Archives I 10,006—16-8 77.

(1) Number of pages 28

(2) Date of repair NOV. 86.

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D. DEPARTMENT

G.O. No. / B.P. No. 2968-W. Press. / Mis.

Dated 24.11.1879 ~~197~~.

Not to be folded or roughly handled

GOVERNMENT

PUBLIC WORKS DEPART

ead the following paper

9. irst Circle, date

0.

No. 80 ,, ,, ,, ,, 18th N

ORDER THEREON, 24th November 1879.

he expenses incurred in connection with th
s to bl not having lai
the District Engineer in the first instance.

(True Extract.)

Ag. Under

To the Superintending
,, Examiner of Works A

GENERAL.
ESTABLISHMENT.

Govt. of (1879) Madras

PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,
FIRST CIRCLE,
&c., &c., &c.

Dated November 24th.

Issued

Recd. Encl.

G. O., 24th November 1879, No. 2,968 W.

NOVEMBER.
Nos. 79-81.

Sub.—The expenses incurred in connection with the suit brought against Mr. Seton ordered to be borne by Government.

No. 3439

Supdg. Engrs. Office
Bellary 18th Novr. 1879

From

The Superintending Engineer
2nd Circle

To

The Chief Engineer
P. W. D.
Madras

Sir,

With reference to para 4 of my letter No. 1889 of the 2nd August 1879, I have the honour to report that Sub Engineer Seton states that he inferred that the defence of the suit brought against him was sanctioned by the Govt. because the Range Officer called upon him for his reply to the plaint for transmission to the Chief Engineer, as it was the District Engineer's opinion that the reply should go thro' the Range Officer.

No. 219 28 May 1878

2 Mr. Seton writes further, that he has heard from the Government Pleader at Cuddapah, that the suit against him in the Nundalur Munsiff's Court was decided on an ex parte judgment in favour of the plaintiff for Rs. 245-4, × that the plaintiff has applied for a transfer of the decree to the Cuddapah Munsiff's Court. Mr. Seton adds, that he is informed by the Pleader, "that previous to Colonel Moberly's leaving the District he told him that he was about asking Government to defend the suit. will you-

kindly communicate this to the Chief Engr."

3. Sub Engineer Seton asked in his letter of the 1st March 1879 No 360, that steps might be taken to move for a new trial, that this might be conducted by the Departmental officers at Cuddapah and that his property in that station might be respected.

4. The Range Officers letter quoted in the margin above, gives the inference that the Dist. Engineer had changed his mind; and would submit Mr Setons reply to the Chief Engineer for orders. But still, it is on record, as I reported in para 3 of my letter No 539 of the 7th May 1879, that the District Engineer wrote to Mr Seton on the 15th September 1878, that he could not ask the Government to defend the suit

5. Hence whatever might have been intended by Colonel Moberly, the result is, that the suit has not been defended; and is given against the Sub Engineer. The subsequent District Engr. Lieut. Col. Hunter explained the history of the suit then impending on the 24th August 1878 No 1279; and the Government stated that they would defer passing orders until the result of the suit is known.

G.O. No 3651. W
16th Sept. 1878.

I have the honor to be
Sir
Your most obedt. servant
Thos Prendergast. Lt Col RE
Depy. Engineer 2nd Circle

G.O. No. 2601 W — 16 — 9 — 78
C.E. No. 1382 — 19 — 8 — 78

P.W.D.
20 NOV 79

From
The Supdg Engineer
2nd Circle

To
The Chief Engineer
P.W.D.
Madras.

Dated 18th Nov 1879

Recd.
G.O. No 2960 W of 24-11-79

No. 3439.

Sub Engineer C. Seton.

Submitting further information respecting the suit brought against him by a Contractor in Cuddapah

88 A

No. 96 of 1879/80

Camp Kondakarla
10th May 1879

From
The Sub Divisional Officer
Golugondah Sub Division

To,
The Executive Engineer
Vizagapatam Division

Sir,

With reference to letter No 91 from the Supervisor in charge of Cuddapah Division dated the 26th ultimo to your address I have the honor to state that I have been given to understand that Government have authorized the defence of the suit brought against me by Contractor Husmal Khan on my leaving the District if so it is evident the District Engineer of Cuddapah is not authorized to charge me for any expense in connection with the defence –

2. The charges detailed in the Supervisor's letter have been incurred without my knowledge or consent, and I request the adjustment of these charges may be referred

to

to the Chief Engineer for orders -

3. There can be little doubt that the suit in question ought not to have been brought against me at all, for in withholding certain funds from the Plaintiff I was only obeying a written order of the District Engineer Colonel A. S. Moberly -

I have the honor &c
(sd) Charles Seton
Sub Divisional Officer

/ True Copy /

(sd) F. Bricknell
Executive Engineer Vizaga-
-patam Division -

(Copy of True Copy (

W Brydges Lt Col R.E.

Superintending Engineer 4th Circle

Amd.

No 91

98/8

From
The Supervisor in charge of
Cuddapah Division.
To
The Executive Engineer
Vizagapatam Division
Camp Siddavaram

Dated 26th }
Desp 28th } April 1879
Recd

Memo of Costs in the Suit filed against Mr Seton by Contractor Hoosane Khan -

Stamp for Vakaltoo	0 - 8 - 0
Do. Do. Application for copy of plaint	0 - 4 - 0
Advance for copying charges	0 - 8 - 0
Trainage charges and batta to the peon of Government pleader for Nundalore	1 - 0 - 0
	2 - 1 - 0

Sir,

In reply to your letter No 185 dated 15th Instant I have the honor to furnish in the margin the details for the sum of Rs 2-1- and to state that under instructions from the late District Engineer of Cuddapah the same was debited to advances against Mr ~~Seton. This item has~~ been transferred to your

Division as per Examiner's instructions –

I have &c &c

Sd/ C. Chinnatamby

Supervisor in charge

Cuddapah Division

/True Copy/

No. 578

Forwarded to the Sub Divisional Officer Golgondah –

Camp Vizianagram
6th May 1879

Sd/ F. Bricknell

Executive Engineer

Vizagapatam Divn.

/True Copy/

Sd/ F. Bricknell

Executive Engr. Vizagapatam Dn.

/Copy of True Copy/

Lt. Col. R.E.

Superintending Engineer 1st Circle

Compd

K L

2968/C

In G. O. No 2961 W of 24-11-79

Enclosures in a letter No 197 V. J dated 9th June 1879 from the Supg Engineer 1st Circle to the Chief Engineer Public Works Department Madras.

NO. 197. V. J. **General.**

FROM,

THE ~~OFFG.~~ SUPERINTENDING ENGINEER,
1st Circle
~~GODAVERY DISTRICT.~~

J 9/7

TO,

THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT
MADRAS.

Enclo. 2

~~CAMP~~ via DOWLAISHWERAM, 9th June 1879

SIR,

1. Copy of letter No 91 dated 26th April 1879 from Supervisor Cocanada Division to the Executive Engineer Vizagapatam.
1. Do – Do No 96 of 10th May 1879 from Mr. Sub Engr Seton to Exe Engr Vizagapatam Division.

At the request of the Officer in charge Vizagapatam Division, I have the honor to submit herewith for orders correspondence as per margin, regarding the costs incurred in a suit brought against Mr. Sub Engineer C. Seton by a Contractor named Hoosan Khan.

I have the honor to be
Sir
Your Most Obedt. Servant
Lt. Col. R.E.
Superintending Engineer 1st Circle

C.E. 1382 - 19.3.78
G.O. 3651. W. - 16-9.78
C.E. 1624 - 29 - 4 - 79 (copy)
~~3449~~ -
1757 - 10 - 5 - 79. -

5717

From

The Supg. Engineer
1st Circle

G.O. No. 2962 to 9 24-11-79

To

The Chief Engineer
P. W. Dept.
Madras

dated 9th }
recd 9th } June 1879 -

No. 197 W. J.
Enclo.

Seton Mr. G. Sub Engineer
Submits correspondence
for orders, regarding the
costs incurred in a suit
brought against —
by a Contractor named
Doosane Khan.

Lie over until the
S.E. 1st Circle returns the
papers forwarded with
our No. C.E. 1757, dated
10-5-79. Initd. 17.6

No. 1889

Supdg. Engineer's Office
2nd Circle
Bellary 2nd August 1879

9968/8

From
The Superintending Engineer
2nd Circle

To
The Chief Engineer
P. W. Department

Enclosure
Letter from Supdg. Engr.
1st Circle No. 197
with 2 accompaniments.

Sir

With reference to your Memo No. 2492 dated the 29th Ultimo, I have the honor to report, that I know nothing of the Government having authorised the defence of the suit brought against Sub Engineer Mr. Seton, as stated in his letter of the 10th May 1879 No. 96.

2. Mr. Seton asks for your orders, as to the adjustment of minor charges amounting to Rs. 2„14„0 debited against him in the accounts of the Cuddapah Division. These charges were thus debited by the instructions of the District Engineer of Cuddapah.

3. As regards the question whether the suit

9968/9

suit ought to have been brought against the Sub Engineer: I have mentioned in para 3 of my letter No 539 dated the 7th May 1879 that the District Engineer held Mr: Seton responsible for the defence of the suit.

4. On receipt of the letter from the Superintending Engineer 1st Circle, with your Memo No 2492 of the 10th Ultimo, I wrote to that Officer, stating that I could find no trace of any authority being given by the Government for the defence of the suit, and also that I had no knowledge of the other statement made, viz: that the suit had been decided in favor of the Contractor against Mr: Seton.- I have not yet received a reply.

I have the honor to be
Sir
Your most Obedt: Servant
Hew L Prendergast
Lt Col. R.E.
Superintending Engineer
2nd Circle

C.E.

No. 2675 d/5 Aug: 79

Copy forwarded to the S.E. I Circle for communication to Mr Seton.

2. Under the circumstances stated the Chief Engr: is of opinion that the charge should be borne by Mr Seton himself.

(By order)
(Sd) J.P.
Ag: Dy: Cy.

The S.E. I Circle

80

Civ: 22-11

P.W.D.
4 AUG 79
No. 5717

From

The Superintending Engineer
2nd Circle

G.O. No. 2968 W of 25-10-79

To

The Chief Engineer
P.W. Department

No. 1889

Dated 2nd
Recd August/79

Enclo

Mr. Seton.

Reporting upon the suit brought against Sub Engineer —, by Contractor Hosmalkhan.—

P.T.O.

No. 539.

Supdg: Engrs' Office
Bellary 7th May 1879

2968

From

The Supdg: Engineer
2nd Circle

To

The Chief Engineer
P.W.D
Madras

Sir,

With reference to your Memo No. 1624 dated the 29th Ultimo, I have the honour to report that upon the Chief Engineer's Memo No. 1382 dated the 19th March 1878, the District Engineer of Cuddapah sent a copy of the plaint relating to the Civil Suit filed against Sub Engineer Seton, with his letter No. 1279, of the 24th August 1878. Upon this, there was the order No. 3651. W of the 16th Septr/78, that the Government will defer passing orders until the result of the suit is known.

2. I do not see what action I can take now, Sub Engineer Seton has written that he has received intimation that the District Munsiff of Nandalur has decided the case against him. But this appears

to her private intimation and gives me nothing to go upon. If the Government had authorized the defence, I consider that on receiving the judgement of the Court; I should represent the case for the orders of the Government whether an appeal should be instituted. But this course has not been taken, and the judgement of the District Munsiff will probably have been sent to Mr. Seton; subsequent to his letter of the 1st March.

3. Again the District Engineer wrote to Vizagapatam to Mr. Seton on the 15th February 1878, that he could not ask the Government to defend the suit but recommended Mr. Seton to take legal advice. Colonel Moberly concludes his letter thus "You are clearly responsible for the defence of this suit, as you did not draw up a proper contract bond and delayed bringing to notice the filing of the suit."

I have the honour to be
Sir
Your most obdt. servant
[illegible] Lt. Col.
Deputy Engineer 2nd Circle

5137

From

The Supg Engineer
2nd Circle

To The Chief Engineer
P. W. D

G.O. No 2960 d/ 24-11-79

No 529
Dated 7th } May 1879
Recd }

Civil Suit against
Sub Engineer Seton.—
Reporting regarding
the decision of the—

No 285 V.Z.

Supg Engineer's Office 1st Circle
Dowlaishwaram 1st July 1879
Despd 2d D°

From

The Superintending Engineer
1st Circle

To

The Chief Engineer
Public Works department
Madras

Sir,

With reference to your no 1757 dated 18th instant, I have the honor to return herewith letter no 529 dated 7th May 1879 addressed to you from the Supg: Engineer 2d Circle regarding the Civil Suit brought against Mr Sub-Engineer C. Seton.

I have the honor to be
Sir
Your most obedient
Servant
G. P. Carbery
Asst Engineer
Asst to the Supg: Engineer
1st Circle

Compd
Kesh

G.O. No. 3651 W. – 16-9-78
C.E. No. 1382 – 19-3-78

P.W. 1879

No. 5137

From

The Supg. Engineer
1st Circle

To
The Chief Engineer
Pub. Works Dept.
G.O. No. 2968 W. of 1879
Madras.

Dated 1st July/79
Despd 2nd July/79

No. 285 V.Z.

Enclos. One

Seton Mr. C. Sub Engineer
Vizagapatam Division
Returns the letter re-
garding the Civil
Suit brought against-

79

Oct 22-11

No. 2968 W.

Genl
P. W. Department.
Vizag

PROCEEDINGS of the MADRAS GOVERNMENT, 68/88/13

Under date the 24th Nov/79. READ the following

Quote these

From

The Supg. Engr. First Circle. (W.E. No. 285 V.Z. of 1st July 1879)
——— do ——— Second —— (—— 1889 —— 2nd Augt. ——)
——— do ——— do ——— (—— 3439 —— 18 Novr. ——)

The expenses incurred in connection with the suit will be borne by Govt.

2. But Mr. Seton is to blame for not having laid the matter clearly before the District Engineer in the first instance.

S 20.11

S.E.s 1st and 2nd Circles
Exr. P.W. Accts.
Despd 8-12-79

21/11

24/11/79

21

Ex. M.S.

Cw 5137

Govt. of {1879} Madras.

PUBLIC WORKS.

To

Dated

Issued

Recd. Encl.

G. O. 24 Nov 1879, No. 2968 W

Nos. 79 @ 81

Suit The expences incurred in connection with the — brought against Mr Seton ordered to be borne by Govt.