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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D. DEPARTMENT

GO. No.	2170-W	Press
B.P. No.		Mis.
Dated	15-5-1878	-197-

R.R.
Not to be folded or roughly handled.

2170
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GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

15th May 1878, No 2,170 W.

General
Establishment.

Read the following paper.—

No 182. From Major J. PENNYCUICK, R E, District Engineer, Salem, to the Secretary to Government, Public Works Department, dated Parpampatty, 9th May 1878, No. 38

I HAVE the honor to report that a suit has been filed in the Salem District Munsif's Court by one Cooppanna Pillay of Salem, claiming the sum of Rupees 506-13-0 as value of work executed to the Darapooram Vadamanary Tank in the Salem Taluq.

2 It appears that this tank with some others breached in September last, and the following extraordinary order was given by the Range Officer (Mr. Gilby) to the plaintiff on the 12th October —

“Cooppanna Pillay is appointed to repair the tanks lately breached in the Womalore Division* under the orders of R Rama Row, B C E, Temporary Overseer in charge of that division.”

* Of the Salem Taluq

3 No particular tanks were specified, no estimates were prepared, and no report was made to this office on the subject, nor was the Overseer under whom the contractor was to be employed even informed of the issue of the order.

4 In the mean time the Overseer, acting apparently under verbal orders from the Range Officer, carried out the earthwork repairs departmentally and had the stone work done by another contractor, Rama Boyadoo by name.

5. The work was frequently inspected by Mr. Newton, the Assistant Engineer in charge of the Salem Taluq, and measurements of the stone work were made, and a bill made out in the name of the last-mentioned contractor; this bill was presented to Mr Hughes, who in the mean time had taken charge of the division and by him passed for payment; before it was paid the present plaintiff, Cooppanna Pillay, presented a petition† in which he stated that he and not Rama Boyadoo had executed the work, and claimed the abovementioned sum of Rupees 506-13-0 in addition to a sum of Rupees 56-0-3, which he says he has paid to the coolies working under this department

† On the 11th March

6 Mr Hughes, instead of inquiring into the matter, or referring to Mr. Newton for information, endorsed the petition to the effect that, unless Cooppanna Pillay filed a Civil Suit to substantiate his claim by the 19th March, payment would be made to Rama Boyadoo

7. The suit has accordingly been filed, in which the Salem Divisional Officer, the Overseer (Rama Row), and Rama Boyadoo have been made defendants, an adjournment has been obtained to the 4th July.

8. The Overseer entirely repudiates all knowledge of the plaintiff, and asserts positively that no work was done by him, but that all that was done was either departmental or by the contractor Rama Boyadze, and I believe this statement to be correct.

9. I am of opinion that Mr. Hughes acted very injudiciously in not inquiring into the matter himself instead of referring the claimant to the Civil Courts, but as the action has been brought it must be defended as the only way of settling the question as between the two contractors, and I therefore request authority for the expenditure of the Government Pleader in the case; the defence will be simply "not indebted".

10. Comment on Mr. Gilby's share in the matter appears needless; before the order to the plaintiff in this case was issued he had received G.O. No. 2517, of 24th September, as well as a previous circular from this office enjoining the execution of work by departmental agency, but this is only one out of many instances of his persistent disobedience of orders issued, I really believe by a positive inability to understand them.

No 133.

ORDER THEREON, 15th May 1878, No. 2 170 W.

The defence of the suit is authorised

(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, Salem
" Examiner of Public Works Accounts

Range Officer (Mr. Lillie) to the Plaintiff, on the 12th October.

"Coopana Pillay is appointed to repair the banks lately breached in the Namalane Division under the orders of R. Rama Row, B.L.S., Temporary Overseer in Charge of that Division."

3. No particular banks were specified, no estimates were prepared, and no report was made to the officer on the subject, nor was the Overseer under whom the Contractor was to be employed informed of the issue of the order.

4. In the mean time the Officer, acting apparently under verbal orders from the Range Officer, carried out the earthwork repairs departmentally and had the stone works

work done by another Contractor, Rama Boyados by name.

2170
VI

5. The work was frequently inspected by Mr. Newton the Assistant Engineer in Charge of the Salem Taluk, and measurements of the stone work were made, and a bill made out in the name of the last mentioned Contractor; this bill was presented to Mr. Hughes, who in the mean time had taken charge of the Division and by him passed for payment; before it was paid the present plaintiff, Coopana Pillay presented a petition in which he stated that he and not Rama Boyados had executed the work, and claimed the above mentioned sum of Rs. 506.13.0 in addition to a sum of Rs. 36.0.3 which he says he has paid to the coolies working under this Department.

on the 11th March

6. Mr.

6. Mr. Hughes, instead of enquiring into the matter, or referring to Mr. Newton for information endorsed the petition to the effect that unless he filed a civil suit to substantiate his claim by the 19th March, payment would be made to Rama Boyados.

7. The suit has accordingly been filed, in which the Salem Divisional Officer, the Overseer (Rama Row) and Rama Boyados have been made defendants; an adjournment has been obtained to the 4th July.

8. The Overseer entirely repudiates all knowledge of the plaintiff, and asserts positively that no work was done by him, but that all that was done was either departmental or by the contractor

Rama Boyados, and I believe this statement to be correct.

9. I am of opinion that Mr. Hughes acted very injudiciously in not enquiring into the matter himself instead of referring the claimant to the civil courts, but as the action has been brought it must be defended as the only way of settling the question as between the two contractors, and I therefore request authority for the employment of the Government Pleader in the case; the defence will be simply "not indebted."

10. Comment on Mr. Lobbys' share in the matter appears needless; before the order to the plaintiff in this case was issued he had received L. O. No. 2847 of 24th September as well as a previous Circular

2170
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Circular from this Office enjoining
the execution of work by depart-
mental agency, but this is only
one out of many instances of
his persistent disobedience of
orders, caused I really believe,
by a positive inability to under-
stand them.

I have the honor to be,
Sir,

Your most Obedt. Servant.

Benjamin Major, A.E.,
District Engineer.

G.B. 831 w 28-9-77

From
The District Engineer,
Salem.

To
The Secretary to Govt.
D. P.W.

Dated 9th }
Recd. } May 1878.

N^o 38 S^t

Reports that a suit has
been filed by one Gov-
panah Pillay a Contractor,
for claiming the sum of
Rs. 506-13-0 as value of
work done to the Dava
poram Vadamamangudi,
and requests that autho-
rity be given for the employ-
ment of the Govt. pleader in the

Cir. 13.5.78 P.L. 13.5.78.

Public Works Department.

For 2170 W 9 15 May 78
Proceedings of the Madras Government
Read the following

From the District Engineer Salem (W.B. N^o 38 S^t d/9th May 1878)

The defence of
the suit is authorised

W.B.
13/5

D. Eng^r Salem
Ex. P.W. Acc. to P.W. Dept. 29-5-78

C. 70.0.7. 12.5.5.78
12.5.78

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Govt. of (1878) Madras

PUBLIC WORKS

The S.E. Salun

1878

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G. O. 15 May 1878

Not.

Quit filed by contractor
Josephammal Pillay in con-
-nection with the work done
to the Sainpoream Vadamana
Tank. Salun P.S. The defence
of the — authorized —

Quoted in Regd.