

(1) Number of pages

14 (8 sheets)

(2) Date of repair

22/1/87

(3) Initials of the Referencer

lona

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

f w DEPARTMENT

G.O. No.
B.P. No.

2071 w

Press.
Mis.

Dated

30.7.1987

1987

Not to be folded or roughly handled.

30TH JULY 1883, No. 2071 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following G.O., dated 11th July 1883, Mis. No. 1809, Judicial :—

Read—Proceedings of the Public Works Department, dated 6th June 1883,
No. 1592 W.

Read—Memorandum from the Public Works Department, dated 28th June 1883,
No. 1219 C.

Read—the following letter from the Advocate-General, dated 6th July 1883, submitting the following Opinion :—

OPINION.

The notice published at page 65 of the *Madura District Gazette*, dated the 13th February 1880, from the office of the Executive Engineer, had not the effect of vinding the legal rights of claimants and, notwithstanding the notice, a contractor is entitled to enforce the payment of money due to him. The only limit as to the time at which a claim is to be made is that prescribed by the law of limitation, but the fact that a claim is a State one is a circumstance to be considered in determining whether the claim is well-founded when the right of the claimant is disputed.

(Signed) P. O'SULLIVAN,
Advocate-General.

Order—dated 11th July 1883, Mis. No. 1809, Judicial.

The opinion of the Advocate-General will be communicated to the Public Works Department with reference to G.O., No. 1592 W., dated 6th June 1883, Public Works Department.

(True Extract.)

(Signed) E. F. WEBSTER,
Acting Chief Secretary.

To the Public Works Department.

ORDER—dated 30th July 1883, No. 2071 W., Public Works.

Communicated to officers of the Public Works Department for information.

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the Superintending Engineers, First to Fifth Circles,
with copies of G.Os., No. 3435-A W., dated 27th December 1883,
and No. 1592 W., dated 6th June 1883.

- „ Superintending Engineer, Sixth Circle.
- „ Chief Engineer for Irrigation.
- „ Consulting Architect to Government.
- „ General Superintendent, Public Works Stores.
- „ Examiner, Public Works Accounts.

Exd. J. Henricus.

Spars Copies

GENERAL
ESTABLISHMENT

Govt. of (1883) Madras.

PUBLIC WORKS.

Dated July, 1883.

Recd.

Encl.

G.O., 30th July 1883, No. 2071 W.

JULY.

Suit

The Advocate-General's opinion on a legal question raised by the Executive Engineer, Madara Division, in connection with a suit instituted against him by a contractor and decreed against him, communicated to the officers of the Public Works Department.

2071
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following

Proceedings of the Public Works Department
particulars of the Public Works Department
No. 15929
Memorandum from the Public Works Department
dated 28th June 1883
from the Advocate-General dated 6th
July 1883

Opinion

The notice, published at page 68 of the Madara District Gazette, dated the 13th February 1880, from the office of the Executive Engineer's office, had not the effect of binding the legal rights of claimants and, notwithstanding the notice, a Contractor is entitled to enforce the payment of money due to him. The only limit as to the time at which a claim is to be made is that prescribed

by the law of limitation but the fact
that a claim is a stale one is a cir-
cumstance to be considered in deter-
mining whether the claim is well-
founded when the right of the claimant
is disputed.

(Signed) J. C. Sullivan
Attorney General

Order thereon 11th July 1883 at Washington.

The opinion of the
Attorney General will be commu-
nicated to the Public Works De-
partment with reference to G. O.
No 1592 W. dated 6th June 1883 P.
M. G.

(None Retained)

A. S. Russell.

Under-Secretary of State
for Chief Secretary

1st The Department Public Works.

S.O.

2071
43

1883.

P. W. Department.

Current No. 5337.

From The Judicial Dept

No. 1186

Dated 21-6-83

Received 25-6-83

Subject.

Requesting to furnish
a copy of the Criminal Code
referred to by the Madras
Division with reference
to G. O. No 1592 W. dated 6th June 1883.

Disposal.

No. 12170 Dated 27 June 83

The Madras Post
Gazette of the 11th February
1880, in which the notice
appeared (page 65) is
reproduced hereunder.
Also a copy of G. O. No
3435 W. of 27th Dec 1882
which should have accom-
panied G. O. No 1592 W. of
6th June 1883 (P. O.)
is enclosed herewith.

2071
27TH DECEMBER 1882, No. $\frac{3435}{A}$ W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 196-A.

READ—the following letter from J. C. JOHNSTON, Esq., Executive Engineer, Madura Division, to the Superintending Engineer, Sixth Circle, dated Madura, 21st December 1882, No. 2259 :—

I have the honor to report that a suit has been instituted against me in Sub-Court of Madura (East) by a contractor, Moothoosamy Naiek, for the recovery of Rs. 39-3-6 said by him to be due for work executed by him in repairing the Telegraph Office at Pambay in January 1880.

2. I am summoned to appear on the 11th day of January 1883, and request you will kindly obtain the sanction of Government to the employment of a Vakil in my defence.

3. My defence will be as follows :—

* Due to withdrawal of Public Works Department from this district.

One copy of Executive Engineer's memorandum, No. 195 of 29th April 1882, to the contractor.

One copy of Superintending Engineer's memorandum, No. 142 of 11th June 1882, to the Executive Engineer.

One copy of Executive Engineer's No. 1429 of 16th September 1882 to contractor.

One Translation of Plaint.

(a) Plaintiff failed to apply within the time specified by Mr. Grimes, viz., 15th March 1880 (*vide* notice * published in District Gazette, dated 21st February 1880), for the settlement of his claims.

(b) That in the list of liabilities maintained in this office up to July 1880 no mention whatever is made as to there being any sum due to plaintiff.

4. Copies of correspondence as per margin are enclosed.

No. 531 M. D.

Endorsement on the above.

Copy forwarded to the Chief Engineer, Public Works Department, for information, and with a request that the orders of Government may be obtained for defending the suit at the public expense.

2. As the day fixed is 11th January 1883, early orders are solicited.

TRICHINOPOLY,
23rd December 1882.

(Signed) H. R. MEAD, Lieut.-Col., R.E.,
Superintending Engineer, Sixth Circle.

27TH DECEMBER 1882, No. $\frac{3435}{A}$ W., PUBLIC WORKS.

No. 196-B.

ORDER—dated 27th December 1882, No. $\frac{3435}{A}$ W., Public Works.

The suit may be defended at the public expense in the first instance.

2. This sanction has been communicated by telegraph.

(True Extract.)

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

To the Superintending Engineer, Sixth Circle.
Bundooch, Public Works Accounts.

Edw. C. Howarth.
Spare Copies

2071
5

GENERAL.
ESTABLISHMENT.

Govt. of (1882) Madras.
PUBLIC WORKS.

Dated December, 27th.

Recd.

G.O., 27th Dec. 1882, No. ³⁴³⁵_A W.

DECEMBER.
Nos. 196-A-196-B.

Suit.

The defence of a — instituted by a contractor against the Executive Engineer, Madura Division, sanctioned.

2071
6

3435 W 27.12.82
 1592 W 1.6.83
 1290 W 1.83.

Genl
 Dept

As 2011 W 30th July 83

A

Communicated
 to officers of the P.W.
 Dept for information

C
 21/7

[6]

Govt. of (188) Madras.

J. V. Chubb

To

Re P.W. Dept

As 2011 W 30th July 83

Proceedings, dated 11 July 1883
 No. 1809
 Subject.

To The Supergrs, 1st to 5th
 Circles with copies
 of Govt 3435 W 27-12-82
 1592 W 16th June 83.
 "Lt. Smith Circle
 "Chief Eng. for Irrig.
 "Comd. Archt. to Govt
 "Genl. Supt. P.W.
 "Genl. Supt. P.W. Dept

Comg opinion of the
 Adv. Genl. on the point
 whether to require calling
 upon Contractors to sub-
 -stantiate their claims
 against a Dept by a
 Certificate to do legally
 limit the bringing forward
 of claims by the Contractor
 at dates long after
 those fixed in those
 regulations
 With or des

2011
 7

6711
Govt. of Madras

PUBLIC WORKS.

30th July 1883 No. 2071

What

The Advocate General's
opinion on a legal
question raised by
the Executive Engineer
Madurai Division in
connection with a
proposed institution
against him by a
Contractor & decreed
against him

Communicated to the
Officers of the P. W. Dept.

Encl. in Draft Register