

(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.	2792	Press
B.P. No.		Mis.
Dated	17-10-	1876 195

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
17th October. 1876. No. 2,792.*

No. 277. Read the following letter from Lieutenant-Colonel J. F. FISCHER, R.E., District Engineer, Madura, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Kodicanal, 4th October 1876, No. 2,415:—

In forwarding copy of a letter, with its enclosures, from the Assistant Engineer in charge Dindigul Range, I have the honor to request you will be so good as to grant me permission to defend the suit brought against Lieutenant O. V. Boddy, R.E., by a contractor at Tiroomangalum, and to report that I had personally inspected the materials collected by him and found them to be unbroken. I at once ordered the work to be done departmentally as the Overseer Mr. Williams was dead.

2. I beg to recommend that the suit may be defended at the public expense, and I request that I may be furnished with early instructions on this matter.

From Lieutenant O. V. BODDY, R.E., Assistant Engineer in charge of No. 2 or Dindigul Division, to Lieutenant-Colonel J. F. FISCHER, R.E., District Engineer, Madura, dated Dindigul, 26th September 1876, No. 553.

I HAVE the honor to forward herewith summons, dated 15th September 1876, issued to me by the District Munsif at the instance of contractor Soobramanea Pillay; also translation of the plaint is herein enclosed.

1 Plaint.
1 Answer to the plaint with exhibit Nos. I and II.
1 Overseer's letter.
1 Summons.

2. The contractor claims Rupees 600 on account of work done by him on Road No. 5 between Checkanooraney and Oosilamputti.

3. On the 12th February 1875 I received a letter, No. 167, of 10th February 1875, from Overseer Chinnasawmy Pillay, who was in charge of the Teroomangalum Taluq, stating that contractor Soobramanea Pillay had been overpaid by late Range Officer Mr. Hawksworth for stones collected for metalling, i.e., he paid the deduction already made in the previous bills for breaking and spreading stone on the road without making check-measurements. On my inspection of the road on the 18th February 1875, I found the statement to be correct, and sent in a report on the progress of the road in which I had informed about the deficiency of stone collected and the overpayment made to the contractor. The stone was then lying by the sides of the road quite unbroken, but the contractor was paid as if the stone was properly broken and spread on the road at the full estimated rates.

4. As the contractor had made great delays in carrying out the road work, I ordered Overseer Chinnasawmy Pillay to measure up all the work done by the contractor with a view to settle his accounts and to engage other competent contractors to enable the allotment being utilized within the close of the year 1874-75.

5. The Overseer measured all the work done and sent in a comparative statement (a copy of which is enclosed) from which it will be seen that the value of work done as per actual measurement is Rupees 5,364-6-11, but the amount received by the contractor is Rs. 6,121-0-4; thus it will be seen that contractor Soobramanea Pillay has been overpaid by Rupees 756-9-5.

6. The deficiency occurs, as will be seen in the comparative statement, in the quantity of stone above, for the contractor has been paid in full for 3,600 ⁵⁵/₉₆ cubic yards of stone, but the quantity found on an actual measurement is 2,917 cubic yards. The stone was overmeasured by

Proceedings of the Madras Government, Public Works Department,
17th October 1876. No. 2,792.

late Overseer Mr. Williams, and the deductions made by Lieutenant Greer (who had not checked the measurements) at 25 per cent. for not breaking the stone were paid in full by late Range Officer Mr. Hawksworth on the last bill paid by him.

7. I had called upon the contractor several times to refund the overpayment of Rs. 756-9-5 received by him, and in my Memorandum, No. 590, of 20th September 1875, directed the Overseer in charge of the Peracolum Sub-division to recover the amount from the contractor, and whose reply is herewith forwarded.

8. On being informed personally by the contractor that he had broken stone collected by him, I had called upon the Sub-divisional Officer Mr. Davidson to inform me whether the statement of the contractor was true or not; that officer sent in a reply stating that the stones were picked and broken by daily laborers "by Departmental Agency," and the amount already expended from the maintenance allotment of the road as per your orders for breaking the stone and spreading it on the road is Rupees 726-10-5, and it will take about Rupees 100 more to complete the laying on of the metalling in the remaining portion of the road.

9. From the foregoing circumstances it is clear that contractor Soobramanea Pillay is to pay back to Government the excess payment, Rupees 756-9-5, received by him, whereas he has instituted a false suit in the Munsif's Court for the payment of Rupees 600 from me, and of Rupees 285-4-0 from the Overseer, after the suit against me has been settled.

10. I would observe that had Overseer Moorogasa Moodelliar brought to my notice that the stones were unbroken and paid in full on Overseer's responsibility which he must have known when he prepared the first bill that I paid in, I should have been enabled to make the recovery long ago.

In conclusion, I request you will be so good as to obtain sanction from Government for the employment of a Vakeel to defend the suit and for the cost that may be incurred in the defence.

No. 278.

ORDER THEREON, 17th October 1876, No. 2,792.

ESTABLISHMENT, No. 23.

The suit will, in the first instance, be defended at the public expense, a copy of the judgment of the Court being submitted

for information and orders in due course.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the District Engineer, Madura, with original enclosure
" Examiner of Public Works Accounts.

Ed. A. Order.
Spec. Copies

No 253

Indigul - District Office
Dindigul 26th September 1876
31

From

Lieutenant C. V. Boddy, B. C.
Assistant Engineer in charge of
No 2 or Dindigul District

To

Lieutenant Col. J. F. Fischer, B. C.
District Engineer, Madurai

Res:

I have the honor to forward herewith
Summons dated 15th September 1876 issued to me
by the District Munsiff at the instance of contractor
Soobramanea Pillay; also translation of the plaint
is herewith enclosed.

The contractor claims Rs. 600 on account
of work done by him on Road No 5 between
Chekkavaram & Orsilampatty.

On the 12th February 1875 I received of
letter No 167 of 10th February 1875 from Overseer
Chinnabaiy Pillay who was in charge of the
Peromangalam Taluk stating that contractor
Soobramanea Pillay had been over paid by late
Range Officer Mr. Hawksworth for stones collected
for metalling, i.e. he paid the deduction already
made in the previous bills for breaking and spread-
ding stone on the Road, without making check-
measurements. On my inspection of the Road on
the 18th February 1875 I found the statement

Encls: 4

1. Plaint
1. answer to the
Plaint with ex-
hibit A, I & II
1. enclosing letter
1. Summons

to be correct and sent in a report on the progress of the Road in which I had informed about the deficiency of stone collected and the overpayment made to the contractor. The stone was then lying by the sides of the road quite unbroken but the contractor was paid as if the stone was broken and spread on the road at the full estimated rates.

4. As the contractor had made great delays in carrying out the Road work I ordered Bunder Chinnasamy Pillay to measure up all the work done by the contractor with a view to settle his account and to engage other competent contractors to enable the allotment being utilized within the close of the year 1874-75.

5. The overseer measured all the work done and sent in a comparative statement (a copy of which is enclosed) from which it will be seen that the value of work done as per actual measurement is Rs 5364-6-11 but the amount received by the contractor is Rs 6121-0-4 thus it has been overpaid by Rs 756-9-5.

6. The deficiency occurs as will be seen in the comparative statement in the quantity of stone taken for the contractor had been paid in full for 360 $\frac{5}{8}$ cubic yards of stone but the quantity found on an actual measurement is 247 cubic yards. The stone was overmeasured by the overseer Mr Williams and the deduction

by Lieutenant G. (who had not checked the measurements) at 25 per cent for not breaking the stone were paid in full by the Range Officer Mr Hawksworth on the last bill paid by him.

7. I had called upon the contractor several times to refund the overpayment of Rs 756-9-5 received by him and in my Memo No 590 of 20-9-75 directed the overseer in charge of the Peracolum by Sub D to recover the amount from the contractor and whose reply is herewith forwarded.

8. On being informed personally by the contractor that he had broken stone collected by him I had called upon the sub-Divisional Officer Mr Davidson to inform me whether the statement of the contractor was true or not; that Officer sent in a reply stating that the stones were picked and broken by daily labourers by departmental agency and the amount already expended from the maintenance allotment of the Road at her order for breaking the stone and spreading it on the Road is Rs 726-10-5 and it will take about Rs 100 more to complete the laying on of the metalling in the remaining portion of the Road.

9. From the foregoing circumstances it is clear that the contractor Subramaniam Pillay is to pay back to Government the excess payment Rs 756-9-5 received by him whereas he had instituted a false suit in the Moonsiff's court for the payment of Rs 600 from me and of Rs 285-4-0 from the overseer.

10. I would observe that said verdicts were
- ~~given~~ - ~~made~~ brought to my notice that the stones
were unbroken and paid in full on mesdame's
responsibility which he must have known when
he prepared the first Bill that I paid in I
should I have been enabled to make the recovery
long ago.

long ago. In conclusion I request you will be so good as to obtain sanction from Government for the employment of a valet to defend the suit and for the cost that may be incurred in the defence. I have Sir &c &c.

Signed, C. V. Boddy, Esq. F. C.
 Assistant Engineer in charge
 of the Range
 Free copy,

Lewis & Clark Dec 7, 1806
to District Engineer, Fortes /

District Engineers Office
Medicinal 4 October, 1876.

11. 2415

Fischer R. C.
Madura

Walker, P. L.
at D. P. W. 61

a letter with
Engineer
the honor to
want me
against Lieut-
out Troopman-
personally-
him and found
ed the work
verses Mr.

2. I beg to recommend that the suit may be defended at the public expense, and I request that it may be furnished with early instructions on this matter.

Oversee after the suit against me has been settled.
-10. I would observe that had the case been
-4 adw. 10000 10000 10000 10000 10000

were, unless
responsibility
has prepared
should I be
long ago.

as to obtain
employment
for the case

Enc 1 In a letter
from the District
Engineer, Madras
to the Secretary
to Government of
4 October 1876
No 2415

Copy of Lt
Boddy's letter
with 4 encs

No 2415

District Engineer's Office
Madras 4 October 1876. 15

From
Lieutenant Col. J. F. Fisher R. E.
District Engineer, Madras

To.
Major-General G. W. Walker R. E.
Secretary to Government D. P. W. 16

Encls: 5

Sir,
In forwarding copy of a letter with
1. Copy of letter to its enclosures, from the Assistant Engineer
553 with its in charge, Sindigub Ranga, I have the honor to
26.9.76 four enclosures request you will be so good as to grant me
(to be obligingly re- permission to defend the suit brought against Lieute-
turned) nant G. V. Boddy R. E. by a contractor at Tiruman-
gulum and to report that I had personally
inspected the materials collected by him and found
them to be unbroken, I at once ordered the work
to be done departmentally as the overseer Mr.
Williams was dead.

I beg to recommend that the suit may be
defended at the public expense, and I request
that I may be furnished with early instructions
on this matter.

I

Sir,
Your most obedient servant
Worshipful Lieut. Col. R. C.
District Engineer, Madras

P.W.D.
11 OCT 78
2288

No 2792 = Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the *17th Decr 1846* -
Read the following :-

From
The Dist. Engr. Madura (M.E. No. 2415 d/4th Oct. 1876)

The suit will, in the first instance, be defended at the public expense, a copy of the judgment of the Court being submitted for information and orders in due course.

903-2-734-8

—K_c 277

Rec'd to Act 11-10-76.

which brought against
A. Boddys & Co.
requeriting testimony
to defend it.

Event 7

Dated 4 October 1876
Received

To the Secretary of
Government

From
The Architect Engineer
Medford

Mr 24 15

D.E. Madura with original
enclosures. despt 17-10-76.

Exc. J. W. Act. ✓ Dispd 27-10-78

7288 CH

Gobt. of 1876 Madras.

PUBLIC WORKS.

To The H. E. Madras.

Dated

Issued

Recd.

Encl.

G. O. 17 Oct. 1876, No. 2792

Nos. 27-178

Suit - Madras

Authorizing the
defence of the suit
brought against the
Boddy by a Contractor
in connection with
certain road works

By order of
28-10-76

By order