

(1) Number of pages 14
(2) Date of repair _____
(3) Initials of the Referencer bm

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W DEPARTMENT

G.O. No. <u>2954W</u>	Press.
B.P. No.	Mis.

Dated 29 - 12 - 1880 197-

V-S-M

Not to be folded or roughly handled

2954w

Letter from the Superintendent of Works,
Buckingham Canal, N^o 2476 d/13th Decr/80.

FOR ORDERS.

These papers relate
to a suit instituted by
the legal representatives
of a Contractor employed
on the excavation of a
certain portion of the
Buckingham Canal in
the Suramunkhi to Kan-
delam Section during the
years 1873-1875.

* reduced from N^o 6422

2. They claim payment
of a sum of N^o 5218^x -
alleged to be due for sec-
tioning and banking.

R.B.

They

They admit receipt of payment in full for the "excavation work," but allege that though they have done 8,54,360 cubic yards of "sectioning and banking," they have been paid for 3,53,359 cubic yards only, leaving 5,01,000 cubic yards at 2 pios per cubic yard unadjusted.

3. The late Mr. R. Smith in his remark dated 21st December 1874 on Petition from the original Contractor stated that the claim for sectioning was altogether inadmissible, as the work had not been executed, that the sectioning done was measured and paid for at the accepted rate; and, with reference to a claim of Rs. 1002, or 1 percent for contingencies, that nothing could

2954

could be granted, seeing that the work had not been completed within the stipulated time.

4. The cause of the dispute seems to be that the Contractor claims to be paid for "sectioning" calculated on the total quantity excavated, whether the excavated earth was put into the banks or not. This claim the District Engineer rejected. He decided that the rate for sectioning was to be paid only on the quantity placed in banks. In fact on the amount of "sectioning" actually done.

5. The Contractor having thus been paid, it is contended that he has no claim to anything more.

Car. W. Lumber
Leol: R.E.
See you to good
P.W.R.
D

Decr 80.

295C, W.

Civ. 17. 12. 80

No. 2476

OFFICE OF THE SUPERINTENDENT OF WORKS

BUCKINGHAM CANAL

Camp, 13th December 1880
Despatch 15th do.

From

THE SUPERINTENDENT OF WORKS,

BUCKINGHAM CANAL.

To

THE CHIEF ENGINEER,

PUBLIC WORKS DEPARTMENT.

Madras.

SIR,

sure 5.

ed 5. I have the honor to forward
herewith a letter, summons, and
plaint received from the District
Judge Nellore in regard to a case
for which the Secretary of State for
India is the Defendant.

2. The case is in regard to payment for certain sectioning of the Canal Banks in the Suriname to Kandslaru section of the Canal which was executed in 1873 to 1875.

3. The papers on the subject are already in your Office and with reference to the case Mr. O'Shaughnessy wrote a report to you on the 5th September 1879, from which it

appears that the claim is inadmissible.

4.

If Government determine
on the defence of the suit I have
the honor to suggest that the
material papers in the case may
be sent from your Office to
Lieutenant Henderson R.E. who is
now at Kellere — in which Court
the suit is filed — with instructions
to conduct the defence. Lieutenant
Henderson having been in charge
of the work and having consulted
the late Mr. R. Smith the District
Engineer as to how the work should
be measured has a personal
knowledge of the details of the
case.

I have the honor to be

Sir

Your most Obedient Servant

A. Austen, Captain R.E.
Superintendent of Works
Buckingham Canal

MS
B6

C. No. 2495 of 11-11-80
 S. No. 8248 of 13-1-80
 C. No. 3235 of 4-11-79
 S. No. 2767 of 2-11-79

From *P.W.C. No. 7952*
 THE SUPERINTENDENT OF WORKS,
 BUCKINGHAM
 To
 THE CHIEF ENGINEER,
 PUBLIC WORKS DEPARTMENT

Dated *13th December*
1880
 No. *2476*

ENCLOSURE *5*
 + Sent to Lieut. And

Case against the
 of State for Endu
 in the District
 Nellore by Pilla
 Venkamma &
 Forwards pap
 connected with

C. No. 17 of 12-80

from on
N^o 2954
 2954 and
 Public Works Department.
 PROCEEDINGS OF THE MADRAS GOVERNMENT.
 Under date the *29 Decr/80*
 Read the following:—
From the Supdt of the No
Buckingham Canal } (*1880 No 2476 of 13 Decr/80*)

These papers relate to
 a suit instituted by the
 legal representatives of a
 Contractor employed on the
 excavation of a certain
 portion of the Buckingham
 Canal in the Suruamun.
 to Kandolam section
 during the years 1873-75
 2. They claim payment
 of a sum of Rs. 5218
 alleged to be due for
 "sectioning and banking".
 They admit receipt of
 payment in full for the
 "excavation work", but
 allege that though they

reduced from Rs. 6422

R.S.

have done 854,360 cubic
yards of "sectioning and
banking", they have
been paid for 353,359
cubic yards only, leaving
501,000 cubic yards at
2 pice per cubic yard
unadjudicated.

3. The late Mr. R. Smith
in his remarks dated
21st Decr 1874 on Petition
from the original Contractor
stated that the claims
for sectioning was altogether
inadmissible, as the work
had not been executed,
that the sectioning done
was measured and paid
for at the accepted rate,
and, with reference to a
claim of $\frac{1}{100}$ or 1 per
cent for contingencies,
that nothing could
be granted, seeing that
the

the work had not been
completed within the
stipulated time $29\frac{5}{6}$

4. The cause of the
dispute seems to be
that the Contractor claims
to be paid for "sectioning"
calculated on the total
quantity excavated,
whether the excavated
earth was put into the
banks or not. This claim
the District Engineer
repeated. He decided
that the rate for sec-
tioning was to be paid
only on the quantity
placed in banks. In
fact on the amount of
"sectioning" actually done.

5. The Contractor having
thus been paid, it is
contended that he has
no claim to anything

more.

6. Under the circumstances, authority is granted for the defence of the suit at the public expense.

7. The papers will, as desired by the Supot of the Buckingham Canal, be forwarded direct to Lt Henderson R.R. at Melrose.

S
28/4

Spink-Ministerial
28/4

Sgt R Canal
H. P. W. J. 5-1-4
Lt Henderson R.R.
with papers
5-1-4

7932

Gabt. of (1879) Madras.

PUBLIC WORKS.

To

Dated

Leaved

Recd.

Encl.

G.O. 29th Decr 1880 No. 2954W

Nos. 106 to 107

Such instituted by the legal
representatives of a Contractor
employed in the execution of a
certain public work Buckingham
Canal during the years 1873-75

Passing orders on
papers relating to a

37
/x