

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

<i>30/</i> G.O. No.	<i>631</i>	Press
<i>30/</i> B.P. No.		Mis.
Dated <i>17 - 2 - 1876.</i>		

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
17th February 1876.*

No. 301. Read the following letter from Colonel F. J. MOBERLY, R.E., Superintending Engineer, Chingleput, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Mount, 2nd February 1876, No. 4,358 :—

I HAVE the honor to submit the following remarks with reference to G.O., No. 3,041, of 28th October 1875, and would solicit a reconsideration of the decision passed in the case of Murugasa Pillay.

2. The preliminary arrangements for the repairs of Tirnirmally tank were not made by him, but by Veeraragavaloo Naidu, whom I dismissed from the service on 14th October 1873, who was reinstated by G.O., No. 207, of 29th January 1874, and finally dismissed in G.O., No. 2,062, of 30th July 1874.

3. The work was chiefly executed while he was in the range; when Murugasa Pillay relieved him he found that the work executed in no way agreed with the estimate, and was being carried on in a very slovenly manner.

4. Under orders from the Range Officer, he gave the contractor notice that he would not measure the work unless it was put into proper form, with facility of measurement. The contractor declined to do anything more, and the Range Officer refused to pay him for the rough heaps which he had thrown up.

5. The contractor sued the Executive Engineer therefore for the whole amount of his estimate, and to prepare his defence the Overseer measured the work actually done.

6. The Court have decided that the contractor did not complete the work, for they have ordered payment for only Rupees 99-3-2 instead of Rupees 150 which he claimed, so that it is clear that we were justified in defending the case having saved Rupees 50-12-10 by it.

7. The Overseer does not appear to have observed how the Court were misled as to his personal responsibility. He defended the suit on its merits and without consideration of his own share in the transaction, which was really very small. The costs amount to Rupees 24-1-1, which I beg permission to charge to the saving on the original estimate for the Tirnirmally tank.

8. In addition to this sum the Range Officer had to pay Rupees 22-12-0 for fees for the Vakil entertained by him, so that the total amount expended on the case was Rupees 46-13-1.

No. 302. ORDER THEREON, 17th February 1876, No. 431.

ESTABLISHMENT, No. 20.

UNDER the circumstances mentioned in this letter, the penalty ordered in G.O., No. 3,041, dated 28th October 1875, will be remitted. But the District Engineer should have clearly laid before Government, in the first instance, the facts of the case as now explained, seeing that in the copy of

Proceedings of the Madras Government, Public Works Department,
17th February 1876.

the judgment of the Court which had been submitted the measure of responsibility attaching to Overseer Murugasa Pillay was not accurately stated.

2. The costs of the suit will be adjusted under instructions from the Controller.

(True Extract.)

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

To the Superintending Engineer, Chingleput,
„ Examiner of Public Works Accounts.

No. 4358 Superintending Engineer's Office
Mount 2nd February 1876.
Despatch 3rd — 1876
From The Superintending Engineer 39

Chingleput
To The Secretary to Government
Department Public Works.

Sir, I have the honor to submit the following remarks with reference to G.O. No. 12504 of 28th October 1875 and would solicit a reconsideration of the decision passed in the case of Murugasa Pillay.

2 The preliminary arrangements for the repairs of Sirmimally tank were not made by him, but by Veeraragavulu Naidu, whom I dismissed from the service on 14th October 1873 who was reinstated by Government in order No. 207 of 29th January 1874 and finally dismissed in G.O. No. 2062 of 30th July 1874.

3 The work was chiefly executed

while he was in the range, when Mr. Pilly relieved him he found that the work executed in no way agreed with the estimate, and was being carried on in a very slovenly manner.

4 Under orders from the Range Officer he gave the contractor notice that he would not measure the work unless it was put into proper form, with facility of measurement. The Contractor declined to do any thing more and the Range Officer refused to pay him for the rough heaps which he had thrown up.

5 The contractor sued the Executive Engineer therefore for the whole amount of his estimate, and to prepare his defence the Overseer measured the work actually done.

6 The court have decided that the Contractor did not complete the work, for they have ordered payment for only Rupees 99-3-2 instead of Rupees 150 which he claimed, so that it is clear that we

were justified in defending the case having saved Rupees 50-12-10 by it. - A

7 The Overseer does not appear to have observed how the Court were misled as to his personal responsibility. He defended the suit on its merits and without consideration of his own share in the transaction which was really very small. The costs amount to Rupees 24-1-1 which I beg permission to charge to the saving on the original estimate for the Turbomally tank.

8 In addition to this sum the Range Officer had to pay Rupees 22-12- for fees for the Vakeel entertained by him so that the total amount expended on the case was Rupees 46-13-1.

I have the honor to be
Sir

Your most obedient servant
H. B. B. Colonel B. B.
Superintending Engineer
Chingleput

of responsibility attaching
to Querear Mooruegan
Pillay was not accurate
stated.

The costs of the suit
will be adjusted under
instructions from the
Controller.

MM

N. 30K 302

Supervisor Chingfat
Cont. R. H. Accts. 5
Expd 2. 3. 70 17

Part 11-2-76

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Govt. of 1876: Madras.
PUBLIC WORKS.

To
Supg. Eng^r Chingleput

1872

Dated

Issued

Recd.

Encl

G. O., 17th July 1876, No. 431

Nos. 301-302

Satya Prasad Memon-
gawa Pillay, Chingleput

The penalty inflicted on
— in G.O. No 3041 dated
28th Dec 1875, ordered to be ac-
-mitted and the costs of the
suit to be adjusted under
instructions from the
Controller.