

The above named documents
by H. E. for 3 months for an
examined by the Examiners
on the 13th August 1880.

To,
The Superintending Engineer
2nd Circle

Most respected Sir,

With reference to West Coast Division No 241 of
6th August 1880 which purports to be a reply to my letter to the Examiners
P.W. Accounts Madras of 27th July 1880 and of which as well as of Memo by
the Superintending Engineer of the late 4th Circle on the subject of my
retirement No 551 of 4th December 1879, I beg respectfully to submit
copies for your honor's patient perusal and favorable disposal of my
legitimate claims to the gratuity prescribed by Sec 59 Rule 2 of the Civ.
Service Code.

The Memo referred to of the Supdy. Engr. is plainly indicative
of an opinion and unequivocal decision on the part of the Govt. of my just
claims to the gratuity stating as an exception that the bonus applied for
on my behalf was as a rule, inapplicable exclusively to the cases
of a denomination of officers distinct from that to which the Applicant
appertained. It can therefore be seen from the tenor of the language
used which is, nowise susceptible of any interpretation prejudicial
to my interest, that there existed no reasonable ground for questioning
for a bare moment, the admissibility and validity of my claims to
the gratuity applied for & unjustly disallowed as unclaimable by
the West Coast Divisional Officer.

Had the Memo ^{above} referred to, contained a denial express
or implied or even the faintest allusion to that effect I would at all
events have lost no time in proceeding to cancel the effect of such an
order by appeal preferred to the proper higher authorities on the contrary
that functionary who denied the one and affirmed the other in strictest
compliance with the rules in force on the subject, not having treated
my claims on either of the slightest objection I had no business what-
ever to advance further in the matter.

The next point of my substantial grievance which it is
humbly submitted, may be worthy of your gracious honor's prominent
attention, is that my final application for gratuity, delivered in the
late Local Division Office on the 15th January 1880, also not appear

to have left the H. C. Division office earlier than the 20th July last - a circumstance that operates considerably to my disadvantage, so much so, that I shall not be able within several months next following the above date to receive payment of my claim which, in the case of its having followed the ordinary course of business would have been disbursed to me, no doubt, long ago; as officers resigned long after the date of my quitting the Deptt: have been already able to enjoy the hard earned fruit of their labor.

I distinctly remember, it is submitted, having been called upon by H. C. Division office to sign and submit my P. Request which for that purpose, accompanied his Minia dated March last and which was accordingly complied with almost instantly thus causing further correspondence in the matter, save the one under reply. Supposing the latter period to be the point at which computation of delay is rightly to begin in this case, it has nevertheless, extended over five months without so far as I am able to imagine, any reference made during the interval. That such a wonderfully long delay should in the absence of a sufficient & reasonable cause have been allowed to occur, would tend to multiply and aggravate the miseries of one in the predicament in which I remain clearly with no ostensible means of subsistence whatever, ever since the unfortunate abolition of my appointment.

In another view of the matter it will be observed that the applicant was unquestionably the first among those thrown out of employ but would under the circumstances, be pitifully punished, the last in coming forward for his dues (if any) whereas I have known in of a majority of instances in which fellow clerks as well as quasi clerks, having actually left their offices however far or five months subsequent to my discharge therefrom had so to submit, the fortune of having their final application submitted earlier and the consequent necessary steps of verifying their services, duly taken thereon.

This state of things, I humbly and fearfully submit, I have every reasonable ground for thinking, was attributable to the exercise of malicious feelings on the part of the H. C. Clerk Mr Jacques, between whom and myself there had existed a bona fide pecuniary transaction in which I stood borrower and he the borrower of certain sum of money for the legal recovery of which on account of his persistent refusal to repay, I was compelled to threaten him with a notice in

writing sent thro. the late Resident D. L. office H. C. Clerk P. Krishnaswamy Mudaliar, announcing a determination on my part to bring the matter in failure of repayment otherwise into the office of my D. L. officer for his sanction to institute a legal proceeding against him as such action taken without such authority previously obtained, might I apprehended, be deemed an infringement of any of the existing rules of the Deptt.; in this manner and in this manner a recovery could have been effected without ever resorting to the aid of law. This procedure on my part covered as I no doubt, was to adopt it, had nevertheless, the natural effect of turning him an open bitter and noisy enemy and the said Mr Jacques has ever since been known to have vowed and craved out vengeance of multifarious ways and kinds upon me.

I beg humbly to observe that I am almost to a certainty, aware that Clerks retired in Malabar in precisely similar manner, could have been admitted to the enjoyment of the indulgence of the 3 months beneficial notice allowed by the Code, while I who had both by my thoroughly submissive conduct in reference to, and by statements contained in, my letter of retirement a copy of which also is attached acted in every respect loyally and unscrupulously in obedience to the expressed desire of Govt. in resigning voluntarily under G. O No. 25 of 11 of 15th October 1879 and more particularly under the endorsement of the Chief Engineer thereon). should be peremptorily denied the enjoyment, appears not merely to be illegal but also contrary to natural justice.

Under the circumstances briefly and grievously enumerated above I beg your honor as a guardian of my interest in this case will be graciously pleased to look especially into the cause of the unreasonable delay complained of and to consider the facts otherwise involved in my pitiful case with a benignity of heart and compassionate feelings truly characteristic of your gracious honor; for doing which act of charity and justice I with my extremely distressed family shall as in duty bound

Tellicherry
1st September 1880

Ever Truly

C. R. S. P.
Retired Clerk
H. C. Division

Enclosure 1/2

Gratuity

~~Pension~~ ~~sub~~

presented - M 13

August 1880

It does not appear

that M. Vertikainen is
entitled to a bonus

M. H. Major R.E.

Superintendent

Ex-officio 2nd Lieut
19th Sept 1880

No 241

Memorandum.

With reference to his
letter to the Examiner, Public
Works & Accounts, Madras,
dated 27th July 1880, retired
Clark C. Bapfen is informed
that his final application
for gratuity was forwarded
to the Superintending Engineer
on the 20th July last.

2. He is further informed
that he having voluntarily
resigned his appointment is
not entitled to the gratuity
allowed under Section 59,
Rule 2, of the Civil Pension Code.

Ex. Eng's Office

M. C. Division

Calcutta 6th Sept 1880

John Morant

Major R.E.
Executive Engineer,
West Coast,
Division.

J.

C. Bapfen

Retired Clerk, D.P.H.

...to whom the ...

No. 459.

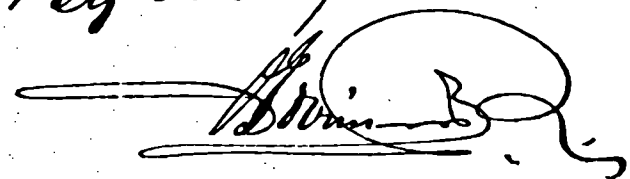
Memo.

23
24 Jan 1899
926

Under orders from Captain Bailey
by: Engr. Malabar Latent Division
Chis R C Banpoor is informed that
his resignation which was accepted
in Supp. Engr. Memo No. 485 of 17th
November 1898 is now brought into force
& Clerk Banpoor's employment will cease
from the 15th Instant. Any records of
in his charge are requested to be handed
over to the head Clerk.

/ By Order /

Latent
14th January 1899


Accountant

Orders regarding

Retirement.

x2
Jr. 247/57
926

To,

The Chief Engineer & Secretary to H. G. Govt.

Fort St. George.

Madras.

The humblest petition of G. Bappu, retired clerk
of the late Calicut Division Office & residing at

Tellicherry

Most respectfully sheweth.

That the Petitioner in forwarding herewith a
petition returned unfavorably endorsed by the Supg. Engr. and
Circle, begs leave to state that the facts therein brought to notice, seem to
have been utterly unnoticed by that functionary. Hence, favorable
consideration of the subject & due redress of the grievances occasioned
is respectfully solicited at your honors hands.

That by Enclosure No I will be seen, two dis-
tinct causes of grievances, complained of, one, that the Petr was
contrary to natural justice & the procedure, deprived of the benefit
of Rule II, Sec. 59 of the C. P. O & the 2nd that his final gratuity appli-
cation, actually delivered on the 15th Aug: '80, had been deliberately
kept over, without sufficient reason, for an unreasonable length
of time, which latter alone contributed to the source of the vexaci-
ous delay experienced in obtaining the sanction of Govt. in due
time. Thus, the Petr has every reasonable ground to believe,
were due to the insatiable animosity seriously entertained
against him, by the H. C. Svt. Mr. Clark, a Mr. J. J. Jacques, for rea-
sons briefly explained in the 7th para of the petition alias Enc. No 1.

Seeing that the Petr was unduly & wantonly omit-
ted from a particular Statement called for & submitted from the
Office aforementioned, steps were at once taken to bring for-
ward his indefeasible claims to the gratuity denied him; Whereupon
the Svt. Officer, Major Mount to whom the application was re-

Enclosure III

urred & to whom the Petr was never before personally known, in-
formed the latter vide Enc No. 2 that he having voluntarily re-
tired was not entitled thereto; this however, led him to lay his ap-
peal to the Sup^r Engr. who in his turn has stated nothing beyond that
the Petr was not recommended by the Exr. Engr. vide Enc No. 2 & 3
; hence, this Special ^{Appl.} Direct to your gracious honor.

That it would be marvellous, that how in the
face of the following incontrovertible truths & circumstances, a for-
feiture of his privilege, could legally have taken place by the bare
fact of his having done ^{an} act in implicit obedience to the Orders
of Govt as explained ^{here} under & that by doing so, he, it is urged, had not
at all, deviated from the course adopted by a great majority of his
colleagues retired without any risk of detriment to their claims in
this respect. Consequently, to have been reasonably so, the Petr should
inevitably have submitted a retirement that was in substance
or in form, distinct from those of the rest. On the contrary, in truth
in fact, there had not been throughout the District, a single
instance of retirements that was in any shape, other than voluntary
affirmation difficult of contradiction, nay, one that would tend
to lead your ^{honor} to an irresistible conviction, on a personal careful
examination & rigid comparison of the letters of resignation
submitted by the Petr, severally with those tendered by the retired
clerks & ^{as amalgamated} from the 2^d Divⁿ Officer then stationed in Malabar.

That even granting that the majority or the whole
with the ^{single} exception of the Petr had retired in ways & fashions infi-
nitely varying from those sought by the Petr, the Exr. Engr., was
nevertheless, manifestly in the wrong in holding that the volunt-
ary retirement the Petr had tendered was in fact, such a volunt-
ary retirement as one would have submitted with the full sanc-
tion & consciousness of a free & independent will & pleasure so as
afterwards, to have been operative as a legal impediment to his
effectually, claiming the indulgence mercifully provided by the Code.
Such construction moreover in the face of the Govt of India Resolu-
tion No 2079 dated 1st July 1879, & the Order of this Govt based
thereon

thereon No 2594th 15th October 1879, could hardly be said legally per-
missible; making therefore the universally accepted interpretation
of the Orders of the Supreme & this Govt, the basis of this humble
representation, it is submitted that the objection of the Divⁿ
Officer would appear unreasonable & ought therefore to be over-
ruled.

That as a matter of course, it may be remembered that
the preparation of a statement of the kind above adverted to in a
one Sept under the Govt naturally devolves on its ^{2^d} Ministerial
Officer who in this unfortunate case was the most influential
& inveterate enemy of the Petr, & who it is reasonably believed,
availing himself of the golden opportunity thus offered to him
must have been in right earnest to find an end of the protifi-
fication of his malice towards the Petr. In illustration of what
has been supposed of the Conduct of the H^o Clerk, the Petr begs
to be permitted to weary your honor with a paragraph in ad-
dition.

Hardly a month since, a Brahmin clerk in the
H. C. Bⁿ Office who had as the Petr himself, the gross misfortune to
be led or rather inveigled into a monetary transaction with
the H^o Clerk in which also, as invariably in all cases of the nature
the latter became indebted to the Brahmin which unhappily for
the latter, resulted in a strong & most misunderstanding between
them; mischief making and annoyance were said to have
been rife & the junior clerk vexed & worried to an unbearable
extent, exhausted his patience & at length resorted to a written
representation for worst or best, to their common superior, who
being an impartial Divⁿ Officer, set about investigating the matter
till he could persuade himself that the representation was made
bona fide & that the matters therein complained were true to
the belief of the person making them; On this as a matter of fa-
voritism, the Officer, calling upon the H^o Clerk to lay before
him within a given number of hours, certificates individ-
ually from every manner of Officers on the establishment to whom he
was

usually indebted, shewing that ^{due} discharge has been effected,
sailing which, he, was to be handed over to the Supg: Insp: to be
treated with by him. Severely warned him against incurring
liabilities in future. Should your honor see reason to distrust
the truth of this occurrence, as reported, a reference may under
the circumstances of the case, be made to advantage, to the
S. C. D. Officer, which will throw considerable light on the
point in question thereby enabling a perfectly satisfactory de-
cision of the case being easily come to.

In conclusion, the Petr prays your honor
will be graciously pleased to devote to the subject of his extreme
grievances, a particle of your honor's most valued moments
finally protect the Petr by the issue of an early favorable
Order declaring him ^{free} entitled in common with his retired
comrades to the enjoyment of the privilege of which he was
illegally & inhumanly deprived by the lower authorities,
for which act of ^{fair} justice & charity, the Petr shall as in duty
bound ever

prays
V. Ellicherry 27th
January 1881

C. B. Appu

Retired Clerk, Cate Calicut Dist Office, S. C. D. O.

No 224

Referred to the Supergrange
2nd Circle for report.

Major R. S.

Dy. Chief Engr. & Kunderang, S. C. D. O.

Chepauk
1st Feb 1881

To be returned with reply.

No 64

Supg. Engineer's Office, II Circle.
Coimbatore. 10th February 1881.

From,

The Superintending Engineer
Second Circle.

To,

The Chief Engineer
D. W. D. Madras.

Sir,

Enc: 4
1. Enrolment
No 224 of ment No 224 dated 1st February 1881, I
1st Feb 1881 from
S. C. D. O. have the honor to return the petition
with
3 enclosures and papers of G. Bappen and to report
that in G. O. No 1160 dated 2nd December/80.
Government in the Pension Department
sanctioned a gratuity of Rs 275 to the
petitioner and a copy of this was
forwarded through the Executive Engineer
of the West Coast Division to him on
the 6th December last.

2. With regard to his claim for
3 months.

3 months pay in lieu of notice I
have to call your attention to memo
No 3860 dated 16th December 1879 in which
you ordered that his application for
retirement that he had sent in should
not be cancelled as this is the case
and as he resigned his appointment
he can of course have no claim for
the 3 months pay.

3. There was in this case, as in
many others, great delay with regard
to the settlement of this man's gratuity
this however has been settled and
probably is now paid, I am not
aware that this gives him any grounds
for the general Complaint he makes.

I have the honor to be,

Sir,

Your Most Obedt. Servant.

M. Mund - Major R.E.
Supy Engr., II Circle.

Ch. 3860 16.12.79.

W.C. 926

From
The Superintending
Second Circle.

Dated 10th
Sept: 11th } February/81
Received 14th

No. 64.

Enc: 4

C. Baupoo, late Clerk,
P. W. —

Returning papers
of —, and reporting that
Government sanctioned a
gratuity of Rs. 275 to the
Petitioner in G. O. No. 1160
(S.D.), a copy of which
was communicated to
him thro' Ex Engineer
West Coast D. on 5th
Dec: last.

No. 474 & 21 Feb/81 P. W. Dept

Indorsement

Petition from C. Baupoo, late Clerk of the
Cable Division Office dated 27th Jan'y/81.

The Petitioner is
informed that the decision
of the Superintending
Engineer on his former
Petition is correct, and
that he has no claim
to the special gratuity in
lieu of notice.

S₁₇₋₂

[Signature]

17-2-81

The Petitioner ✓

22-2-81 R.S.

Cir 17. 2. 81 R. 21-2.

North Street

Br. 474 N 21 February 1871

3232324

Cir 17.2.87. R. 21.2