

1
1880

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

17th April 1878, No. 1,880 W.

General.

Establishment.

Read again :—

No. 193. Letters from the District Engineer, Bangalore, recorded with G.O.,
No. 826 W, dated 2nd October 1877; and G.O., No. 450 W, dated
28th January 1878. *Printed*

Read also the following papers :—

No. 193-A.	From District Engr., Bangalore, dated 3rd October 1877, No. 130.	
No. 193-B.	" " " " 30th " " " 147.	
No. 193-C.	" " " " 17th January 1878, " —	
No. 193-D.	" " " " 21st " " " 210.	
No. 193-E.	" " " " 24th " " " 213.	
No. 193-F.	" " " " 3rd April " " 4.	
No. 193-G.	" " " " 4th " " " 5.	

✓✓✓✓✓✓✓✓

No. 194. ORDER THEREON, 17th April 1878, No. 1,880 W.

THIS correspondence has reference to certain frauds carried out by A. Govindarajaloo Moodelliar, Overseer's Writer at Bangalore, and one Peddanah, a supplier of materials. The frauds consisted in altering the receipts for materials after they had been signed by the Overseer; and before submission to the Divisional Office, where payment was made in accordance with the altered amounts; the Overseer's Writer who altered the receipts, and the supplier of materials participating in the profits of these nefarious transactions. Both of these men have been convicted by the Sessions Judge and sentenced to long terms of imprisonment in addition to heavy fines.

2. Govindarajaloo Moodelliar alleges that the Overseer, Serjeant McAlister, was party to the frauds, but this statement is not borne out by the circumstances of the case, and is discredited by the Court, who are however of the opinion that the supervision exercised by Serjeant McAlister was culpably lax. This circumstance, coupled with the "apparent want of anything like check in the District Engineer's Office," admitted, the Judge considers, of full play in the commission of the frauds perpetrated.

3. Serjeant McAlister's culpable neglect of duty will be dealt with by the Chief Engineer.

4. The person to whom blame seems to attach in the District Engineer's Office is the Accountant, Vencoba Row, since deceased.

5. The Examiner, Public Works Accounts, contended in paragraph 7 of his letter recorded with G.O., No. 1,424 W, dated 19th March 1878, that the frauds in question could have been 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, it was stated, come within the ordinary duty of a Divisional Accountant. But there was a third way which the Examiner has overlooked, and which did come within the ordinary duty of the Accountant, and that was, to call for the counterfoils of the receipts presented for payment and compare them. This the Accountant failed to do and was in consequence rightly considered by Colonel Moberly to have failed in his duty. There is nothing in the papers which indicates complicity on the part of the Accountant with the frauds committed.

6. The legal expenses incurred in the prosecution of the offenders will be adjusted by the Examiner.

(True Extract.)

(Signed)

E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

(True Copy.)

Major, R.E.
Under Secy. to Govt., P.W.D.

To the District Engineer, Bangalore.
" Examiner of Public Works Accounts.
" Chief Engineer, Public Works Department.

Exd. E. C. Shunker.
Spare Copies

GENERAL
ESTABLISHMENT.

Gobt. of (1878) Madras.
PUBLIC WORKS.

To

THE DISTRICT ENGINEER,
BANGALORE,
&c., &c., &c.

Dated April 17th.

Issued

Recd.

Encl.

G. O., 17th April 1878, No. 1,880 W.

APRIL
Nos. 193-194.

A Govindarajuloo, Overseer's Writer,
and Peddanah, Supplier.—The Examiner
authorised to pass the legal expenses in
connection with the trial and conviction of
— with remarks.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

28th January 1878, No. 450 W.

General
Establishment

Read the following papers:—

No. 258-A. From the District Engineer, Bangalore, dated 22nd December 1877,
No. 194.

No. 258-B. From Major H. M. VIBART, R.E., to the Chief Engineer, Public
Works Department, dated Bangalore, 14th January 1878, No. 203.

I HAVE the honor to forward a copy of the judgment of the Sessions Judge on
the case of forgery and cheating against Writer A. Govindarajoo Modeliar and
Supplier Peddanah which I duly received this day.

2. Owing to the press of work in the Magistrate's Court (chiefly connected
with the Bangalore Bank case), the last case of forgery has not yet been heard by
the Magistrate.

3. I understand that a day will very shortly be fixed for the hearing. It is
possible that the Cantonment Magistrate will feel himself compelled to transfer the
case to the Court of the Sadr Ameen as the file in his own Court is so heavy.

No. 259. ORDER THEREON, 28th January 1878, No. 450 W.

THE Government see no necessity for Major Vibart remaining any longer in
Bangalore. If the Court require his evidence, he can attend when summoned in due
course, and the present District Engineer can see to conducting the case. Meanwhile
Major Vibart must proceed to Madura forthwith, where his services are much needed,
and take up his appointment.

(True Extract.)

(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Government, P.W.D.

To Major H. M. Vibart, R.E.

Exd. E. C. Shunker.
Spare Copies

GENERAL
ESTABLISHMENT.



Govt. of (1878) Madras.

PUBLIC WORKS.

To

Major H. M. VIBART, R.E.,

&c., &c., &c.

Dated January 28th.

Issued

Recd.

Encl.

G. O., 28th January 1878, No. 450 W.

JANUARY.

Nos. 253A 259.

Major Vibart, R.E., to proceed to
Madura forthwith and take up his appoint-
ment.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

2nd October 1877, No. 826 W.

General.
Establishment.

Read the following paper:—

No. 31. From Major H. M. VIBART, R.E., District Engineer, Bangalore, to
the Chief Engineer, Public Works Department, dated Bangalore, 26th
September 1877, No. 128.

I HAVE the honor to report that I have this day charged A. Govindoorajaloo
Moodelliar, Overseer's Writer, with forgery before the Cantonment Magistrate under
Section 468 of Indian Penal Code.

2. The Magistrate issued a warrant for his arrest, and the Writer is now in the
hands of the Police. I propose to employ Mr. S. Smith Pleader in the case, and
request the sanction of Government for the entertainment of the Pleader. The case
stated shortly is that the Writer altered four vouchers by the additions of figures by
means of which he was enabled to alter the bill for materials supplied. Had the
fraud not been discovered Government would have sustained a loss of Rupees 50.

No. 32. ORDER THEREON, 2nd October 1877, No. 826 W.

AUTHORITY granted.

(True Extract.)

(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Government, P.W.D.

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

Exd. C. Howarth.
Spare Copies

GENERAL
ESTABLISHMENT.

Gobt. of 1877 Madras.

PUBLIC WORKS.

THE DISTRICT ENGINEER,
BANGALORE,
&c., &c., &c.

Dated October 2nd.

Issued

Recd.

Encl.

O. O., 2nd October 1877, No. 826 W.

OCTOBER.

Nos. 31-32.

A. Govindarajoo Moodettar, Oversecr's
Writer, Bangalore.—Authority granted for
the entertainment of a Pleader in the case of
forgery against—

Emply Sidney Smith
as Counsel.

Tel. dep. 5/10/77

Wh. been please
Send him above
Telegram 4 B.L.
Bangalore.

W.H.
15.10.77

I have been very busy with
the case. So you must excuse
this hurried note. I expect
Mr. Sidney Smith in a few
minutes to consult with me.
Please telegraph the authorities
to employ Mr. S. Smith throughout
all the cases connected
with this matter.

Yours sincerely
Henry L. Sibert
4 Oct/77.

noted
mbs

BANGALORE 3^d October 1877

8

1877

NO. 130.

From

The District Engineer

Bangalore.

To

The Chief Engineer P. W. D.
General Establishment
Madras.

Sir,

In continuation of my
letter No. 128 dated 26th September 1877,
I have the honor to inform you that
A. Goundarajooloo Mood's Overseers
Writer, was duly charged with Forgery
before the Cantonment Magistrate,
under section 468 of the Indian
Penal Code. The Magistrate
yesterday committed the case to
the Session Court. Bangalore.

I beg to request that an early
reply may be sent to my former letter.

I have the honor to be
Sir,

Your most obedient servant

W. R. S. P. S. Major P. W. D.
District Engineer

What good has been
done by the
Government
in the matter of
the case of the
overseers writer
of the Goundarajooloo
Mood's Overseers
Writer. The case
was committed to
the Session Court
yesterday.

Genl or Establish
From

The District Eng:

Bangalore
To ~~Prin Secy~~
The Chief Eng. P.W.
- Genl or Estab.
Madras

Dated 3d
Recd October 1877.

No 130.

A. Govindarajooor
Querey's letter - Inform
that ^{duty} was charged
with forger, in the
- ^{lowest} Magistrate
and the Magistrate can
- case to the Session Court
Also requests an early reply
to his former letter.

No 248 98 Oct 177

Enclosed with
reference to G. & Co.
226 W 4/2 Oct 177
b. 10

W.

I sent over a note
re the leave due to Ribant
two hours ago.

There is nothing so far
I can see to prevent the
Madras Govt from employing
this Officer in any way
they think necessary - All that
is "reg." is a relief for our
Madras, to the effect that
Major Ribant will remain on
duty at Bangalore till the
reclusion of the Dist. (A
B) or till further
or words to that effect.

Leg.
J

1877.

SECRETARY.

Madras,

Novem-7

OFFICE NOTE.

To C

You have not replied to
my question about the
date of the case. I wish
to know now whether
the question is

Vishnu has a case
requiring his particular
attention at Bangalore
which will probably take
a long time to try. He
has after Vishnu has
been relieved by (the
District Judge) his return
at Bangalore and due
to the trial I mention
is over prevent his
full pay or can he
full pay as if this
is the case what ad-
vantage will be taken to
of his drawing pay
rightly.

Soon please
will want to visit
by tomorrow

W
T. A.

12
1880

30th Oct 77

My dear Colonel
Many thanks for
your D.O. letter of yesterday's date
and your kindness in securing the
District Judge's leave without writing
for one moment to claim as a right.
I am glad to hear you are here and I should
be much obliged if (the following cir-
cumstances being taken into con-
sideration) my transfer could be post-
poned. The enquiries in re. the
Copy Case have shown that there
has been for some years past a
well contrived scheme for defraud-
ing Govt. in various ways &
the trial will necessarily be of a
protracted nature and my
presence cannot well be dis-
pensable with. The Courts here
are already overburdened with
work. The first case (The Oes.)

12
1880

dear's Writings) the least important of the two is fixed for hearing on the 19th Nov.
I don't think it likely that the second case will be heard after a few weeks & it is impossible to say when the trials will be over. They will I think certainly last several months.
My second reason for making the above request is with reference to the history I have in hand of our Corp. I have been to considerable pains & expense to collect & go through the various records & books, bearing on the subject, and am at present

aged in putting my notes to shape. I am very anxious to complete the work as soon as possible (whilst all I have had of preserving memory - which I am not likely to be able to put in charge of a new district - As the Corp have already shown they will permit me to go to London for & to make a sensible use of the records of our Government. I trust you will not think I am asking too much in bringing the matter forward now for your kind consideration. I have also every intention of applying for full access as the history is complete;

GOVT.
OF MADRAS.

1877.

{ P.W.
{ DEPT.

SECRETARY.

Madras, 1. Nov-

1877

OFFICE NOTE.

To C

Shall let us know what
leave Privilege on Major
Vieart is entitled
to at present

W.H.
8.10.77

TO

DY. W.

MAJOR VIEART RETURNED TO
DUTY FROM 3 MONTHS PRIVILEGE LEAVE
ON THE 15TH. JULY 1876 WHEN HE HAD
NO PRIVILEGE LEAVE TO HIS CREDIT.

2. HE IS ELIGIBLE TO ONE MONTH
AND 12 DAYS PRIVILEGE LEAVE ON
THIS DATE AS FOLLOWS :-

FROM 15TH. JULY '76 TO	M. D.
14TH. JUNE 1877.....	I. O.

FROM 15TH. JUNE '77 TO	
END. NOVEMBER 1877.....	D... O. 12.
TOTAL	I. 12.

3. MAJOR VIEART'S ELIGIBILITY TO
OTHER LEAVE (I.E. FURLO' IN INDIA
ETC.) HAS TO BE ASCERTAINED FROM
THE MILY. DEPT., VICE NOTE AT THE
HEADING OF CHAP. IV. OF THE C.L. CODE.

L.H.
7/11

General or Estab.
N. 147

District Engineer's Office
Bangalore 30. October 1877

From

The District Engineer
Bangalore.

To

The Chief Engineer P.W.D.
General or Establishment
Madras.

Sir,

In continuation of my
letter N. 130 dated 3rd October 1877.
I have the honor to inform you
that the first case against Oversee's
Writer A. Govindarajooles Moode
in the Bangalore Session Court,
comes on for hearing in the Session
Court on the 19th November 1877.

I have the honor to be
Sir

Your most obedt. servant

Herbert Vivart Major R.E.
District Engineer

2.10.77 No 826 W
S.10. - 924 W hms

General or Estab.

From

The District Engineer
Bangalore
To The Chief Engineer
G. S. or Estate
Madras

2014

Date 6th Oct 1877

Case against over-
writer A. Govindasami
-loo, 11/10/1877. Informs
that the first comes
on for hearing in the
Bangalore District Court
on the 19th of Nov^r 1877.

No 13924571 ha/77
 No. 13924571 ha/77
 Logged in continuation
 of No. 921 ha/77
 W. H.
 31.10.77

PUBLIC WORKS DEPARTMENT.

Letter from the District Engineer
Bangalore dated 30th October 1877.

FOR ORDERS

I will do nothing &
 remain till the Process
 before Trial is concluded.
 I can't keep him there
 for an indefinite time
 till the whole of the
 Cases are disposed
 of. Ever & I suppose
 it to be necessary.

The Chief Engineer
sees no reason why
Major Vibart should
not remain at Bangalore
until the case referred
to has been tried.
The Trichinopoly Dist^t
being already held
by an Officiating Dist^t
Engineer there is no
immediate necessity
for Major Vibart
joining the District.
His doing so and
having to return to

Bangalore to give
evidence & we would simply
be an extra expense
to Government.

Ellen Gould Coll DE

Key to Gov. PWD

Fort St George }
Novr 1877 }

Ln 87^u

Handwritten signature

c h 15958

Public Works Department.

UNDER date the

10th Nov 1944

Read the following :—

Letter from the D^t Insp^t Bangalore (H. E. N^o 130 dated 3rd Octr: 1877).
 — do — do — (H. E. N^o 147 dated 30th Octr: 1877)

After his relief
by Colonel Moberly R. E. Major
Vibart R. E. will remain at
Bangalore until the trial
of the Overseer's writer is
concluded, during which
time he will be considered
to be on duty at that
station.

2. On the conclusion of the trial he will proceed to join his own District.

WK
10-11-77

Major Vikash R. S. ✓
C. P. W. W. S. D. P. A.
10-11-77

Ex. 2 J.W.T. Dated 12-11-77

10-11
Said
No. 5 to him in the
above

N^o. Bangalore 17th January 1878

To
The Chief Engineer
Roads and Buildings
Madras.

Sir,

With reference to the notification
in the Fort St. George Gazette of 15th
Instant, regarding my transfer, as a
temporary measure, to Madras, for
charge of the Palace Restoration Works,
I have the honor to state, that
the last forgery case, against A.
Govindasajoo, &c., will commence
tomorrow, in the Magistrate's Court.
It is impossible at present to
say how long the case will last;
but without doubt to the close of
this month. Until the case is
completed

Mis No 1595 M-10-11-77

completed, I beg respectfully to
point out, I shall be unable to
leave for Madras.

I have the honor to be

Sir

Your most Obedient Servant

Henry Pitt Rivers Major R.E.
District Engr -

1870
17/1

No 210.

Bangalore 21st January 1878.

From

Major H. M. Vibart P. E.
District Engineer

To

The Chief Engineer
General or Establishment
Madras.

Sir,

I have the honor to inform you
that the last forgery case against A.
Govindarajoo and Poddannah commenced
in the Sur Ameen's Court on 18th and was
continued on 19th. The case was then adjourned
to the 22nd. On which date I expect the
Sur Ameen will commit the prisoners to
the Sessions Court.

I have the honor to be
Sir

Your most obedient Servant

Hurly Stuart Major P. E.
District Engineer

Cir. 15-4-77. Ptd 17-4-78.
Ltr to C. 2-12-78.
C. 11. 3. 78. R. 14. 1

From
Major H. M. Vibart R.E.
District Engineer

To
The Chief Engineer
P.W.D.

Dated 21st }
Despd 21 } January 1880
Recd }
No 210

Forgery Case against
P. Govindarajulu &
Poddannah - Reporting
that the last - was commu-
ced on the 18th Instant &
Continued on the 19th Instant.

Cir. 15-4-78. Pld 17-4-78
Despd to 15-4-78
On 11-3-78 R19.5

No. 213.

From

Major H. M. Vibart R.E.
District Engineer

To

The Chief Engineer
Public Works Department
Madras.

Sir,

I have the honor to inform
you that, the two prisoners (P.
Govindarajulu and Poddannah)
were yesterday evening, committed
to the Sessions Court, on charges of
"forgery and cheating", and abetment
of forgery and making use of false
documents to commit fraud."

2. I have instructed Government
Counsel to make a formal applica-
tion to the Sessions Court to post
the case for hearing at an early
date. As soon as I hear from Counsel,
in reply to my letter, I will hasten
to inform you of the result of the
application

application.

I have the honor to be

Sir

Your most Obedt Servant

Arthur W. Hart Major R.E.

District Engineer

H. W. Hart
24-1

25
1880

From

Major W. M. Vibart R.
District Engineer.

To
The Chief Engineer
P. W. D.

Dated 24 January/78.
Recd

No. 213.

Forgery Case -

Reporting that the -
Against prisoners A.
Govin clarypala & Peddamma
was committed to the
Sessions Court on the
evening of 23 Instant.

Cir - 16.4.78. Pto 17.4.78.
Supd to C.M. 12-4-78.
Cir 11.3.78 R19.3

In the Court of the additional
Sessions Judge, Mysore of Dist. ²¹ 1878
Before L. Rickolls Esq., Addl. Sessions Judge.

Bangalore the 27th day of March/78.

Bangalore Session Case No. 21 of 1878.

Prosecutor Prisoners.

Government. vs. (1) Govindaraj Mood.

(2). Peddamma.

Charge - Forgery & cheating. Sec. 468.

Ind. Penal Code against the 1st Prisoner
abetting the above. Sec. 468 & 109, I. P. Code
against the 2nd Prisoner.

Judgment.

I. The 1st Prisoner is charged (as per
the amended charge of this Court) with
forgery for the purpose of cheating in
respect to certain three Bills, and 2nd
Prisoner is charged with aiding and abet-
ting the above offence.

II. The Bills in question are exhibits
P. b. & D. These Bills are made out by
1st Prisoner by vouchers procured by
supplied by 2nd Prisoner. The items in

the Bills are then compared by the Overseer (Seyt. Me alisto) with said vouchers and if found correct, then he signed the Bill. The receipt portion at the end of the Bill with the amount of the Bill inserted in words as well as in figures appears by the practice of the Officer (Diet. Eng.) to be subsequently filled up in another Draft and hence there was room given for the perpetration of the fraud now under consideration.

II. When the Overseer (Seyt. Me alisto) checked the items and signed the Bill, they were returned to 1st Prisoner and then the vouchers were either altered, or even forged ones added and the items in the Bill altered accordingly. Thus in two of the Vouchers B³ & B⁴ in support of Bill B. the numeral 1. has been added to 3, making in each case 13, canoes of humans instead of 3, and the Bill has been altered accordingly. As regards Bill C, two new and heavy items have been added and are supported by the forged vouchers

C¹ & C². In the same way Bill D. is supported as regards the fraudulently inserted items by a forged voucher D¹. IV. The words "cancelled" on certain of the vouchers as also certain initials to the Bills and vouchers purporting to be in the handwriting of Seyt. Me alisto are stated by the said Seyt. to be forgeries and the two Maistries, Permal and Sheojadim speak to the fraudulent additions in Vouchers B³ & B⁴ and to C¹ & C² & D¹ being forgeries.

V. Now then altered items in the Bills are in the handwriting of the 1st Prisoner and he attempts to free himself by stating that he merely wrote and altered as directed by Seyt. Me alisto who was his immediate superior, but if Seyt. Me alisto were implicated there would have been no need of alterations in the Bills as fresh ones could easily have been submitted. The 1st witness, Major Viant, states that 1st Prisoner originally admitted to him that he had made

certain alterations in the Bill at
Serjt. McAlister's request and for which
they were both to be liable. In the same
way a declaration of witnesses in a previous
case, one Vincenza Ross stated and his
deposition has been read in this case
that 2^d Prisoner admitted that there
was an understanding between himself
and 1st Prisoner that the latter should
overcharge in the Bill and the money
thus overcharged was to be returned to
1st Prisoner after the 2^d Prisoner had
received the same. The 2^d Prisoner
now contends that there was no over-
charge and that the amounts he
received on the Bill B, C, & D were
amounts justly due to him for materials
supplied, as per such Bills. But taking
Bill C. for an illustration, it is clear
as per the totals brought out, that it
stood originally for Rs 22-8-0 for 6 Candles
of Chumam and which is supported by a
genuine voucher. There come two items of
20 & 50 Candles respectively of Chumam and
supported by two clearly proved forged

²⁵
Vouchers, and thus the Bill is raised
from Rs 22-8-0 to Rs 322-8-0. By no
possibility could 2^d Prisoner have
received this latter ~~exception~~ sum.
Supposing no cash had been paid to him by
a mistake and he must have known
that there was fraud in the matter.
If he really supplied the very much
larger quantity of Chumam he could
probably prove the same by his own
accounts and better still by genuine
receipts or Vouchers from the Masters
on the works.

VI. This case is in fact a continu-
-ation of Cases No. 76 and 120 of 1877 of
this Court and where too the present
two prisoners were convicted for the
like offences, and because they were
so convicted and ^{they were} ^{by} ^{found}
-rob and because ^{to} ^{of} ^{years} ^{concern}
in recommending ^{the} ^{were to}
mercy owing to the long supervision
expressed in the preparation of the
Bills &c. only a light sentence will

Sutter

of 1877. of the

The Court concurring with the
appears that the prisoner Poddannab
guilty of the offence of aiding and abet-
ting the said Govindarajoolas Brood
in committing forgery as above, it is
being offenders punishable under Section 481

District Engineer Bangalore

Original
N^o 4.

²⁵
District Engineer's Office
Bangalore 3rd April 1878.

From

The District Engineer
Bangalore

To

The Chief Engineer
Public Works Department
Madras.

Sir,

1 I have the honor to acknowledge
the receipt of G. O. N^o 1424 H dated 19th Ultra
and to offer the following remarks
with reference to the letter from the
Examiner Public Works Account on
which the above order is passed, and which
I submit is calculated to mislead the
Government as regards at least my action.

2 It will be perhaps convenient
first to state what procedure is laid
down in the District Office, as the
Examiner in para 7 has in my opinion
misunderstood it.

3 Indents for materials are pre-
pared by the Supervisor or Oversee

in charge of the work in cheque forms. The cheques are handed to the supplier, the counterfoils, carefully retained by the indenting Officer - receipts for the articles are entered on the back of the cheques and when the indents ^{are} fully complied with the supplier carries ^{them} to the Overseer whose writer prepares the bills for his signature, after which ^{they are} forwarded to the District Office.

4 In the particular instances which have been under investigation, the Overseer's writer altered the figures in the bills, and indents after the Overseer had signed the former - the omission on the part of the Head Accountant to call for the original counterfoils, or for any measurements of work encouraged the writer to carry on this proceeding with impunity for a considerable period.

5 The counterfoils are unaltered, and have been very valuable in convicting the writer and in acquitting the Overseer.

6 I would here observe that a similar procedure is carried on as

regards money, cheques. ²⁸ ~~The~~ receipt of the pass book the counterfoils are examined by the District Engineer and one of his accountants, and Vencoba Row must have done it very frequently.

I submit that his omitting to compare receipted indents with counterfoils showed considerable neglect of his duty. Again no register of measurements was kept, and, so far as I can learn, no measurements were ever called for by the Account Department, ~~and~~ as long ago as 15th December Vencoba Row admitted this in his answers to questions put agreeably to Form No. 129 D Chapter XVIII para 15A and Chapter XIX Section 2 para 105 Question 2.

8 Under these circumstances Major Vibart suspended Vencoba Row as being guilty of neglect - probably Criminal neglect - he did not try him at once as he hoped that the writer and supplier would, either in their own defence, or in mitigation of punishment, incriminate him more completely. I would here point out that

Vencoba Row

Vencoba Row was appointed Head Accountant by Major Tibart and that in Fort Saint George Gazette of 15th November 1846, he has only been posted to a certain grade.

9 When I joined the office and found that the investigation was likely to be protracted, and great inconvenience caused by the absence of the Head Accountant, I acted on E. M. Co 9th June 1857, para 54, Grant's Circular Order book, and formally not summarily discharged Vencoba Row. This order was published to protect the State against a claim for pay for the period during which investigation was being carried on a matter in which the man was finally convicted. My action simply met the Examiner's complaint in para 8 of his letter.

10 I reported my act to the Examiner, and on his remonstrating, I withdrew my letter of dismissal

and desired Vencoba Row ²⁷to apply for the suspension allowance which the Examiner desired me to pay. I submit that it was not my duty to seek him out and force his pay on him; he never applied either personally or in writing, and the Examiner has been informed month by month in my Detail of Establishment Charges, that the money was lying in my office. - Since his death I have sought in vain for Certificate as to his legal heir. I urge that the Examiner's para 4 is not correct.

11 Again in para 6 the Examiner has accepted Vencoba Row's statement of February 6th, and has made no mention of a reference which he made to me on 15th February (50 B. 1) or of my reply informing him that the trial was not concluded.

I submit that if the Examiner required more information, he should, in justice, have applied to me before he reported

to Government, and might thereby have avoided the "awkward position" of which he complains.

12 The final judgment in this case was given on the 27th ultimo - the decree has not yet reached me but shall be forwarded as soon as I obtain it. With it I should have asked the permission of Government to institute proceedings for Criminal neglect against Venkoba Row if he had not died in the interval. I would ask attention to para 5 of the decree (copy sent by Major Vibart) of 21 December 1877 remarking on Venkoba Row's neglect.

13 The Examiner has urged on Government that District Engineer should be instructed on various points regarding which I respectfully submit his views appear to me to differ from the Orders of the Government of Madras, and I may say Government of India.

If

14 If E. M. C. 9th June 1887 is cancelled, I presume it is by the Indian Code. Chapter III para 12 stops "all pay and allowances during suspension." Government of India Code does not mention subsistence allowances in Chapter XV "Office Arrangements," except by placing Clerks &c. who are in receipt of salaries of Rs. 100 a month or more under the Unencumbered Civil Service rules, when Chapter III Section 24 is applied. Venkoba Row drew only Rs. 60.

15 I went carefully over every authority, and desired Venkoba Row to look out for any order regarding subsistence allowance before I formally dismissed him - I am very anxious to adhere to rules, but I have as yet failed to find that I have disobeyed any.

16 Since writing the above, I have received the decree of the Court in the last instance of the frauds committed by writer Gorindaraj Mood.

Y^{rs} and beg to point out that the ^{para 11.}
prisoners punishment is reduced be-
cause of the lax supervision exer-
cised in the preparation/more properly
examination of the bills.

I have the honor to be

Sir

Your most Obedt servant

J. Roberts.

Colonel R.

District Engineer

General

From
The District Eng
Bangalore

To
The Chief Engineer
P.W. D
Madras.

N^o. 4.
Dated 3rd } April 1878.
Recd

Encls: Over.

N. Venkata Rao -
late Accountant -

Submits remarks as
to his action in the
suspension of -

Cir. 15-4-78. Rd. 17-4-78.
Dated 5-5-78 12-4-78

30
1880 - 30
1880

From Major Vibart R.E.
Executive Engineer

To Colonel F. J. Moberly R.E.
District Engineer
Bangalore.

Sir,

I have the honor to forward a
letter from Mr E. S. Smith Pleader with
his bill of costs Re Govindarajaloo Moodellian
and Pedannab.

2 I request you will be good enough
to pay the amount Rs. 450 at your
earliest convenience - You will observe
from his letter that Mr Smith will
forward you a copy of the judgment as
soon as he receives it.

3 Govindarajaloo has been sentenced
to 18 months rigorous imprisonment and
Pedannab to 15 months.

4 If the fines are not paid Govindarajaloo

will suffer 6 years rigorous imprisonment,
while Pedamiah will have $4\frac{3}{4}$ years.
Throughout the trials no evidence was
forthcoming to show that the late Venoba
Rao was actually Cognizant of the frauds.

5. He was doubtless to blame for not
having checked the bills properly. I ^{regret} request
to have to write this of him as he was an
intelligent man and I was, until these
matters came out, prepossessed in his
favour. You are I believe, aware
that he died about a month ago.

6. I would recommend that his full
pay from date of suspension up to his
death should be paid to his family.

7. I presume that as soon as you
get a copy of the judgment you will
report to Government when doing so.
I should be obliged if you would mention
that Serjt Barnes was of great assistance
in getting up the numerous papers for
Mr Smith and that the latter expressed
himself

31/50
himself to be as indebted to Serjt Barnes
for the complete manner in which the
papers were placed before him. 31

I have the honor to be
Sir,

Your Most Obedient serv^{tt}
(Signed) Henry M. Vibart
Major R.E.
Executive Engineer

Bangalore
29/3/78

True copy
H. M. Vibart
District Engineer.

H. M. Vibart
4/4

No 5.

³²/₈₅
District Engineer's Office
Bangalore 4th April 1878

From

³²/₈₅
The District Engineer
Bangalore.

To

The Secretary to Government
Public Works Department
Madras.

Sir,

I have the honor to forward a
letter from Major Vibart regarding
the trials of the writer and supplier
which was omitted to be sent with
the decree yesterday.

I have the honor to be
Sir

Your Most Obedt^t Servant

H. M. S. B. Colonel R. B.
District Engineer

1802-10-77 No 826 W
 18-1-78 - 1,50 W right
 19-3-78 - 1424 W
 10-11-77 - 1595 W mis: right
 15-11-77 - 1664 W - do do
 12-10-77 - 3195
 24-10-77 - 3467 right
 29-10-77 - 3616

From
 The District Engineer
 Bangalore
 To The Secretary to Govt
 S. M. Dept
 Madras.

No 5.
 Dated 4th April 1877

Encls: one.

Trials of Overseer's written
 & Supplier - Forwarded -
 copy of Major Vicar's letter
 regarding them

Cir - 15.4.78. Dtd 17.4.78
 Ref to 12-4-78

33 Paul 33
 Public Works Department.

No 1000 W
 PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 17th April 78.
 Read the following:

Letters from the District Engineer Bangalore
 recorded with G. O. No 826 W dated 2nd
 October 1877 and G. O. No 450 W dated
 28th January 1878.
 Read also.

The Dist Engineer
 Bangalore - [G.O. No 130 of 3rd Oct 1877 -
 do - [" - 147 - of 30th Oct -
 do - [" - " - 17th Jan 1878 -
 do - [" - 210 of 21st Jan -
 do - [" - 213 of 24th Jan -
 do - [" - 4 of 3rd April -
 do - [" - 5 of 4th April -

This correspondence
 has reference to certain
 frauds carried out by
 A. Govindarajulu Choudhary
 Overseer's

Overseer's Writer at Bangalore, and one Reddiah, a supplier of materials. The frauds consisted in altering the receipts for materials after they had been signed by the Overseer, and before submission to the Divisional Office, where payment was made in accordance with the altered amounts. The Overseer's Writer who altered the receipts, and the supplier of materials participating in the profits of these defalcations.

Both of these men have been convicted by the Sessions Judge, and sentenced.

³⁴
1830
34
Sentenced to long terms of imprisonment in addition to heavy fines.

2. Gomedarajulu Moodalliar alleges that the Overseer, Inspect the District, was a party to the frauds, but his statement is not borne out by the circumstances of the case, and is discredited by the Court who are however of the opinion, that the supervision exercised by Inspect the District was culpably lax. This circumstance, coupled with the "apparent want of anything like check in the District Engineer's Office", admitted, the Judge considers, of full play in the Commission of

of the frauds perpetrated.

3. In regard to the Officer's culpable neglect of duty will be dealt with by the Chief Engineer.

4. The person to whom blame seems to attach in the District Engineer's Office, is the accountant. Vincoba Gow, since deceased.

5. The Grammar Public Works Account contended in para 4 of his letter recorded with G.O. in 1424 W dated 19th March 1870, that the frauds in question could have been detected only in two ways. Directly, by taking stock of the material paid to have been supplied; indirectly.

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 it was stated, come within the ordinary duty of a Divisional Accountant. But there was a third way which the Grammar had overlooked, and which did come within the ordinary duty of the accountant, and that was, to call for the Comptoirs of the receipts presented for payment, and compare them. This the accountant failed to do, and was in consequence rightly considered by Colonel Moberly to have failed.

Sh. P. An. d. d. l. n.
Bangalore District

failed in his duty -
There is nothing in the
papers, which indicates
complicity on the part
of the accountant, with
the frauds committed.

6. The legal expenses
incurred in the pro-
secution of the offenders
will be adjusted by
the Gammar.

at 11/12

Cir - 15-4-78. Dtd 17-4-78
Recd to Govt - 12-4-78. Recd from Govt 20-4-78

Dist. Hqrs. Bangalore
Gammar P. R. Chel
Ch. Engr. P. H. D.
10/1-5-78

2/11/98 ✓

1220
Cobt. of 1878; Madras

PUBLIC WORKS. ✓

To

*Chr 4258
" 4139
" 10255 + 769
" 284*

Dated

Issued

A. R. Bangalore

Recd.

Encl.

G. O. *17 April* 1878, No. *1880*

Nos.

A. Govindrajulu Ousee's
writer and Poddannah
Supplier

The Examiner authorized
to pass the legal expenses
in connection with the
trial and conviction of
—, with remark.

Subd. Bd.

2/11/98 v

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the case of the late Major General Smith. I have the honor to inform you that the case is now before the Court and that the Court is now in session. I have the honor to inform you that the Court is now in session. I have the honor to inform you that the Court is now in session.