take these incomplete works in hand, were of no avail during the three months, from July to October, that he refused to comply with their demands; and with his ignorance of Latin (the language of the District) together with being a perfect stranger in the Range, he was obliged to depend upon the honesty of his subordinates as his interpreters, and he could have no idea then, that they would abuse the trust placed in them, in the way (as since discovered) they did. The money was paid on the representations they gave; paid in Cheques by the District Accountant, and attested to by witnesses

in the usual form. Yet they were all fully cognizant of the falsity of the claims, not one of them raised one word of remonstrance against the payments; and they must therefore have joined in one compact, for the perpetration of a gross deception upon your Honorable Tribunal, and on the Government. I submit, that this shows that the District Judges do not doubt the truth of the evidence, and believe that none of the work paid for was ever done; and that Mr. Crowe never took the measurements entered by him in the bill. The measurements are those taken from bills said to have been submitted by the Contractors, and the submission of these was in accordance with a divisional order by the Superintending Engineer, that

Observations
2. Charge in
90. para 6
Continued

Contractors

Contractors should submit their own bills.
 That none of the work paid for was ever
 done" is a strong statement, but essential
 to the fact, the work was done, and according
 to the evidence given it had already been paid
 for, and for again by your memorialist, in
 the representations, and with the knowledge
 of, but without one word of remonstrance
 from, those who now give the evidence
 against him; and paid under circumstances
 which make it more than probable that
 these same individuals were the instigators
 of these claims. Evidence given under such
 circumstances your memorialist respectfully
 submits should have but little
 weight, as affecting his conduct in the trans-
 action under observation, especially as
 the portion of the money was received by him, but

but that it was paid away in good faith
 and under circumstances which appeared
 then, to make the payment an absolute
 necessity. The object of the Charges, and
 the evidence brought forward was, to show
 that your memorialist himself received
 the money in question, and that he falsely
 entered it as a payment for work executed
 since his arrival in the Range, but all
 that has been proved amounts to no more
 than, that he paid for work which was
 executed and paid for before his arrival;
 this too your memorialist had already
 acquainted the District Engineer with as
 soon as expected, and long before the
 Charges were prepared against him by
 the 2^d Accountant. The whole of the
 facts of the case your memorialist re-
 spectfully submits, are as such as show
 that

that it was dishonest complicity on the part of these and other subordinates in the Range, which led to the error made; that it is one in which any other officer in the same circumstances might have fallen equally with him; and that then a conspiracy was formed by these subordinates, to prefer charges of the most serious character against him to clear themselves from the consequences of their own misconduct. That he never took the measurements as another statement which

not strictly borne out by the facts of the case, and, latterly, the evidence from which it is taken, implies a recklessness for and sets forth his conduct, in the darkest light possible. The words were inspected, and he made himself as familiar with their present condition, as the circumstances under which he felt himself compelled to make the payments, would admit, so that in all future and final payments, after prevailing on the contractors to return to their work, he would be able to exact from them a strict account and return for the money paid. This matter will be further explained in what follows.

13. — In para 7 of the order it is observed, that your Memorialist, in his defence, acknowledged as his fault, that in paying the sums claimed he acted with too great precipitation. (page 13) But this is quite inconsistent with what follows in page 11, where he narrates how he took of the course of vigorous action. That he adopted for the first few months during which he held the range, for want of personal support from the Superintending Engineer, and deliberately took to subsidizing contractors by paying any claims brought before him. Your Memorialist most respectfully submits that his conduct has not been the thing of vigorous observations in action, and the deliberately paying any claims brought before him, as here stated of him; and of his reputation of this inconsistency, he begs to refer to what he has stated.

Para 7.
G.O. No. 2231
dated 10th Sept
1878.

observations
2nd charge em.
continued

not

states in Para 13 of his appeal. He cannot but acknowledge, having been too precipitate in making the payments in question, when it is discovered that those payments were an error; and that although they were made as a last resource, for securing the co-operation with him of his subordinates and contractors for the future good of the range, it resulted in failure and in reducing him to his present painful position. Your Memorialist did pursue a most mischievous line of conduct, and he was supported in it by the Superintending Engineer in such a way, that the subordinates he had would have soon got rid of, according to the policy laid down in Para 13 of the Order as hopelessly insupportable, and the transactions in question would have never have occurred, but that Officer's successor by the line of conduct laid down in his first letter to the Range in October, was opposed to that of the former Officer and resulted in not only the dismissal of the Range subordinates which had constituted to be ordered, notwithstanding that their services were necessary and reinforced upon your Memorialist; but it has undoubtedly driven your Memorialist into the same consequences, and thus in spite of his past good service, and present efforts for the range, and his far greater security by which dismissal from the service must fall upon him, than it could possibly be to the range. In a report your Memorialist sent to the former Superintendent

an 2nd Charge continued.

early Superintendent Engineer in the parts of September, that Officer replied by ordering the dismissal of a District Officer's Memorialist had suspended; imposed a fine of Rs 20 on Quorser Ramasandra Rao, and mentioned his removal from his Taluk charge to work under the immediate eye of your Memorialist; directed the Range to be reminded of his having once been removed from the department, and that unfavourable reports on his conduct will therefore meet with serious consequences. And after reports as to the state of neglect of the Range was in the observations was made that the difficulties to be met with for its improvement, were well known to the Superintendent Engineer, but your Memorialist was trusted to do the best he could with the subordinates he had, because the difficulty of procuring others to do the work was very great and every allowance should be made for any failures which might arise from such causes. With the support which this letter gave, your Memorialist was encouraged in the line of conduct he felt it his duty to pursue with subordinates, whose obstructive to all progress, gross insubordination, and systematic annoyances, increased as he went on, and was evidently intended to make him the District Officer, to be driven in desperation from the Range in two years. In September he was employed

to suspect Mr. Barrell. And a few days after, Ramon Alexandra Renteria
 then replied to his immediate report on the former case.
 He then was required in detail, from the Superintendent
 Engineer who had just taken charge of the Division. In
 it your Memorialist was directed to return Mr. Barrell to duty
 at once, adding that he had no power to suspend an
 Officer, and that such was the backward state of
 progress of the Range, and the great difficulty of
 getting subordinates to serve with your Memorialist
 was to adopt as harsh measures towards those he had.
 In complying with these orders, and releasing the
 two Divisions, without censure, or any allusion to the
 cause of their suspension, your Memorialist could
 not but feel himself placed in a position of great
 embarrassment. And the effect of such an order on
 the future conduct of such subordinates towards him
 he considered that his treatment had been far from
 unreasonably harsh, was a question which he had to
 consider. Whether he should not at once leave the
 Range in view of his predecessors had done, and thus
 go on perpetuating the neglect and disrepair of it,
 or adopt the decided course he had to get his
 work resumed; and, in yielding to the representations of
 his subordinates, and thus the Range which was
 constantly being neglected before him, as it was, and

no being the cause of everybody's refusal to go on with
 their work. At the same time, instead of relaxing
 her usual increase of possible, her own efforts and
 exertions for remedying the existing state of things,
 from which arose the necessity for adopting so
 unusual a course; and in the future completion of
 work, exacting strict account from all concerned.
 Observations 18. Your Memorialist could do nothing in the way
 in 2^d Charge continued. of improvement until the work of the Range was com-
 pleted. And such was the persistent refusal of work people
 to go on to the work, together with the want of ex-
 ecutive control, and the neglect of the Range, and
 time left in for two years, that it was a very
 doubtful question if the work done had been honestly
 paid for; the probability then appeared to be that
 it never was; and that there was every ground to be-
 lieve that the claims then made were founded on
 truth; for, of your Memorialist's five predecessors,
 not one was able to attend to the Out-door and
 Executive duties of the Range. Mr. Haddon, the
 longest there in the two years, was said to be
 almost constantly sick and confined to his home;
 Mr. Vardon was then in charge, but he had his

This it was since discovered was the 2nd Accountant's
 things and upon it this Subordinate wrote the letter
 containing the above charge for the information of
 the Superintending Engineer and to which the signature
 of other Subordinates was to be attached. This first
 draft from being discovered in time, and this 2nd Charge
 was sent to the Overseer, Rainaldson. This brought the
 special upon the Primary Officer to change the name
 given for the Route notes to that of one of the Lower
 Troops, such is an instance of the falling pro-
 pensity of these Subordinates against which
 your Memorialist had to contend. The range is 2300
 Square miles in extent, and its duties consisted chiefly
 of Irrigation work, which was of a part, and of two
 other parts at its furthest extremities. One from 30 to 50
 miles apart, and between these points there were no roads, so
 that the travelling in the range was very difficult. Your
 Memorialist had a large file of numerous letters and
 orders of work, which involved a great deal of travelling
 and when he found the range, four months of
 the Official year was passed, and in the remaining
 eight the Memorialist would continue his work till
 (as did occur) the time and attention would be again
 taken up with travelling

travelling and being an emergent task, repairs in the rains.
 So trying were the duties he had to perform, the oppo-
 sition he met with, his restless anxiety to see progress,
 and to allow no excuses against it, to be founded in any
 want of supervision on his part, that by the end of
 November, and all through December 1872 he was so
 seriously ill, that he was not expected to recover.
 Under such circumstances your Memorialist, respectfully
 submits that he did his best, and that the error in
 making the payments in question, is one which any
 other officer under the same circumstances might
 have been equally guilty of, and that the Order
 for his dismissal from the service, is one of
 extreme and unmerited severity.

17- The Government were further pleased to observe
 in Para 7 of their Order that, "Unfortunately the
 fact of his paying such claims involved his certifying
 that he had actually measured up the work to which
 they related, and this he did not scruple to do,
 although in the instance of the Neutral Canals
 he had himself reported to the Superintending Engi-
 neer that he found no work whatever at the time
 and

part of
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 1870.

and place to which his alleged measurement referred. The District Engineer has endeavoured to palliate such behaviour by stating that the signing of such certificates is very generally regarded in the department as a mere form. This statement is one which His Excellency the Governor in Council declines to credit, and he cannot accept such an excuse as freeing Mr. Brown from the consequences of deliberately forging public documents in support of payments for work never executed. These consequences being disavowed from the Public Service from the end of the current month. From this it appears that the offence for which your Memorialist was dismissed is the having without "simple and deliberate" signed false certificates, and that the burden of the proof for this rests on the representations made by the District Engineer, that the signing of such certificates is regarded as a mere form. Your Memorialist most respectfully begs to refer to what he has stated in Paras 14 and 16 of his appeal, against the representations here made on his conduct, and he trusts that it will be seen from that appeal, and on a favorable consideration being given to the facts now advanced, that

Statements on signing the certificates.

that he has not been guilty of the offence to any thing like the extent attributed to him.

18. — "Unfortunately the fact of making the payments did necessarily involve the certifying to the actual measurements having been taken by him, and by the rules then in force, and under which they were signed, these certificates had to be submitted with the monthly accounts of the month in which the payments were made. Your Memorialist signed the October's accounts and these certificates in December, when as was usual, with the range Accountant, and in spite of all threats and remonstrances, they were long overdue were brought in for signature late in the evening. And on this occasion when your Memorialist was employed to his best seriously ill. The stereotyped form of Certificate he wanted to scrap out, and to substitute one to suit the real facts of the case; but to this the Accountant replied, that it could not be done, on account of the rules in force, and that it was absolute that those only should be signed and he at once despatched. Your Memorialist was too ill to deliberate longer against, and to oppose them, what others pointed out to be an absolute necessity, but in signing them

and place to which his alleged measurement referred. The District Engineer has endeavored to facilitate such behavior by stating that the signing of such certificates is very generally regarded in the department as a mere form. This statement is one which His Excellency the Governor in Council declines to credit, and he cannot accept such an excuse, as flowing from the consequences of deliberately signing public documents in support of payments for work never executed. These consequences being disavowed from the Public Service from the end of the current month. From this it appears that the measure for which your Memorialist was dismissed is the having without "scruple" and "deliberately" signed false certificates, and that the burden of the proof for this rests on the representations made by the District Engineer, that the signing of such certificates is regarded as a mere form. Your Memorialist most respectfully begs to refer to what he has stated in Paras 14 and 15 of his appeal, against the representations here made on his conduct, and he trusts that it will be seen from that appeal, and on a favorable consideration being given to the facts now advanced, that

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Page 41
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thing like the extent attributed to him.
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them

them with such a protest, against it and while seriously ill, he most respectfully submits that he did scribble, but was reluctantly compelled to sign what he did; and he did not deliberately falsify these documents as if they were a mere form. (Against such a representation of his conduct as against the Act itself, his conscience recoils with indignant shame. He signed because he was compelled to signed by the rules in force; and he respectfully submits, that when on two Royal Engineer Officers, representing the impossibility of a conscientious compliance with these rules, and the Government ordered a considerable modification of them, there are many Officers who, before these modifications were made, have done the same as your Memorialist, not as a mere form, but as a compulsory and reluctant compliance with a rule, conscientiously impracticable. If it were not so, then he humbly asks where was the necessity for only two conscientious Officers out of so many in the Department, refusing to comply with these rules and representing what they did? And this Government then acknowledging the justice and truth of the

the representations by Ordering the modifications they did; yet they refuse to give credit to the statement made on the same premises by the District Engineer to palliate your Memorialist's offence; and as stated in his appeal to Government, the modifications they have made to these rules, are such as would have suited the circumstances under which he made the payments he did; and he now respectfully submits that if these were in force when he signed what he did, then the consequences in his dismissal from the service would have been a just and deserved punishment. But they were not in force, and he had therefore in his lower capacity than that of the two Officers who refused to comply with the now obsolete rules, reluctantly to obey them; and this Obedience was opposed to your Memorialist's conscientious scruples, and he therefore further submits that the consequences imposed is unjust. It is to such an Obedience the District Engineer doubtless alludes, when he speaks of the signing of these certificates being generally regarded in the Department as a mere form; and it is not probable that that officer would have made the statement he

he did, if it was not worthy of credence and could not be substantiated; for experience teaches the fact, that a compulsory compliance with a consciously impracticable rule, has the tendency to reduce the rule to be regarded as a mere form: yet while your Memorialist most respectfully refuses to set up any excuse for his fault on the literal signification of the District Engineer's statement, he trusts he has on other grounds shown, that he is not guilty of what he is represented to be in the Government Order, and that in what he has done, he hopes on a favorable consideration of his case, it will be seen that there is nothing to merit dismissal, as the consequences imposed upon him.

19. — Having gone through the charges and briefly touched upon the remarks made on the whole in the Government Order thereon, your Memorialist now begs most respectfully to submit, that excepting the error into which he was precipitated in the matter of the six payments aggregating Rupees 784-6-5, and signing the

Conclusion of the whole Case.

Certificates

Certificates relating to them; the result of the investigation has been, that no moral blame can be attached to his conduct, nor such neglect attributed to him, as would be requisite to justify his dismissal. Moreover, such having been the circumstances by which he was surrounded, and such the class of subordinates by whom he was drawn into the error; into which he fell during his illness, that for more than to make good the money lost to Government arising from such error, your Memorialist ought not to be held responsible. He informed the District Engineer of the error long before the charges were preferred; when the error was being discovered, he did all that lay in his power to remedy it; and when the charges were formally laid against him, he frankly acknowledged to its full extent the error he had made. The charges to the extent laid against him, were not, and are not capable of being proved; — it is indisputable that the subordinate who laid them, took no small part in the transactions involved; and that it was to save himself from the consequences of his own misconduct, he undertook the rôle of accusing against your Memorialist. yet with these facts before them, the Government

Government while ordering the removal of this subordinate from this range, have given him praise for bringing to notice the dealing in question, have passed over his recorded indifferent character, and have allowed him a further trial to retrieve his credit in the service; while the longer service and high testimonies recorded of your Memorialist's character have been squandered, his error has been magnified and represented in the Order in a light not pointed out by facts, and he is dismissed, at once, from the public service, in a manner that forms a bar against his re-entering it in any other capacity, his past service lost to him, and his future prospects made a ruin. With such decisions, your Memorialist feels that his case has not received the fair and impartial consideration it deserves, - that he has just cause to complain against the order in question, - and to hope that on a favorable consideration of all the facts of his case herein represented, that Order will be cancelled, and that he will be restored to his appointment.

20. The District Engineer who gave the Opinion of the District Engineer on the case.

case the fullest investigation, with his local knowledge of all the circumstances surrounding it, and his long experience and eminence in the department, was well able to form an opinion and judgment on its merits, and he would not have attempted to palliate the behaviour, or to excuse your Memorialist's conduct, as appears in the Government Order, if he had not seen that there were ample grounds in the case to justify his doing so. That Officer did acquit him of all complicity and moral blame in the transactions under observation, and to your Memorialist's remark that the Government would order the money left to be refunded, or the imposition of a fine as the probable issue of his part in the whole case, he (the District Engineer) replied and repeatedly assured him, that from what he saw of it, the circumstances were such that beyond removing him to another range, the Government would impose no punishment on him, or attach any real blame to his conduct. Your Memorialist

Memorialist is satisfied in his own mind that he did his best under the circumstances in which he was placed, he most solemnly asserts his guilt. Defence in the 'reprehensible' transactions of which he is accused, and conscious as he is of the integrity and rectitude of his own conduct and intentions in all that has transpired, he feels the more acutely that the decision arrived at by the Madras Government is one of great injustice, unmerited, and extremely severe in its consequences, and he the more earnestly prays to be relieved from it.

21. — Subsequent to the submission of the case to the Government, your Memorialist was allowed to leave his range in June 1873 for the removal of his family to Madras who were all suffering from ill health, and he at once returned and resumed his charge of the range. In July by an arrangement the District Engineer made, to have an officer not below the rank of Assistant Engineer to have charge of his Madras Range, the officer appointed arrived, and on his taking charge, your Memorialist was allowed

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in August to avail himself of three months leave he had applied for (and was due to him) on account of his now extreme ill health from fever contracted in his service of $3\frac{1}{2}$ years in Mysore and in Coimbatore, and for which he was since obliged to undergo both Medical and Surgical treatment in Madras. In October while he was on what he thought to be Privilege Leave, he received the first intimation of his dismissal; but it was not till the 27th of that month that he received the Government order No. 2234 dated 10th September 1873 in which the grounds for his dismissal from 31st August, are given. His appeal against this Order was submitted through the District Engineer on the 6th of November, and a copy of it sent to Government in December, and on the explanations given in that appeal, he had every reason to hope and expect, that the Government would reverse that order. But in their order No. 155. b, dated 23rd January 1874, in reply to his appeal, His Excellency the Governor in Council was pleased to observe that nothing is seen in that defence to alter the opinions expressed in the former

a former Order. Your Memorialist therefore
begs most earnestly and respectfully to solicit
your Lordships most favourable consideration
of his prayer for a reversal of the order, re-
moving him from the public service; and
for his restoration to his former appoint-
ment in the Madras Public Works Department.

And for which act of justice and
civility your Memorialis as in duty bound;

Never Over Paid

Signed Andrew Crowe

[Faint, illegible handwriting throughout the page]

SECRET

Proceedings of the

Madras Government

Read the following

Memorial from Sumner
A. Grove, late a
superintendent in the P. O.

782 No. - 2711
April 1874

Ordered that the
Memorial with the
accompanying letter be forwarded to
the Secretary of the
Public Works Department
for their consideration
and report thereon.

Sumner A. Grove
Refd 20/5/74

The Right Honorable
Secretary of the
Public Works Department
Madras

2711

Memorial from Sumner
A. Grove, late a
superintendent in the P. O.

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superintendent in the P. O.

Memorial from Sumner
A. Grove, late a
superintendent in the P. O.

Herewith a Memorial
from Governor A. Bonar
Front St. George
Public Works Department

for several
the modern machine
has been sent from the
P.M.D. where he held
the rank of Lieutenant
in the 1st Regiment
of the 1st Division
of the 1st Division
of the 1st Division

Dated 13 May 1874
1874
Page 1 Copy sent for
Overland mail on the
13 May 1874

which our Government
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276 277
Copy sent to Govt of India 1874

Memorandum
Front St-George
Public Works Department
Hon. Mr. A. Brown

for several
the modern machine
from the
where he held
the rank of Lieutenant
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which our business
and careful consideration
in the
276 277

Letter to the Right Honble
the Secretary of State for
India

Dated 13 May 1874
1874
Page 1 Copy sent per
Overland mail on the
1874

Copy sent to Hon. Mr. A. Brown

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Erinner A. Cronie

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Sumner & Howell

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