W. C No 3082

P.W.D

fo 671w. 5-3-79.
fo 787w 15-5-79
No 1268 - 30-6-79
fo 1387w. 5-6.82

Recd 11/4/83

B
[illegible] 11/4

No 1154 W d/ 18th April/83

B

Petitioner is referred to endorsement no 1387 w of 5th June 1882, on his petition dated 8th May 1882

Petitioner is referred to endorsement No 1387 W of 5th June 1882, on his petition dated 8th May 1882 -

Cu

~~Atti~~

13.4

Despd

To the Petitioner 19/4

To the Petitioner

Entd. in Receipt Reg.

[illegible] 12.4

[illegible] 12/4.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

5th March 1879, No. 671 W.

General.

Establishment.

Read the following paper:—

No. 91. From J. W. RUNDALL, Esq., Acting Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Pattukotai, 29th January 1879, No. 1,432.

I HAVE the honor, with reference to Major Vibart's letter, No. 715, of the 4th November 1878, reporting the second time on Mr. Hunter's irregularities, to forward herewith a statement prepared by Major Vibart showing the works on which advances were made by Mr. Hunter, the sums paid, and the value of the work now ascertained to have been done by the contractors concerned. This value has been arrived at by measurements made by Mr. Norfor, Assistant Engineer.

2. The result is that the payments exceed the value of the work done by Rupees 18,451-6-1.

3. Major Vibart has added a column showing what he calls "the legal value" of the work done. Mr. Hunter in his estimates appears to have allowed excessively high rates. Major Vibart shows the value of work done at the ordinary rates of the district in column 5 of the statement now submitted, but in column 6 shows the sums which the contractors might legally claim, because they were those of the estimates.

4. The statement is accompanied by a series of reports on each work by Mr. Norfor, Assistant Engineer, and these have been annotated by Major Vibart. Mr. Norfor seems to have gone into each work thoroughly and carefully.

5. As regards Mr. Hunter himself, it seems unnecessary for me to add anything to Major Vibart's exhaustive reply to his explanation. I observe that in the *Fort St. George Gazette* of the 17th December Mr. Hunter's services were dispensed with; but as Mr. Hunter was assisted in his irregularities by certain subordinates who prepared false bills and measurements, and who must have known them to be false, it is necessary for me now to draw attention to the results of Mr. Norfor's examination of the works and measurements and obtain orders regarding these men.

6. It appears clearly that both Ramanjulu Iyah, Sub-Overseer, and Kristnasamy Pillai, Overseer, prepared fraudulent measurements.

7. As regards the former man, his measurements were clearly fraudulent on Road No. 15* from Venganur to Woodoombayam, and also on the Vengalam tank† supply channel.

*No. 6.
†No. 22.

8. Kristnasamy Pillai's measurements were evidently fraudulent for the work done on the road‡ from Siplaputhur to Kattuputhur.

‡No. 2.

9. On the receipt of Mr. Norfor's reports now forwarded for the information of Government, I directed Major Vibart to suspend Kristnasamy Pillai and Ramanjulu Iyah. In my opinion both these men should be dismissed and disqualified for further employment in the public service in any capacity. I think it probable that, if prosecuted, they might be convicted of fraud. I request to be favored with the orders of Government regarding these two men.

10. With regard to the chance of recovering any portion of the sums overpaid to the various contractors, it cannot of course be recovered without suits being brought against them, and, though doubtless we should get decrees in our favor, it is doubtful whether the men concerned have any property on which recovery could be made. Major Vibart thinks it would be useless suing these men, as they would realise and make away with any property which could be attached, and I agree with him in this opinion.

11. I request also the orders of Government as to how the sums now shown to be overpaid are to be adjusted in our accounts. Out of the total sum deficient Rupees 12,420-5-7 appertain to Local Funds.

12. As regards the irrigation estimates on which there have been overpayments and bad work, I have instructed the Executive Engineer to prepare bills for such work as is admitted, and, taking the works as they stand, to make out estimates for completing them in a thorough and substantial way.

No. 92. **Order thereon**, 5th March 1879, No. 671 W.

The Government are of opinion that it will not be to their interests to prosecute any of the parties concerned in the frauds.

2. The Superintending Engineer will direct Kristnasamy Pillai and Ramanjulu Iyah to be dismissed, with effect from the date on which these orders are received by the Executive Officer. The future employment of these individuals in the public service, in any capacity whatsoever, is prohibited by Government.

3. Separate orders will be issued with reference to the point raised in the eleventh paragraph of Mr. Rundall's letter.

(True Extract.)

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

To the Superintending Engineer, Fifth Circle.
,, Examiner of Public Works Accounts.
,, Examiner of Railway Accounts.
,, Chief Engineer for Irrigation.
To all Departments of Government.
,, Other Supdg. Engrs. &c.
,, Consg. Engr. for Railways
,, Consg. Architect
,, Supdt. Madras Harbour Works

Exd. J. W. Fischer.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1879} Madras.

PUBLIC WORKS

To

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

Dated March 5th.

Issued

Recd. *Encl.*

G. O., 5th March 1879, *No.* 671 W.

MARCH.

Nos. 91-92.

Kristnasamy Pillai, Overseer, and Ramanjulu Iyah, Sub-Overseer, of the Trichinopoly District, to be dismissed, and their future employment in the public service prohibited.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

15th March 1879, No. 787 W.

General.
Establishment.

Read the following paper :—

No. 199. From J. W. RUNDALL, Esq., Acting Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Trichinopoly, 10th March 1879, No. 2,092.

IN continuation of my letter, No. 1,432, of the 29th January, regarding the frauds committed in Musiri Range during the time Mr. A. W. Hunter held charge, I have the honor to forward, herewith, copy of a letter from Major Vibart, R.E., regarding Overseer Kistnasawmy Pillay, and the bill prepared by him for work in Kottapolliem tank. I have little doubt that it would be possible to get this Overseer criminally convicted for cheating and attempt at cheating, but have not instituted proceedings against him as the matter is before Government, and they may be unwilling to undertake the criminal prosecution of a subordinate when the superior has been simply dismissed. In any case I would venture to request the early orders of Government with regard to this Overseer, who is now under suspension; also regarding Sub-Overseer Ramanjulu Iyah, whose suspension was reported in paragraph 9 of my letter above quoted.

From Major H. M. VIBART, R.E., Executive Engineer, Trichinopoly Division, to the Acting Superintending Engineer, Fifth Circle, dated Trichinopoly, 18th February 1879, No. 1,332.

I HAVE the honor to inform you that in November last I called upon Overseer Kistnasawmy Pillay to produce the measurements on which he had based the bill drawn up by him for Kottapolliem tank. He informed me that he had made up the bill from measurements furnished him by Mr. Hunter himself; that they were contained in one of Mr. Hunter's measurement books (then with Government); and that the book was half foolscap size, and that the figures covered seven and-a-half pages of the book. At the time I did not believe the statement of the Overseer, as I had previously looked in the said books for the measurements required and could not find them. I made a note of the Overseer's statement and resolved to wait till Government returned the books.

2. I have now received the books. I have ascertained in the first place that from the commencement of the work in July 1877 till Mr. Hunter left the district he never even once inspected, much less measured, the work done, and therefore could not have given his measurements to Kistnasawmy Pillay. Moreover, there is nothing relating to Kottapolliem tank measurements in Mr. Hunter's measurement books.

3. The Overseer has himself admitted that he never measured the work, and I believe he did not once inspect the work during progress, although the estimate was 5,500 rupees and the tank far the most important tank in his charge. The quantity of stone revetment billed for is precisely the same as the sums of the figures taken from the Sub-Overseer's weekly reports, and must have been arrived at from those statements; 1,000 cubic yards of jelly backing was allowed for in bill which does not actually exist, and the earthwork allowed for greatly exceeds that actually executed.

4. Under these circumstances there seems no escape from the conclusion that Overseer Kistnasawmy grossly neglected his duty in the first instance, and in the second that he prepared a false bill from fictitious measurements, by which means Government have been grossly defrauded of a large sum of money. The Overseer must of course be dismissed, but in addition to this perhaps the Government may desire to prosecute the Overseer for fraud and criminal breach of trust.

No. 200. ORDER THEREON, 15th March 1879, No. 787 W.

RECORDED with reference to G.O., No. 671 W, dated 5th March 1879.

(True Extract.)

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

To the Superintending Engineer, Fifth Circle.

Exd. A. F. Goodhall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1879) Madras.

PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,
FIRST CIRCLE.

Dated March 15th.

Issued

Recd. *Encl.*

G.O., 15th March 1879, No. 787 W.

MARCH.
Nos. 199-200.

Kistnasawmy Pillay, late Overseer, Trichinopoly District.—Report of certain charges against —, recorded.

upwards of 28 years,

327

4/4

Public Works Deptt

Notification

"The Chief Engineer orders" the following dismissal with effect from 1st April 1879.

A. Kistnasawmy Pillay, Overseer 2d Grade.

31.3.79.

Inserted

Wd/3.4.

Government of Madras.

P.W. DEPARTMENT.

Petition No. 1268 of 1879.

From A. Kristnasámy Pillai

Occupation Dismissed Overseer 2nd Grade D.P.W.

Village Trichinopoly Dt.

Taluk residing in

District Srirangam

Dated 30th June } 1879

Received 5th July } 1879

Put with the G.O.

2 Enclosures.

ABSTRACT.

Brings to notice that he served as Overseer in the said Dt for upwards

P.T.O.

upwards of 28 years, and throughout that long period borne a good character for efficiency and integrity without ever being subjected even to a censure, as may be seen from a copy of his testimonials; but that on 26 January last, Major Vibart, the Executive Engineer suspended the petitioner and directed him to attend the Superintending Engineer's office every day at 12 A.M. where he was furnished with no information as to the nature of the offence for which he was suspended; but that he was simply told to await the decision of Govt; that on 1st April he was furnished by the Supg Engineer

---

P. W. DEPARTMENT—1879-80.

MEMORANDUM.

Current No.

~~Letter Number~~ Petition from A. Krishnasawmy Pillay

~~dated the~~

~~from the Supg. Engineer of~~

For W.

Overseer Krishnasawmy was dismissed under the orders of Govt as contained in G.O. No. 671 W, dated 5th March 1879, and these orders were passed after very full enquiry into the whole case. It seems unnecessary therefore to reopen the question. The petition referred to has not come up officially as yet.

10/7/79

Engineer with an order to the effect that by G. O. No. 671 W. of 5th March, he has been dismissed for fraudulent measurements on road from Seeplaputhore to Kanttoopoothore, and his future employment in Govt. Service in any capacity whatever has been prohibited; that the measurements of the work in question were declared "fraudulent" on the strength of the report of the Assistant Engineer, Mr. Norfor; but from a careful perusal of his report, petr. is forced to conclude that that officer undertook and conducted the examination of the work with very strong prejudice.

Prays that, after a patient perusal of his explanation set forth within, in juxtaposition to Mr. Norfor's averment of alleged frauds, petr's restoration to his former post may be ordered.

G.O. No. 4593 W. – 4–12–78 Orgl.
" 671 W. – 5–3–79 ~~W.~~
" 787 W. – 15–3–79

TO

HIS GRACE THE GOVERNOR IN COUNCIL, FORT ST. GEORGE.

The humble Petition of A. Krishnasawmy Pillay, *Dismissed Overseer of the D. P. W., Trichinopoly District.*

Most Respectfully Sheweth,

That your Grace's petitioner served in the capacity of Public Works Overseer in the Trichinopoly District for upwards of twenty-eight years and has throughout borne a good character for efficiency and integrity as the enclosed copy of testimonials will prove. Nor was he during this long period ever subjected to suspension, fine or even a censure or reprimand.

2. That your Grace's petitioner had thus almost completed a period of service which would entitle him to a good service pension and he had only to make up a few months more. He was in this stage surprised by an order of the Executive Engineer, Major Vibart, under date the 24th January 1879, which runs thus—

(*a*) Petitioner was suspended from that date.

(*b*) He should attend Superintending Engineer's office every day at 12 A.M.

(*c*) The suspension is the result of his connection with the works under the late Assistant Engineer Mr. Hunter, especially the Umayapurem Groyne, Seeplaputhore and Kauttooppoothore Roads and Kottappolliem Tank.

(*d*) He will, no doubt, obtain full information from the Superintending Engineer and *will* be allowed every opportunity of explaining his conduct.

3. In strict compliance with this order your Grace's petitioner waited at the Superintending Engineer's office till 25th March 1879. During this interval information as to the nature of the offence for which he was suspended was refused him nor was he allowed to give any explanation. He was simply told to await the decision of Government upon a reference made to that authority and promising at the same time to let your Grace's petitioner have the particulars of the case after the decision of Government has been received.

4. On the 1st of April last, your Grace's petitioner was furnished with an order copied by the Superintending Engineer *with his own hand*. The order is quoted below *verbatim*.

"Overseer Krishnasawmy Pillay, is informed that by G. O., No. 671, W. of 5th instant, he has been dismissed for fraudulent measurements on road from Seeplaputhore to Kauttoopoothore. His future employment in Government service in any capacity whatever has been prohibited."

5. From this order your Grace's petitioner was given to understand that the offence for which he was at first suspended by the Executive Engineer and afterwards dismissed by Government constituted fraudulent measurements on road from Seeplaputhore to Kauttooppoothore.

6. The measurements of the work in question were declared "fraudulent" on the strength of the report of the Assistant Engineer, Mr. Norfor. Your Grace's petitioner obtained a copy of that report and from a careful perusal thereof, he is forced to conclude that the exceptions taken by that officer to the measurements referred to, are the result of very strong prejudice, with which that officer undertook and conducted the examination of the work.

7. Your Grace's petitioner begs to crave a patient perusal of the following which sets forth in juxtaposition, Mr. Norfor's averment of alleged frauds, and your Grace's petitioner's protest against the same.

Mr. Norfor's averments of the alleged frauds.

2. I will begin with the earth-work.

3. The estimate provides for 18,270 cubic yards of earth-work for widening and raising portions of the old road and for the formation of road where none existed. Mr. Hunter has billed for 14,786 cubic yards of earth-work, thus showing that this item was all but worked out. I have carefully measured up the earth-work and can only account for 5,755 cubic yards. There are several Taks in the estimate where the road has to be raised; no attempt has been made to do this and yet looking into Mr. Hunter's bill it would lead one to conclude that the road has been raised throughout to the estimated height. Where the road is also newly formed through Nunjah it has not been raised to the correct height. It requires an average raising of over half a yard throughout the whole length to bring the surface to its proper level above the Nunjah fields. Owing to a dispute with the landholders there is still a length of about 320 yards of road not formed, the estimated cost of which amounts nearly to Rupees 3,000. Had this been partially formed I have no doubt, Mr. Hunter's bill would have provided for the whole quantity of earth-work estimated for. Measurements accompany showing the actual work performed on this road.

Petitioner's Protest.

The estimate for this work was framed and submitted in the year 1875 by Overseer Manickum Pillay now in charge of Kulithalay Taluq. After an interval of two years the estimate was sanctioned in 1877. The work was commenced in April 1877, and by the end of the year the earth-work was completed, except a portion of 320 yards where the road is not formed owing to dispute with the landholders. For the whole work executed by contractor, three bills were made out by the petitioner to the aggregate amount of Rs. 2,701-14-6, and Mr. Hunter, the Range Officer, inspected the work, passed the bills, and certified that the amount of bill is covered by work executed up to date and that the work is good. Mr. Norfor, examined the work in November, 1878, *i.e.*, one year after completion of most part of the earth-work. 10,500 cubic yards of earthwork was shewn in the returns up to June, 1877 and 4,286 cubic yards subsequently. The road was altogether a new work. It was formed wholly across wet fields almost always under water.

(a) Mr. Norfor has altogether omitted to make any allowance for the sinking of earth. The road was a perfectly new one. As already brought to notice it was formed for the first time in a tract of land constantly under water. Sinking has therefore been considerable.

(b) The heavy rains of 1877 and 1878, have not only washed away a large portion of earth, but facilitated the sinking of the soil to no small extent in a long period of one year. The total rainfall in 1877 and 1878, is appended below :—

	Inch.	Cent.
Rainfall in 1877	34	57
Do. 1878	36	63

(c) Mr. Norfor has omitted altogether to provide in his measurements for the raising of the Roadway. He never measured the raising or he would have given the results. He has simply contented himself with remarking that the raising was not done as estimated for.

(d) Pit measurements only can give actual results, but unfortunately for petitioner the pits had almost been levelled by the Ryots who own lands for cultivation purposes and Mr. Norfor could not have seen the very few pits left because the whole tract of the land was then under water.

(e) The sides of the road under water were not at all taken into account.

(f) Mr. Norfor conducted his examination of the work in the absence of your Grace's petitioner, who had been previously transferred by the Executive Engineer, Major Vibart to Laulgoody Portion from Musiry Taluq. Had the petitioner been allowed to be present on the occasion, he would have brought all those glaring and ruinous omissions on his part to the notice of Mr. Norfor.

(g) It is impossible to conceive how Mr. Norfor made out the dimensions of the old cart track and the extent of work since done to it. He has not made any allowance whatever for the damages done to the old cart track by the rains, floods, heavy traffic and passages of men and cattle, in the interval of two years between the dates of submission and sanction of the Estimate.

The total rainfall registered in 1875 and 1876 amounts to 40 inches.

(h) The road has not been provided with any maintenance allowance and the heavy traffic thereon has therefore caused a considerable amount of wear and tear in it. No provision whatever was made in Mr. Norfor's calculation for this.

(i) As an instance of Mr. Norfor's defective calculation, your Grace's petitioner begs to be allowed to state that the projected length of the road is 3,362 running yards and it was estimated to cost Rs. 7,980-10 giving a rate of Rs. 2-5-11 a yard. Mr. Norfor states that "Owing to dispute with landholders there is still a length of about 320 yards not formed, the estimated cost of which amounts nearly to Rs. 3,000." According to his showing each yard would cost Rs. 9-6; and the whole road above Rs. 30,000, *i.e.*, nearly three times as much as the Estimate. Mr. Norfor entered upon the examination with a considerable prejudice and with a mind fully prepossessed that every thing under the Assistant Engineer, Mr. Hunter was wrong and with an exceptional overzeal made a very imperfect and disastrous examination. The omissions above pointed out fully justify this conclusion. His report was taken by

the Executive and Superintending Engineers as gospel truth and without testing or endeavouring to test its accuracy by personal inspection, the authorities at once condemned your Grace's petitioner and submitted a report to Government for orders.

Should your Grace depute an officer of an unbiased and free mind and high professional qualifications and the work be examined by such officer with no other feeling than that of rendering justice to both parties, petitioner will have full justice rendered him, and his perfect innocence would then well develop itself. The late District Engineer, Colonel Vertue inspected the work while in progress in 1877, and was satisfied with it as far as it was completed, else he would have expressed his disapproval.

Mr. Norfor's report.

4. Gravel is provided for in the Estimate at very high rates as a coating to the road's surface. For some unknown reason, Mr. Hunter has without authority ordered sand to be substituted. The sand has been obtained from the Cauvery River. It is impossible to check his bill on this head, as the sand and clay have got mixed up together. I will, however, remark that the rates in the bill for sand are absurdly high; 6 annas are allowed per cubic yard for the 1st mile, although the average distance for that mile is only half a mile. According to my data herewith enclosed 2 annas 3 pies per cubic yard would have been ample, for the 2nd mile, 9 annas 6 pies has been charged whereas 5 annas 3 pies would have been sufficient. A sand road is by no means as good as a gravelled road, it is therefore not understood why sand has been substituted. If the road is raised to its proper height gravel will answer admirably.

5. On enquiry, I find that the Contractor received no written orders to spread sand; Mr. Hunter having billed for it, I presume the orders were verbal.

6. As the road has not been raised to the full height yet it will be an utter waste of money to pay for the cartage and spreading of sand. Under these circumstances I feel it my duty to exclude the sand altogether from the bill. If Mr. Hunter allowed the Contractor to spread it before the road was raised to its proper height, I think, he should be held personally responsible. Mr. Hunter has valued the sand at Rupees 1,016.

7. I trust you clearly understand my reasons for objecting to the sand; I know that sand spread on clayey soil makes a tolerably fair road; but what is the use of spreading sand when earth has to be raised over it for half a yard in height? If Mr. Hunter had raised the road to its full height and then spread the sand, the objection would not be so great.

Protest.

The roadway having been raised to the required height Mr. Hunter ordered the spreading of stand instead of gravel as being fully adapted to the peculiar nature of the soil and your Grace's Petitioner has simply obeyed his orders. Mr. Norfor has, in his calculations altogether omitted to give credit to the value of sand carted to the road. Mr. Norfor denounces the cost of sand as being absurdly high.

Your Grace's Petitioner experienced considerable difficulty in procuring carts during the famine year in which the work was carried out and cattle could rarely be had and therefore the rates entered in the bill were absolutely needed.

10. The next item we come to in the bill is new rough stone 161 cubic yards at R. 1-12 a cubic yard, and 19 cubic yards at Rs. 2 a cubic yard. The rough stone has been obtained from a distance of 2 miles from Kauttoopoothore. The average distance of cartage from the 13th to the 11th culvert is 2½ miles. The stones have not been quarried neither have they been squared. It is therefore not understood how such enormous rates for rough stone have been arrived at in the bill.

11. The correct rate for the stones collected at site would have been 15 annas a cubic yard or say 1 Rupee. There are 130 cubic yards of new rough stone collected at site of these culverts, the total value being Rs. 130, and not Rs. 319 as billed by Mr. Hunter. It is rather a puzzle to work out how he fixed upon the rate of Rs. 2 a cubic yard for stone collected at No. 12 culvert, when that collected at No. 11 and 13, is R. 1-12 a cubic yard. It is useless my going into details to prove the absurdity of his high rates. I will merely add that he leaves but 8 annas a cubic yard for burning, carting and slaking lime, carting sand, preparing the mortar, squaring stones and building.

The quantity of new rough stone billed for is 180 cubic yards. Mr. Norfor states he found 130 cubic yards collected at the site of different culverts. His statement is incorrect according to his own showing *(Vide* his measurement of the work in which the quantity of stone in question is clearly set down by him as 185 cubic yards) as below.

	Cubic yards.
Rough stone at site Nos. 13th and 12th culverts, ...	156
Deduct $\frac{1}{6}$ for spaces between stones	26
Balance	130
Rough stone at No. 9th, 8th, 7th 5th, and 4th culverts	87
Deduct $\frac{1}{6}$ for spaces between stones	14
Balance	73
Deduct $\frac{1}{4}$ for bad stones	18
Balance	55

The total quantity of new rough stone collected at sites of different culverts is (130 + 55)=185 cubic yards.

The stones were procured from the village of Pidaramangalem 4 miles off the work spot. Kauttoopoothore does contain large blocks of

12. Since Mr. Hunter made out his bill for this work, stone has been collected from the 9th to the 3rd culverts. Many of them, however, are of very inferior quality and will have to be rejected. The quantity collected is 73 cubic yards. I deduct ⅓ of this which will represent the quantity of stone fit for use on the Road. Its value is Rs. 68-12.

quarries at the vicinity and to obtain therefrom the stones required for the road would be more expensive than the course actually adopted, but taken exception to by Mr. Norfor. Petitioner has nothing to do with the rates, but he is responsible only for measurements of the work executed under him. Mr. Norfor has curtailed without consideration, the rates, sanctioned first by the District Engineer and then by the Collector. If the rates had been as absurdly high as Mr. Norfor remarks, the District Engineer as well as the Collector would have raised objections thereto, but they have not done so. They approved of the rates fixed and accorded their sanction. The practice of squaring stones does not exist in the District nor any provision is made in the Estimate for this item.

Enclosures.

Copy of Mr. Norfor's Report, No. 108.
„ „ „ Measurement of the work.
„ „ Bill, No. 14 of 1878-79.
„ „ Service Register.

13. There are 17,244 bricks and half bricks collected at site of No. 13 culvert and 48,600 near the kiln. These latter will have to be carted to the road.

The burnt bricks billed for by your Grace's petitioner are 75,000. Mr. Norfor in his hurried inspection counted 65,844 bricks; if he had perfectly examined the heaps of bricks at the workspot he would have arrived at the figures entered in the bill.

14. I regret to state that neither specification nor report accompanies the estimate, nor do any measurements accompany Mr. Hunter's bill.

The Overseers of the D. P. W., are generally in the District not accustomed to prepare any specification or report to submit with their Estimates. So neither specification nor report accompanied the Estimate when it was submitted for sanction by Overseer Manickum Pillay.

With reference to the other two works particularized in the Suspension Order above quoted, the petitioner begs to state that the bills for those works, *viz.*, Kottappolliem Tank and Umayapurem Groyne, were prepared by him, as directed by Mr. Hunter from his own measurement books. One of the books in which the measurements for Kottappolliem Tank work were entered by Mr. Hunter is not forthcoming when that which contains his measurements of Umayapurem Groyne Works is to be found in the Office Records. Petitioner very much suspects that it has been made to disappear for the express purpose of the working out of petitioner's ruin.

In conclusion the petitioner begs to solicit the favour of your Grace's benevolent consideration of the above circumstances and sanction your Grace's humble petitioner's restoration to his post.

For this act of kindness the petitioner, in duty bound shall EVER PRAY.

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

Read the following:—

Petition from A Kistnasamy
Pillay Dismissed
Overseer Trichinopoly } (H E dated 30th June /79)
No 1268

The Government regret their inability to modify the orders already passed on petitioners' case.

S
16.7

16th July 1879

The Petitioner.
Despd 16/7

Despd 4/11 Petn & Enc 2, On Petn No 1980

1958/79

Petn (P.W.) Deptt

No 1268

D/ 16th July 1879

3183

To the Manager Petn Dept.

Please say whether the previous petitions referred to in para 4 of the accy. memorial can be traced from your books –

They do not appear to have been recd in P.W. Secretariat –

A. Simpson
2nd Asst P.W.S.
22/5/82

Sir,
The Petns referred to cannot be traced – but one recdt in 1879 has been put up for perusal –
S.D. / 23/5

To

The Right Honorable
Mountstuart Elphinstone Grant-Duff
Governor in Council
Ootacamund

The humble petition of A.
Kristnasawmy Pillay late
Overseer of the D.P. Works,
Trichinopoly District

Humbly Sheweth,

That your petitioner served in the P.W. Department for nearly 30 years in the capacity of Overseer and was attached to the Trichinopoly District

2- That your petitioner during his long term of service has borne a good character for efficiency & honesty will be verified by a perusal of Original testimonials already submitted with a petition preferred to your predecessors Government dated 11 Octr 1881 & your petitioner would also point out that during his tenure of office his superior officers had no occasion whatever to reprimand, suspend or even to fine him.

3. Your petitioner was unjustly suspended by Ex Engineer Major Vibart owing to a supposed connection between Mr Hunter the late Asst Engineer & himself relative to certain works on the Umayappuram

Groyne

groyne, Seepalaputoor, Kaulwoopootoor Roads & Kottapollien Tanks which were supposed to be imperfectly constructed -

4- Your petitioner laid his case first before the Provisional Government under the presidency of Sir W. Robinson in 1880, again on 2d Jany 1881 he addressed the late Rt. Hble Patrick Adams Govt & to the provisional Govt under your immediate predecessor submitting therewith Original documents & Petitioner regrets to state that none of these elicited even an acknowledgment nor were the Enclosures even returned to him - He now hopes that your Excellency so well known for your impartial treatment of even the lowest of Govt servants, and love of fair dealing will give his case your kind consideration & do him justice, and with this view he begs to lay before your Excellency's Govt a full & satisfactory statement of his case which petitioner humbly recommends for your Excellency's consideration -

5- In compliance with the instructions enumerated in Major Vibart's letter of suspension Petitioner awaited at the Superintending Engineers Office till 28' March/79 - Until this time he had not the slightest idea of the nature of the offence which necessitated his suspension & your petitioner's application for particulars of his case was refused nor was he allowed the liberty of explaining himself -

6.

6 In a previous petition dated 30 June 1879, to your Excellency's predecessor copy enclosed petitioner fully stated the charges that were laid against him and his refutation of the same & the fact that so convincing an explanation did not meet with that consideration which it deserved, ~~but~~ must be attributed to no other cause than petitioners own misfortune - Such a disposal of his explanation was, he apprehends a confidence on the part of Government that Mr Norfar's work was unimpeachable on the score of correctness or prejudice -

7. That Mr Norfar had assumed charge with a prejudice against Mr Stanton & his subordinates has been fully shewn in the petition above referred to by measurements that he has been making unwarrantable and incorrect as they have been proved to be, obstinately omitting to measure works actually done and to consider circumstances that had intervened during its execution which should necessarily be taken always into consideration

8. That human nature is liable to error is a fact undeniable. As is Mr Norfar Petitioner solicits the attention of Govt to one instance in the Trichinopoly District similar to Petitioner, relative to an Overseer in the Kulitalai whose work on the Wyacondan Bank was very severely called in question by Mr Norfar. On the re-examination & remeasurement.

by Sub Engr. Syed Yusuf Saib & the Divisional Officer Major Smalley were found to be correct, the matter was then reported in the usual course of business to the Supdg Engineer & the Overseers work proved correct. This is a very fair instance to convince Your Excellency how far you might rely on the reports, conclusions and inferences of Mr Norfar, who has already shown himself hasty in temper, incorrect in Judgment & unwilling to receive an explanation in defence of some supposed mistake – Luckily this poor Overseer was spared the risk of suspension or the pain of dismissal by the prudence & correctness of Major Smalley & Syed Yusuf Saib or else what would have been the result is too evident to mention

9. Your petitioner would very respectfully request Your Excellency to call for the records concerning this case a perusal of which will fully convince Your Lordship how dangerous it would be to rely on the correctness of Mr Norfars conclusions. If Petitioner had been as fortunate as the Overseer referred to and an examination by higher Authorities of the works reported on unfavorably had been resorted to, your petitioner is confident that the false imputation brought against him would be cleared up and his fate better than it now remains

10. Your Excellency would observe that Mr Simmtes the Sub Engr. & the other Overseer to whom Petnr was supposed to accessory had been restored by Government to their respective posts your Petitioner leaves it for your Excellency to consider whether it is fair in all justice & Equity to refuse to take a just & favorable consideration of his petition & reinstate him in his former post, as has been done in the case of the others. If Govt had been satisfied that they were guiltless of the charge preferred against them by Mr Norfar, your petitioner would humbly ask why he should not be equally acquitted –

11. Your Excellency in Council will observe that Petitioner entered the Govt service in his 18th year & closed 48 at the time of his suspension in Jany 1879 For the past 30 years your petitioner continued in the P.W.D and gave uniform satisfaction to various officials under whom he served – Petitioner begs that Your Excellency may be pleased to look into U.C. Service Register that his services may be ascertained.

Petitioner implore Government to consider whether it is just that a faithful servant of 30 years standing should be summarily dismissed on a hasty and prejudiced report of an Acting Assistant Engineer of a few months experience of this District of petitioners work – If it is Petitioner misfortune to fail in his endeavours to be reinstated in the Govt service he very respectfully prays that in consideration of his long and faithful services he be granted a pension as his services deserves -

Petitioner solicits the return of original documents already submitted in October last

And Petitioner as in duty bound
Shall ever pray.

Madras
8th May 1882

A. Kistnasamy Pillay
late Overseer
No 3 Caroopanen Street
Madras

P.W. Genl/3183 /82

Petition from A. Krishnasawmi Pillai

Dated 8th May 1882

TRANSFERRED to the Chief Secretary to Government, Department.

(By Order.)

A. Lowdry Captain, R.E.,
Private Secretary.

GOVERNMENT HOUSE,
Ootacamund
10th May 1882.

12/20-5.

J.C. No. 691 W. 5-2-79.
" " 787 W. 15-2-79.
C.E. " 1687. 6-5-79

P.W.C No. 3183

(1882) DEPARTMENT.

From

THE Private SECRETARY
TO THE RIGHT HON. THE GOVERNOR,

To

The Chief SECRETARY TO GOVERNMENT,
DEPARTMENT.

Dated 11th }
Recd. 13 } May 1882
Recd 17.

ENCLOSURE. 1

No. ________

Subject.

Transfers a petition from A. Kristnasawmy Pillai praying that he may be restored to his post as Overseer Trichinopoly Distt or that a pension may be granted to him.

Ob 20-5

O. 21/5. Re 3/6

No. 1387 W

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 5th June/82.

Read the following:—

Petition from A. Kristnasawmy Pillai late overseer P.W.D. } H.E. 8th May 1882.

Petitioner is referred to endorsement No. 1268 of 16th July 1879 on his petition of the 30th June 1879 which must be regarded as final.

2. The memorials referred to in para 4 of his present appeal do not appear to have been received by Govt.

To the Petitioner.

Despd 6/6.

Cy

1/6/82 30.5.82

No. 1387 W d/5th May /82

S. R. 5/6/82

Ooty 31/5 – Re 2/6 Sy 7/6

Entd. in Receipt Regr.

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7 APR 83

TO

THE RIGHT HONORABLE
THE GOVERNOR IN COUNCIL,
FORT SAINT GEORGE,
MADRAS.

THE HUMBLE APPEAL OF A. KRISHNASAWMY PILLAI, LATE TALUQ OVERSEER, TRICHINOPOLY DISTRICT AND NOW RESIDING IN ADAYAVALANJAN, SRIRANGAM, TRICHINOPOLY.

MAY IT PLEASE YOUR EXCELLENCY,

Your Excellency's Humble Petitioner with due respect and submission begs to lay before your Excellency in Council his grievances, as follows, and prays your Excellency in full Council will be graciously pleased to take the same into mature consideration and protect the Petitioner with due justice.

2. Your Excellency's Petitioner has already presented five † *Appeals* to the Government, but none of them were replied to, but the last one, to which, your Excellency's Petitioner has been favored with an Endorsement* to the effect, "that his Petition has been transferred under your Excellency's order to the Chief Secretary for disposal." This Endorsement has inspired in your Petitioner a hope of good fortune, but as he has not yet been favored with any further orders, he has taken the liberty to intrude on your Excellency's valuable time in Council with this Appeal as his last attempt in this Government to obtain Justice.

† 1. 30th January 1879.
1. 2nd January 1881.
1. 2nd February 1881.
1. 11th October 1881.
1. 8th May 1882
5

+ * Dated 11th May 1882.

3. As your Excellency's Petitioner had stated his grievances in detail in his former Appeals, he humbly begs to reiterate them, now, as briefly as possible, and to add what he had unfortunately omitted in the former ones.

4. Your Excellency's Petitioner was unjustly dismissed from the above situation, in connection with Mr. Hunter, on a Report from Mr. Norfor, the then Sub-Division Officer of Musiri, to Major Vybart *R. E.* the then District Engineer to the purport, that (as far as Petitioner is concerned).

A.—Petitioner's measurements of earth, rough stone, and sand works, on a road from Seeplaputhur to Kattoopoothoor, were much less, than his (Mr. Norfor's) measurements.

B.—That high rates were allowed to contractor for the above works, and

C.—That Bills were furnished by Petitioner for works, 1. Constructing Vaganay in Umayapuram, and 2. Repairing Cottapoliem Tank and that the quantity of work shown in the Bills were in excess of the measurements made by Mr. Norfor.

+

5. Regarding the rate referred to by Mr. Norfor, your Petitioner begs to point out that the estimate for the Road from Seeplaputhur to Kattooppoothoor was framed by one Overseer, Manikam Pillai, long before Petitioner succeeded him in the Taluq charge. It was passed by the then Range and the District Officers and afterwards on scrutinization and sanction by Government, contract was given by the Range Officer under the approval of the District Engineer for the rates provided for in the Estimate and the Petitioner had nothing to do with the rates. Regarding the rates allowed in the Estimates of Umayapuram Vaganai, and Kottapoliem Tank Mr. Norfor himself has admitted in his report, that the rates were ordinary in the respective estimates submitted by Mr. Hunter, as Sub-Division Officer of Musiry, and that they were subsequently raised with red ink corrections by that very Mr. Hunter with some purpose, as that Officer was, since, in charge of the Division.

Under the above facts and reasons your Excellency in Council would not but decide that there is nothing to blame Petitioner with regard to the rates, and Mr. Norfor if he ever meant to impeach Petitioner also, it must be, quite groundless and unjustifiable.

6. Your Excellency in Council will now find that Petitioner should account only for the correctness of the measurements, and his humble explanation thereto is as follows :—

1st. Mr. Norfor in his report regarding the works executed on the Road between Seeplaputhoor and Kattooppoothoor, states that the estimate provided for earth work, to 18,270 cubic yards, that bill was made for 14,786 cubic yards and that his measurements came only to 5,755 cubic yards and in support of this, that Officer has furnished a measurement, a true copy of which your Excellency's Petitioner has already submitted with his first appeal, now also submits herewith.

A reference to the measurement will at once show your Excellency in Council that the Officer (Mr. Norfor) has been entirely wrong, biassed and prejudiced in his report, in as much as he has plainly admitted that the road in question, was almost a new one, passing through Nunja field and he has, notwithstanding, confided in his sections of the made road taken after a lapse of a full year, your Excellency will find, that the estimate for the Road was framed, as long back as the year 1875. The earth work referred to above was completed in 1877, and the Officer took measurement of the Road in November 1878.

Under this circumstance, was it not necessary and binding on him as a professional Officer, to make due provisions, in his measurement of the made Road ?

A. For the Wear and Tear, of the old bandy track between the time, the levels were first taken in 1875, and the earth work was commenced in 1877.

B. For the settlement of the new soil and the Wear and Tear by the traffic, which has passed over the Road between the time the earth work was commenced early in 1877 and the measurement of the made Road was taken in November 1878.

C. The rain-fall of 1877 and 1878 were unusually heavy gauging 34.57 and 36.63 inches in the respective years, against the ordinary fall of only 45 inches and

so of 1875 and previous years. Was it not necessary to make provision for the new earth which the extraordinary rains must have carried away or otherwise damaged ?

D. It is a true fact that the Road passes throughout through the Nunjah, that the soil dug from these fields is nothing but an adhesive clay, which is liable to sink and settle, close together under moisture, and that water in the adjacent fields lip the road through a great portion of the year, now under this circumstance is there no necessity to make provision for the action of the water, and the nature of the soil ?

E. The measurement of Mr. Norfor does not provide for the approaches and Road ways over tunnels &c.

Your Excellency will find that this omission is a sheer failure.

F. In his report Mr. Norfor says, that it would be rediculous to make any provision for the raising of the Road presuming that the Road received no raising at all, and that if it had been raised, it should not have sunk, so much, as his section of the made road shewed him to be, then is it not equally rediculous, that that Officer has not taken into consideration the above facts and that he has been quite unjust to decline to make any provision for the raising of the Road, under such a presumption.

G. Mr. Norfor further states that there was a space of 320 R. yards not yet worked and that Rupees 3,000 would be required to make this into a Road. The length of the whole line, is 3362 R. yards and the estimate amounts to for its formation was only Rupees 7,980, the average rate per yard is Rs. 2-5-11. Whereas Mr. Norfor's calculation comes to a rate of Rs. 9-6-0 per yard; this statement alone, is quite enough to convince your Excellency in Council either that the surface of the old track which required only Rupees 2-5-11 per R. yard to make it into a complete new Road has been since reduced to such a low level, by time and weather as to lay out Rs. 9-6-0 per R. yard and that Mr. Norfor has failed, to avail this very fact to make necessary provision in his measurement of the made Road, or that he has made a prejudiced calculation to make up the unworked gap, and that his other calculations should be equally prejudiced.

2nd. Independently of all the above reasons your Excellency's humble Petitioner begs to refer to your Excellency's own experience and that of the other Honorable Members in Council in the different branches of the administration and appeals to the several professional Engineer Officers whether it is just and equitable to calculate the correctness of an earthwork executed, in a new Road on the mere measurement of the made road after a lapse of 2 years, which had been subjected to extraordinary rains, floods, and other actions of the weather and heavy traffic that have continually passed over it, and whether it is not just and equitable to make provisions for the wear and tear, and to suggest the improbability that when earthwork is said to have been carried out, to the extent of only 5755 cubic yards, would any man on conscience submit a bill for 14,786 cubic yards ?

3rd. Mr. Norfor says that the rough stone collected on the road was only 130 cubic yards against 180 cubic yards, for which bill has been given in favor of the contractor. His own detail measurement shows the quantity of stone to be 185 cubic yards, after all deductions, and his statement in the report should therefore appear in direct contrary to his own measurements, and that it is so far wrong.

4th. In the next place Mr. Norfor condemns sand having been used for gravel. (The latter is provided for in the estimate), and complains high rates allowed for the sand, and adds that while the earthwork was not yet complete the spreading of sand was useless and nothing should be paid for this item. Your Excellency's petitioner was nothing but a subordinate to obey the orders of his superior (the Sub-Division Officer). However, as Mr. Norfor has admitted in his report, Mr. Hunter preferred sand for gravel, on a new road, in as much as it would be cheap and mix well with the clay soil, and Petitioner can swear on his part, that this work was executed in 1877 when owing to the famine, it was very hard to obtain labor, cattle almost dead, people reduced to starvation and value rations raised to an extraordinary high rates, and that the rate allowed in the bill was actually necessary and reasonable at the time of Famine. Any how let Mr. Norfor say any thing for the rate, can he disallow the whole sand collected, and spread on the road, on the futile and groundless excuse, that earthwork was not complete? Mr. Norfor says that he measured up brick heaps collected for the work and found them to be 65,244 while the bill has been made for 75,000 and that 9,756 are less to his measurement of the brick heaps which cannot be so accurate, Petitioner has actually counted them and since the bricks have been used on the work and the quantity counted has been the same as those billed, Petitioner does not think it needful to offer any more explanation on this point.

7. With regard to the bills submitted by Petitioner for the Umayapuram Vaganay and Kottapolliem tank your Excellency's Petitioner begs to state that he has then and there proved that those bills were prepared by Petitioner from the measurement of the Sub-Division Officer Mr. Hunter and proved his statement to be true with measurement book of that officer kept for the work. It was a long custom in the Sub-Division that Overseers should prepare bills for works under their charge whether the works were measured by Overseers themselves or by the Sub-Division Officer and this course was followed by Petitioner in the case of the above two works.

8. Petitioner was suspended under an order of Major Vybart from 24th January 1879 and thereupon Petitioner was attending the Superintending Engineer's Office till the end of March in strict obedience to the order from the Executive Engineer. But during the long period, it is quite a wonder that Petitioner was not allowed any knowledge of the proceedings nor was he ever called upon to furnish any explanation in his defence; if this indulgence which is not denied even to a criminal had been shown to Petitioner he would have explained everything on the spot and there would have been no fatal result to the Petitioner.

9. On the other hand Mr. Norfor attempted to work the same fate to another Overseer Manikam Pillay impeaching him with an offence of fraudulent measurement of earth work on the Uyakondon banks and having less measured all his works made an unfavorable report on him and the Overseer was on the brink of ruins but fortunately for the Overseer his appeal was listened to by Major Smalley and that Officer having re-examined the Overseer's works passed very severe remarks upon the hasty, imperfect and prejudiced measurements of Mr. Norfor and acquitted the Overseer. This has happened within only a short period of two months from the date of report against Petitioner.

10. If the *above* instance only be taken into mature consideration by your Excellency in Council, it will be plain that, that Officer's report against Petitioner should also be equally imperfect, wrong and prejudiced.

11. Your Excellency's Petitioner has served in the Department for *upwards of 28 years* having been raised from the common post of road maistry to that of a Taluq Overseer, 2nd Grade. During this long period he was never subjected to any stigma in his official career while so would he be a fool to behave himself in a wrong way as to ruin himself and to be deprived of the boon of a full pension which he was certain to obtain after very few months' service?

12. The summary of the Petition is—that the charges brought against Petitioner are for the strong reasons above alluded to, groundless and fallacious, that Mr. Norfor's measurement is not at all right and his report entirely wrong both from the facts above referred to and from the way in which his similar report against another Overseer has been discarded by Major Smalley and that Petitioner was forced to attend the Superintending Engineer's Office regularly every day but was not called upon to furnish his explanations and to defend his case; that the report of Major Vybart although was intended to bring Mr. Hunter's proceedings to the notice of the Government yet it has unjustly and unreasonably subjected Petitioner to the ruination.

13. Your Excellency's Humble Petitioner is very sorry that your Excellency's illustrious Government has not taken into consideration your Petitioner's case but on the contrary passed such a severe order on the mere and *exparte* report of the Superintending Engineer as to deprive Petitioner and his large family of the only means of livelihood and as to render him unfit for any public service.

14. Your Excellency's Petitioner humbly craves to impress on your Excellency's benevolent consideration and that of your Excellency's Council that it is not just to deprive Petitioner of the benefits of his long service under such groundless report as detailed *above*.

15. In conclusion therefore your *Excellency's Humble Petitioner* prays your Excellency in Council will condescend to go through his grievances set forth in detail and order either of the reliefs hereunder sought for:—

1st.—To reinstate him in his former service of Taluq Overseer or

To favor him with a pension on consideration of his long service extending over a period of 28 years and protect him and his large family who are now reduced to starvation.

For which act of charity your Excellency's Humble Petitioner shall, as in duty bound, ever pray..

Srirangam
31st March 1883

A. Kistnasawmy Pillay
Late Taluq Overseer D.P.W
Trichinopoly District