Archives 1—10,000—6-10-76.

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D DEPARTMENT

G.O. No. / B.P. No. 2434-W

Press. / Mis.

Dated 10-6-1878 197 .

R-R.

Not to be folded or roughly handled

2434
1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

10th June 1878, No. 2,434 W.

General.
Establishment.

Read the following paper :—

No. 58. From Colonel P. O'CONNELL, R.E., Superintending Engineer, Chingleput, to the Chief Engineer, Public Works Department, dated St. Thomas' Mount, 3rd May 1878, No. 1,746.

I HAVE the honor to inform you that the enclosed letter to your address, No. 1,366, dated 1st April 1878, was forwarded through the Examiner, and in reference to it I have received the enclosed reply from that officer. As the Examiner's letter is not to the point, inasmuch as the matter is not an ordinary one on which I can take any action, I forward the papers for orders.

One original petition.
Two copies of Cantonment Magistrate's judgment and charge finding sentence.
One copy of letter to Chief Engineer, Public Works Department, No. 1,366, dated 1st April 1878.
One copy of letter from the Examiner, Public Works Accounts, No. 7 CN, 4th April 1878.

From Colonel P. O'CONNELL, R.E., Superintending Engineer, Chingleput, to the Chief Engineer, Public Works Department—through the Examiner of Public Works Accounts—dated St. Thomas' Mount, 1st April 1878, No. 1,366.

I HAVE the honor to bring to your notice that in the year 1875 on a charge preferred in a petition against Ragava Moodelly, late Deputy Accountant of No. 2 Range office of this district, of holding partnership with a contractor employed in the range, the then Superintending Engineer ordered that the Deputy Accountant should clear himself from the imputation by instituting legal proceedings against the Writer of the petition for defamation of character, or that he should be dismissed the service.

One original petition.
Two copies of Cantonment Magistrate's judgment and charge finding sentence.

2. The Deputy Accountant having failed to take prompt action in the matter, the Superintending Engineer subsequently ordered* his dismissal from the 31st January 1876, with the condition, however, that, in the event of his clearing himself of the charge, he can be reinstated, but without any claim to pay from the date of dismissal.

3. Only recently the late Deputy Accountant has instituted proceedings in the Cantonment Magistrate's Court at Poonamallee and has obtained a judgment against the writer of the petition, who has been fined Rupees 500, or in default of payment one year's simple imprisonment. Upon this judgment Ragava Moodelly now claims to be reinstated in his appointment ; but, as the vacancy caused by his dismissal has been permanently filled up and as there are no vacancies at present to which he can be nominated, I have the honor to request instructions as to the disposal of his claim for re-admission to his post, as the man appears to be fully entitled to consideration. I enclose in original the late Deputy Accountant's petition to my address and its enclosures.

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* No. 4,150 of 8th February 1876.

From Major L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, to the Superintending Engineer, Chingleput, dated Chepauk, 4th April 1878, No. 7 CN.

WITH reference to your letter, No. 1,366, dated 1st April 1878, I have the honor to state that, as the appointments of Deputy Accountants (Clerks) rest entirely with District Engineers, it is left to you to dispose of Ragava Moodelly's claim in any way you think fit.

2. The original petition from Ragava Moodelly is herewith returned.

No. 58-A. From the Examiner of Public Works Accounts, dated 31st May 1878.

No. 59. ORDER THEREON, 10th June 1878, No. 2,434 W.

UNDER the circumstances reported the dismissal of Ragava Moodelly will be cancelled, and leave without pay and allowances granted to the clerk from the date of the dismissal to the date on which he resumes charge of his duties; which should be reported by the Superintending Engineer.

(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 Superintending Engineer, Chingleput.
„ Examiner of Public Works Accounts.

Exd. E. C. Shunker.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

The SUPERINTENDING ENGINEER,
CHINGLEPUT,
&c., &c., &c.

Dated June 10th.

Issued

Recd. Encl.

G. O., 10th June 1878, No. 2,434 W.

JUNE.

Nos. 58-59.

Ragava Moodely, Deputy Accountant, Mount Range.—Cancelling the order of dismissal of—

2434

To
P. P. L. O'Connell R.E.
Supg Engineer Chingleput Divn

Respected Sir

Encl. 2

1. Judgement
2. Charge, Sending
3. Sentence

Referring to your predecessor's letter No 4466 dated the 9th February/76 to the Executive Engineer Mount Range, I beg most respectfully to enclose copies of the papers as per margin furnished to me by the Cantonment Magistrate of Poonamallee from which your honor will clearly observe that I am fully exonerated from the false charge made against me by one Poondra Chetty of Poonamallee, of being a partner with a late Contractor employed in the Mount Range.

Owing to my prostrated [illegible] & want of funds the case was postponed until 8th September 1877 hence my inability to clear myself of the imputation until now.

With reference to para 2

of Colonel Ilbert's letter, I would beg most respectfully that my case may now receive some consideration at the hands of Government and that as I have fulfilled the condition therein laid down, that I may be permitted to re-join the Account Branch in my former position & grade with arrears to my pay from October 1875.

For which act of kindness and Justice, I shall as in duty bound ever pray

I beg to remain
Respected Sir
Your Most Obed. Servant
W M Rozario
Late Deputy Accountant
[illegible] Rangoon

[illegible] 1877
Purasawalkam
No 9 [illegible] Street
Purasawalkam
Madras

8 annas
Court fees
Stamp

2434/4

Judgment in case No. 17 of 1877.

The accused one Rudra Chetty is charged under Section 500 I.P.C. with having defamed the complainant one Ragava Moodelly by stating that the said Ragava Moodelly was a partner in a contract with him, thereby causing the loss of Ragava Moodelly's appointment as Deputy Accountant in the P. W. Office at the Mount.

The complainant declares that about the 20th of August 1876 a petition exhibit B was received by the Range Officer at the Mount in which he was accused of being a partner with defendant in a contract, that he received orders to take steps to clear his character, that he did take proceedings against defendant in Court but unfortunately fell sick, was very ill for some time and has been more or less sick ever since up to his bringing the present case. Illness and want of means have been the reasons for the delay in bringing the present suit he adds he was no partner of Defendants and the statement in the petition to that effect is false he also states that he was dismissed from his post as Deputy Accountant in consequence of this Exhibit being sent to Captain Smith

Defendant acknowledges that exhibit A was signed by him.

The complainant was subjected to a lengthy cross examination by defendants Attorney and an enormous amount of information about his [illegible] affairs was elicited. the court was informed that this information was of great importance but when it was all recorded it did not appear to have anything to do with the case and in the opinion of the court a whole day was wasted in recording useless information. The counsel for the Defendants has not the faintest notion of the nature of relevant evidence or he intentionally wasted time in asking these questions.

Complainant states he knows nothing about the contract in question and was not present at all when Muniappa Mudaly had some arrangement with defendant about 1000 rupees. complainant denies that he ever agreed to be jointly responsible for the 1000 rupees. Complainant denies knowing Venkatesa Naicken Yellappa Chetty & Appacooty.

He denies that he ever was called by defendant to settle accounts anywhere. He states that after Parthasarathy Mudaly's death defendant came to his house and asked him to get him the contract [illegible] and he refused, he thinks it was for this reason defendant brought up the false statements against him in the petition. After reading all complainant has said the court thinks his evidence has in no way been shaken in cross examination.

but

lost the process.

2d witness for prosecution Arumoga Moodly deposed to having seen defendant receive 5 rupees from complainant. Defendant after a little conversation urged complainant to get him the contract money. Complainant refused and the defendant got angry.

In cross examination he deposes to defendant promising to give complainant something on his getting him the contract money, that complainant got very angry and that when defendant went away he said I will see. During the cross examination of this witness Mr Dunbill more than once stated that his evidence was got up. The Court considers that on the whole this witness's testimony is that of a truthful man and that he answered very satisfactorily several most confusing questions put by him and and that Mr Dunbill's remarks about the evidence as being got up were as uncalled for as they were improper.

2434/7

3d witness for prosecution proves signature to Exhibit A as being that of the defendant. he is not cross examined.

The prosecution is closed.

Defendant pleads not guilty and cites 6 witnesses.

1st witness for defence Ratna Chetty swears complainant was partner of defendant, that he was present when there was an allotment of shares at Mooniappa Moodelly's house and that complainant's share was 2/16 and that Mooniappa Moodelly and Rajaa Moor declined to execute an agreement on the plea of being public servants.

According to witness there were 3 people in no way connected with the partnership present while all this talk was going on. Witness also contradicts himself repeatedly he was questioned by the Court and in reply said Moonappa Moodelly first spoke about the money then Rajava Moodelly spoke, then he corrected himself and said both spoke.

Second witness for defence Iyasawmy Pilly says defendant and Moonappa Moodelly and no one else were partners with Parthasarthy Moodelly in this contract — then he heard defendant tell Rajava Moodelly in the water shed that he complainant was also a partner, that all the people in the water shed were talking, that the complainant said nothing, that complainant was talking to Moonappa Moodelly, that complainant said nothing about accounts — that he did not hear complainant say anything to any one and that all were disputing together but in cross examination he says Moonappa Moodelly spoke about a pro-note and that was all the dispute.

This witness first says one thing and then another and contradicts himself so frequently that the Court

cannot attach much importance if any to his testimony.

Third witness for defence also declares he was present when the shares were settled he says he heard complainant decline to make agreement as he was a public servant and that complainant agreed to be responsible for 100 rupees jointly with Moonappa Moodelly.

This witness has grossly contradicted himself when he was examined.

Fourth witness for defence [illegible] Naick so frequently contradicts himself both in examination in chief and cross examination that it is hardly worth while to notice his evidence he begins by swearing complainant was a partner when examined by Court he says it was from what Moonappa Moodelly said he inferred complainant was a partner and in the very same breath he says from complainant saying nothing I inferred he was not a partner then he says defendant and Parthasarthy Moodelly said Rajava Moodelly was a partner and at the same time he declares that they did not say that complainant was a partner but it was Moniappa Moodely who said so, he winds up by saying he recollects nothing now of what occurred then.

Fifth witness for defence [illegible] swears he was present at Rajava Moodely's house when complainant paid 465 rupees to defendant as contracted money at Parthasarthy Moodelly's request. This witness in cross-examination contradicts himself on more than one occasion and on being pressed on a certain contradiction he actually states that the statement last made by him was true and the former statement was false, this was in reply to a question from Court, when re-examined witness offers an explanation, when asked why he had not offered the explanation witness most falsely swears that he was asked by court in angry tone and that he got confused.

The record will show that the witness was not confused but in the opinion of the court was cool and rather impudent.

The court has no hesitation in saying that in its opinion this witness has unquestionably perjured himself and his evidence is worthless.

6th witness for defence Appacooty says he saw complainant at his house and that he saw him pay the 465 rupees to defendant. On being cross examined witness admits he had never seen complainant before he had never been to have dealings with any one in that street up to now, and that it was defendant himself who said it is Rajava Moodelly.

The 7th witness is the court Interpreter who is asked a number of questions about documents.

The defendant in his address apparently contradicts his own witnesses.

Two witnesses are put in by prosecution to rebut certain statements made by defence witnesses.

Both these witnesses swear they were present when the terms of contract were settled and that complainant was not present.

Defendant has nothing to say with reference to these statements. Taking into consideration the nature of the testimony of the Defence witnesses the court thinks the attendance of these two witnesses might have been dispensed with.

Judging from the various contradictions of the several witnesses for the defence and also the contradiction to some of these as made by accused himself in his statement the court considers that the defence has quite failed to prove that complainant was a partner of defendant or had anything whatever to do with the contract. There certainly was a considerable delay in bringing up the case but the Court considers the reason of the delay as stated by complainant as satisfactory.

The documents rejected by the Court as the former suit of [illegible] were [illegible] and the Court appeal suit of Defendant versus Complainant in the District Judge's Court the Court is quite unable to see in what way any of these records have anything to do with the case. It appears to the Court very irregular for Counsel to call on it to admit the whole of a record after the Magistrate has after hearing argument [illegible] duly rejected as inadmissible certain documents forming part of the above named records and the argument of the Counsel for defence that a Magistrate is bound to receive the whole of a record after his having rejected parts of the same is quite incomprehensible

In the opinion of the Court the Defendant Soondra Chetty has committed the offence with which he is charged.

26th February 1878 } (Signed) J. W. Hamilton
Poonamallee } Cont. Magt. 1st Class.

(True Copy)

(Signed) J. W. Hamilton
Cont. Magt. 1st Class

Seal

Compd
by C. Latchmanah Row

(True Copy)

Late Deputy Accountant
Mount Range

EXAMINER
No 4
2 APR 79

2434

8 annas
Court fees
Stamp

Court of the Cantonment and 1st Class Magistrate Poonamallee

Name of Compt.	Name of Deft.
Rajava Moodelly Late Deputy Accountant Range Office Mount.	S. Soondra Chetty Poonamallee

Calender Case No 17 of 1877.

Charge

That you on or about the 18th day of August 1875 defamed Mr Rajava Moodelly Deputy Accountant in the Mount Range Office by falsely accusing him in a letter to Captain Smith R E Cantmt Engineer in Exhibit A of being associated in a cart contract with you and the late Parthasarathy Moodelly with intent to defame him and have thereby committed an offence punishable under Section 500 of the Indian Penal Code and within my cognizance.

Finding and Sentence

The Court finds that you Soonda Chetty are guilty of the offence specified in the charge namely that you defamed M. Ragava Moodelly Dy Accountant in the Mount Range Office by falsely accusing him in a letter Exhibit A to Captain Smith R.E. Executive Engineer of being associated in a cart contract with you and the late Parthasarthy Moodelly with intent to defame him and have thereby committed an offence punishable under Section 500 of the Indian Penal Code, and the Court directs that the said Soonda Chetty be fined Five hundred rupees in default of payment one year's simple imprisonment 350 rupees of the fine if realized to be paid to complainant as compensation.

Poonamallee
26th February
1878

(Signed) F. W. Hamilton
Cont. Magt. 1st Class

(True Extract)

(Signed) F. W. Hamilton Majr
Cont. Magt. 1st Class

Seal

Comp.
Sgd C. Latchmana Row

(True Copy)

M. Ragavaloo
Late Deputy Accountant
Mount Range

EXAMINER P.W. ACCOUNTS
2 APR 78
ENCS.
P.W. 5171/78

No. 1746

CHINGLEPUT SUPERINTENDING ENGINEER'S OFFICE,
SAINT THOMAS' MOUNT, 3rd May 1878

Y 1

2434/13

From

THE SUPERINTENDING ENGINEER,
CHINGLEPUT.

To

The Chief Engineer
Public Works Department.

Enclosures
1 Original petition
2 Copies of Custom-ms Magistrate judgement and Charge of [illegible] Sentence
1 Copy of letter to Chief Engineer P.W.D. No 1366 of 1st April 1878
1 Copy of letter from the Examiner P.W.A. No 7CM of 2nd April 1878.

I have the honor to inform you that the enclosed letter to your address No 1366 dated 1st April 1878 was forwarded through the Examiner and in reference to it I have received the enclosed reply from that office. As the Examiner's letter is not to the point in as much as the matter is not an ordinary one on which I can take any action, I forward the papers for orders.

I have the honor to be
Sir
Your most obedient servant

P H Connell Colonel R.E.
Supdg Engineer Chingleput

TO T.

Quick wt date.

UNDER THE CIRCUMSTANCES OF THE CASE AS EXPLAINED IN THIS CORRESPONDENCE, THERE APPEARS NO OBJECTION TO CANCEL THE DISMISSAL AND TO GRANT IN LIEU OF IT LEAVE WITHOUT PAY AND ALLOWANCES UNDER SEC.9 SUPPT.F.OF THE CIVIL LEAVE CODE TO RAGAVA MUDALIAR, FOR THE PERIOD FROM DATE OF DISMISSAL IN JANUARY 1876, TO THE DATE FROM WHICH HE MAY BE REINSTATED.

From the Supg Engineer
Chingleput District

No 1746

6/3/5 c.

Dated 3rd }
Recd on } May 1878

for 153 - 18576

No of Enc 3

Ragava Moodely late Deputy Accountant Madras Division — forwards the application from — for favorable consideration and for necessary orders for his re-employment in the Department

Ent 2-6-78

No. 1366.

Chingleput Superintending Engineer's Office,
Saint Thomas' Mount, 1st April 1878.

2434/14

From

THE SUPERINTENDING ENGINEER,
Chingleput.

To

The Chief Engineer
Public Works Department
through the Examiner of P.W. Accts.

Sir,

Enc: 3
1 Original Petition.
2 copies of Cantonment Magistrate Judgement and Charge finding sentence

I have the honor to bring to your notice that in the year 1875 on a charge preferred in a Petition against Ragava Mudaly late Dy Accountant of No 2 Range office of this District of holding partnership with a contractor employed in the Range, the then Supg Engineer ordered that the Dy Accountant should clear himself from the imputation by instituting legal proceedings against the Writer of the Petition for defamation of character or that he should be dismissed the service.

2. The Dy Accountant having failed to take prompt action

the matter, the Supg Engineer subsequently ordered his dismissal from the 31st January 1876 with the condition, however, that in the event of his clearing himself of the charge he can be reinstated, but without any claim to pay from the date of dismissal.

× No. 2456
of 9 Feb /76

3. Only recently the late Dy Accountant has instituted proceedings in the Cantonment Magistrate's Court at Poonamallee and has obtained a judgement against the Writer of the Petition who has been fined Rs 500 or in default of payment one years simple imprisonment. Upon this judgement Ragava Mudaly now claims to be reinstated in his appointment but as the vacancy caused by his dismissal has been permanently filled up and as there are no vacancies at present to which he can be nominated, I have the honor to request instructions as to the disposal of his claim for

readmission

readmission to his post as the man appears to be fully entitled to consideration. I enclose in original the late Dy Accountant Petition to my address and its enclosures.

I have &c 2434/15

(Signed) P. O'Connell Col R.E.
Supg Engineer, Chingleput

(True copy)

P. O'Connell Colonel R.E.
Supg Engineer, Chingleput

6m

P.W. [illegible]

No. 7 C.A. pp 4

2434/16

From
The Examiner
Public Works Accounts
Madras
To
The Superintending Engineer
Chingleput

Chepak, 4th April 1878.

Sir,

With reference to your letter No 1366 dated 1st April 1878, I have the honor to state, that as the appointments of Deputy Accountants (Clerks) rest entirely with District Engineers it is left to you to dispose of Ragava Muddly's claim in any way you think fit.

2. The original petition from Ragava Mudaly is herewith returned.

I have &c.

(Signed) L. Conway Gordon
Examiner P.W. Accounts & Major R.E.

(True copy)

P. Hornell Colonel R.E.
Supg Engineer, Chingleput

Copied
Exd.

No 2434 W

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 10 June 78

Read the following :—

2434/17

From,

The Supt Engineer
Chingleput } (W.C. No 1746 of 3d May 1878)

Under the circumstances reported the dismissal of Ragava Moodelly will be cancelled, and leave without pay and allowances granted to the Clerk from the date of the dismissal to the date on which he resumes charge of his duties; which should be reported

by the Superintending
Engineer.

net 5/6

2434
18

[illegible]

[illegible] 3-6-38

[illegible]

5732

Govt. of (1878) Madras.

PUBLIC WORKS.

To

Dated S. E. Chingleput

Issued

Recd. Ansd.

G. O. 10 June 1878. No. 2434 W

[illegible] 58-61

Ragava Moodly Dy Acct.
Mount Range

Cancelling the order
of dismissal of —