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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D.

DEPARTMENT

G.O. No. B.P. No.	1424(W)	Press. Mis.
Dated	19-3-1878.	197.

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1424
GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

19th March 1878, No. 1,424 W.

General.

Establishment.

Read the following paper :—

No. 305. From Major L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, General Branch, dated Chepauk, 2nd March 1878, No. 216 W.

I HAVE the honor to forward, for the orders of Government, the accompanying correspondence as detailed below (in original to be returned when done with), with reference to the suspension of the late Accountant of the Bangalore Division.

2. The facts connected with H. Vencoba Row, late Accountant at Bangalore, are briefly as follow :—

Last October certain frauds were discovered at Bangalore in connection with the supply of materials from one of the Public Works Contractors, and Vencoba Row, then Accountant of the Division, was supposed by the then District Engineer, Major Vibart, to have been an accessory in the fraud. On what evidence the allegation was made I know not, as this evidence has never been communicated to me.

3. On this general charge, however, the Accountant was suspended on the 6th October 1877 by the District Engineer, and, pending further investigation, I confirmed the action of the District Engineer. On Colonel Moberly taking over charge of the district in November 1877, the Accountant, without any further evidence being produced against him, was summarily dismissed. I was then forced to interfere and to point out that, as Vencoba Row was a Gazetted Accountant, the District Engineer's action was altogether *ultra vires*, no authority short of Government having authority to dismiss a Gazetted Accountant.

In pointing this out to the District Engineer I added that the Accountant's suspension allowance should be regularly drawn in the salary bill of the division.

4. I now learn that the Accountant is dead, and that no suspension allowance had been disbursed to him since October 31st. On reviewing the circumstances of the case, I cannot help thinking that the man, on the whole, has been somewhat harshly treated by the local authorities.

5. With a view of supporting local authority, I should never hesitate to confirm any order passed by a District Engineer suspending an Accountant, although such an order should more properly be initiated by this office on the representation of the District Engineer. But, on the other hand, I think, that when such an order is passed by a District Engineer, this office may fairly expect to be furnished by him with information as to the charge laid against the Accountant, sufficiently definite at least to allow of the man being placed on his defence and the charge generally investigated. And it might further be expected that before the order of suspension is passed some consideration should be paid to the man's position in the department and to his previous good service.

6. The course taken by the District Engineer in this case places this office in the most awkward position conceivable. The Accountant is enabled to write to me as he does write in his letter of the 7th February, that the matter has been investigated for four months, and that after strict scrutiny "nothing has transpired, as indeed

nothing could transpire that can tend to support the charge made against him, and to this manly and straight-forward statement I am not placed in a position to reply. I have suspended the Accountant and I have not the means of justifying my action.

7. Indeed, so far from this, from the papers I have seen with regard to these frauds, all the facts are perfectly compatible with the man's entire innocence. The frauds I believe consisted in altering the receipts for materials after being signed by the Executive subordinate and before submission to the Divisional Office, and such a forgery could be detected only in two ways. Directly, by taking stock of the material said to have been supplied; indirectly, by comparing the amount of work done with the quantities of materials alleged to have been used up in doing it. Neither of these processes come within the ordinary duty of a Divisional Accountant. He has nothing to do with the stock of materials at site, and probably not an Accountant in the province knows for a given amount of work, say a cubic yard of brick-work, how many bricks, how much lime, sand, &c., should properly be allowed. The *prima facie* evidence is in the Accountant's favor; the onus appears to me to lie with the District Engineer to produce direct evidence to criminate him.

8. The general result of the action taken is that the man's services have been lost to the Accounts Department for over four months, and I need not point out to Government that it falls on this office to provide a substitute to carry on the Accountant's work during the entire time he remains under suspension.

9. My object in now addressing Government is to ask either that some direct charge should be brought against the Accountant supported by proper evidence or that I be permitted to pay to the deceased's estate his salary in full from the date of suspension to the date of his death. I further think that it should be impressed upon District Engineers that if Accountants are suspended provisionally under their orders, definite intimation as to the charge brought against them with the evidence on which it is based should at once be furnished to this office. All Local Officers should further be informed that suspension allowances should in every case be paid with the same regularity as ordinary salaries.

No. 306.

ORDER THEREON, 19th March 1878, No. 1,424 W.

As no criminal charge has been proved against the late Accountant, full salary should be disbursed for the period during which he remained under suspension.

(True Extract.)

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

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

Encl. E. C. Shukler.
Spare Copies

1424
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GENERAL
ESTABLISHMENT.

Gobt. of (1878) Madras.
PUBLIC WORKS.

To

THE EXAMINER OF PUBLIC WORKS
ACCOUNTS.
Sec. Sec. Sec.

Dated March 1878.

Issued

Recd.

Encl.

G. O., 1st March 1878, No. 1,421 W.

MARCH

No. 305-303.

For Accountant H. Vencora Row, Bangalore
1878--Following is the statement of the
during the period he remained under
employment.

FROM THE EXAMINER, P.W. ACCOUNTS,
MADRAS.

TO THE SECRETARY TO GOVERNMENT,

PUBLIC WORKS DEPARTMENT,

GENERAL BRANCH.

NO. 216 W.

2nd March.
CHERAK, 2nd MARCH 1878.

SIR,

I HAVE THE HONOR TO FORWARD FOR THE ORDERS OF GOVERN-
MENT THE ACCOMPANYING CORRESPONDENCE AS DETAILED BELOW
< IN ORIGINAL TO BE RETURNED WHEN DONE WITH > WITH REFER-
ENCE TO THE SUSPENSION OF THE LATE ACCOUNTANT OF THE
BANGALORE DIVISION.

2. THE FACTS CONNECTED WITH H. VENCORA ROW, LATE AC-
COUNTANT AT BANGALORE ARE BRIEFLY AS FOLLOWS :-

LAST OCTOBER CERTAIN FRAUDS WERE DISCOVERED AT
BANGALORE IN CONNECTION WITH THE SUPPLY OF MATERIALS FROM
ONE OF THE P.W. CONTRACTORS, AND VENCORA ROW THEN ACCOUNT-
ANT OF THE DIVISION, WAS SUSPECTED BY THE THEN DISTRICT
ENGINEER, MAJOR VIVANT, TO HAVE BEEN AN ACCESSARY IN THE
FRAUD. ON THAT EVIDENCE THE ALLEGATION WAS MADE I KNOW NOT.
AS THIS EVIDENCE HAS NEVER BEEN COMMUNICATED TO ME.

2. ON THIS CRIMINAL CHARGE, HOWEVER, THE ACCOUNTANT

WAS SUSPENDED ON THE 24TH OCTOBER 1977 BY THE DISTRICT ENGINEER, AND PENDING FURTHER INVESTIGATION. I COUNSELLED THE ACTION OF THE DISTRICT ENGINEER. ON COLLECTIVELY TAKING OVER CHARGE OF THE DISTRICT ~~ENGINEER~~ IN NOVEMBER 1977, THE ACCOUNTANT, WITHOUT ANY EVIDENCE BEING PRODUCED AGAINST HIM, WAS SUMMARILY DISMISSED. I WAS THEN FORCED TO INTERFERE AND TO POINT OUT THAT AS VERNON NOW WAS A GAZETTED ACCOUNTANT, THE DISTRICT ENGINEER'S ACTION WAS ALTOGETHER ULTRA VIRES, NO AUTHORITY SHORT OF GOVERNMENT HAVING AUTHORITY TO DISMISS A GAZETTED ACCOUNTANT.

IN POINTING THIS OUT TO THE DISTRICT ENGINEER, I ADDED THAT THE ACCOUNTANT'S SUSPENSION ALLOWANCE SHOULD BE REGULARLY PAID IN THE SALARY BILL OF THE DIVISION.

4. I NOW LEARN THAT THE ACCOUNTANT IS DEAD, AND THAT NO SUSPENSION ALLOWANCE HAD BEEN DISBURSED TO HIM SINCE OCTOBER 1977. ON REVIEWING THE CIRCUMSTANCES OF THE CASE, I CANNOT HELP THINKING THAT THE MAN ON THE WHOLE HAD BEEN SOMEWHAT HARSHLY TREATED BY THE LOCAL AUTHORITIES.

5. WITH A VIEW OF SUPPORTING LOCAL AUTHORITY, I SHOULD NEVER HESITATE TO CONSIDER ANY ORDER PASSED BY A DISTRICT ENGINEER, SUSPENDING AN ACCOUNTANT, ALTHOUGH SUCH AN ORDER SHOULD NORMALLY BE INITIATED BY THIS OFFICE ON THE REPRESENTATION OF THE DISTRICT ENGINEER. BUT ON THE OTHER HAND, I THINK THAT WHEN SUCH AN ORDER IS PASSED BY A DISTRICT ENGINEER THIS OFFICE MAY FAIRLY EXPECT TO BE FURNISHED BY HIM WITH INFORMATION AS TO THE CHARGE LAID AGAINST THE ACCOUNTANT, SUFFICIENTLY DEFINITE AT LEAST TO ALLOW OF THE MAN BEING PLACED ON HIS DEFENCE, AND

THE CHARGE GENERALLY INVESTIGATED. AND IT MIGHT FURTHER BE EXPECTED, THAT BEFORE THE ORDER OF SUSPENSION IS PASSED, SOME CONSIDERATION SHOULD BE PAID TO THE MAN'S POSITION IN THE DEPARTMENT AND TO HIS PREVIOUS GOOD SERVICE.

6. THE COURSE TAKEN BY THE DISTRICT ENGINEER IN THIS CASE PLACES THIS OFFICE IN THE MOST AWKWARD POSITION CONCEIVABLE. THE ACCOUNTANT IS ENABLED TO WRITE TO ME, AS HE DOES WRITE IN HIS LETTER OF THE 7TH FEBRUARY THAT THE MATTER HAS BEEN INVESTIGATED FOR FOUR MONTHS AND THAT AFTER STRICT SCRUTINY 'NOTHING HAS TRANSPIRED, AS INDEED NOTHING COULD TRANSPIRE THAT CAN TEND TO SUPPORT THE CHARGE MADE AGAINST HIM, AND TO THIS MANLY AND STRAIGHT FORWARD STATEMENT I AM NOT PLACED IN A POSITION TO REPLY. I HAVE SUSPENDED THE ACCOUNTANT AND I HAVE NOT THE MEANS OF JUSTIFYING MY ACTION.

7. INDEED, SO FAR FROM THIS, FROM THE PAPERS I HAVE SEEN WITH REGARD TO THESE REPAIRS, ALL THE FACTS ARE EXACTLY COMPATIBLE WITH THE MAN'S ENTIRE INNOCENCE. THE REPAIRS I BELIEVE CONSISTED IN ALTERING THE REQUISITS FOR MATERIALS AFTER BEING SIGNED BY THE EXECUTIVE SUPERINTENDENT AND BEFORE SUBMISSION TO THE DIVISIONAL OFFICE, AND SUCH A FORGERY COULD BE DETECTED ONLY IN TWO WAYS. DIRECTLY, BY TAKING STOCK OF THE MATERIAL SAID TO HAVE BEEN SUPPLIED; INDIRECTLY, BY COMPARING THE AMOUNT OF WORK DONE WITH THE QUANTITIES OF MATERIALS ALLEGED TO HAVE BEEN USED UP IN DOING IT. NEITHER OF THESE PROCESSES COME WITHIN THE ORDINARY DUTY OF A DIVISIONAL ACCOUNTANT. HE HAS NOTHING TO DO WITH THE STOCK OF MATERIALS AT SITH; AND PROBABLY NOT AN ACCOUNTANT IN THE PROVINCE KNOWS FOR A GIVEN AMOUNT OF

... MAY A CERTAIN YARD ...
... THE PRIMA FACIE
EVIDENCE IS IN THE ACCOUNTANT'S FAVOR, THE CASE APPEARS TO ME *to be*
WITH THE DISTRICT ENGINEER TO FURNISH DIRECT EVIDENCE TO
ELIMINATE HIM.

THE GENERAL RESULT OF THE FACTS I HAVE STATED IS THAT THE WORK
SERVICES HAVE BEEN LEFT TO THE ACCOUNTANT'S CHARGE AND THE CASE
IS NOT CLOSURE, AND I HAVE THE POINT OUT TO YOU THAT IT
CALLED ON THIS OF THE TO FURNISH A CERTAIN TO GO ON THE
ACCOUNTANT'S WORK DURING THE OTHER TIME OF HIS WORK
UNDESIRABLE.

MY OBJECT IN ADDING THE COMMENT IS TO ADD
FURTHER THAT SOME DIRECT CHARGE CHARGE IS BROUGHT AGAINST THE
ACCOUNTANT EMPLOYED BY HIM IS AVAILABLE OF THAT I HAVE BEEN
TOLD TO PAY TO THE DECEASED'S ESTATE HIS SALARY IN FULL FROM
THE DATE OF SUSPENSION TO THE DATE OF HIS DEATH. I HAVE BEEN TOLD
THAT IT SHOULD BE PAID FROM THE DATE OF HIS DEATH TO THE DATE OF
ACCOUNTANT'S ALL SUSPENSION PROVISIONALLY WHILE THE CASE IS
PENDING. MY INTENTION WAS TO BRING THE POINT AGAINST THE
WITH THE VIEW OF THE POINT IS THAT THE ACCOUNTANT IS NOT
TOLD TO THIS OF THE. ALL DEBTS DURING HIS WORK DURING THE
PERIOD THAT SUSPENSION AND THE OTHER I HAVE BEEN TOLD
WITH THE ACCOUNTANT'S WORK DURING THE OTHER TIME OF HIS WORK

I HAVE THE HONOR TO BE,

SIR,

YOUR MOST OBLIGED SERVANT.

Stonway-Jordon

RECEIVED, S. ACCOUNTS AND MAJOR P.E.

ENCLOSURE 8

DISTRICT ENGINEER (BANGALORE) LETTER NO.
100 OF 21ST NOVEMBER 1877.

LETTER FROM M. VANDORA NOW OF 1ST DECEMBER 1877.

LETTER FROM M. VANDORA NOW OF 5TH DECEMBER 1877.

DO DO 500 N DO

M. VANDORA NOW'S LETTER OF 7TH FEBRUARY 1878.

LETTER FROM M. VANDORA NOW OF 15TH FEBRUARY 1878.

DO DO 500 N DO DO

M. VANDORA NOW'S LETTER OF 14TH FEBRUARY 1878.

CD. S.E.

FROM THE EXAMINER, P.W. ACCOUNTS,

MADRAS.

TO THE SECRETARY TO GOVT. P.W.D.

GENERAL BEANCH.

NO. 21687

DATED 2nd March 1878.
RECE.

ENCLOSURES. 2.

*Retained
to Ex^r with SO*

FORWARDING FOR THE ORDERS OF
GOVT. CONCERNING WITH REFERENCE
TO THE SUSPENSION OF THE LATE AC-
COUNTANT OF THE BANGALORE DIVISION

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 19th March 1878.

Read the following:—

From the Examiner P.W. Accts. (N.E. No. 216 N. of 2nd March)

*As no criminal charge
has been proved against the
late Accountant, full salary
should be disbursed for
the period during which
he remained under sus-
pension.*

907 11/3

*Ex^r of P.W. Accts. with Encls:
Dist. Engr: Bangalore*

*Supd. 27. 3. 78
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3*

Origl. go. 28. Jan 1878. 2^d 450. W.
 Min. 15. Nov 1877 = 1664. W.
 10 " " " 1895. W.
 C. S. Means 26 Dec " " 412.
 " 24 " " " 3467.
 " 12 " " " 3195.
 go 2^d " " " 826. W.

1424
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21/2/89

Bot. of (1878) 31/12/89

PUBLIC WORKS.

To The Govt of P. W. A.

Dated

Issued

Per

Encl.

G. O. 17/12/89, No. 1124 W

Nos.

Lato Accountant H. Ven-
coba Row. Bangalore

Full salary to be disbursed
to the — during the period
he remained under suspension

But in P. W. A.