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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2823	Press
B.P. No.		Mis.
Dated	23 - 10 -	4876 -195-

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
23rd October 1876. No. 2,823.*

No. 334. Read the following endorsement of the Superintending Engineer, Chingleput, dated St. Thomas' Mount, 12th October 1876, No. 2,460 :—
From Captain A. C. SMITH, R.E., Executive Engineer, 4th Grade, to Colonel F. J. MOBERLY, R.E., Superintending Engineer, Chingleput, dated Bangalore, 7th October 1876.

With reference to G.O., No. 2,417, of 11th September 1876, I have the honor to request you will be good enough to forward to the Government this my request that the ruling in paragraph 2 may be reconsidered for the following reasons.

2. Paragraph 2 of the letter accompanying the General Order above quoted states that those officers who "have served in the department and before leaving India have expressed their intention to return will retain the full advantage of their previous service."

3. Now, when I left this country I respectfully submit that no such ruling was in force, had it been so I should most decidedly have expressed my intention of returning, for I had every intention of doing so unless anything unforeseen had happened, and shortly after I reached home I addressed a letter to the then Secretary to Government asking upon what terms I should be allowed to rejoin the department, and received, in reply, a letter to the effect that I should be placed in the same grade as when I left; unfortunately this correspondence was demi-official.

4. Moreover, after I had been some months at home I received a communication from the India Office, through the Horse Guards, to the effect that my name was still borne on the list of Executive Engineer, 4th Grade.

5. Moreover, I wish to point out that the circumstances of my leaving the actual service of the department were somewhat exceptional. In the end of 1870 I took privilege leave, and so arranged matters as I thought that at the end of my leave I could, according to the Horse Guards ruling, proceed to England on duty. However, the Government of Madras ruled that my Indian service did not expire until a later date, so I could not leave the country for two months more. General, then Colonel Orr, to obviate the necessity of my return to the Kistna District, kindly offered me employment in Madras for the short period; this I declined with thanks, and told the Colonel that as I was going home to Military duty, and as the new drill had just come out, I should be obliged if he would permit me to join the Sappers at Bangalore so that I might revive my knowledge of drill, and to this course he cheerfully assented. And, on leaving the country, I was not asked to express any intention one way or the other regarding my return.

6. Furthermore, paragraph 2 above quoted states that in the case of those officers who have left without expressing an intention to return "the circumstances under which they have previously served in India will be taken into consideration." Now, I respectfully wish to represent that from the time I was first appointed up to within a few months (as above shown) of my leaving the country I served the department cheerfully and faithfully. A month or so after joining the department in the Kistna District I lost half my effects in the cyclone of November 1864, (for this I certainly received compensation of Rupees 170,) and shortly after this I was placed in charge of the Masulipatam Range where I remained until August 1865. I then was sent to open out the new Commamoor channel and remained, living

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Proceedings of the Madras Government, Public Works Department,
23rd October 1876. No. 2,823.

principally in mud huts and tents in one of the hottest districts, in charge of this range for five years, and I occasionally had charge of other ranges in addition to my own.

7. I do not wish to boast of good service cheerfully done, but I wish respectfully to represent the fact that to my knowledge no fault was found with the way in which my duties were performed during the whole time of my service.

8. I therefore request that a more liberal interpretation of the letter of the Government of India may be made in my case, more especially as I was one of the first of my corps to volunteer for Indian service, and that as no rules were then in existence regarding our service and status on return I may be given the benefit of the doubt.

9. In conclusion, I wish to point out that I do not ask "to retain the full advantage of my previous service," which would necessitate the placing of my name exactly where it was in the old list. I ask to be allowed to forfeit all promotion that went on during my absence, but on my return and absorption in the strength of the department to be replaced in the position I held in the list when I left in 1870; as it is, I am now, after three years' further service, two places below that position, or in other words I have, by an error of judgment, made when no fixed rules on the matter were in force, suffered a loss of eight years' promotion (from 1870 to 1878, the last being the year in which I may expect promotion to a higher grade,) for an absence of two years and nine months from the country not on leave, but on duty at home; all I ask is that this loss may be reduced to four years, and that I may be considered as having been placed 4th on the list of 4th Grade Executive Engineer on my absorption in March 1874.

SUBMITTED to the Secretary to Government, Public Works Department, with reference to G.O., No. 2,417, dated 11th September 1876.

(Signed) F. J. MOBERLY, Colonel, R.E.,
Superintending Engineer, Chingleput.

No. 335.

ORDER THEREON, 23rd October 1876, No. 2,823.

ESTABLISHMENT, No. 25.

THE Governor in Council having perused the arguments adduced by Captain A. C. Smith, R.E., sees no occasion for reopening the question. His claims will receive full consideration when promotions take place.

(True Extract.)

To the Superintending Engineer, Chingleput.
Exd. S. T. Austin.
Spare Copies

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

Bangalore 7th Dec 1876

From
Capt. A. C. Smith, R.E.,
Ex. Engineer, 4th Grade,
The Supd. Engineer,
Chingleput.

Sir,
With reference to G.O. No. 2417 of 11th September 1876 I have the honor to request you will be good enough to forward to the Government this my request that the ruling in Para 2 may be reconsidered for the following reasons.

Para 2 of the letter accompanying the G.O. above quoted states that those Officers who have served in the department and before leaving India have expressed their intention to return will retain the full advantage of their previous service.

Now when I left this country I respectfully submit that no such ruling was in force. Had it been so, I should most decidedly have expressed my intention of returning for I had every intention of doing so, unless anything unforeseen had happened and shortly after I reached home I addressed a letter to

to the then Secretary to Government asking upon what terms I should be allowed to rejoin the Department and received in reply in letter to the effect that I should be placed on the same Grade as when I left. Unfortunately this correspondence was semi-Official.

Moreover after I had been some months at home I received a communication from the India Office through the Horse Guards to the effect that my name was still borne on the list of Executive Engineers 4th Grade.

Moreover I wish to point out that the circumstances of my leaving the actual service of the Department were somewhat exceptional. In the end of 1870 I took privilege leave and so arranged matters as I thought that at the end of my leave I could according to the Horse Guards, joining, proceed to England on duty. However the Government of Madras ruled that my Indian Service did not expire until a later date so I could not leave the country for 2 months more.

General

General then Colonel Orr, to obviate the necessity of my return to the Hista District kindly offered me employment in Madras for the short period that I declined with thanks and told the Colonel that as I was going home to Military duty and as the new drill had just come out I should be obliged if he would permit me to join the Sappers at Bangalore so that I might revive my knowledge of drill and to this course he cheerfully assented. And on leaving the country I was not asked to express any intention one way or the other regarding my return.

Furthermore para 2 above quoted states that in the case of those Officers who have left without expressing an intention to return "the circumstances under which they have previously served in India will be taken into consideration." Now I respectfully wish to represent that from the time I was first appointed up to within a few months (as above shown) of my leaving the country I served the Department cheerfully and faithfully. A month or so after

after joining the Department in the District of Calcutta half my effects in the cyclone of November '64 (for this I certainly received compensation of Rs. 170) and shortly after this I was placed in charge of the Masulipatam Range when I remained until August 1865. I then was sent to open out the new Commanoor Channel and remained, living principally in mud huts and tents in one of the hottest districts, in charge of this Range for five years and I occasionally had charge of other Ranges in addition to my own.

7. I do not wish to boast of good service cheerfully done but I wish respectfully to represent the fact that to my knowledge no fault was found with the way in which my duties were performed during the whole time of my service.

8. I therefore request that a more liberal interpretation of the letter of the Government of India may be made in my case, more especially as I was one of the first of my Corps to volunteer for Indian service and that as no rules were then in existence regarding our service and status in relation I may be given the benefit of the doubt.

9. In conclusion I wish to point out that I do not ask to retain the full advantage of my previous service which would necessitate the placing of my name exactly where it was in the old list. I ask to be allowed to forfeit all promotion that went on during my absence but on my return and absorption in the strength of the Department to be replaced in the position I held in the list when I left in 1870; as it is I am now after 3 years further service 2 places below that position or in other words I have, by an error of judgement made when no fixed rules on the matter were in force, suffered a loss of eight years promotion (from 30 to 38 the last being the year in which I may expect promotion to a higher grade) for an absence of 2 years and 9 months from the Country not on leave but on duty at home. All I ask is that this loss may be reduced to 4 years and that I may be considered as having been placed 4th on the list of 4th Grade Executive Engineers on my absorption in March 1874.

I have the honor to be
Your most Obedt servant
Wm. Smith
Capt. R.E.
No 2460
Submitted to the Secretary to Government

Public Works Department with reference
to G.O. No 2417 of 11th September 1876

P.W.D.

130077

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By Colone R.E.
Super Engineer Chingleput
Sup Engineer's Office Chingleput
Dated 12 October 1876

It is to be noted that the...
...of the...
...of the...
...of the...

G.O. No 20 dated 16th 2802
" 12 dated 17th 2173
" 23 dated 17th 3359 & 3360
" 11 dated 17th 2414

For the Secretary to Govt.
P.W.D.
Dated 12 Oct 1876
No 2460

The Dy. Engineer
Chingleput

File No 2823

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 23rd Oct 1876

Read the following:—

From
The Super Engineer
Chingleput } (H.C. No 2460 of 12th Oct 1876)

The Governor in
Council, having
perused the arguments
adduced by Captain
A. Smith. R.E., sees
no occasion for re-

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opening the question
will be
received with consideration
when presented
to the Council

S. E. Chingleput
Dated 30.10.76

7379 CH.

Govt. of 1876 Madras.

PUBLIC WORKS.

To

The Sup^r. Eng^r. Charles J. J. J.

Dated

Issued

Recd.

Encl.

G. O., 23rd Oct, 1876, No. 2823

Nos. 333/333

Captain A. C. Smitte

RE - ~~Intimation~~

Intimating that the
Government see no
occasion for reopening
the question regarding
his grade in the
P. W. Dept^y

For no file
31-10-76