

(1) Number of pages _____

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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	2545	Press
B.P. No.		Mis.
Dated	8-9-195	195

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
8th September 1874.*

No. 158. Read the following letter from W. S. HARRINGTON, Esq., District Engineer, Malabar, to Colonel G. W. WALKER, R.E., Chief Engineer, Public Works Department, dated Calicut, 17th August 1874, No. 108:—

IN forwarding copies of correspondence as per margin, I have the honor to state that two men, by name "Uney Numbiar" and "Kanaren," filed suits against Overseer Francis for the recovery of wages said to be due to the former, and for balance of account claimed by the latter; to defend these suits Overseer Francis, without authority, employed a Vakeel at a cost of Rupees (10.) "Uney Numbiar" will have to pay half of this, as the suit was given against him; the Overseer is liable for the other moiety, the suit having been decided in favor of "Kanaren." As the latter had to receive Rupees 17-6-0 as the balance of his account, I am of opinion either that the Vakeel's fee should have been deducted from it, the bringing of the suit being vexatious and altogether unnecessary, or that the Overseer should himself be called upon to pay it for employing a Vakeel without first obtaining the permission of the officer in charge of the range. I have also informed Lieutenant Dobson that I do not share the opinion expressed by the Overseer, that it was expedient to employ a Vakeel—he might himself have defended both cases had he obtained permission from his officer. As this is a subject regarding which you may deem it advisable to issue a departmental order, I forward it for your opinion and decision.

No. 159. ORDER THEREON, 8th September 1874, No. 2,545.

ESTABLISHMENT, No. 10.

THE District Engineer, Malabar, will be guided by the rules promulgated in Chapter XIII. of the Public Works Code in all cases of legal proceedings undertaken or defended on behalf of Government; and he will instruct all officers and subordinates in his district to strictly adhere to those rules in future. The sanction of Government should have been first obtained to the defence of the two suits under reference. In the present instance the law charges will be borne by Government, but future unauthorized outlay of the kind will fall on the officer or subordinate concerned.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the District Engineer, Malabar.
" Officiating Controllor of Public Works Accounts.

Encl. S. T. Austin.
Spare Copies

N. 204.

Cannanore 5th August 1874.

From

The Asst. Engineer
Cannanore Range. Malabar

To The District Engineer
of Malabar S. P. M.

Sir,

In forwarding the enclosed copy of a letter received from Overseer Francis, I have the honor to request information how far I am to charge the Rs. 5 for the Vakeel, therein mentioned to. I would wish briefly to explain the facts in order to shew you, that it is a legacy which has been left to the Overseer by his predecessors Maistry Kurpagan & Serjant Mahoney. In the first case that of P. Unni Rumbiar, the Overseer measured up his work & found it was so short that he refused to pay what the Maistry demanded for his Coolie. I sent the work Roll to me for inspection. I went through it carefully, and ordered the Overseer to pay for what work was done & no more. Upon this P. Unni Rumbiar brought a suit for the recovery of the money, the suit was dismissed against plaintiff and of course he will have to pay the costs. The other man Kananeu brought a most unfounded suit, he sued the Overseer for money not paid & it is fully evident to me that the Overseer was quite right not

not to pay - he told the Maistry, "I have not inspected your work as I have had no time, when I come I will measure & pay". This would not satisfy the Maistry, but he must bring a suit. From what I hear privately, I find that these two men were Maistries employed under Serjeant Mahoney and also were friends of Kurpazum. of course the Overseer was ordered to pay the money after measurement, but he had never refused to do so at all. I wish therefore to know how I am to charge the expenses incurred which have been thrown on to the department by the obstinacy or malice of a Maistry. I have of course dismissed both Maistries summarily & given the strictest order, that they neither should ever by any chance or any pretext whatever be again employed under me on any work. I can only say I think it is a legacy bequeathed by Ex. Maistry Kurpazum.

I have &c
 J. A. C. Dobson Esq.
 Asst. Engineer Malabar

No. A
 125

To

Liut. A. C. Dobson R. E.
 Asst. Engineer in charge of
 Cannanore Range

Sir,

I very respectfully beg to repeat
 that the two Civil Suits prosecuted in the

Badaghera Moonsiff's Court, against the
 Coorumbraaad Talug Overseer "while I
 was in charge of the Talug" for the recovery
 of wages ~~due~~ due from Overseer Serjt. Mahoney,
 were heard on the 23rd Inst. & I had appeared
 together with necessary records for the defence.
 Of the two pleas, the one pleaded by P.
 Roney Rumbiar, was dismissed, but the
 Court decreed to pay up his salary for
 15 days he was actually employed. As
 regards to the other, prosecuted by Maistry
 Canarew on the road from Tellicherry via
 Paringsolun to Cooraddy, the decision is
 proffered in favour of the plaintiff. The Account,
 produced by the latter was amounting to
 Rs. 32-6-0 of which he had an advance
 Rs. 15-0-0 the balance Rs. 17-6-0 is to be paid
 within a week.

I also beg to state that as it was
 expedient to engage a Vakeel to conduct the
 two cases, I employed one, on a fee of Rs. 10-0-0,
 consequently I beg your goodness, will be
 kind enough as to sanction the Court expenses
~~see~~ as per the list attached & submit orders,
 to the Sub Overseer in charge of Coorumbraaad
 Talug, for the payment of the sum, shown
 in the list & debit the same in his cash
 disbursements.

I

I beg to say
 Camp Tellicherry 28th July 1874
 P. Francis
 Assistant D. P. M.
 (True copy)
 M. A. C. Dobson Esq.
 Asst. Engr. General
 Bangalore

Statement showing the amount of Court expenses
 incurred & to be paid in accordance to the decree
 passed by the Dist. Court of Bangalore.

No.	Particulars	Amount	Total	Remarks
1	P. Oney Dumbias his pay for 15 days at 10 Rs. per mensem	5	54	Ordered to be paid & charged to the acct.
2	Kanare, the balance of his Acct. 17 6	17	6	
3	Vakils fee	10	"	2. Vakils fee will have to be borne by plaintiff who lost the suit. Initialled A. C. D.
4	Stamp paper for Vakils Kanare	1	"	
5	For writing do	"	"	
		33	154	

Camp July 1743
 P. Francis
 Assistant D. P. M.
 (True copy)
 M. A. C. Dobson Esq.
 Asst. Engr. General
 Bangalore
 W. K. K. K.
 District Engineer Bangalore

Malabar Dist. Engr. Office.
 Calicut 17th August 1874
 To 108.
 From 41 St. + 1 Engineer,
 Calicut.

meen,
 tenant,
 Nadras.

2 copies
 margin
 that two
 subcar.
 into
 for the
 the due
 balance
 the latter
 officer from
 employed
 Rupees (10)
 I have to

pay half of this as the suit was
 given against him; the Overseer
 is liable for the other moiety the
 suit having been decided in
 favor of Kanare. As the latter
 had to receive Rupees (17-6-0)
 Seventeen

I beg to
 Camp Tellicherry 1st P. Francis
 28 July 1874
 Avenue S. P. M.

Statement
 incurred &
 papered by the

2.

- 1 P. Oney
- 16 days a
- 2 Cadarun
- 3 Vakeels
- 4 Stamp
- 5 For writ

Camp
 July 1874

In a letter from
 the Distt. Engineer
 Malabar to the
 Chief Engineer
 N. 108 dated 17
 August 1874

P. G. 278 Sept 1/74
 In B. N. 158.
 P. N. 5213/74

Copies of letters
 N. 204 dated 5
 Aug 1/74 from Lt
 Lieut. and N. 108
 dated 28 July 1/74
 from Oversee
 Francis with
 a statement

W. Kanist
 District Engineer Malabar

Malabar Distt. Eng' Office.
 N. 108. - Calcutt. 17 August 1874

From
 The District Engineer,
 Malabar,

To
 The Chief Engineer,
 P. W. Department,
 Madras.

Sir,
 In forwarding papers
 from Distt. of correspondence as per margin
 dated 5 Aug 1/74 I have the honor to state that two
 from Oversee men by name "Urey Numbhar"
 R. Francis
 N. 125 dated 28 July 1874 and "Kanarn" filed suits
 a statement against Oversee Francis for the
 recovery of wages said to be due
 to the farmer, and for balance
 of account claimed by the latter
 to defend these suits Oversee Francis
 paid without authority employed
 a Vakeel, at a cost of Rupees (19)
 "Urey Numbhar" will have to
 pay half of this, as the suit was
 given against him; the Oversee
 is liable for the other moiety the
 suit having been decided in
 favor of "Kanarn". As the latter
 had to receive Rupees (17-6-0)
 Seventeen

Seventeen and minor as the
balance of his account. I am of
opinion either that the Vakul's
fee should have been deducted
from it, the bringing of the suit
being vexatious and altogether
unnecessary, or that the Over-
seer should himself be called
upon to pay it for employing
a Vakul without first ob-
taining the permission of the
Officer in charge of the Range.
I have also informed Mr. L. L.
Dobson that I do not share
the opinion expressed by the
Overseer that it was expedient
to employ a Vakul. He might
himself have defended both
cases had he obtained per-
mission from his Office.
As this is a subject ^{regarding} which you
may deem it advisable to
issue a Departmental order
I forward it for your opinion
and decision.

I have the honor to be,
Sir,

Your most Obedt. Servant,
W. Barrington

District Engineer - Malabar

M
25/7/05

III of the Public Works
Code in all cases of
legal proceedings under
- taken or defended on
behalf of Govt. and he
will instruct all
officers and subordinates
in his district to
strictly adhere to those
rules in future. The

sanction of Govt should
have been first obtained
to the defence of the two
suits under reference.
In the present instance,
the law charges will
be borne by Govt -
but future inordinate
-ridged outlay of the
kind will fall on the
Officer or Subordinate
concerned.

GMW

G.O. write remarks.

Y.

The D. E. Sealaband

" Controller

S. Capris deap. 14/9/74.

158-159.

Rec 24/8/74 Rec 25/8/74

5213

Gobt. of 1874 Madras.
PUBLIC WORKS.

The Dist. Engr.
Malabar

Dated

Recd.

G. O. 8 Sept 1874 No. 2545

No. 158-159

Suit

The Dist. Engr. Malabar directed to be guided by the rules promulgated in Chap: VIII of the P.W. Code in all cases of legal proceedings undertaken or defended on behalf of Govt. & to instruct his Officers & Subordinates to strictly adhere to those rules in future. The charges incurred in defending the 2 Suits brought against Govt. Francis ordered to be borne by

sanction of Govt. should have been first obtained to the defence of the two suits under reference. In the present instance the law charges will be borne by Govt. but future unauthorized outlay of the kind will fall on the Officer or Subordinate concerned.

Engr.

158-159

Recd 26/8/74 Recd 26/8/74