GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

14th June 1878, No. 2,502 W.

General.
Establishment.

Read the following paper :—

No. 137. From A. B. SAMPSON, Esq., Under Secretary to the Government of India, Public Works Department, (Establishment—General,) to the Secretary to the Government of Madras, Public Works Department, dated Simla, 8th May 1878, No. 635 E—G.

WITH reference to correspondence ending with your letter No. 1,059 W of 1st March 1878, on the subject of the retention of Mr. Barton's name on the Bombay list of establishment, I am directed to state that there is no doubt that Mr. Barton's name should have been retained on some list, and that this ought to have been settled at the time of the transfer. When the Bombay Government placed him at the disposal of the Government of Madras the question should have been raised by the Madras Government, as it clearly was for that Government to look after Mr. Barton's interest.

2. The Bombay Government has no knowledge of the articles of agreement between Mr. Barton and the Travancore Government, which provide for that gentleman's return to the Bombay establishment.

3. Under the circumstances the Governor-General in Council is of opinion that it is for the Madras Government to provide for Mr. Barton suitably on its establishment if necessity should arise.

No. 138. ORDER THEREON, 14th June 1878, No. 2,502 W.

HIS GRACE the Governor in Council does not consider that it will be practicable to give Mr. Barton any position on the Madras Public Works establishment should he hereafter sever his connection with the Travancore Government. The Government of India will be informed accordingly.

(Here enter No. 2,503 W, dated 14th June 1878.)

(True Extract.)

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

To the Political Department.

Exd. E. C. Shunker.

Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1878} Madras.

PUBLIC WORKS.

To

THE POLITICAL DEPARTMENT.

Dated June 14th.

Issued

Recd. *Encl.*

G. O., 14th June 1878, No. 2,502 W.

JUNE

Nos. 137-138.

Mr. Barton.—Ordered that the Government of India be informed that it will not be practicable to give — any position on the Madras Public Works Department when he leaves the Travancore Govern ment.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 2,503 W.

No. 139.

FROM

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department.

SIR,—I am directed to acknowledge the receipt of your letter, No. 635 E—G, dated 8th May 1878, and to state in reply that His Grace the Governor in Council does not consider that it will be practicable to give Mr. Barton any position on the Madras Public Works establishment should he hereafter sever his connection with the Travancore Government.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

OOTACAMUND,
14th June 1878.

Exd. E. C. Shunker.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated June 14th.

Issued

Recd. *Encl.*

G. O., 14th June 1878, *No.* 2,503 W.

JUNE.

No. 139.

INTIMATING the impracticability of giving Mr. Barton any position on the Madras Public Works Department should he leave the Travancore Government.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

15th August 1878, No. 3,262 W.

General.
Establishment.

Read the following paper :—

No. 183. From Major-General W. A. CROMMELIN, R.E., Secretary to the Government of India, Public Works Department (Establishment—General), to the Secretary to the Government of Madras, Public Works Department, dated Simla, 17th July 1878, No. 996 E—G.

IN reply to your letter, No. 2,503 W, of 4th ultimo, stating that it will not be practicable to give Mr. Barton any position on the Madras Public Works Establishment, should he leave the Travancore Government, I am directed to state that, should the contingency arise, Mr. Barton should, under the rules, be taken back as a supernumerary in a grade considered suitable by the Madras Government and absorbed in regular course.

No. 184. ORDER THEREON, 15th August 1878, No. 3,262 W.

ORDERED that the following reply be sent :—

(Here enter No. 3,263 W, dated 15th August 1878.)

(True Extract.)

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

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

Dated August 15th.

Issued

Recd. Encl.

G. O., 15th August 1878, No. 3,262 W.

AUGUST.

Nos. 183-184.

Mr. Barton.—The Government of India informed that as — never was on the Madras Establishment, he cannot be "taken back" on this establishment.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 3,263 W.

No. 185.

FROM

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department.

SIR,—I am directed to acknowledge the receipt of your letter, No. 996 E—G., dated 17th July 1878, intimating that, should the contingency arise, Mr. Barton should, under the rules, be taken back as a supernumerary in a grade considered suitable by the Madras Government.

2. In reply I am to point out that as Mr. Barton never was on the Madras Establishment, he cannot be "taken back" on this establishment; and that the rules indicated do not, under these circumstances, seem to apply to a case such as Mr. Barton's.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

OOTACAMUND,
15th August 1878.

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1878} Madras.

PUBLIC WORKS.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated August 15th.

Issued

Recd. *Encl.*

G. O., 15th August 1878, *No.* 3,263 W.

AUGUST.

No. 185.

INFORMS that as Mr. Barton never was on the Madras Establishment, he cannot be "taken back" on this establishment.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

11th November 1878, No. 4,327 W.

General.
Establishment.

Read the following paper :—

No. 153. From A. B. SAMPSON, Esq., Under Secretary to the Government of India, Public Works Department, (Establishment—General), to the Secretary to the Government of Madras, Public Works Department, dated Simla, 25th September 1878, No. 1,313 E—G.

IN reply to your letter No. 3,263 W, dated the 15th August 1878, intimating that as Mr. Barton never was on the Madras Establishment he cannot be taken back, I am directed to refer you to Section 38, paragraph 14 of the Civil Pension Code, and to state that the Government of India sees no reason to depart from the decision already communicated in Public Works Department No. 996 E—G, of 17th July 1878, and previous correspondence.

No. 154. ORDER THEREON, 11th November 1878, No. 4,327 W.

ORDERED that the following reply be sent.

(Here enter No. 4,328 W, dated 11th November 1878).

(True Extract.)

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

Exd. T. D. Ryan.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

Dated November 11th.

Issued

Recd. *Encl.*

G. O., 11th November 1878, No. 4,327 W.

NOVEMBER.

Nos. 153-154.

Mr. Barton, Chief Engineer of Travancore.—Passing orders on letter from the Government of India regarding the transfer of the services of — to the permanent establishment of the Public Works Department of the Madras Presidency.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 4,328 W.

No. 155.

From

The Secretary to the Govt. of Madras,
Public Works Department.

To

The Secretary to the Government of India,
Public Works Department.

Sir,—I am directed to acknowledge the receipt of your letter No. 1,313 E—G, dated 25th September 1878, in which I am referred to Section 38, paragraph 14 of the Civil Pension Code, with an intimation that the Government of India sees no reason to depart from the decision already communicated in Public Works Department No. 996 E—G, dated 17th July 1878, in regard to Mr. Barton, Chief Engineer, Travancore Public Works Department.

2. The section of the code to which attention is called lays down that "if an officer is transferred from qualifying service to substantive service under a Native State, Municipality, or other body financially independent of the Government of India, it must be arranged that he does not forfeit a lien upon his substantive office under the British Government, which his *locum tenens* should hold substantively for the time only."

3. His Grace the Governor in Council has no wish to traverse a ruling of the Financial Codes of the Government of India in respect to Mr. Barton's case. On the contrary he desires that the ruling which has been quoted in the letter under acknowledgment may be strictly applied.

4. It must be remembered that Mr. Barton was transferred to service in Travancore from a substantive appointment on the Bombay Public Works Department. It was therefore imperative, under the provisions of Section 38, paragraph 14 of the Civil Pension Code, for the Bombay Government to have arranged that Mr. Barton's place in that establishment should be filled by a *locum tenens* "for the time only," preserving to Mr. Barton "a lien on his substantive office under the British Government." It was obviously impracticable for the Madras Government to have acted under the provisions of this section of the code, seeing that Mr. Barton held no "substantive office" under this Government on which he could have had "a lien," and that no "*locum tenens*" could therefore have been appointed in his room.

5. Under these circumstances I am directed to request that the matter may be once more laid before the Government of India for reconsideration. The question is simply whether the loan by the Government of India of the services of one of its servants to a Native State entails the transfer of that servant from one Presidency to another with which he is not brought into any relations whatever.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

Fort St. George,
11th November 1878.

Exd. T. D. Ryan.

GENERAL.
ESTABLISHMENT.

Govt. of {1878} Madras.

PUBLIC WORKS.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated November 11th.

Issued

Recd. *Encl.*

G. O., 11*th November* 1878, *No.* 4,328 W.

NOVEMBER

No. 155.

REQUESTS a reconsideration of the question of the transfer of the services of Mr. Barton, Chief Engineer of Travancore, to the permanent establishment of the Public Works Department of the Madras Presidency.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

20th January 1879, No. 246 W.

General.
Establishment.

Read the following paper:—

No. 200. From A. B. SAMPSON, Esq., Under Secretary to the Government of India, Public Works Department (Establishment—General), to the Secretary to the Government of Madras, Public Works Department, dated Fort William, 6th January 1879, No. 18 E—G.

IN reply to your No. 4,328 W, of 11th November 1878, requesting a reconsideration of the question of the transfer of the services of Mr. Barton permanently to the Madras Public Works Department Establishment, if the occasion should arise, I am directed to point out that the Madras Government originally referred the question for the decision of the Government of India, and the Governor-General in Council trusts that decision will be accepted without further demur.

No. 201. ORDER THEREON, 20th January 1879, No. 246 W.

ORDERED to be recorded.

(True Extract.)

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

Exd. C. Howarth.
Spae Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1879) Madras.

PUBLIC WORKS.

To

Dated January 20th.

Issued

Recd. *Encl.*

G. O., 20th January 1879, No. 246 W.

JANUARY.

Nos. 200-201.

Transfer of the services of Mr. Barton permanently to the Madras Public Works Establishment.—Letter from the Government of India requesting the acceptance of their previous decision in respect to the question of the —, recorded.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

31st March 1879, No. 975 W.

General.
Establishment.

Read the following papers:—

No. 353. Endorsement of the Officiating Chief Secretary to Government, Political Department, dated Fort St. George, 6th March 1879, No. 566.

From J. C. HANNYNGTON, Esq., Acting Resident in Travancore and Cochin, to the Acting Chief Secretary to Government, dated Peermade, 27th February 1879, No. 16.

WITH reference to the order of Madras Government, Political Department, No. 343, of 29th June 1878, I have the honor to forward a further communication* from Mr. Barton asking if any conclusion has been arrived at as to his position in the Engineer Department.

* Dated 19th instant.

2. I need hardly remind Government that Mr. Barton's services in this State have been of the highest importance, and that his work has been most efficiently and energetically performed, and Mr. Barton feels aggrieved to find himself placed in an anomalous position by the Madras Government who solicited his services.

3. It is exceedingly improbable that Mr. Barton will ever claim employment in British India. It is much to be feared that the state of his health will render it necessary for him to proceed to Europe on furlough within a short time, and he is naturally anxious that the question of his position should be determined before he leaves the country.

From Chief Engineer, Travancore Government, to the British Resident of Travancore and Cochin, dated Peermade, 19th February 1879.

WITH reference to your endorsement, No. 610, of the 8th July 1878, in the order of Government, Political Department, No. 343, dated 29th June 1878, I have the honor to inquire the result of the further communication to the Government of India regarding the question to which establishment, Bombay or Madras, I am to be considered to belong, and to which Government. I should prefer again my request to have my name entered in the Establishment List of the British Public Works Officers.

2. I beg most respectfully to point out the disadvantage I am placed at by the present uncertainty as to which Government I am to appeal where my interests are concerned, and I am anxious lest in consequence of this question being disputed my interests may be prejudiced.

3. I will not presume to offer my own opinion, but I should be glad, if necessary, of the opportunity of placing on record all the correspondence, official and demi-official, on the subject of the transfer of my services from Bombay to Madras, the conditions attached to it, and the points which affect me individually.

4. I desire briefly to notice the following facts the overlooking of which may, it seems to me, lead to an unintended injustice:—

1st.—I made no application for the appointment in Travancore, or to be transferred from Bombay, where I was before the time of transfer well provided for, stood well in the department, and had been well reported to Government.

2nd.—In spite of the inducements held out to me to accept the appointment I positively refused to leave the Bombay Presidency until I was distinctly assured officially that I should forfeit neither prospects nor privileges by so doing.

3rd.—In all matters affecting me personally since the transfer, such as discipline, precedence, leave, collection of income-tax, &c., the British Government has clearly recognized my position as a British officer on duty in a foreign State.

4th.—The appointment has been no sinecure, the duties have been hard, the conduct of them difficult, the pay not more than my contemporaries, Covenanted Engineers of the same season as myself (1855), have gained by promotion, the result of ordinary good service.

5. A reference to the annual administration reports by the Government of His Highness the Maha Rajah to the Resident, and the frequent special acknowledgments of the Maha Rajah and of his Minister of my administration of the Public Works Department in Travancore, and the reports of the Resident to the British Government, will, I think, justify my requesting you will do me the favor to certify to my good services in this State during a period of sixteen years, and support my claim to a favorable consideration of the matters now under discussion so far as it affects me individually.

TRANSFERRED to the Public Works Department with reference to that Department Order, No. 2,502 W, dated 14th June 1878.

(Signed) C. G. MASTER,
Offg. Chief Secretary.

No. 353-A. From the Under Secretary to the Government of Bombay, to the Secretary to the Government of Fort St. George, Public Works Department, dated Bombay Castle, 21st March 1879, No. 185 E.

I HAVE the honor to acknowledge the receipt of your letter, No. 949, dated 15th March 1879, and in reply to inform you that copies of the Bombay Public Works Establishment List for the years 1855 and 1856 are not available, as none were published previous to 1862; those for 1862, 1863, 1878, and 1879 are forwarded herewith.

No. 354. ORDER THEREON, 31st March 1879, No. 975 W.

ORDERED that Mr. Barton's name be entered on the Madras Establishment List as an Executive Engineer of the 1st Grade, extra to the regular number, immediately below Mr. A. C. Lawford.

(True Extract.)

(Signed) J. H. M. SHAW-STEWART, Colonel, R.E.,
Ag. Secretary to Govt., P.W.D.

To the Examiner of Public Works Accounts, with copy of entry.
,, Mr. W. Barton, with Establishment List.
,, the Political Department.

Exd. C. Howarth.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1879} Madras.

PUBLIC WORKS.

To

THE EXAMINER OF PUBLIC WORKS,
ACCOUNTS,
&c., &c., &c.

Dated March 31st.

Issued

Recd. Encl.

G. O., 31st March 1879, No. 975

MARCH.

Nos. 353-354.

Mr. Barton's name to be entered on the Madras Establishment List as an Executive Engineer of the 1st Grade, extra to the regular number, immediately below Mr. A. C. Lawford.

No. 85.

Residents Office,
Travandrum, 23d October 1879.

From,

A. Maclgregor Esquire,
Resident in Travancore & Cochin.

To,

C. G. Master Esquire
Ag: Chief Secretary to Government
Fort St. George

Sir,

I have the honor, as directed by Government in their order of 22d April 1879, No. 162, to forward Mr. Barton's statement of the action he desires to be taken on his memorial to the Government of India.

2. It will be observed that Mr. Barton has had an opportunity of perusing the Resolution of the Government of India, No. 2079, 31st July 1879, as well as that of 1878 and that he desires his letter to be regarded as an application to be permitted to retire, under the Resolution of July 1879-

3. During his employment in Travancore the services of Mr. Barton have been most arduous and have been zealously and energetically performed at the expense

of

of health. This has been especially the case as regards the two great Ghaut lines which he has constructed to connect the British Districts of Madura & Tinnevelly with the west coast seaboard, works which are of the greatest benefit to British India as well as to Travancore.

4. Enormous natural obstacles of geographical feature, and of climate, had to be encountered in carrying to a successful conclusion these works, amongst the finest in Southern India.

5. I venture to express the hope that some weight may be given to the consideration of meritorious service in applying rules which in the case of an Officer so exceptionally situated as Mr. Barton may necessitate some discretionary latitude.

I have the honor to be,
Sir
Your most Obedient Servant.

A Macgregor
Resident.

Exd L J. S.

10/11

P.W.D.
2DEC79
No 857

Mis No 3126 &c of 6-12-79

No. 2120

Transferred to the Public Works Department, with reference to that department No. 1520. dated 19th April 1879.

Ootacamund
29th October/79

G. Master
Ag. Chief Secy.

1876.
Political Department.
From Mr. C. Barton
Thro' The Resident in Travancore & Cochin
To The Ag. Chief Secretary to Government Fort St. George
Dated 23rd October/79
Received 27 " /79
No. 85
Enclosure 1.

Forwarding Mr. Barton's statement of the action he desires to be taken on his Memorial to the Govt of India
With Enclosure.

17254

No. 2679 E. G.

All communications should be addressed to the Secretary.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
Establishment.
General.

To
The Secretary to the Govt. of Madras
Public Works Department.

Simla, the 25th November 1879

Sir,

In reference to the letters* noted on the margin, relative to the resignation of Mr. Barton Engineer of the Travancore State, I am directed to refer you to Public Works Department letter No 2620-2641 E.G. dated 21st November.

Original papers returned.

I have the honor to be
Sir,
Your most obedient servant
W. S. Sampson
Under Secy to the Govt. of India

* From Madras Political Dept. No 2120 of 29th October/79.
From Madras P.W. Dept. No — W of 1st November/79.

Confidential

P.W.D.
2DEC79
No. 8575

Mes No 3126 T/s of 6-12-79

His Grace the Governor

For orders

With His Grace's permission I would omit the words ~~that~~ have been added to the draft as both the Resident of Travancore & Mr Barton are aware of the fact and as the G of I have already refused to alter the order classifying Mr Barton as an Engineer in the Madras P.W. Establishment.

4-12-79

No doubt — but Mr B— speaks of having served under the Madras Govt — this he has not done & it is this remark which requires denial — R.H.C. 5/12

4 12

No. 3126 W

P. W. Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 6th Decr 1879 READ the following

From
The Govt of India (H.E. No. 2679 E.G. d/ 25th Nov/79)

4/12

Ordered that the letter from the Govt of India and the Resolution referred to in it be communicated to Mr Barton, through the Resident of Travancore.

~~that~~ it be pointed out that Mr B. was not serving under the Madras Govt at all

2/12/79

H.E.P. 2/12

Resident of Travancore with Mr Barton's letter of 27th Septr 1879 & copy of Resolution

Ex. G.A.S.

desp. 6/12/79.

2. It is observed that Mr Barton has never served immediately under the Madras

Govt., as might be inferred from the Expression made use of in his letter of the 27th Septr., para 3.

A.E.P.
6/12

6/12/79

Mr. H. Mallet Esq.

Her Majesty's Commrs

Urgent

Mis No. 3126 W & 6 Decr/79

146-148

1 Copy to Pol. Depr
27-2-80

Civ: ~~2~~ 4 – 12

Civ: ~~2~~ 4 – 12 –