

(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.	3	Press	<i>Original</i>
B.P. No.		Mis.	
Dated	4 - 1 -	1875	
		-195-	

Not to be folded or roughly handled

No. 6. Read the following endorsement of the District Engineer, Cuddapah, dated 28th November 1874, No. 1,675.—

From Mr. W. F. DONAGHUE, Sub-Engineer in charge Cuddapah Range, to Colonel A. S. MOBERLY, R.E., District Engineer, Cuddapah, dated Camp at Cuddapah, 27th November 1874, No. 1,524.

ADVERTING to paragraph 4 of G. O., No. 3,234, dated 16th November 1874, I beg most respectfully to state, that when Mr. Overseer Taylor reported to me (*demi-officially*) the proposed transfer of bricks from Contractor Periakana Pillay to Panjanada Iyer, I at once instructed Mr. Taylor (*also demi-officially*) that the transfer could not be recognized until the advance on the kilns was first adjusted, at this time I was in a remote part of the range, but proceeded as soon as possible to inspect the Pandavyaur regulator, which I found in progress with the bricks taken from Periakana Pillay's kilns, notwithstanding that the bricks were claimed by Panjanada Iyer, and I personally informed the Overseer that the claim could not be entertained as the Government had a lien on the kilns by virtue of the advance made on them. In confirmation of this statement, I beg respectfully to invite a reference to my endorsement on the bill subsequently submitted by the Overseer in favor of Panjanada Iyer.

2. I very much regret that it should be thought I had been negligent in this transaction, which I looked upon as a job to accommodate two persons, and that I had taken no precaution for the adjustment of the advance made on the kilns. I beg respectfully to urge that I threw the weight of my objection from the beginning, that I opposed the transfer of the bricks to Panjanada Iyer, that I looked upon the kilns as the property of Government, and as an agent I exercised what I considered my duty to hold the original Contractor answerable for the advance which was made to him, and the only measure which was in my power (to withhold payment to Panjanada Iyer) I adopted. In fact, this circumstance implies a prior opposition on my part.

3. The District Engineer of Tanjore, as will be seen from the proposed written defence, was fully convinced that the plaintiff had no just claim on the bricks so long as the advance was not fully satisfied, and that officer clearly showed that the contending parties, acting in collusion, meant fraud by acting as they did. Mr. Taylor, who is young and an inexperienced Overseer, was simply an instrument in their hands. I beg leave to mention here that if I had not opposed the transfer of the bricks I would have passed the bill submitted by the Overseer, when there would have been nothing further heard on the subject, but rightly or wrongly it was in the interests of Government I acted as I did, and it is very hard that I should be censured for the line of conduct I adopted.

4. On the day of hearing I labored under many disadvantages. The Overseer, a most essential evidence, was at Madras, sick. The Contractor, Periakana Pillay, retired to Pondicherry, and the purchaser of the kilns, Panjanada Iyer, was dead. The only point then I depended upon was the claim I believed to have fairly established on the kilns, by the advance I had made to the plaintiff which was not denied, but the native Judge considered I had no claim at all, and if his judgment holds good in law the system which obtains in the department, of making advances on materials (Form J. I.), cannot be safe.

Proceedings of the Madras Government, Public Works Department,
4th January 1875

SUBMITTED to Government with reference to G. O., No. 3,234, dated 16th
November 1874

(Signed) A. S. MOBERLY, Colonel, R.E.,
District Engineer, Cuddapah.

No. 7. ORDER THEREON, 4th January 1875, No. 3.

IRRIGATION, No 1.

Establishment

THE Government are of opinion that Mr Sub-Engineer Donaghue should have absolutely forbidden the acceptance of any bricks whatever from Panjanada Iyer, and that the omission to do so led to the subsequent difficulties Mr Donaghue committed an error of judgment, but as his explanation shows that he did all that appeared to him necessary to secure the interests of Government, he will not be required to bear the loss.

(True Extract)

Colonel, R.E.,
Secretary to Government.

To the District Engineer, Cuddapah
.. Superintending Engineer, Tanjore
.. Controller of Public Works Accounts,
.. Chief Engineer for Irrigation

Exd S T Austin.

Spare Copies

Cuddapah Range office
Camp Cuddapah
No 1524
Dated 27th November 1874.

From

The Officer in Charge of

To

The District Engineer

Cuddapah

Sir

Referring to para 4 of G.O. No. 3234 dated 16th
November 1874 I beg most respectfully to state that, when
Mr. Quessur Taylor reported to me (Demi-officially)
the proposed transfer of bricks from Contractor Peria
Kannaga Pillai to Panjanada Iyer, I at once instructed
Mr. Taylor (also Demi-officially) that the transfer could
not be recognized until the advance on the kilns was
first adjusted. at this time I was in a remote part of the
Range; but proceeded as soon as possible to inspect the Pan-
janada regulator which I found in progress with the bricks
taken from Peria Kannaga Pillai's kilns, notwithstanding
that the bricks were claimed by Panjanada Iyer, and
I personally informed the Quessur that the claim could
not be entertained as the Government had ~~not~~ ^{not} alien on
the kilns by virtue of the advance made on them. In
confirmation of this statement, I beg respectfully to
invoke a reference to my endorsement on the bill submitted
by the Quessur in favour of Panjanada Iyer.

2 — I never mind regret that it should be thought I had been negligent in this transaction which I looked upon as a job to accommodate two persons, and that, I had taken no precaution for the adjustment of the advance made on the Kilns. I beg respectfully to urge, that I threw the weight of my objections from the beginning, that I opposed the transfer of the Bricks to Panjanada Dyer, that I looked upon the Kilns as the property of Government, and as an Agent I exercised what I considered my duty, to hold the original Contractor answerable for the advance which was made to him, and the only measure which was in my power, to withhold payment to Panjanada Dyer, I adopted. In fact this circumstance implies a prior opposition on my part.

3 — The District Engineer of Tanjore, as will be seen from the proposed written defence, was fully convinced that the Plaintiff had no just claim on the Bricks so long as the advance was not fully satisfied; and that officer clearly showed that the contending parties acting in collusion meant fraud by acting as they did. Mr Taylor who is young and an inexperienced Quereist was simply an instrument in their hands. I beg leave to mention here that, if I had not opposed the transfer of the Bricks, I would have passed the Bill submitted by the Quereist when there would have been nothing further heard on the subject; but rightly or wrongly it was in the interests of Government I acted as I did and

and it is very hard that I should be censured for the line of conduct I adopted. 5

4 — On the day of hearing I labored under many disadvantages. The answer to the most essential Evidence was at Madras sick, The Contractor Peria Kanaga Pilly retired to Pondicherry, and the purchaser of the Kilns Panjanada Dyer was dead. The only point then I depended upon, was the claim I believed to have fairly established on the Kilns by the advance I had made to the Plaintiff which was not denied; but the Native Judge considered I had no claim at all, and if his judgment holds good in law, the system which obtains in the Department of making advances on Materials (Form T.I.) cannot be safe.

I have the honor to be

Dear

Yours most obedient Servant

(Signature)

Sub Engineer
in Charge (Addlapadda Range)

N^o 1675 Dated 28th November 1874

Submitted to Government
with reference to G. O. N^o 3234 dated
16th November 1874.

(Signature)
District Engineer

From

The Office in Charge
Nadabab Rao

The District Engineer
Nadabab Rao
Dated 27th
March 1924
Revenue

Forwarded his reply
relative to the
a suit brought against
him by a local
people for the
Rajabator, dated for
in G. O. No 3234 dated
16 September 1924.

P.W. Dept
9
Proceedings of the Madras Government
Read the following

From
The At-Sup-Suddapah (H. E. No 1675 of 28th Nov/74)
N 3

P.W. Dept
From
The District Engineer
of Cuddalore

To
The Secretary to
Government
P.W.D.
Fort St. George

Dated 28th
Recd 30th November
1874

Ob No 3 4-1-75
Forwards explanation
from Mr. Sub Engineer
Donaghue relating to a
suit brought against him
by a British Contractor
for the Pandavayam
Regulator called for in
G.O. No 3234 dated 16th
November 1874.

Tab

Per 10-12-74

The Government are of opinion
on that Mr. Sub Engineer (Donaghue)
should have absolutely forbidden
the acceptance of any bricks
whatever from Punjanada Sany,
and that the omission to do so
led to the subsequent difficulties.
Mr. (Donaghue) committed an
error of judgement; but, as his
explanation shows that he did
all that appeared to him
necessary to secure the interests
of Government, he will not
be

MS
10/11/74

is required to bear the loss.

GMM

To the District Eng^r Cuddapah.
— " — Superintending Eng^r Tanjore
— " — Controller of P. W. A.
— " — Chief Eng^r for Irrigation.
Despatched to all 6/1/75.

7498

Grd. of 1878
PUBLIC WORKS.

The St. Engr.
Cuddapah

1878

1878

4 Jan 1878

Dec. 6-7.

Mr. Sub Engineer Donce
glue

Intimating, with
certain remarks that Mr.
Sub Engineer Donce
will not be required to
bear the loss incurred
in connection with the suit
instituted against him
by Pungarada Dyer for the
supply of bricks for the
Pondavoyan Regulating
Works in the Tanjore D.