GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

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

General.
Establishment.

Read the following papers :—

No. 79. From Suptg. Engineer, First Circle, dated 1st July 1879, No. 285 V.Z.
No. 80. „ „ Second Circle, „ 2nd Aug. „ „ 1,889.
No. 80-A. „ „ „ „ 18th Nov. „ „ 3,439.

No. 81. ORDER THEREON, 24th November 1879, No. 2,968 W.

THE expenses incurred in connection with the suit will be borne by Government.

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

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineers, First and Second Circles.
„ Examiner of Public Works Accounts.

Exd. S. T. Austin.
Spare Copies

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.

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

No 280.

Camp Agnampudy
29th August 1879

From

The Sub Divisional Officer
Galgondah

To

The Executive Engineer
Vizagapatam

Sir,

I have the honor to state in reply to letter No 384 dated the 27th instant from the Superintending Engineer 1st Circle to your address, a copy of which was transmitted with your Endorsement No 1809 of the 12th Idem, that so long ago as the month of February 1878, I made an application through the District Engineer of Vizagapatam to the Chief Engineer P.W.D. to have the suit instituted against me by Contractor Oosmal Khan defended at the expense of Government

2. To that application, I received no direct-

thought

direct reply, but in due course vizt, in the Month of May, I received from the Assistant Engineer in charge of Cuddapah Range a copy of the Contractors Plaint and other papers, with a request to submit for transmission to the Chief Engineer a reply to be filed in the Munsiffs Court for the defence of the suit brought against me.

3. I inferred from this action that my application for the defence of the suit, to the Chief Engineer had been successful and that the necessary orders for the defence had been issued to the Local Officers and this was confirmed by intelligence from private Correspondence—

4. From the same source I was informed that the suit had been decided against me on an Ex parte judgment—

5. I would beg to add in this place that I had made arrangements with the Government Pleader at Cuddapah Mr. Elliot, to defend the suit on my behalf, and I can only reconcile his abandonment of the defence with his knowledge that the case had been taken up by the District Engineer of Cuddapah and the Assistant Engineer in charge of Cuddapah Range on behalf of Government—

6. Moreover with the exception of mere notice of the suit handed to me on the eve of my departure from Cuddapah District, I have obtained no further information of any kind from the Court regarding the hearing of the suit, the transfer of it to the Nandalore Munsiffs Court or the final

though

final decision.

7. With regard to the concluding para of the Superintending Engineers letter quoting a portion of Colonel Waterhouse's letter to my address on the 15th of February 1878, to the effect that I am "clearly responsible for the defence" &c. &c. I submissively submit that a very little Consideration will show that I could not acquiesce in the decision and therefore I appealed to the Chief Engineer as stated in para 1 Supra for had I paid the man the money claimed, no possible cause of action could have arisen against me, on the other hand had I done so and avoided the action, I would have rendered myself liable to dismissal from the Department for the direct

disobedience

Camp Pisagole

disobedience of my Superiors written orders.

8. With reference to the allegation that the agreement was not drawn up on stamped paper and therefore I must defend the suit myself, I beg respectfully to say that if this is a material point for Consideration (which it is not) the District Engineer ought to have Considered the matter when he had the papers before him previous to deciding the man was not to be paid and it would not be a difficult matter for me to show if I had access to the records of the Luddapah District, that my action in this matter had his express Sanction and the alleged delay in bringing the matter to notice was fully explained already

thought

though the delay was of no Conse-
quence whatever and has not affected
the decision in the slightest degree —

9. I have stated that the agree
ment being drawn up on an un-
stamped paper is not material in
this Case, from the fact that the
Contractor in his plaint acknowledges
the agreement and sues upon it, the
matter of the agreement is not
therefore in issue or dispute, for
it is admitted by the Plaintiff
and there is no accassion on the
part of the Defendant to prove
it or produce it in Court at all.
The question at issue is very sim-
ple:- Was the Head Sluice of
Chintakammadumi Tank Supply
Channel Completed within the

time

time agreed upon, as stated in Con
-tractor's plaint, or was it not as
stated by myself and the District
Engineer.

10. I regret to state there has
been some little delay in furnishing
this Explanation owing to the necessity
of my having to return to Head
Quarters for previous Correspondence

I have &c &c
(Signed) Charles Seton
Sub Dnl Officer

(True copy)

J Brockwell
Executive Engineer
Vizagapatam Dn

Recd 10 11 79

Encl Off. No. 10 V.Z.

4-11-79

P.W.D.

10 DEC 79

No. 8490

Mis No. 3109 & Dy 5-12-79

Enclosure in a letter No. 572 V.Z. dated 24th November 1879 from the Supg Engr. 1st Circle to ~~the Chief Engineer P.W.D.~~

Camp Pengole

No. 305 of 1879/80 - 11th September 1879

From

The Subdivl Officer

Gedgondah

To

The Ex. Engr Vizagapatam

Sir,

I have the honor to acknowledge the receipt of the undermentioned communications forwarded with your No. 2056 dated the 5th Inst.

1 Copy of No. 414 V.Z. dated the 25th August 1879 from Supg Engr 1st Circle

1 Do of No. 1889 dated the 2nd August 1879 from the Supg Engr 2nd Circle embodied in memo No. 2675 by the Adg Dy Chief Engineer.

2. In these papers, I am directed to pay the sum of Rs: 2-1-0 debited against me by order of the District Engineer of Cuddapah without my knowledge or consent, without my being subject to the District Engineer's authority and without information as to the date or time when the outlay was incurred.

3. With regard to para 3 of letter No. 1889 from the Supg Engineer Second Circle, I respectfully submit that had the Chief Engineer been properly informed as to the origin of the suit brought against me, his order would have been different. I therefore beg that he

will be good enough and reconsider the matter by calling for the original order of the District Engineer to me directing me to withhold all monies due to the Plaintiff. It is solely in consequence of this order that I have been improperly made a defendant

4. I have endeavoured to explain the matter clearly in my No. 280 of the 29th ultimo and respectfully request a copy of that document may be forwarded to the Chief Engr for information

5. I also request that a copy of Docket No. 219 dated May 28th 1878 to my address from the Apr Engr in charge of Cuddapah Range may be sent to him at the same time. This Docket is the only intimation I have received that my letter No. 846 of February 26th 1878 forwarded to him by the late Dist Engr of Vizagapatam had been acted upon.

x copy sent with No. 303 of yesterday's date.

JB

6. In that letter, I requested that instructions would be issued to the officer inch. of Cuddapah Range to defend the suit on behalf of Govt and his Docket seemed a direct reply to my request.

7. If I am wrong then I humbly request orders with regard to my No. 846 of February 26th 1878 may be passed on an early date so that I may know how to act. but I trust it may be understood that this action has been improperly brought against me in consequence of the District Engineers orders and so long as that order remains in force he cannot expect me to defend his actions at my expense.

I have &c

(Signed) Charles Teton

Sub Divl Officer

(True copy)

The intimations are mine

F B Brickwell

Ex Engr Vizagapatam Div

P.W.D.
1 DEC 79
No. 8490

Mi. No. 3109 W of 5-December/79

Enclosure in a letter No. 572 W.F. dated 24th November 1879, from the Supr. Engineer 1st Circle to the Chief Engineer P.W.D.

No. 572 W.F.

From,
The Supr. Engineer
First Circle.

To,
The Chief Engineer
Public Works Department.

Dowlaishwaram 24th Novr. 1879.

Sir,

With reference to your Memo No. 2675 dated 5th August 1879 I have the honor to submit herewith for orders correspondence as per margin received from Mr. Sub Engineer C. Seton demurring to pay Rs 2-1-0 being costs in a suit brought against him by Contractor Hoosmankhan in the Kaddapah District.

1 Letter No. 280 d/29 Augt. 1879 from Mr. Sub Engr. C. Seton to the Executive Engr. Vizagapatam Dn.
1 Do. No. 305 dated 11 Septr. 1879 from Do. Do. to Do. Do.
2 To be returned.

Put up with C.No. 8231 - 14-11-79

G.O. No. 2968 W of 24-11-79 herewith put up

1/12

I have the honor to be,
Sir,
Your most obedient Servt.

W. Chrystie Lt. Col. R.E.
Supr. Engineer 1st Circle.

Compd.
Kids

Mis No. 3109 W a/5th Decr/79

Recorded with reference to G.O. No. 2968 W d/ 24th Novr. 1879.

A.T.P. 1/12

P. 24

P.W.D.
1 DEC 79
No. 8490

From

The Superintending Engr. Prop. December 1st Circle

To

The Chief Engr. Public Works Department. Madras

Dated 24" } November 1879.
Desp'd 24" }

No. 572 W.H.
Encls. 2.

Selon C. Mr Sub. Engineer - and Contractor Hoosmankhan - Submits correspondence connected with the suit brought by latter for orders of Government.

With order
No 3109 W

116—119