

(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.	927	(W)	Press
~~B.P. No.~~			~~Mis.~~
Dated	7-4-		1876

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
7th April 1876.*

No. 141. Read the following letter from Major H R MEAD, R E, District Engineer, South Arcot, to Major-General G W. WALKER, R E, Secretary to Government, Public Works Department, dated Camp at Cuddalore, 16th March 1876, No 229 —

I HAVE the honor to report that one Chinnasawmy Naidoo has brought an action against, 1st, Mr Wiffin, Range Officer ;
1 Translation of Plaint 2nd, Narayanasawmy Naidoo, late Overseer
1 Proposed reply to Plaint of Cuddalore Taluq, and, 3rd, myself, as
1 Memorandum to Contractor District Engineer, for Rupees 1,288-13-5,
1 Account

on account of the Ooppalavady channel work I enclose a copy of the plaint and report the following as regards the facts of the case

2 The Ooppalavady channel earthwork was given to the Contractor in September 1873, no contract or agreement being made, the work to be done was 69,725 cubic yards of earth at 1 Anna, Rupees 4,357-13-0

The work went on, and payments were made from time to time; in May 1874 the account stood thus — Work done, measured, and passed by Mr Wiffin 53,106½ cubic yards at 1 Anna, Rupees 3,319-2-7; a deduction of Rupees 385-14-11 was made because the banks and slopes were not sectioned off, and the Contractor received to date the balance, Rupees 2,921-3-8

3. A heavy flood came down in May and destroyed a portion of the work Mr Wiffin estimated for closing breaches, &c, in the bank east of the Pondicherry road and directed this work to be done, and it was completed off, but again washed away in October No work was done west of the road after May's flood.

4 In August 1874 another payment was made, making a total of Rupees 3,571 paid to the Contractor, Rupees 500-13-5 being deducted from the bill for Rs 4,071-14-1 both on account of the work west of the road not having been sectioned off and because the work done since May 1874 had not been measured by Mr Wiffin The bill was signed by Overseer Narayanasawmy Naidoo, who certified to having measured it, but the measurement was not a complete measurement, but a part one of work done since the former measurement.

5 After October 1874 no work was done, but in February 1875 the Overseer gave a bill for 69,725 cubic yards of earth, Rupees 4,357-13-0 supported by measurement taken by a mistry; this Mr Wiffin refused to pay, as he had always asserted that the Contractor had been fully paid for the work done. I regret to say that Mr Wiffin did not, until November 1875, make up a complete measurement of the Contractor's work, this he did from his notes of inspections, and he reports that he has made the Contractor every allowance he can.

6 Mr. Wiffin had in consequence of the floods in the district a great deal of work, and this is the reason why the measurement was not ready before It is much to be regretted that this lapse of time was allowed to pass, as had Mr Wiffin measured the work, or prepared the account in a year before he did there could have been no dispute

I enclose a copy of the account, and believe Mr Wiffin has made it as liberal as he can, and that his notes, measurements, &c, &c, and evidence will fully bear it out that no more work than allowed has been done

Proceedings of the Madras Government, Public Works Department,
7th April 1876.

7 In September the Contractor applied to me for redress, I was unable to go into the case until I received from Mr Wiffin his account As soon as I received it I saw the Contractor, gave him a copy of the measurements, and offered to go with him over any item of them that he considered incorrect, this he declined, and he evidently rests his whole claim not on work done but on the maistry's measurement, and his claim for the Rupees 500-13-5 deducted on account of the work not having been sectioned off, and because it had not been all measured by Mr. Wiffin

As I wished, if possible, to keep the matter out of Court, I tried to compromise the matter, and also authorized Mr. Wiffin to do so I enclose a copy of reply to a petition he sent to me.

8 I request permission from Government to defend this case, and that the Government Vakil may be requested to take it up I enclose the reply to the plaint I would propose, and, as the case is to be tried on the 5th of April 1876, I request early orders of Government.

No 142.

ORDER THEREON, 7th April 1876, No 927.

ESTABLISHMENT, No 11-A

THE District Engineer is authorized to defend the suit The Government will defer commenting or passing final orders

(True Extract)

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

Memorandum.

This is a claim for Earth work in connection with the Oppalavady Channel. The Estimate was for 69725 Cubic yards at 1 anna per yard and amounted to Rs 4357-13--

The Plaintiff contracted to execute the work and states that he duly completed it in October 1874 and besides, that he did additional work to the value of Rs 118-8--

He states further that of the amount of the work originally estimated for and executed by him Rs 1140-5-5 have been withheld and his total claim amounts to Rs 1288-13-5.

The District Engineer who is made a Defendant states that there is only a balance due of Rs 8-11-11.

That the work was not fully completed according to agreement.

In February 1875 the Public Works Department
District Engineer

Department Oversee Parapassaway
Raidoo (now retired) gave the Con-
tractor a bill purporting to represent
the balance due to the Contractor and
to be based on measurements taken
by a Master, also of the Public
Works Department. This bill gave
the Contractor credit for executing
the full amount of the work originally
estimated for viz 69425 Cubic yards
valued as before noticed at Rs 4357.13.-
The District Engineer admits that
the Contractor has only received
Rs 3371 and this would leave a
balance in the Contractors favor
as per the Overseeers bill of Rs 786.13.-
Inspection of other work admitted
to have been done.

But the District Engineer and
Range Officer denies to the Over-
seeers account & state that it is wrong
and founded on wrong measure-
ments.

The Range Officer Mr. Griffen
did not however produce a corrected
account till November 1875. In this
he as before said makes a balance
due

due to the Contractor of Rs 3-4-4

It is not explained when Mr.
Griffen's measurements were
taken and the case for the defence
is weak.

Apparently there is no alterna-
tive now but to defend the Dept. but
a full explanation of the delay on the
part of the Range Officer in taking
measurements is necessary.

Ans. Secy.

Major R.E.

Under Secy. to Govt
Irrigation Branch

Fort St. George
April 18/76

N. J. M.

District Engineer

Application for funds for expenditure during the first 3 months of 1976-77
under Budget Part III in N. W. & Budget Part IV. Please see:

Districts	Minor New Works.	Revenue		Miscellaneous	Repairs
		Capital	Current	Repairs	Repairs
1. Ganganur R.D.					
2. Tirupattur					
3. Erode					
4. Coimbatore					
5. Nilgiris . 107 of 25.3.76. 2 Cents.	5700	"	"	28,000	1500
6. Bellary . 190 of 25.3.76. 2 Cents.	3000	"	5500	15,500	
7. Cuddalore .					
8. Kurnool . 176 of 25.3.76. —	3000	—	3000	12,000	—
9. Pondicherry .					
10. Chingleput . 213 of 30.3.76. —	1600	120	220	54,000	400
11. North Arcot .					
12. South Arcot . 192 of 25.3.76. 2 Cents.	3500	250	2000	17,000	2500
13. Salem . 208 of 27.3.76. 1 Cent.	8000	1000	2400	14,000	"
14. Tanjore .					
15. Krishnagiri . 214 of 30.3.76. —	2000	2250	3000	2,000	30,000
16. Coimbatore 178-4177 of 20.3.76. 3 Cents.	4500	1500	"	14,000	1000
17. Malabar . 169 of 17.3.76. —	"	"	"	500	"
18. Madurai . 216 of 31.3.76. 4 Cents.	6000	1000	1000	18,000	—
19. Tirunelveli . 200 of 25.3.76. 4 Cents.	4000	2500	9500	17,500	3000
Reserve —					
Totals. —					

Ph 7 April 76 N 927

Car 3-4-76 171

M. V. S. — Major R.E.
District E.

Measurement of the Coppelavady Channel work

Particulars of work	Measurement			Amount Rs a P
	L	B	D	

From A to B	900	22½	11	222750
" B to C	452	19¼	8¾	7613¾
" C to D	1933	17½	7¼	245249¾
" D to E	1373	16½	6	135927
" E to F	1562	16	5	124960
" F to G	3181	9	5	143145
Total				948165½

or by of earthwork done from

A to F

35117½

Work done from F to end of

Channel

9928

" Closing trenches after

May's fresh

6725

Putting land in front of Fd

shove twice

2 90 20 10 1333½

53103

Add extra work by deviation

from 4 to 17

1440

Add work done to clearing silt

from A to B

2568

Total

57111 0-1-0 35697 0

No 1 Range Office 1st April
Camp Poonjar amount 22 March 176

19th G. E. Wiffen
Asst Engr

True Copy

M. W. Wiffen Major RE
District Engineer

Ph 7 April 16 N 927

PT 2025/

Order in the
No. 229 of 16th March
1876 to the Secretary
to Govt. P. & P.
from the Dist. Eng.
South Arcot.

To
The District Munsiff Court
of Cuddalore
Dist.

P. P.
Chinnayy
Naidu son of
Parthasarathy
Naidu of Impa
- now Cuddalore
Taluk
Casto - Coorai
- Vishnuk
Occupation - Con-
- tractor
age 34-

1. Mr. J. E. Wiffen Asst. Engr.
South Arcot residing at Soracal
- put in the Cuddalore Taluk
2. Narayanasamy Naidu
late - owner of the said
Taluk but now pensioned
residing at Triplicane of the
said Taluk.
3. Mr. H. R.
Mead P. E. Dist. Engr. of South
Arcot residing at Fort St. David
of the said Taluk

1st Agreeably to an estimate sanctioned
by the Department of Public Works for
cutting a channel for the irrigation of the
Oopalavady village in the Cuddalore
Taluk from Porur in the limits of
Porurcoorai - Truch village, the 1st &
2^d Depts. gave in Sept-73 to the P. P.
Contract for 69725 c. yds of earthwork
at the rate of 1 anna per c. yd., amount-
ing to Rs 4357-13-0 and the P. P. under-
took the work and was carrying it out.

2. The Plff has, as per above bond tract, executed the excavation of earth work to the said channel then and there as per orders of the 1st and 2^d Depts. who, having inspected, measured and passed the works so executed gave Bills for the same, and the amount of such Bills were paid to the Plff., after deducting therefrom, as per practice of the DPM 15 on some occasions and 25 percent on one occasion - to be disbursed after the final inspection of the work when fully completed.

3. The said earthwork was fully completed by the Plff on the 24th Oct. 74. The 1st and 2^d Depts. although at once inspected and measured the work then finally completed, yet after delay at last again inspected, measured and passed it and the 2^d Dept. gave on the 12th Feby/75 a Bill for Rs 639.8.0 due to the Plff; the 1st Dept. delays payment of the amount of the Bill thus due to the Plff.

4. Agreeably to the verbal orders of the 1st Dept to put a bund 4 ft. high above ground in front of the Abd. sluice built

Smith at the Hd. of the said channel and to join the two banks in order to prevent the flood water of Porwar entering the Abd. sluice and damaging the work done, the 2^d Dept. Jahan 7th Novr/74 was given with reference thereto: the Plff executed this work but the 1st & 2^d Depts delay payment without properly measuring and passing the same & without giving proper answer when asked for. For the work at Janna per Crd. Rs 148.8.0 are due to the Plff for 23rd 6th 75. As stated above and described below Rs 500.13.5 are due to the Plff by the 1st & 2^d Depts on account of stoppage; Rs 639.8.0 due as per Bill of 12th Feby/75 and Rs 148.8.0 due for putting a bund in front of the Abd. sluice. The Plff has asked for these sums - amounting in all to Rs 1288.13.5 in person and by letter but no answer has ever been obtained.

Whereupon the Plff on the 22nd Sept/75 and on several occasions subsequently requested the 3^d Dept. who is superior to the 1st & 2^d Depts. by means of letters; but he, without giving any answer, finally sent to the Plff.

2^d March 176
1 signed / K. Subba Rao
Pleader
1st / Trimala Rao
Court Vakil
1st / D. Chinnaswamy Naidu
I

District Engineer

PT 2025/6
3

No 385

To,

P. Chinnatammy Nardoo

Contractor of Palavady Channel

Camp Cuddalore

Dated 21st

Despatched 21st } February 1876

In reply to your petition dated 18th February 1876 you are informed that the work has been carefully measured by Mr. Wiffen (measurements being made from the levels taken and also from notes made during the progress of the work) and the result shows that the balance due to you is Rs 9.4.4 and even this is liberal as the full rate has been allowed notwithstanding that a portion of the work was not fully completed as regards sloping and sectioning.

2. As I have already informed you I am willing as a matter of favor to allow you more than you are legally entitled to and Mr. Wiffen had my authority to offer you an amount in settlement of all demands, I did this in consideration of certain circumstances in your case.

Enclosure in a letter
No 229 of 16th March 1876
to Mr. Wiffen from Mr.
D. Chinnatammy Nardoo

3. If you accept this quickly it will be
best for you, as, if not, the offer will be with-
drawn, and you will only be paid only
what you are legally entitled to.

Ph 2025/6
2

Signed / A. R. Mead Major R.E.
District Engineer.

/ Enclosed Copy //

Dist Eng Office
Caddo 16
March 76

MR Mead Major R.E.
District Engineer

Enclosed in a letter
229 & 18. March 76 to the
Dist Eng Office from H. D. D.
Eng. & Arch.

Ph 7 Apr 16 N 927

Prepared Reply to Plaintiff in Original Suit
No. 137 of 1876 in the file of the District Court
Caddo

That according to the practice of the
Department of Public Works a deduction
of 15 or more per cent is made on all bills
until the work has been passed and
approved of by a superior officer and
therefore the Contractor has no claim to
the \$500.13.5 deducted from his
bills, as these bills were not approved
of or passed by Mr. Wiffen Asst. Engr.
in charge of Caddo Saltp.
Again this deduction was made
merely in consequence of the work done
not having been fully completed
inasmuch that it was not sectioned
off and then can be seen now.

With regard to the claim of
No. 639.8.0 said to be done as per
bill of 12 Feb 75 given by Oversee
Barry and J. V. Vanden, the overseer
had no right or authority to give the
bill as he did not measure the work
himself but accepted without authority
or proper enquiry measurements taken
by

Superficiality, and these measurements
are manifestly false.

The claim for \$11,800.00 for putting up a tank ~~in front~~ of the Head since is ~~expensive~~.

The contractor's work has been carefully measured and examined from time to time by Mr. Wiffen and a complete account of the work done has been made out by him showing a balance of Rs 3-4-4 due and the Plaintiff is not fairly entitled to this amount as he has been in the account allowed the full rate (1 anna a yard) for the whole work whereas he ought to have been allowed a less rate as the ^{rustic} work done was not fully sectioned off and completed.

That it is not true that the
1st and 3^d. Depts. have not taken notice
of his complaints they both have fre-
quently endeavoured to settle his account,
for example in January 1876 the 3^d.
Dept. gave the Plaintiff a copy
of the measurements and offered if
he the Plaintiff would point out
any item that he considered incor-
rect he the 3^d. Dept. would —
himself

~~Sept. 10.~~ himself examine the work and account,
this he declined doing. 12

Dist Engr Office I. arch
Cuddalore 16th March 76 }

W. H. Mumford. Major P.E.
District Engineer

PTW 2025/6

Enclosure with letter
229 7 16 March 1876
The Chief of Police from the
District of South Arcot

D P W
South Arcot No 229

POST OFFICE ORDER

Cash (Luddalane)
Date 16 March 1876

From

The District Engineer,

To

South Arcot

The

Secretary to Government

16 March 1876

Enclosures

1 Translation of
plaint

1 Proposed reply
to the

1 Memo to Govt
-to-

1 Account

I have the honor to report
that one Chinnasawmy Naider has
brought an action against 1st Mr. Wiffin
Range Officer, 2nd Narayanasawmy Naider,
late owner of Luddalane Taluk, and
3rd myself, as District Engineer, for Rs. 1288-13-5 on account of the Oppala-
vady Channel works. I enclose a
copy of the plaint and report the
following as regards the facts of the
case:

2. The Oppala-vady Channel
earthwork was given to the contractor
in September 1873 no contract or agreement
being made; the work to be done was
69,725 Cubic yards of earth at 1 anna
Rs. 1357-13-...

Phy 7th March 1876 No 927

The work went on and payments were made from time to time; in May 1874 the account stood thus.

Work done, measured & passed by Mr. Wiffin 53106 $\frac{5}{8}$ cysd is 1 annas Papes 3319-2-7, a deduction of Rs 385-14-11 was made because the banks & slopes were not sectioned off and the Contractor received to date the balance Rs 2921-3-8.

3. A heavy flood came down in May & destroyed a portion of the work, Mr. Wiffin estimated for closing breaches &c in the bank East of the Pondicherry road and directed this work to be done, and it was completed off but again washed away in October.

No work was done west of the Road after May's flood.

4. In August 1874 another payment was made making a total of Rs

Rs 3571 paid to the Contractor Rs 503-13-5 being deducted from this bill for Rs 4071-14-1 both on account of the work west of the road not having been sectioned off and because the work done since May 1874 had not been measured by Mr. Wiffin. The bill was signed by Anveer Narayana - Sawmy Haidoo who certified to having measured it but the measurement was not a complete measurement but a part ^{one} of work done since the former measurement.

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that Mr. Wiffen did not until November 1875 make up a complete measurement of the Contractor's work; this he did from his notes of inspections and he reports that he has made the Contractor every allowance he can.

6. Mr. Wiffen had in consequence of the floods in the district a great deal of work and this is the reason why the measurement was not ready before. It is much to be regretted that this lapse of time was allowed to pass as had Mr. Wiffen measured the work or prepared the account in a year before he did so there could have been no disputes.

I enclose a copy of the account and believe Mr. Wiffen has made it as liberal as he can and that his notes measurements &c. &c. and evidence will fully
be

bear it out that no more work than allowed has been done.

7. In September the Contractor applied to me for redress; I was unable to go into the case until I received from Mr. Wiffen his account. As soon as I received it I saw the Contractor gave him a copy of the measurements and offered to go with him over any item of them that he considered incorrect; this he declined and he evidently rests his whole claim not on work done but on the Maestry's measurement and his claim for the Rs. 500-13-5 deducted on account of the work not having been deducted off and because it had not been all measured by Mr.

Mr. Wiffen.

As I wished if possible to keep the matter out of Court I tried to compromise the matter and also authorised Mr. Wiffen to do so. I enclose a copy of reply to a petition he sent to me.

8. I request permission from Government to defend this case and that the Government Vakil may be requested to take it up. I enclose the reply to the plaint I would propose and as the case is to be tried on the 5th of April 1906, I request early orders of Government.

I have the honor to be
Sir
your most obedt. servt.

W. R. Munn. Major, R.E.,
District Engineer

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SOUTH ARCTIC P IV

2025

South Arcot

The

Dated

March 76

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Enclosures

47

Ph 7544176 BR 141

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”	”
”	”
”	”

Current No 2025

From

*The St Engineer
South Africa*

Memorandum

No 229
Dated 16
Recd 20

March 1876

Subject —

Subject —

Reporting on a
suit brought by one Chin
= was an my hands against
the St Engineer for a sum
of Rs 1208- 13- 5 on account
of Copalawady Channel
works.

ENCLOSURES

Rec? p. Record. Defr
30 to 3-76

From

With Respect: 30-3

Orders and Proceedings in file.

Department	No	Date	ENDORSEMENTS.		
			Department	No	Dated
Rec ^y			with Jan	1-4-7	
			<u>Adm</u>	<u>S</u>	

Gr 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

№ 927

Public Works Department

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the 7th April 1876

READ the following.—

W. H. French

The District Inspector } (H.E. 1229 of 16 March 1900)
Lanthorn Creek

The District
Engineer is authorized
to defend the suit.
The Government will
defer commencing or
proceeding final orders
with reference to it
till the result is known.

Aug 1

Quesada

S. E. Smith - MS. 7-14-76
 E. P. Smith - MS. 7-14-76
 J. P. Smith - MS. 7-14-76
 J. P. Smith - MS. 7-14-76

2025

Tabl. of 1876: Under
PUBLIC WORKS.

To

The W. & A. Co. to report

10/4

Date?

Is it?

To L

Is it?

G O, 7th Feb 1876, No. 927

Let P. M. B. 27-10-1876 141/2

Soil brought against the
Brit. Eng. on account of
the "op. aluvial Channel
Works, South West Brit
Authority granted to
defend the — pending
the results of which, the
passing of final orders,
deferred.