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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	2727	Press	<i>Original</i>
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Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
11th October 1876. No. 2,727.*

Read the following:—

No. 157. From A. VEERASAWMY MOODELLY, late Overseer, Nellore District,
dated 3rd October 1876.

No. 158. ORDER THEREON, 11th October 1876, No. 2,727.

ESTABLISHMENT, No. 16.

HIS GRACE the Governor in Council
having fully considered the petitioner's
appeal, and the District Engineer's letter
on which his dismissal was ordered, confirms the Chief Engineer's proceedings,
No. 955, dated 19th June 1876, on his case.
(True Extract.)

Colonel,
Offg. Under Secy. to Govt., P.W.D.

To the Petitioner.

Exd. E. C. Shunker.
Spare Copies

TO

HIS GRACE THE MOST NOBLE
THE DUKE OF BUCKINGHAM & CHANDOS
GOVERNOR IN COUNCIL,

Fort Saint George.

THE HUMBLE MEMORIAL of A. VEERASAWMY
MOODELLY, LATE OVERSEER OF KUNDACUR
TALUQ IN THE NELLORE DISTRICT.

MOST RESPECTFULLY SHEWEETH,

That your Memorialist most respectfully begs to approach Your most noble Grace in Council with a brief statement of his most unhappy case, humbly trusting that Your Grace will be kindly pleased to take the same into your benign and favourable consideration, and grant him redress.

2. That the circumstances connected with his unfortunate case are briefly represented below. The Sub-Engineer in charge of the Northern Range in whose division the above Taluq is situated preferred against your Memorialist 10 different and distinct charges. These charges and the explanations offered by your Memorialist in vindication of his conduct and in refutation of them are herein-under succinctly given for the information of Your Grace in Council. As some of these charges partake more or less of the same nature they are clubbed together by the District Engineer for the sake of brevity, and for clearness of comprehension, and your Memorialist has also adopted the same arrangement in offering his explanations thereto in this Memorial.

3. The District Engineer in his over-anxiety to accuse and condemn your Memorialist gives details for 11 charges when the very heading of his Memorandum, and of the Sub-Engineer clearly define that there are only 10 charges against him, and the numerical error, into which the District Engineer has fallen for the condemnation of your Memorialist is chiefly attributable to his undue zeal and anxiety to inflict the more serious punishment of *dismissal* and which was unfortunately confirmed by the Secretary to Government in the D. P. W. when the Range Officer, who made a personal examination of these charges, being thoroughly convinced, that no dishonest motives were brought home against him, recommended in his report dated 18th May 1876 to the District Engineer that *he should only be suspended for a period of 6 months* for neglect of duty. He begs respectfully to point out to the serious consideration of Your most Noble Grace in Council the difference of punishment recommended and inflicted, the one by an Officer of local experience and co-worker having frequent opportunities by coming in contact with workmen, contractors and others, and being in a position to form a correct judgment of his character and qualifications, and the other being merely an officer passing opinions and orders in many instances from the records and papers submitted to him for disposal, and although the District Engineer is the superior officer of the two, still if the opinion of the officer in charge of Range or works is formed on reasonable grounds and not in any way detrimental to public interests, or the character of the party, or his honesty, is not called in question that opinion is entitled to much consideration and weight with the officer in disposing of the matter.

4. These 10 charges adverted to above are clubbed together by the District Engineer into 6 charges, as represented and explained below.

5. The District Engineer's charge No. 1 includes charges Nos. 1 and 9 of the Range Officer and in these cases your Memorialist is charged with having submitted bills for works he had neither seen nor measured. Your Memorialist would beg respectfully to submit the following explanation and observation for the consideration of Your Grace in Council. Having been called upon to attend the Range Office for the preparation of the annual accounts, he proceeded thither for that purpose, but having ascertained in the interim that 110 cubic yards of gravel had been carted for Ramapatam road, he made out a bill for the value of only 70 cubic yards in part payment of the work executed as an encouragement to the contractor to effect an early completion of the work. In order to test the accuracy of this bill and the accounts, Ramasawmy Moodelly, Taluq Overseer of Ongole, was deputed for the inspection of the work and after personal examination he has submitted a report to the effect that 130 cubic yards of gravel had been actually carted. Can any fraud or fraudulent intention be attributed to him? A bill is made out only for a little more than half the quantity of work actually performed, and can his certificate under these circumstances be false or untrue, and if so how is the falsity established? The other work refers to the Rajupoliam tank repairs and the Contractor having completed the work, the bill was made out and your Memorialist on examination found the work agreed with the measurements of the Maistry already taken. The Range Officer, who since examined the work, was satisfied with the nature of the repairs executed, and settled the payment so that there was no reasonable cause of complaint at all against him in this matter. Your Memorialist begs to submit that no embezzlement or misappropriation was adduced or established against him, and in the absence of such complaints how can any charge be established against him?

6. That the 2nd charge of the District Engineer comprehends the Range Officer's 2nd, 3rd, 4th and 7th charges. The 2nd 3rd and 4th charges referred to works, which are alleged to have not been measured but for which bills were submitted, and that the works were not executed to the full extent represented therein. These works had reference to the 155th mile of the Trunk road, and to the 20th and 22nd mile of Oollapalem road. When your Memorialist examined the works pertaining to the 155th mile, there was a portion of the work in an unfinished state, and the bill was only made out for a part payment, but since then the work was fully completed, and examined by the Range Officer. The other two works of the 20th and 22nd mile were equally inspected by your Memorialist, and he having discovered that the works were in an incomplete state made out his bills only for part payments just to encourage the contractors to make an early completion of the work, and these two works have been since fully and satisfactorily performed and examined by the Range Officer who had no reason whatever to complain against the repairs executed. The 7th charge refers to the branch road of the Travellers Bungalow Singaroyaconda. Your Memorialist repaired to the spot on his way to Ongole and discovered that the materials were completely brought down to the work spot, and that the work to the extent of only Rs. 6 remained incomplete which was also since then attended to according to his instruction, and that the work was thus thoroughly put in order and completely executed. Thus Your Grace can clearly see whether your Memorialist is guilty of any corruption or malversation, and whether such charges, if adduced under the circumstances above explained, can be established at all against him. He has been thoroughly honest and straightforward, and the attempt made by the District Engineer to impeach that honesty has completely failed and fallen to the ground.

7. That District Engineer's charge No. 3 embraces Range Officer's charge No. 5. In this case he is charged with having intimated to the Maistry that it was his intention to charge for more work than was actually executed. Your Memorialist begs respectfully to state that this is an utter gratuitous and unfounded assumption. He did nothing more than simply express a desire and anxiety to complete the work before the close of the official year, and in order to stimulate his subordinate to exert himself more energetically to accomplish his object he wrote to him on the subject. It was a laudable and praiseworthy intention on his part to secure the interests of Government and the District Engineer takes this also as an offence. He has not done anything wrong and has not perpetrated any fraud. The District Engineer wishes and tries his utmost to find faults with him in every possible way he can, and would not leave a stone unturned to accomplish his object and he leaves it to Your Grace to determine whether his expression of good intention can amount to any offence and deserve any censure rather than of praise.

8. The 4th charge of the District Engineer refers to the 6th of the Range Officer, and this refers to a bill for materials, which, he knows it is alleged, were not delivered. This charge has reference to an agreement entered into with a contractor for 1,50,000 tiles for the Kundacur Taluq sub-jail. 60,000 of these tiles were duly prepared by the contractor for delivery and your Memorialist after seeing them with his own eyes ready for delivery granted only a bill for 30,000 in part payment so as to enable the contractor to cart them to the sub-jail without delay, as there was no system of making advances to the work in this Range. The said tiles have now been completely delivered in the sub jail. Your Grace can see that if no inducements are given to the contractors the work cannot make a fair progress, and will be in statu quo and in the absence of advances your Memorialist made out a bill only for half of the work performed, which he personally observed and saw, and as these tiles have been since correctly and fully delivered, your Memorialist asks can unfair and improper motives be attributed to him in this instance?

9. In respect of District Engineer's charge No. 5, which corresponds with charge No. 8 of the Range Officer, it is stated that your Memorialist has charged for taking materials from one quarry a rate allowed for a quarry situated at a much greater distance from the work; and in respect of this charge your Memorialist begs to submit the following explanation. That the materials for metalling the 160th mile of the Trunk Road were brought from the quarry at Karadu, and the greater part of the materials having been collected at the work-spot, the contractor demanded and pressed for payment for the work done, your Memorialist having been very busily engaged at the time and the Maistry not having, as required, furnished him of the true distance from which the materials were brought he referred to the rates disbursed to the contractors by his predecessor from the records of 1873 and 1874, and having discovered that Rs. 1-1-6 per cubic yard had been paid to him by the late Overseer for collecting the materials from the same quarry on the 161st mile he paid to him at the rate of Rs. 1-3-9 per cubic yard, being one mile in excess of the distance traversed than on the former occasion and this rate, your Memorialist begs specially to state, was below the estimated rate. When the pressure of business was over your Memorialist did not allow the matter to drop off but he personally measured out the distance from the quarry to the road, and having observed that the distance fell short of the rate paid for he brought the matter at once to the notice of the Range Officer, who directed the excess Rs. 117 to be recovered from the contractor, and he has agreed and consented to deduct this amount from his next bill. This naturally roused your Memorialist's suspicion in the matter, who thereupon spared no endeavours on his part in

exerting to reduce the different rates per mile, ordinarily allowed by his predecessors, and brought an amount of about 1,000 Rupees to the credit of Government which fact, he undoubtedly believes, will be borne out by records. If your Memorialist was a man of dishonest principles and one actuated by unfair and improper motives the rate he had paid, being below the estimated rate, might have remained quiet and especially his rates of payment not having exceeded those of his predecessor. He was always utilizing his time and labour as well as his talents and skill for the benefit of the Government he served. He was not conscientiously satisfied with the rates of payment, and as soon as he was able to command time he measured out the distance and finding a difference he recovered the excess from the contractor; does this circumstance shew any imposition or fraud on his part or honesty and probity? and is it possible and fair to attach any blame to your Memorialist, who has endeavoured his utmost and succeeded in realizing a substantial profit to Government? He leaves it to Your Grace whether he can be condemned in this respect and whether that condemnation would be reasonable and just? He also begs specially to submit for the favorable consideration of Your Grace in Council that he was instrumental in reducing many high rates formerly prevailing in this Taluq since he took charge of the same and this circumstance is so notable and public that it cannot be denied either by the Range Officer or District Engineer, and a reference to the records of the Range will fully bear out his assertions. Is this the reward of his fidelity? Is this the encouragement he receives from a paternal Government? He will now proceed to shew the utter futility and groundlessness of the remaining one charge.

10. That the 6th charge of the District Engineer adverts to the 10th charge of the Range Officer. He is charged in this instance with selling the surplus and rejected Chilla-calva old chunam stock in a hurried manner, and without giving sufficient notice of sale by which it is supposed a great loss has been sustained by Government. He will now explain the mode he adopted for the sale of this surplus chunam, and this method having generally been adopted on all such occasions he will leave it to Your Grace after a representation of the matter to judge whether any blame can be legally attached to him. Your Memorialist notified the intended sale of the chunam as widely as possible to the contiguous villagers of Karadu and Oolavapaud through Maistry Ramiah in the former village, and himself personally in the latter. It was his intention to divide the stock into different lots and sell them separately but the chunam having been purchased several years back, and now rendered absolutely and utterly useless and unfit for work of any substantial nature the large crowd whom he had assembled and gathered there, were adverse to any division of lots, and they earnestly requested that the total quantity may be sold in one lot. He was therefore unavoidably obliged to sell the rejected and refuse chunam in one lot and the highest bid was only Rs. 10-4-0. There was a large gathering of the adjacent villagers, and as there was no higher bid than that recorded above, he reported the matter to the Range Officer for his decision. (The Range Officer thereupon submitted it to the decision of the District Engineer,) who ratified and confirmed the sale, and the chunam was then handed over to the purchaser. Between the date of sale, and the delivery of the article, there was an intervention of one month, if there was any impropriety or misconduct in the sale transaction there was ample time for making complaints about it. No man has stepped forward and presented any complaint against your Memorialist as to the illegality of the sale and no higher offers were ever made by any person. Your Memorialist has submitted the whole transaction for the orders of his superiors, and it rested with them either to confirm or cancel the sale, and if they considered that the bid was low and could not consistently be

accepted considering the quality or quantity of the article nothing prevented them from disallowing the sale, which before ratification was simply nominal. If as the Range Officer alleges that the chunam in question was likely to fetch more money why did he give his veto to the transaction? If he was aware as he now makes it appear regarding the quality of the article that such a low bid could not be admitted, it was absolutely at his disposal, and was in his power to order the re-sale and if he did not order it, is your Memorialist to be taxed for the indifference of his superiors. Your Memorialist has done his best and could have done nothing more. He then sent in a report communicating the highest bid to his superiors, and the chunam was not handed over to the purchaser till after the receipt of the order, and then the charge against your Memorialist would amount only to this, his yielding submission to the orders of his superiors. The question then naturally arises whether a subordinate can be found guilty for giving implicit obedience and submission to the orders of his superiors, who are held responsible for the orders issued by them? This shews the undue zeal which the District Engineer, who was only 3 months in the district and who had no opportunities of judging the merits of your Memorialist evincing a desire condemning even his predecessor's proceedings in order to criminate others whom he dislikes. Your Memorialist now respectfully begs to submit that whether under the circumstances above represented, which is the true version of the story he can be held responsible or found guilty in this respect and whether reasonably or lawfully any improper or unfair motives can be attributed to him?

11. That from the above representation of facts your Grace can clearly see that not one of the 10 charges which were brought against your Memorialist by the Range Officer, and which were ~~very seriously~~ viewed by the District Engineer has been established against him. He was not charged with any corruption or malversation, and he did not commit any imposition or fraud affecting the interests of Government or private individuals so that not a farthing of Government was lost, nor was he called upon to make good any loss that might have resulted from his negligence or carelessness. He is so far happy to state that he is free from any contamination and that he enjoys a clear conscience and pure hand throughout and that nobody has the boldness or audacity to prefer any charge affecting his character or morals. The Range Officer wrote to him on the 15th March 1876 to expedite all works so that not a rupee of the allotment can be lost by surrender. He therefore strenuously exerted his utmost endeavours for the early completion of the works, and advantage is also taken of accusing your Memorialist of being uncourteous to his subordinates. In obedience to the orders of his superior officers he was necessarily obliged to hasten his subordinate to complete the works before the close of the official year, but they seem to be offended at his hastening them. If he attempted to please them he incurs the risk of losing the good will of his superiors by the slovenly and careless manner in which the works are performed and if he threatens to report them or get them punished he stands the risk of being accused by them. His intermidding position between an irascible superior and accusing subordinates is very critical and delicate and he has the good luck of having passed between them without impairing his efficiency or honesty.

12. That your Memorialist was employed under the D.P.W. in various grades for the last 27 years and held the position of Sub-Overseer and finally that of the Taluq Overseer for about 19 years with great diligence and honesty. He has all along maintained an unblemished and irreproachable reputation, and his conduct has invariably been of an exceptional character in most trying occasions. He was employed in this Range for the last 2 years and having observed great many irregularities to exist he at

once set about effecting a reformation, and restoring things to order and regularity. This with what has been stated above contributed greatly to rouse the bitter feelings of animosity and jealousy towards him and the officers in power instead of helping and aiding him to root out and eradicate these evils and irregularities terminated his official career by removing him from office for certain alleged neglect of duty. The numerous gentlemen under whom he has served have invariably testified to his probity and uprightness, and the zeal which he evinced in securing the interests of Government have been the only means of his overthrow and fall. The Sub-Engineer under whom he was last employed declares that there is no flaw in his moral character, and that he is not dishonest with regard to rates or measurement of work and that he had not to find fault with him at any time. That he had thus the happiness of securing and winning the golden opinions of his superiors as the enclosed numerous testimonials will prove. He was not guilty of any corruption or malversation and yet the evil machinations of his enemies had the desired effect of getting him removed from the Department and reducing him to a state of abject poverty.

13. That under the foregoing and other circumstances your Memorialist most earnestly entreats Your most Noble Grace in Council to be graciously condescended to take the above circumstances into your favourable consideration and after referring to the records herewith submitted be pleased to restore him to his appointment from which he was unjustly removed and render him justice.

MADRAS,
September
5th October 1876.

Shall ever pray.

A. Veerasawmy

A. Veerasawmy Moodelly, late Overseer Kundacur Taluq now residing in Narayanapalayam Vencatachella Moodelliar Street Purasawakum, Madras.

TESTIMONIALS.

No. 1.

EXTRACT FROM SERVICE REGISTER.

A. Veerasawmy Moodelliar was dismissed 18th April 1859, his appointment having been cancelled by the Chief Engineer, in consequence of its being supernumerary to the fixed establishment. This man served under Lieutenant Marshall as Maistry and Sub Overseer for 3 years and that Officer reports favourably on his character and qualifications. He was next employed under Captain Ritherdon's orders and this Officer speaks very highly of him. He bears a good character for intelligence and honesty and I much regret that his services have been lost through a mistake.

(Signed) J. MULLINS, CAPT.,
District Engineer, Nellore.

(True Extract)
(Signed) J. MULLINS, CAPT.
District Engineer Nellore.

No. 2.

The bearer hereof A. Veerasamy Moodelliar, Maistry, has been employed on the Southern Trunk Road these last two years, during which period, he has conducted himself in a very respectable manner, since he has been employed under me, he has been civil, sober, attentive and so far as I have reason to believe, strictly honest under whom he may be employed in the "Public works of utility" will find him a great acquisition, he has left the Southern Trunk Road, at his own requisite, for to be employed near his relative, had he remained with me, I would have recommended him to the Superintendent of Roads, for promotion, his present pay I consider small for his abilities.

(Signed) BEVERIDGE,
Assistant Overseer Southern Trunk Road.

KHYDOOR,
26th April 1854. }

No. 3.

The bearer "A. Veerasamy Moodelliar" served under me as a Maistry and Sub Overseer for a period of three years. He is a very intelligent active honest man and I regret to say he has been transferred from my Range to the Nellore Range. He understands Plan drawing, Surveying, Levelling and Estimating and has a good knowledge of both Masonry and Earthwork.

(Signed) MARSHALL, LIEUTENANT.
Executive Engineer, Northern Range.

Camp Yendloor,
3rd. July 1858. }

No. 4.

A. Veerasamy Moodelliar served under my orders for two years in the capacity of Sub-Overseer. He is one of the few Subordinates who have had some experience in executing works of various descriptions, and has shown himself to be one of the best Native Sub-Overseers I have had in my Range during the past five years.

(Signed) AUG. RITHERDON, CAPTAIN.
Executive Engineer, Nellore District.

NELLORE,
6th August 1859. }

No. 5.

A. Veerasamy Moodeliar is a good practical Maistry, takes great pains with his work, and knows how it should be done, is regular in his office work and an active Superintendent of a line of road a group of works.

8th August 1864.

Signed) C. J. SMITH, LIEUTENANT.
Assistant Engineer.

No. 6.

Overseer A. Veerasamy Moodeliar has served under me, for twelve months and has shewn himself well able to execute Masonry works and Roads; he is in fact a good practical Overseer.

2nd February 1869.

(Signed) L. S. SAYCE,
Supervisor in charge of Northern Range, Nellore District.

Madras
3rd Oct. 1876.

Major General G. F. Walker
R. E.
Secretary and Chief Engineer
Colacium and

Most Respected Sir

In enclosing the papers
connected with my dismission
I beg your hands will give my
deklaration and you kind and
favourable consideration and
do me the justice sought for
in the above article.

I beg to remain
Dear Respected Sir,
Your Obedt. Servant
W. J. S. S. S.

* Copy of which has been
forwarded to Government.

N^o 727

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 11th Octr 1876.

Read the following:—

From A. Veerasamy Maasly
Lake Overseer, Kallne S } H.E. dated 3^d October 1876

His Grace the
Governor in Council
having fully considered
the Petitioners Appeal,
and the District Engineers
letter on which his dis-
mipal was ordered, con-
firms the Chief Engineers
Proceedings No 955 dated
19th June 1876 on his case.

[Signature]

Sl. No. 12955 of 19-6-76

Sl. No. 12955 of 19-6-76
P. S. Cantt. Secy

To the Petitioner V.
Dated - 24-10-76
[Signature]

2727

Govt. of Madras.

PUBLIC WORKS.

To

The Librarian

From

Chief Engineer

Re

Encl.

G. O. No. 626 of 1876, No.

2727

Hos.

A Varaswamy Moddily
late Engineer - Kallur Dr

Confirming the
Chief Engineer's Proceedings
dated 19th June 1876
in the case of the dis-
missal of —