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MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

G.O. No.	768 (W)	Press Miss
Dated	6 3	1877

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
6th March 1877. No. 763.*

Read the following papers :—

- No. 135. From Exr. of Public Works Accts., dated 8th Nov. 1876, No. 286-W.
No. 135-A. From Exr. of Public Works Accts., „ 5th Dec. „ „ 314-W.
No. 135-B. Note by Chief Engr., Public Works Dept., dated 9th Feb. 1877.
No. 135-C. From Exr. of Public Works Accts., dated 15th Feb. 1877, No. 416-W.

No. 136. ORDER THEREON, 6th March 1877, No. 763.

ESTABLISHMENT, No. 7-A.

THE attention of Government has been drawn in these papers to the practice of recovering from officers and subordinates public money irregularly or improperly expended by them. In some cases the retrenchments have been enforced under orders of Government, but in others under the authority of District Engineers.

2. His Grace the Governor in Council is not disposed to abolish altogether the power of inflicting pecuniary penalties ; for a member of the department may in some cases with propriety be called upon to make good public money which has been lost through his misconduct or negligence ; in all cases however in which it may seem to supervising officers that the particular circumstances of any misconduct are such as to demand that a refund should be required, the whole circumstances must be forthwith submitted to Government, and the orders of Government must be obtained before any action is taken.

3. Ordinarily the proper punishment for negligence leading to loss will be censure in the first instance followed by loss of promotion or reduction in grade for repeated carelessness, or for inattention to orders regarding the proper expenditure of public money.

(True Extract.)

Lieut.-Colonel, R.E.,
Secretary to Government, P.W.D.

To all District Engineers.
To the Chief Engineer for Irrigation.
„ Examiner of Public Works Accounts

Exd. E. C. Shunker,
Spars Copies

All the Department do not advise the

No. 333 of 12th Feby/77.

The Examiner is requested to be so good as to supply for the information of Govt., a memorandum showing the number of cases in which officers have been held pecuniarily liable for excess over estimates, or for gross negligence, during the past three years.

By Mr
Secy.

Mr Secy.
Note by the Chief Engineer.

Letters from the Examiners, Mr. Ault,
Nos 286 W and 314 W dated 8th Nov & 5th Dec 76.

The retrenchment of expenditure incurred without authority is a proceeding which, it is considered, cannot be allowed without a full consideration of the circumstances including the past conduct of the members of the Department who has incurred the expenditure objected to. The sanction of Government to such retrenchments should be deemed necessary.

2. In the case referred to by the Examiner the proper course for him to have followed would, the undersigned thinks, have been to inform the District Engineer that if the latter considered a retrenchment a proper punishment he should report the circumstances in full to the Chief Engineer for orders, as the rules of the Department do not admit of the

Letters from the Examiners; Mr Accounts,
No. 281 W and 314 W dated 8th Nov and 5th Dec

Note by the Chief Engineer Mr. W.,
dated 9th Feb 1877

FOR ORDERS.

3. There are cases in which an Officer or Subordinate of the Department might prefer adjusting except expenditure himself to being reported to Government for carelessness or inattention to orders. Adjustments of this kind are it is considered unobjectionable, but they would not be carried out through the Accounts Office.

Wunderlin LT Colonel RB

Chief Engineer
P. W. Deft

9 Feb 77

Page

[illegible]

a system of receiving
fine details -
There may probably be
because when occurring
an officer may be
properly called on to
state good some of
of public money. reason
of his misconduct - a system
but this would not be
fine -
as it is not case in
permitted except by special
sanction of Govt -

The cases addressed seem
to indicate a practice of
receiving pecuniary within
any giving such a principle
I do not see the necessity to
accept the further information
and I shall be prepared to
agree to a J.O. indicating
generally disapproval of
the receiving pecuniary. even
under such circumstances as I have
stated 25/2

Childs - 2 - 22 10 2 17

FOR ORDERS.

I should like these papers to
go in circulation sending
the further information provided
I agree with the Examiner that
a system of fine in the P.W.
is objectionable. It is probably
illegal - Where there is habitual
negligence which leads to loss
of public money - a measure
in the first instance - &
loss of promotion & so
removal from the service
if there is no amendment
seem to me the proper remedy
The system of fines creates
discontent & diminishes
the proper spirit of the
service. P.W.E.

I certainly do not

FROM L. CONWAY-GORDON.

EXAMINER, P. W. ACCOUNTS.

TO THE SECRETARY TO GOVERNMENT,

P. W. DEPARTMENT.

NO. 286, W.

FORT ST. GEORGE. 8TH. NOV. 1876.

SIR,

IN ACCORDANCE WITH THE P. W. CODE CHAP. III. VII. 9,
AND XIX. II. 89, I HAVE THE HONOR TO FORWARD FOR THE DECISION OF GOVERNMENT COPIES OF THE CORRESPONDENCE NOTED BELOW RELATIVE TO A PROPOSED RETIEMENT FROM THE SALARY OF MR. OTTMAN, THE EXECUTIVE OFFICER IN CHARGE OF THE NORTHERN DIVISION.

2. THE FACTS ARE AS FOLLOWS:-

AN ESTIMATE OF RS. 180 WAS SANCTIONED BY THE COURT OF WARDS IN JULY 1875 FOR REPAIRING THE PALVANI TANK, AGAINST WHICH EXPENDITURE HAS BEEN INCURRED TO THE EXTENT OF RS. 205-14-8; THE EXCESS, AS EXPLAINED BY THE EXECUTIVE OFFICER, BEING DUE TO AN INSUFFICIENCY IN THE ESTIMATED RATE.

THE DISTRICT ENGINEER, NELLORE, PROPOSES TO RECOVER THIS EXCESS FROM THE SALARY OF MR. OTTMAN, THE EXECUTIVE OFFICER, BY WHOM, OR BY WHOSE AUTHORITY, THE PAYMENT WAS MADE, BUT AS I FIND MYSELF UNABLE TO CONCUR IN THIS

PROPOSAL, I REFER THE MATTER TO GOVERNMENT.

3. I AM WELL AWARE THAT THE COURSE PROPOSED BY THE DISTRICT ENGINEER, NELLORE, IS NOT AN UNUSUAL ONE IN THIS PRESIDENCY, AND THAT THE DISTRICT ENGINEER COULD PRODUCE NOT ONLY NUMEROUS PRECEDENTS FOR SUCH A RETIREMENT, BUT ALSO SOME PRECEDENTS AT LEAST, WHICH APPARENTLY HAD THE FULL SANCTION OF GOVERNMENT. I FEEL IT IS THEREFORE NECESSARY IN DEALING WITH THIS PARTICULAR CASE TO ADVANCE ALL THE ARGUMENTS WHICH APPEAR TO ME TO BEAR ON THE GENERAL QUESTION.

4. I MAY PREMISE BY SAYING THAT THE FOLLOWING REMARKS ARE NOT INTENDED TO APPLY TO CASES IN WHICH AN OFFICER ACTS ALTOGETHER ~~WITHE~~ WITHE WITHE, INCURRING EXPENDITURE UNNECESSARILY WITHOUT ANY SANCTION AT ALL, NOR TO CASES IN WHICH, AFTER INVESTIGATION, IT HAS BEEN PROVED THAT GROSS NEGLIGENCE HAS RESULTED IN A WASTE OF PUBLIC MONEY. THEY APPLY SOLELY TO CASES LIKE THE PRESENT ONE, IN WHICH IT IS PROPOSED TO MAKE AN OFFICER PECUNIARILY RESPONSIBLE FOR EXCESS OUTLAY APPARENTLY ON NO OTHER GROUND THAN THAT IT IS OUTLAY IN EXCESS OF AN ESTIMATE.

5. I AM OPPOSED TO SUCH A PRINCIPLE BECAUSE IN THE FIRST PLACE, I HAVE MUCH DOUBT WHETHER SUCH A RETIREMENT, VIEWED AS COMPENSATION DUE FROM THE SERVANT FOR INJURY ALLEGED TO BE DONE TO GOVERNMENT, IS STRICTLY LEGAL. THE MERE FACT OF AN ESTIMATE FOR A WORK BEING EXCEEDED DOES NOT IN ITSELF CONSTITUTE EVEN PRESUMPTIVE EVIDENCE

OF EITHER FRAUD OR NEGLIGENCE. AN ESTIMATE AT THE BEST, IS BUT A JUDGMENT FORMED OF WHAT THE COST OF THE WORK WILL BE, WITHOUT BEING ABLE ACCURATELY TO ASCERTAIN IT, AND WHERE AN ESTIMATE TURNS OUT TO HAVE BEEN INACCURATE, THERE IS PRESUMPTIVE EVIDENCE OF AN ERROR OF JUDGMENT, BUT OF NOTHING MORE. TO ESTABLISH FRAUD OR NEGLIGENCE THERE MUST BE A CAREFUL AND PATIENT INVESTIGATION, AND SUCH AN INVESTIGATION WOULD AT ONCE REMOVE THE CASE FROM THE CATEGORY I AM CONSIDERING.

6. IF NOT VIEWED AS COMPENSATION FOR INJURY DONE, THE RETIREMENT BECOMES NOTHING MORE OR LESS THAN A FINE, AND IN THIS CASE, IT MUST FOLLOW THE RULES LAID DOWN WITH REGARD TO FINES GENERALLY.

REGARDED AS A FINE, IT IS ONLY NECESSARY TO CONSIDER; 1ST. WHETHER COMPARING THE ALLEGED FAULT WITH THE PROPOSED PUNISHMENT, THE FINE IS DESERVED; AND 2ND. WHETHER IF DESERVED, IT IS POLITICAL TO INFLICT IT.

7. ON THE FIRST POINT, IT MAY BE REMARKED, THAT FROM THE MERE FACT OF THE OUTLAY BEING SLIGHTLY IN EXCESS OF THE ORIGINAL ESTIMATE IT DOES NOT NECESSARILY FOLLOW THAT THERE HAS BEEN CARELESSNESS OR EVEN WANT OF SKILL. AN ESTIMATE IS PRACTICALLY BASED ON THE AVERAGE RATE AT WHICH EXPERIENCE HAS SHOWN THAT SIMILAR WORK CAN BE EXECUTED UNDER AVERAGE CONDITIONS IN THE NEIGHBOURHOOD, SLIGHTLY MODIFIED AS FAR AS CAN BE FORESEEN, BY THE SUPPOSED LOCAL REQUIREMENTS PECULIAR TO THIS PARTICULAR WORK. THE BASIS OF CALCULATION BEING AN AVERAGE RATE, IT

IT IS IMPLIED THAT IN PARTICULAR CASES, CIRCUMSTANCES ADMIT OF THE WORK BEING CARRIED OUT BELOW THIS AVERAGE, WHILE IN OTHERS, THAT UNFAVORABLE CIRCUMSTANCES NECESSITATE THE AVERAGE RATE BEING EXCEEDED.

8. THE CONTINGENCIES, THAT INFLUENCE THE COST OF WORK ARE FAR TOO NUMEROUS TO BE MORE THAN BRIEFLY ALLUDED TO, BUT I MAY POINT OUT THAT MANY OF THEM, SUCH AS A TEMPORARY COMPETITION FOR LABOR, COMMON ENOUGH TO ALL AGRICULTURAL DISTRICTS; A RISE IN THE PRICE OF MATERIALS; A FAILURE OF WATER; BAD WEATHER; AND OTHERS; ALL OF WHICH SERIOUSLY AFFECT THE PRICE OF WORK, ARE ENTIRELY BEYOND THE CONTROL OF THE OFFICER IN CHARGE OF THE WORK.

9. TO HOLD AN OFFICER RESPONSIBLE FOR INVARIABLY CARRYING OUT WORK WITHIN 1-2 AVERAGE RATE, OR EVEN WITHIN 5 PERCENT OF THE AVERAGE RATE, IS PRACTICALLY TO PLACE HIM IN THE POSITION OF A CONTRACTOR; RESPONSIBLE FOR ALL EXCESS WHEN CONDITIONS ARE UNFAVORABLE WITHOUT HAVING AN OPPORTUNITY OF MAKING GOOD THE LOSSES BY ANY SAVINGS THAT HE MAY BE ABLE TO EFFECT ON THE ESTIMATES OF WORKS CARRIED OUT UNDER MORE FAVORABLE CIRCUMSTANCES; AND HIS POSITION IN THIS LIGHT IS FURTHER AGGRAVATED, WHEN ONE CONSIDERS THAT THE OFFICER HAS NOT EVEN THE POWER OF SELECTING HIS OWN SUBORDINATE AGENCY TO CARRY OUT THE WORK FOR WHICH HE IS THUS MADE PECUNIARILY RESPONSIBLE.

10. AT PRESENT, UNDER THE MADRAS P.W. CODE, NO FINE CAN BE LEVIED WHICH EXCEEDS ONE-EIGHTH OF THE OFFICER'S MONTHLY SALARY; AND AS REGARDS THIS PARTICULAR CASE, I DO

NOT KNOW THAT ANY AUTHORITY WHATEVER EXISTS UNDER WHICH A DISTRICT ENGINEER HAS POWER TO INFLICT A FINE ON A SUB-ENGINEER; BUT HOW FAR THIS POINT AS AN ARGUMENT CAN BE INSISTED UPON I CAN HARDLY SAY, FOR I HAVE NOTICED THAT THESE REGULATIONS REGARDING THE LIMIT OF FINES HAVE BEEN SOMETIMES OVERLOOKED EVEN BY GOVERNMENT, AND I UNDERSTAND THAT THE RETURN OF FINES PRESCRIBED IN THE MADRAS CODE CHAP. III. XIX. TO BE LAID BEFORE GOVERNMENT QUARTERLY, AS A CHECK ON THE TOO FREQUENT USE OF THIS DESCRIPTION OF PUNISHMENT, HAS BEEN FOR SOME TIME PAST DISCONTINUED.

11. WITHOUT DWELLING FURTHER THEREFORE UPON PRINCIPLES OF POSITIVE LAW OR ABSTRACT JUSTICE, I WILL PASS ON TO THOSE CONSIDERATIONS OF POLICY WHICH HAVE MAINLY PROMPTED THIS LETTER. IF OFFICERS ARE MADE RESPONSIBLE FOR EXCESS OUTLAY ON WORKS, THEY WILL SOON TAKE CARE THAT THE RATES ARE SO FRAMED AS TO REDUCE THEIR RISK TO A MINIMUM. THIS AT ANY RATE WILL BE THE TENDENCY, AND THE PAPERS PRINTED WITH G.O. NO. 2,072 DATED 23RD. NOV. 1875, DO NOT ASSURE ME THAT ANY RETARDING FORCE EXISTS SUFFICIENT IN THE LONG RUN TO COUNTERACT THIS TENDENCY.

12. WORKS AS A RULE ARE GIVEN ON PETTY CONTRACT AT THE ESTIMATED RATE, AND IT IS QUITE POSSIBLE THAT RATES WHICH WOULD JUST LEAVE A NATIVE CONTRACTOR A SMALL MARGIN FOR PROFIT ARE SAFELY SUFFICIENT, WHEN WORK IS EXECUTED BY EUROPEAN OFFICERS WITH DAILY LABOR AND INEFFICIENT SUBORDINATE SUPERVISION, PARADOXICAL AS IT MAY AT FIRST

APPEAR, THE FACT OF ESTIMATES BEING SOMETIMES EXCEEDED IS
THUS RATHER A SIGN THAT WORK AS A WHOLE IS BEING CARRIED
OUT CHEAPLY. IT IS AT LEAST A SIGN THAT THE RATES AT
WHICH THE BULK OF THE WORK IS BEING DONE ON CONTRACT
HAVE BEEN REDUCED AS LOW AS PRACTICABLE.

13. TO ENCOURAGE ANY THING THAT WILL TEND TO RAISE
THE RATES, AND ESPECIALLY TO RAISE THEM TO THE POINT AT
WHICH WORK WITH THE HIGHEST SKILL AND CARE CAN BE EXECU-
TED UNDER THE MOST UNFAVORABLE CONDITIONS POSSIBLE, - AND
THIS, IT IS OBVIOUS, IS THE ONLY RATE, FOR ANY RATES ABOVE
WHICH AN OFFICER CAN JUSTLY BE MADE RESPONSIBLE WITHOUT
ANY ENQUIRY, - WOULD BE THE WORST POSSIBLE POLICY. WITH
HIGH RATES, ESTIMATES PERHAPS COULD Seldom BE EXCEEDED,
BUT I MUCH DOUBT WHETHER THERE WOULD BE ANY GREATER
ECONOMY.

14. TO THIS CONSIDERATION MAY BE ADDED, THE PROBABLE
TENDENCY TO AVOID AN APPEARANCE OF EXCESS BY ADJUSTING
THE ACCOUNTS SO THAT THE EXCESS ON ONE WORK MAY BE PLUNG
OVER THE REST, THEREBY VITIATING ALL STATISTICS; AND WORSE
STILL EVEN, THE POSSIBLE TENDENCY THAT INDIVIDUALS MAY RE-
COUP THEMSELVES IRREGULARLY FOR SUCH SUMS AS THEY THINK
HAVE BEEN UNJUSTLY DEDUCTED FROM THEIR SALARY.

15. THESE ARE SOME OF THE CONSIDERATIONS WHICH HAVE
PROMPTED ME IN DEMURRING TO THE PROPOSAL OF THE DISTRICT
ENGINEER, NELLORE, BUT THERE IS ONE OTHER THAT APPEARS TO
ME PERHAPS MORE IMPORTANT THAN ALL THE REST COMBINED; AND

THAT IS, THAT I BELIEVE THE LOYALTY OF EVEN THE MOST SUB-
ORDINATE OFFICER OF THE GOVERNMENT IS WORTH MORE THAN
RS. 25-14-8. BE THE P. V. SYSTEM EVER SO GOOD, THE REGULA-
TIONS EVER SO CLEAR AND THE SUPERVISION EVER SO VIGILANT,
FOR THE SATISFACTORY EXECUTION OF WORKS GOVERNMENT WILL
ALWAYS BE DEPENDENT ON THE ZEAL AND GOOD FAITH OF ITS
LOCAL OFFICERS; FOR THE FACT REMAINS, THAT ON THE APPOINT-
MENT OF AN OFFICER, AT LEAST NINE-TENTHS OF ALL THE POWER
OF GOVERNMENT FOR GOOD OR EVIL IN RESPECT TO HIS WORK,
PASSES OUT OF THE HAND OF THE GOVERNMENT FOR EVER.

16. THE UTMOST THAT GOVERNMENT CAN HOPE FOR IS A
SERVICE, IN WHICH EVERY OFFICER CONSIDERS THE INTEREST OF
GOVERNMENT AS HIS OWN. AND WHO AMONGST US, IF BUILDING A
HOUSE OF HIS OWN, WOULD HESITATE IN THROWING IN A LITTLE
EXTRA CONCRETE TO INSURE A DOUBTFUL FOUNDATION, OR IN CAR-
RYING OUT SOME PETTY IMPROVEMENTS WHICH ONLY STARTS INTO
VIEW WITH THE BUILDING ITSELF? WHO ON THE POINT OF FI-
NISHING HIS HOUSE WOULD KNOCK OFF WORK AND DISMISSED HIS
LABOR SIMPLY BECAUSE HE HAD ALREADY SPENT AS MUCH AS HE
ANTICIPATED? HOWEVER HE MIGHT REGRET EXPENDING A TRIPLE
MORE, HE WOULD GO ON IN ORDER TO SPEND AS LITTLE MORE AS
POSSIBLE.

17. BEFORE ADOPTING SO SEVERE A TREATMENT FOR WHAT
IS UNSATISFACTORY IN THE DEPARTMENT, I WOULD IMPELORE
GOVERNMENT, AT LEAST TO TRY THE EFFECT OF LESS CAUSTIC
REMEDIES, AND TO SEE WHAT COULD BE EXPECTED BY MODERNIZING
THE BUSINESS PROCEDURE, BY LIGHTENING THE PRESENT HARASS-
ING CEREMONIAL DUTIES, AND BY FURNISHING EACH OFFICER IN A

CONVENIENT FORM WITH SUCH INSTRUCTIONS, STATISTICS AND INFORMATION AS WILL REALLY BE OF SOME PRACTICAL USE TO HIM; IN SHORT, BY CARRYING IN EFFECT SOME OF THE SUGGESTIONS WHICH HAVE ALREADY BEEN SO POWERFULLY BROUGHT BEFORE GOVERNMENT IN MAJOR SCOTT'S NOTE OF THE 29TH. SEPTEMBER 1874.

12. IN CONCLUSION, I MAY SAY BRIEFLY, THAT I OBJECT TO THE PROPOSED RETRENCHMENT BECAUSE I THINK IT IS UN-AUTHORISED, AND BECAUSE I AM CONVINCED THAT IF AUTHORIZED, IT IS IN THE LAST DEGREE INEXPEDIENT. ON THE LATTER POINT I CANNOT DO BETTER TO CONCLUDE WITH TWO EXTRACTS FROM THE P.W.CODES IN SUPPORT OF THE VIEWS I HAVE THUS VENTURED TO LAY BEFORE GOVERNMENT.

MADRAS P.W.CODE. CHAP. III. V.

'FINES ARE INTENDED RATHER AS A WARNING THAN A PUNISHMENT, AND SHOULD NOT BE FREQUENT OR HEAVY'.

P.W. CODE OF THE GOVERNMENT OF INDIA CHAP. XIX. II. 29.

'IT SHOULD BE HELD, HOWEVER, THAT A MONEY RETRENCHMENT FROM A SUBORDINATE'S PAY WILL USUALLY BE THE LEAST FITTING PENALTY IN SUCH CASES; EXTRAVAGANCE CARELESSNESS, AND BAD WORK WILL BE SUITABLY NOTICED BY REPRISAL, STOPPAGE OF PROMOTION, REDUCTION IN GRADE, OR EVEN REMOVAL FROM THE DEPARTMENT, ACCORDING TO THE NATURE OF THE OFFENCE; AND A RETRENCHMENT OF PAY SHOULD, AS A RULE, BE LIMITED TO CASES OF EXPENDITURE BEING INCURRED IN DISTINCT OPPOSITION TO ORDERS, AND TO CASES OF

DISHONESTY. AND WHENEVER A RETRENCHMENT HAS TO BE ENFORCED, IT WILL SELDOM BE DESIRABLE TO RETAIN THE PERSON RETRENCHED IN GOVERNMENT EMPLOY. THE PROPER CHECK ON THE WASTE OR MISAPPROPRIATION OF MONEY IS TO BE LOOKED FOR IN THE VIGILANT CARE AND GOOD MANAGEMENT OF THE EXECUTIVE ENGINEER AND THE SENIOR OFFICERS SERVING UNDER HIM, RATHER THAN IN ANY SYSTEM OF RETRENCHMENTS FROM THE PAY OF MEMBERS OF THE DEPARTMENT.'

I HAVE THE HONOR TO BE

SIR,

YOUR MOST OBLT. SERV'T;

Stonway-Jordan

EXAMINER, P.W. ACCOUNTS.

ENCLOSURE. NO. I.

COPY OF A LETTER FROM THE DISTRICT ENGINEER, NELLORE, TO THE EXAMINER, P.W. ACCOUNTS. NO. 769 DATED 13TH. AUGUST 76.

REFERENCE. REPLY TO DISTRICT ENGINEER'S OBSERVATION ON EXCESS IN REPAIRING PULNI CHERUVU PEDDACHERVU.

IF THE WORK WAS INADEQUATELY PROVIDED FOR IN THE ORIGINAL ESTIMATE, THE OBVIOUS COURSE WAS TO SUBMIT A REVISED ESTIMATE WITH THE NECESSARY EXPLANATION. THE EXCESS EXPENDITURE MUST THEREFORE BE DISALLOWED AND THE EXAMINER, P.W. ACCOUNTS WILL BE REQUESTED TO MAKE THE NECESSARY ALTERATION IN THE ACCOUNTS OF THE NORTHERN

DIVISION.

ENCLOSURE NO. 2.

COPY OF A LETTER FROM THE EXAMINER, P. W. ACCOUNTS, TO THE DISTRICT ENGINEER, NELLORE, NO. 78, N. L. DATED 22ND. AUGUST 1876.

WITH REFERENCE TO YOUR ENDORSEMENT ON A LETTER, NO. 709 OF THE 12TH. AUG. 76, ADDRESSED TO THE EXECUTIVE OFFICER, NORTHERN DIVISION, I HAVE THE HONOR TO REQUEST THAT YOU WILL BE SO GOOD AS TO EXPLAIN THAT ALLOCATION YOU DESIRE TO HAVE MADE BY THIS OFFICE IN THE ACCOUNTS OF THE NORTHERN DIVISION IN REFERENCE TO THE EXCESS OUTLAY ON THE WORK 'REPAIRING PALAZH CHERUVU PATA CHERUVU' IN THE CHUNNEY ESTATE.

ENCLOSURE NO. 3.

COPY OF A LETTER FROM THE DISTRICT ENGINEER, NELLORE, TO THE EXAMINER, P. W. ACCOUNTS, NO. 50 DATED 26TH. AUGUST 76.

IN REPLY TO YOUR LETTER NO. 78 DATED 22ND. INSTANT I HAVE THE HONOR TO INFORM YOU THAT I WISH THE EXCESS EXPENDITURE TO WHICH YOU REFER TO BE STRUCK OUT OF THE ACCOUNTS.

2. THE SYSTEM OF 'WORKING UP TO PRESENT REQUIREMENTS' WITHOUT EMERGENT NECESSITY, WITHOUT AUTHORITY AND IN ENTIRE DISREGARD OF SANCTIONED ESTIMATES IS IN MY OPINION TOO MUCH PRACTISED IN THIS DISTRICT AND I TRUST IN YOUR COOPERATION TO PUT A STOP TO IT.

3. THE IRREGULARITIES PRODUCED BY THIS SYSTEM ARE

NOT CONFINED TO TRIFLING EXCESSES OF EXPENDITURE AND THE INCONVENIENCE AND TROUBLE CAUSED THEREBY, THEY EXTEND TO THE GREATEST INACCURACY AND CARELESSNESS IN THE PREPARATION OF ESTIMATES BY INDUCING TO THE SUPPOSITION THAT IT IS A MATTER OF NO IMPORTANCE, WHETHER AN ESTIMATE IS CAREFULLY OR ACCURATELY PREPARED OR NOT, AND THIS IS A GREAT EVIL.

4. IF YOU CAN SUGGEST ANY MORE FEASIBLE OR DESIRABLE MEANS OF DISPOSING OF THE MATTER UNDER REFERENCE, I SHALL BE GLAD OF YOUR ASSISTANCE PARTICULARLY, AS I DO NOT WISH TO TROUBLE GOVERNMENT IN A MATTER WHICH OUGHT TO BE WELL WITHIN THE CONTROL OF THE LOCAL HEAD OF THE DEPARTMENT.

ENCLOSURE NO. 4.

COPY OF A LETTER FROM THE EXAMINER, P. W. ACCOUNTS, TO THE DISTRICT ENGINEER, NELLORE, NO. 91, N. L. DATED 12TH. SEPTEMBER 1876.

I HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT OF YOUR LETTER NO. 50 DATED 26TH. AUG. 1876, AND WITH REFERENCE TO THE P. W. CODE CHAP. III. VII. 9, TO INQUIRE FROM WHOM THE DISTRICT ENGINEER WISHES THE RETRENCHMENT TO BE MADE.

ENCLOSURE NO. 5.

COPY OF A LETTER FROM THE DISTRICT ENGINEER, NELLORE, TO THE EXAMINER, P. W. ACCOUNTS, NO. 65 DATED 29TH. SEPTEMBER 1876.

IN REPLY TO YOUR LETTER NO. 91, N. L. DATED 12TH. SEP. 1876, I HAVE THE HONOR TO INFORM YOU THAT IN MY OPINION THE

AMOUNT REFERRED TO SHOULD BE RECOVERED FROM THE OFFICER
IN CHARGE OF THE NORTHERN DIVISION, BY WHOM OR BY WHOSE
AUTHORITY IT WAS DISBURSED.

P.W.D.
11 NOV 76
No 8164

FROM THE EXAMINER,

P. W. ACCOUNTS.

TO THE SECRETARY TO GOVERNMENT,

P. W. DEPARTMENT.

NO. 250. W.

DATED 8TH. NOV. 1870.

REC'D.

Recd No 333 8/12 July 177.

FORWARDS CORRESPONDENCE RELATIVE TO A PROPOSED RETIEMENT FROM THE SALARY OF MR. GITMAN, EX-ENGR. NORTHERN DIVISION.

No 135

CIRCULAR NO. 53 OF 1861.

FROM THE SECRETARY TO THE

GOVERNMENT OF INDIA.

TO THE SECRETARY TO THE GOVERNMENTS OF BENGAL, N.W.

PROVINCES, AND THE PUNJAB, GOVERNOR OF STRAITS

SETTLEMENTS, CHIEF COMMISSIONER OF BOMBAY, COM-

MISSIONERS OF BOMBAY, N.W. PROVINCES, NAGPORE AND

HYDRAABAD, AND RESIDENT AT HYDRAABAD.

PUBLIC WORKS DEPARTMENT.

FORT WILLIAM, 10TH. JULY 1861.

GENERAL

ESTABLISHMENTS.

THE FOLLOWING EXTRACT FROM A LETTER ADDRESSED IN THE EARLY PART OF THIS YEAR TO ONE OF THE LOCAL GOVERNMENTS, REGARDING A CASE IN WHICH GOVERNMENT HAD BEEN DEFRAUDED THROUGH THE MISCONDUCT OF CERTAIN SUBORDINATES, TO WHICH THE EXECUTIVE ENGINEER'S REMISSNESS HAD CONTRIBUTED, IS CIRCULATED BY ORDER OF THE GOVERNOR GENERAL IN COUNCIL FOR THE INFORMATION OF THE LOCAL GOVERNMENTS:

EXTRACT FROM LETTER.

BUT WHILEST ASSESSING WITH HIS HONOR THE LIEUTENANT GOVERNOR AS TO THE FAULT OF AND ADMONISHING HIM

HIM AS TO HIS CONDUCT IN THIS MATTER HIS ANSWER MAY BE
'NOT THINK THAT THE CASE IS ONE OF THE IMPOSITION OF A
'PECUNIARY FINE'.

'ON THIS SUBJECT, ESPECIALLY IN REFERENCE TO THE EARLY
'TRANSFER OF A MORE DIRECT CONTROL OF THE PERSONNEL OF THE
'DEPARTMENT TO THE LOCAL GOVERNMENTS, HIS EXCELLENCY THINKS
'IT DESIRABLE TO LAY DOWN HIS VIEWS MORE LARGELY.'

'HIS EXCELLENCY, WHOSE HE IS NOT PREPARED TO CONDEMN,
UNIVERSALLY, PUNISHMENT BY THIS MEANS, CONSIDERS THAT IT
SHOULD BE RARELY RESORTED TO. THE DUTIES OF THE OFFICERS OF
THIS DEPARTMENT ARE ESSENTIALLY MIXED UP WITH PECUNIARY
AFFAIRS; DILIGENCE AND JUDGMENT, OR THE WANT OF THESE QUAL-
ITIES WILL CAUSE AN ADVANTAGE OR A LOSS TO GOVERNMENT
WHICH IN THEIR CASE IS DIRECTLY MEASURED IN A SUM OF MO-
NEY; AND HENCE, AT FIRST SIGHT, THE EXACTION OF A FINE MAY
APPEAR TO BE THE OBVIOUS AND NATURAL PUNISHMENT FOR AN OFFI-
CER WHOSE DEFICIENCIES HAVE CAUSED A MEASURABLE LOSS,
WHILST NO DOUBT THE LAW WOULD RECOGNISE THE PENALTY. BUT
THE WANT OF DILIGENCE AND JUDGMENT IN THE CONDUCT OF THEIR
DUTIES BY OFFICERS OF OTHER DEPARTMENTS MAY CAUSE LOSS, POS-
SIBLY MUCH GREATER AND MORE SERIOUS TO GOVERNMENT, YET
THE EXACTION OF A DIRECT MONEY PENALTY IN SUCH CASES WOULD
AT ONCE BE RECOGNIZED AS INAPPROPRIATE AND INADMISSIBLE.
THE IMPOSITION THEREFORE OF SUCH PENALTIES IN ORDINARY CASES
OF LOSS, CAUSED BY DEFECT OF DILIGENCE OR JUDGMENT, IS
SCARCELY EQUITABLE AND IS CERTAINLY NOT EXPEDIENT. IT
MUST DISGUST THE OFFICER. IT IS TOO APT TO APPEAR TO HIM

AND

AND TO HIS COMRADES AS IF GOVERNMENT CARED NOTHING FOR HIS
CONDUCT AND REPUTATION, BUT ONLY FOR THE RECOVERY OF THE
SUM OF MONEY. IT IS DOUBTFUL WHETHER SUCH A PENALTY IS
CALCULATED TO PRODUCE REFORM. IT IS CERTAIN THAT THE
HARSHNESS ATTRIBUTED TO THE MILITARY BOARD (WHETHER JUST-
LY OR NOT) DID PRODUCE IN THE DEPARTMENT SOMETHING VERY
DIFFERENT FROM REFORM, THE EVIL OF WHICH IT HAS BEEN EXCEED-
INGLY DIFFICULT TO ERADICATE. AT THE SAME TIME THE SYSTEM
OF DEPARTMENTAL GRADUATION NOW IN FORCE OFFERS AN AMPLE FIELD
FOR MORE APPROPRIATE PENALTIES, WHETHER IN RETARDATION OF
PROMOTION OR IN REDUCTION OF RANK, WHEN THESE ARE MERITED.'

'IT IS NOT EASY TO LAY DOWN A PRECISE RULE, BUT HIS
EXCELLENCY CONCEIVES THAT (APART FROM INSTANCES OF FRAUD
ON WHICH IT IS NEEDLESS TO TOUCH AT PRESENT) PECUNIARY
PENALTIES SHOULD BE EXACTED ONLY IN SUCH CASES AS WOULD BE
SIMILARLY PUNISHED IN OTHER DEPARTMENTS (SUCH AS ACTUAL
DEFICIENCIES OF CASH ARISING FROM GROSS NEGLECT) OR WHEN
LOSS TO GOVERNMENT, ARISING IN OTHER WAYS FROM NEGLIGENCE
OF THE SAME INDIVIDUAL, HAS BEEN REPEATED, AND WHEN THERE
MAY BE SPECIAL REASONS FOR NOT INFLECTING THE MORE APPRO-
PRIATE PUNISHMENTS OF REDUCTION OF RANK OR REMOVAL FROM
THE DEPARTMENT.'

(TRUE COPY)

E. J. Ladd

CHIEF ASSISTANT,

OFFICE OF THE EXAMINER, P.W. ACCOUNTS.

FROM L. CONWAY-GORDON,

EXAMINER, P. W. ACCOUNTS,

TO THE SECRETARY TO GOVERNMENT,

PUBLIC WORKS DEPARTMENT.

NO. 314.W.

PORT ST. GEORGE, STR. DEC. 1876.

SIR,

IN CONTINUATION OF THIS OFFICE LETTERS NOS. 236.W.
AND 237.W. DATED SEP. AND OCT. NOVEMBER 1876, I HAVE THE
HONOR TO FORWARD, FOR THE PERUSAL OF GOVERNMENT, A COPY OF
CIRCULAR FROM THE GOVERNMENT OF INDIA NO. 66 OF 1861, CON-
TAINING THE VIEWS OF THE SAID GOVERNMENT AS TO THE IN-
ADVISABILITY OF MAKING PUBLIC WORKS OFFICERS PECUNIARILY
RESPONSIBLE FOR EXCESSES ON ESTIMATES AND OTHER LOSSES
INCURRED IN EXECUTING WORKS; VIEWS VERY SIMILAR TO THOSE
I VENTURED TO LAY BEFORE GOVERNMENT IN MY LETTERS ABOVE
MENTIONED TO .-

I HAVE THE HONOR TO BE,

SIR,

YOUR MOST OBEDIENT SERVANT.

L. Conway-Gordon.

EXAMINER, P. W. ACCOUNTS.

P.W.D.
 1876
 NR 8911
 FROM THE TREASURER,
 P. W. ACCOUNTS,
 TO THE SECRETARY TO GOVT.
 P. W. DEPARTMENT.

DATED 11th Dec. 1876.
 PLACE.

NO. 114-7.

ENCLOSURE-1.

ENCLOSURE COPY OF A
 MEMORANDUM OF THE GOVT. OF INDIA
 REGARDING THE INVOLVEMENT OF
 HOLDING P. W. ACCOUNTS ACCOUNT-
 ABLY RESPONSIBLE OF EMPLOYEES
 ON 10th Dec. 1876, IN THE GOVT. DEPT.
 FOR THE ACCOUNTING WORKS.

Statement showing a few of the cases in which officers
 have been held pecuniarily liable for excess over estimate or for gross
 negligence.

Amount of deduction or payment	Remarks
25 14 8	Excess on an estimate for earthwork. The Executive officer states that the rate was in- sufficient, an excuse which in numberless other similar cases has been held by Govern- ment to be sufficient.
47 7 4	See Government Order No. 2243 of 24th August 1876. This is apparent by an excess in masonry, con- sequent on the foundation of a sluice having been excavated too deep. There is among the papers no evidence to show that the extra depth was not actually required.
60	This was a young overman who joined the Department on the 1st August 1874. In April 1875 he was fined Rs. 30 and a similar fine was inflicted monthly till August when Rs. 150 had been collected. In G.O. No. 3034, dated 28th October 1875, Government decided on fining the man only Rs. 60 so that

Mr. Attman
 1st grade
 (Executive Officer Sillone Sathurn)
 Salary Rs. 100

Mr. Fraish
 2nd grade
 Salary Rs. 60

Mr. Taylor
 2nd grade
 Salary Rs. 60

Name and Rank	Amount of deduction or payment	Remarks	Name and Rank	Amount of deduction or payment	Remarks
		that eventually the balance of Rs. 90 deducted from his pay was returned to him. Government when firing this subordinate remarked that his superior officer had not given the subordinate his instructions in writing.			to the Head of Pernalore Tank Supply Channel. Vide Commissioner's letter to Government No. 307 W, dated 30 th November 1876.
4 Mr. Hayne Executive Engineer 4 th grade Salary Rs. 550	12 2 6	See Government Order No. 209 dated 22 nd January 1877.	9 Venkoba Rao Local Fund Sub Overseer Salary Rs. 60	65 9	This was a fine levied not by the District Engineer, but by the Executive Engineer in charge of the Chingleput Division.
5 Mr. R. J. Lowry Executive Engineer 4 th grade Salary Rs. 550	50 9 2	In this case Mr. Lowry appears to have done nothing more than any Court in the Country could have enforced on him. He employed a surveyor, and finding him incompetent, he paid him up to date on his discharge.	10 Raghava Sengar Overseer Salary Rs. 60	58	Alleged bad work to the Andapurem Tank, Salem District. In this case the District Engineer, Salem
6 Conductor West Inspector 1 st grade Salary Rs. 220			11 The Ministry concerned Salary Rs. 10	10	appears to have ordered the deduction.
7 Serjeant Hollingsworth Overseer 2 nd grade Salary Rs. 126		See Government Order No. 2438 dated 13 th September 1876 in which the Inspector and overseer were warned that they would be held personally responsible in future for all excesses above 5 per cent of original estimate.	12 Mooneappah Pillai late Sub Engineer 3 rd grade now transferred to Pension list		See Government Order No. 1977 of 12 th July 1875 in which the Sub Engineer was ordered to make good any expenditure in excess of the sanctioned estimate for reconstructing a Calingulash in the Poottoorim Reelaomibady tank Madura taluq. Its Sub Engineer Mooneappah Pillai was subsequently ordered to be pensioned. This order was modified in Government Order No. 1135 dated 6 th May 1876 and the excess ordered to be debited to the minor works grant.
Serjeant Ward Inspector 2 nd grade Salary Rs. 150	146 7 7	Alleged neglect of departmental rules resulting in loss to Government in connection with repairs			

Name and Rank	Amount of deduction or payment	Remarks
13. Mr. Hammett Supervisor Salary Rs. 200 since transferred to pension list	307.6	See Government Order No. 3072, dated 28 th October 1876. As Mr. Hammett was transferred to the Pension list before the recovery was made, the amount was ordered to be remitted in Government Order No. 1754, dated 11 th July 1876 in consideration of the comparatively small pension he was entitled to.
14. Panchaprasada Iyer Overseer 3 rd grade Salary Rs. 60	120	See Government Order No. 1647, dated 18 th June 1874 and No. 2415, dated 26 th August 1874.
15. Mr. R. E. Norfor Executive Engineer 3 rd grade Salary Rs. 650	1000	See Government Order No. 1108 of 19 th April 1875.
16. Mr. J. M. Bell Assistant Engineer Salary Rs. 450	205	
17. Mr. Hawthorth Assistant Engineer 1 st grade Salary Rs. 450	252	Vide Government Order No. 2786 dated 2 nd October 1874 and Nos. 233, 607 and 900 of the 28 th January, 3 rd March and 5 th April 1875 respectively.
18. Mr. R. E. Norfor Executive Engineer 3 rd grade (District Engineer) Salary Rs. 650	1000	See Government Order No. 2262 dated 15 th August 1874. This was afterwards remitted. See Government Order No. 2893 of 9 th October 1874.

Name and Rank	Amount of deduction or payment	Remarks
19. Mr. J. W. Lasker Supervisor 1 st grade Salary Rs. 200	10.81	This is the amount of an over payment on the Mypal Tank repairs which was recovered in Cash from Mr. Lasker vide Government Order No. 1045, dated 15 April 1875.

Fort Saint George
19th February 1877

Alonwan Jordan
Examiner. P. W. Accounts

H. M.
19.2

ml.
19/2

P.W.D.
 10 377
 No. 1788
 11/11/77
 11/11/77

FROM L. CONWAY-CORCOR,
 EXAMINER, P.W. ACCOUNTS.
 TO THE SECRETARY TO GOVERNMENT,
 PUBLIC WORKS DEPARTMENT.

NO. 416.W. PORT ST. GEORGE. 18TH. FEBRU. 1877.

SIR,
 IN REPLY TO YOUR MEMORANDUM NO. 380 DATED 18TH. FEBRU-
 ARY 1877 REQUESTING ME TO PREPARE A STATEMENT SHOWING THE
 NUMBER OF CASES IN WHICH OFFICERS HAVE BEEN HELD PECUNIARI-
 LY LIABLE FOR EXCESSES OVER ESTIMATES OR FOR GROSS NEGLI-
 GENCE, I HAVE THE HONOR TO STATE THAT THIS OFFICE PROBABLY
 KNOWS LESS OF THESE CASES THAN ANY OTHER OFFICE IN THE DE-
 PARTMENT.

2. THE WORST FEATURE IN THESE CASES HAS ALWAYS APPEAR-
 ED TO ME THAT THERE IS NO RECORD OF THEM EXCEPT IN THE DI-
 RECTOR'S OFFICE IN WHICH THE PUNISHMENT MAY HAVE
 BEEN IMPOSED. AS A RULE, THEY ARE NOT SHOWN IN THE AC-
 COUNTS AS FINES, AND IT IS ONLY FROM CHANCE REMARKS, MADE
 BY OFFICERS WHEN SUBMIT-
 TING EXPLANATIONS WITH RE-
 FERENCE TO EXCESSES OVER ESTI-
 MATES, THAT THIS OFFICE
 KNOWS ANY THING AT ALL

13
 18
 11

intro - records

your kind
 regards

G. O. S. French / J. B. L. 135

ABOUT THEM. HERE AND THERE WE SEE A STREAM WHICH SHOWS THE
SET OF THE CURRENT, BUT OF THE DEPTH AND VOLUME OF THE WA-
TERS THAT ROLL PAST US, WE KNOW NOTHING.

C. HOWEVER IN COMPLIANCE WITH THE WISHER OF GOVERN-
MENT, I SUBMIT A LIST OF THE CASES I REMEMBER. MORE THAN
THAT I AT PRESENT AM UNABLE TO DO, AS IT HAS NEVER BEEN
EITHER THE DUTY OR THE PRACTICE OF THIS OFFICE TO REGISTER
SUCH CASES. BUT I WILL CLEAN UP EVERY REPORT IN THE DE-
PARTMENT THE INFORMATION THAT GOVERNMENT REQUIRES, AND ON
RECEIPT OF THIS INFORMATION, I SHALL BE IN A POSITION TO
REPLY FULLY TO THE QUESTION THAT GOVERNMENT HAS NOW PUT.
IN THE MEANTIME, THE FOLLOWING CASES MAY BE SUFFICIENT FOR
A PRELIMINARY DISCUSSION OF THE GENERAL QUESTION PUT FOR-
WARD IN MY LETTERS NOV. 22. 1871. AND DEC. 7. 1871. RESPECTIVELY
NOVEMBER 2TH. AND DECEMBER 2ND. 1871.

I HAVE THE HONOR TO BE

SIR,

YOUR MOST OBEY. SERVANT;

Stonewall Jackson

EXAMINER, P. W. ACCOUNTS.

96 1617-8-18-6-71
 " 2262- " 15-8- "
 " 2415- " 25-8- "
 " 2786- " 2-10- "
 " 2893- " 9-10- "
 " 233- " 26-1-75
 " 607- " 3-3- "
 " 960- " 5-4-75
 " 1045- " 15-4- "
 " 1108- " 19-4- "
 " 3074- " 28-10- "
 " 1977- " 12-7-76
 " 1751- " 11-7- "
 " 1135- " 8-5- "
 " 2243- " 24-8- "
 " 2438- " 13-9- "
 " 209-22-1-1877-

201377
 1788
 FROM THE DRAWING,
 P.W. ACCOUNTS.
 TO THE SECRETARY TO GOVERNMENT,
 P.W. DEPARTMENT.

DATED 15TH NOV. 1877.
 PAGE.

ENCLOSURE.

FORWARDS A STATEMENT SHOWING
 THE NUMBER OF CASES IN WHICH OFFICERS
 HAVE BEEN HELD PECUNIARILY
 LIABLE FOR EXPENSES OVER ESTIMATES.

1135-13-117
 1135-6

Recd 4/1/77

No 768
 Proceedings of the P.W.D.
 Under date 11th March 77
 Read the following:-

From
 The Examiners of P.W. Accts (H.C. Es. 286 H of 8" 200/100)
 " do do " " 314 H of 5" 200/100
 Note by Chief Engineer, P.W.D. (" " 9" 7/11/77)
 The Ex. of P.W. Accts (" " 416 H of 15" do)

11/3
 mhe

The attention of Government has been drawn
 in these papers to the
 practice of recovering
 from officers and sub-
 ordinate public money
 irregularly or impro-
 perly expended by
 them. In some cases
 the retrenchments have
 been enforced under
 orders of Government,
 but in others under the
 authority

9.

authority of District
Engineers.

2. His Grace the Governor
in Council is not

disposed to abolish ^{the} ~~the~~ ^{practice} ~~practice~~ of inflicting

pecuniary penalties
altogether, for a member
of the Department

may in some cases with
propriety be called

upon to make good
public money which

has been lost through
his misconduct or

negligence, ~~but~~ in all
cases ^{where} in which it may

seem to ^{the} ~~the~~ ^{supervising} ~~supervising~~ ^{of any manner}
officers ^{the particular circumstances} that a refund
should be required, the

orders of Government

must

whole circumstances must
be submitted to the
and the

To
D. J. Fugate
Chief Eng. for Inspr.
E. W. P. M. Aceto

Apr 21-3-77

Xth Attch

22

must be obtained.

3. Ordinarily the proper
punishment for neg-
ligence leading to loss
will be censure for
^{the first instance} ~~a first offence~~, and
by loss of promotion
or reduction in grade
for repeated carelessness,
or for inattention to
orders regarding the
proper expenditure
of public money.

W. 2/3

1877
Oct. of 1877
PUBLIC WORKS.

To *Alb. Dickson Esq.*

Dated

Issued

Recd.

Encl.

G. O. *1st* *Haish* 1877, No. *758*

Nos. *135* *136*

See as amended
4.7/3

Pecuniary penalties
on Officers and Subor.
ordinates of the P. W. Dept.

Orders on the practice
of inspecting —