

No ..

31-8-91

in the late Mount
Range office

W. 11-83.
CJ.
5/11

No 3267 Wd November 16th 83

To,
The Petitioner ✓
" Examiner W. A. C. ✓

etc

R. S.
Ex. As. 16/11

Ex. As. 16/11
Ex. As. 16/11

No 3267 W
Public Works Department.

Proceedings of the Madras Government
Under date the November 16th 1883.

Read the following:—

Petition from M. J. Ragava Mudali,
late Dy Accountant, Mamet Range, } H & A / Oct 12th / 83
Chingleput District

Under the circumstances
represented by the Petitioner,
His Excellency the Governor
in Council is pleased to
declare him eligible for
re-employment in the
Government service. He
will be considered to
have resigned his appointment

on which the District Engr.
then acted seem however to
have been all considered,
as the reversal of the judg-
-ment of the Lower Court
in favor of the Petitioner
was based on technical
grounds only. The man
cleared his character in the
court of first instance, - and
this is all that he was
required to do

under these circum-
-stances, his request that
he may be considered to
have resigned the service
seems reasonable, and is
recommended for sanction.

M. M. M. M.
Col. M. M.

Secy to Govt. W. D.

ostacamund }
30th October / 83 }

P.S. 16/11.
E. A. C. 30/10. L. 1/11

The Hon. J. J. Sullivan

FOR ORDERS

P W DEPARTMENT

Read the following —

Petition from Mr. J. Nagava Moodelly, late Dy. ac-
-countant, Mount Range M.D. Chingleput Dist. of
12th October/83

FOR ORDERS

The Petitioner cleared
himself of the suspicion
attached to him by an ac-
-tion in the Cantonment
Magistrate's Court at
Ponnamallee, the result of
which is reported in the
Suptg. Engineer's letter of the
1st April/78, printed with G.O.
2434 W of 10th June/78. The
Petitioner's dismissal by Col.
Moberly was accordingly can-
-celled.

2 In G.O. 3011 W of 27th
July/1878, the action of the
District Engineer prohibiting
the man's re-entertainment
was confirmed. The grounds

Law 12/10/83
C-No. 9163

The grounds on which
the Chief Engineer's
Order of 12 Feb. 1879,
No 627 was passed
are not recorded.
The case as put by
the S.E. would seem
to entitle the Petitioner
to acquittal.

What the Section
now asks is that
he may be considered
to have resigned the
Service, and this
seems reasonable
under the circumstances.
He has cleared his
Character in the
Law Courts as required
by his Superior officer,
and there is thus
apparently no reason
for enforcing G.O.
3011 W of 27th July 78 which
was evidently passed

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

Petition from M. T. Ragava Moodelly, late Dy Accountant
Mount Range P. W. D.

The Government decline
to reopen petitioner's case

Cy.
26/10

by

To The Petitioner

The last order in petitioner's
case was in July 79 when
he dismissed - Temporary { cancelled
for a short period - was empowered
by the then Dy PWD
in October 1883. I do not
see how we can reopen the
case.

Cy.
25/10

16/11
are 30/10

1 14/10/83 12/10/83

9163

Petition from M. T. Ragava
Moodelly, late Dy Accountant
Mount Range P. W. D.

Dy.

The following is a
brief abstract of petitioner's
case.

In 1875, after a service
of nearly nine years, the
petitioner was charged with
holding partnership with
a contractor employed in
the range. His charges were
made by the contractor
himself in a petition ad-
dressed to the Accountant
General Superior & the Supply
Engineer insisted on Ragava
Moodelly clearing himself by
prosecuting the contractor
for defamation.

Some delay took
place in instituting the
prosecution, owing, as alleged
by petitioner, to ill health
& want of means on his part,
& the Supply Engineer therefore
ordered his dismissal
from 31st June 1886.

Subsequently, the Accountant presented the Contractor before the Cantonment Magistrate of Ponnammallee, who convicted the defendant of defamation & sentenced him to pay a fine of Rs 500, or in default, one year's simple imprisonment.

On this, the Govt. in their order by 2434 W of 10th June 1878, reversed the dismissal of Rajava Moodi & ordered him to resume his duties.

Before the man resumed, however, the sentence of the Cantonment Magistrate was reversed, on appeal, by the Sessions Court, & Rajava Moodi's reinstatement in the Govt Service was cancelled by S.O. 3011 W of 27th July 1878.

In February 1879, Major Clarke, then Dy. Supply Engr^g of the Circle, pointed out that the Sessions Court did not question the correctness of the Cantonment Magistrate's judgment, but merely reversed his finding on a point of

law. The elaborate inquiry made by the Cantonment Magistrate, which proved that the alleged partnership between plaintiff & defendant did not exist, was not entered into by the Sessions Court. The question turned on one of privilege, & the Sessions Court held that as the Contractor was instituting a Civil suit against the Accountant at the time he wrote his petition to the Supply Engr^g, his allegations could not be considered as defamatory. There was apparently therefore a misconception as to powers on the part of the Cantonment Magistrate & on this ground his finding was reversed by the Sessions Court. Major Clarke therefore strongly recommended that the Accountant's dismissal from the service be cancelled, & pointed out that he had been reduced to a dire state of debt & distress by the legal proceedings.

which had been forced
upon him by his official
duties.

Col. Ford, then Chief
Engineer, declined however
to reconsider the petitioner's
case.

The man now prays
that his dismissal may
be regarded as resignation,
so that he may be re-
entertained in the public
service when opportunity
offers.

For orders

Cu
25/10/83

Enclosure 1

Des 22/1/83

No 3267 was for 16/1/83

A No 3011/11/7 78
Ch No 627-12-2-79

Circ 30/10

OLB 22/10

M 1/11

acty 26/10

M 19/10/83 12/10/83

TO

THE RIGHT HONORABLE
MOUNTSTUART ELPHINSTONE GRANT DUFF,
THE GOVERNOR IN COUNCIL,
FORT SAINT GEORGE,
Madras.

THE HUMBLE PETITION OF M T RAGAVA MOO-
DELLY, LATELY THE DEPUTY ACCOUNTANT IN
THE MOUNT RANGE OF THE P W D, CHINGLE-
PUT DISTRICT, PRAYING FOR A REVERSION OF
G O No 3011, W OF 27TH JULY 1878,
WHICH PRECLUDES HIM FROM OBTAINING ANY
EMPLOYMENT IN THE GOVERNMENT SERVICE

MOST HUMBLY SHEWETH THAT,

Your Excellency's humble Petitioner, lately the Deputy Accountant of the
Mount Range in the Department of P W in the Chingleput
District, appeals against the *order of Col F J Moberly R E,
Superintending Engineer, Chingleput District, dismissing
Your Petitioner from the service of Government

2 Your Petitioner entered the service of the Public Works Department in
1865 as a Goomastah and served under Messrs C W Mait-
land, S Ottmann, and W Fraser C E, Captain (now Colo-
nel) J O Hasted R E, Mr. W S Harrington, and Captain
A C Smith R E, who have severally granted *certificates of character and quali-
fications to Your Petitioner which prove that he has conducted himself to their
entire satisfaction in every way and thus rose to the Grade of Accountant

3 Your humble Petitioner was alarmingly taken ill having been subject to
rheumatism &c, all on a sudden, on the 6th September 1875
On the very day Your Petitioner informed his Executive
Engineer of his sad condition by means of a letter to which
an immediate reply was received But Your Petitioner having been insensible on
account of his illness, was unable to send in his * application for leave till the 18th,
and on the 24th, the Superintending Engineer † granted him leave on private affairs
for 40 days with effect from the 19th and at the same time he despatched a ‡ letter
to the Executive Engineer asking him to insist on Your Petitioner's prosecuting
one Soondra Chetty,—although Your Petitioner was quite unable to do so,—and to
dismiss him from the service if he could not do so immediately

4 In spite of his sufferings from illness and of his straitened circumstances,
Your Petitioner got a case filed against the said Sundra Chetty for Defamation of
Character before the Magistrate of Saidapett at the latter part of November 1875, the

17/10/83

Ch 1
9/10/83

TO

THE RIGHT HONORABLE
MOUNTSTUART ELPHINSTONE GRANT DUFF,
THE GOVERNOR IN COUNCIL,
FORT SAINT GEORGE,
Madras.

THE HUMBLE PETITION OF M T RAGAVA MOO-
DELLY, LATELY THE DEPUTY ACCOUNTANT IN
THE MOUNT RANGE OF THE P W D, CHINGLE-
PUT DISTRICT, PRAYING FOR A REVERSION OF
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4 In spite of his sufferings from illness and of his straitened circumstances,
Your Petitioner got a case filed against the said Sundra Chetty for Defamation of
Character before the Magistrate of Saidapett at the latter part of November 1875, the

3

30 In the opinion of the Court the Defendant, Soondra Chetty has committed the offence
with which he is charged

(Signed) F W HAMILTON,
Cantonment Magistrate, 1st Class

26th February 1878,
Poonamallee

I

No 13.

In the Court of Session of the Chingleput Division, Monday the eighth day of July one
thousand eight hundred and seventy-eight.

PRESENT

J HOPE ESQUIRE

Criminal Appeal Petition No 3 of 1878

Soondra Chetty Appellant (Prisoner)

Appeal against the sentence of the Cantonment Magistrate (1st Class) of Poonamallee in
Criminal Case No 17 of the Calendar for 1877

This appeal coming on for hearing Upon perusing the petition of appeal and the Calendar
and sentence of the Cantonment Magistrate as well as the record of
the case in the above Calendar and in Calendar No 14 of 1875 con-
nected therewith and upon hearing the arguments of P T Streem-
vassiengar and M Coopusawmy Naidoo, Vakils for the Appellant,
and no one appearing in support of the conviction though the District Magistrate was duly
served with a notice* the Court passed the following

JUDGMENT

The Appellant, Soondra Chetty has been convicted of defaming one Raghava Mudali, a
Deputy Accountant in the Mount Range Office by writing a letter (exhibit A) to the Executive
Engineer containing an allegation that he Raghava Mudali was associated with himself and one
Parthasaradi Mudali (deceased) in a Contract for road work It was charged against the Appel-
lant that this was a "false accusation" made "with intent to defame" Raghava Mudali The
harm to Raghava Mudali's reputation involved in the charge would appear to be "the lowering of
his character in respect of his calling" in the estimation of his official superiors as it is contrary
to departmental rules for subordinates in Raghava Mudali's position to enter into such contracts
As the Appellant could only plead *bona fide* on the ground that the allegation was true the whole
question of his guilt or innocence was made to turn upon this point, and the Magistrate accord-
ingly proceeded to consider whether Soondra Chetty (Appellant) had made out the accusation to
be true or not He found that the Appellant had not substantiated the allegation and therefore
convicted him

2 I do not consider it necessary to follow the Magistrate through his several grounds for
arriving at this decision, as I do not think that under the circumstances of the case he was right
in entering into such an enquiry at all The facts are as follows —

3 Parthasaradi Mudali the person in whose name the Contract stood died on the 5th June
1875 The Appellant at once proceeded to take legal action against the widow of the deceased
and against the Head and Deputy Accountants of the Range Office as his partners in the Con-
tract to recover sums that he had advanced to them On the 22nd of the same month he wrote
his first letter to the Executive Engineer asking him not to pay the deceased's relatives any of
the Contract money In this letter he speaks of the partners in the contract though he abstains
from mentioning their names Being unsuccessful in obtaining what he claimed by other means,
the Appellant on the 7th August 1875 formally filed a suit in the Poonamallee District Munsiff's
Court against the deceased's widow as the 1st defendant and the Head and Deputy Accountants

as 2nd and 3rd Defendants respectively. His plaint of that date of course contains the allegation as to Raghava Mudali's interest in the Contract. It was, on the 18th August 1875, that he addressed the letter A to the Executive Engineer which forms the foundation of the present case.

4 Thus at the very time this letter was written the so-called defamatory matter which it contained had already been given forth in a public Court as a matter to be adjudicated on by that Court.

5 The repetition of that matter to the Executive Engineer in Exhibit A is very naturally explained by the Appellant. In his former letter to the Executive Engineer he had not mentioned the names of the partners to the Contract because (as he says in the letter A itself) the Head and Deputy Accountants were public servants and they had promised at that time to make a settlement with him within a fortnight, a promise which they had not kept though 2 months had since elapsed, and he thought it now necessary to mention their names to the Executive Engineer being naturally afraid lest they would use their influence in the office to get the money paid to the deceased Parthasarathy's heirs. It is impossible therefore to regard the allegation in A as in any sense gratuitous and malicious, and considering that it was merely a repetition of what had been given forth in a much more public form elsewhere, I do not think that any charge of defamation can properly be founded on it.

6 The Appellant had brought his civil suit against 2 men who happened to hold posts as accountants in a public office. It was a matter of indifference to him whether they were public servants or not, however serious the consequences might be to them (as public servants) of his proving his claim. The question of the respective rights of the parties, was one for the Civil

* Not pending Vide para 29 of
Cantonment Magistrate's Judgment
above marked H

M T R

Courts to determine and the very fact that the Appellant had instituted a Civil Suit to establish his claim against these 2 individuals should have been accepted in the Magistrate's Court (as long as the suit was pending *) as *prima facie* proof that the allegation in

the letter A was made in good faith and entitled the Appellant to the benefit of the 9th exception to Section 499 I P C. For the Magistrate to do otherwise was not only to invade the province of the Civil Courts but to convert their own Courts for the occasion into a mere convenience for enabling the Superintending and the Executive Engineers to make up their minds on the knotty question as to whether these Accountants should be dismissed the service or not for it is to be observed that it does not seem to have occurred to either of the Accountants themselves that they had any ground for Criminal action against the Appellant. For more than 3 months after A was written neither of them took any action in the matter and it was not till they were forced into the Criminal Courts by the Executive Engineer making the retention of their appointments conditional on their prosecuting the Appellant to conviction that at length on the same day (viz the 22nd November 1875) they each brought their charges of defamation against him in different Courts.

7 After being adjourned from day to day for about 2 months, Raghava Moodelly's case was at length on 18th January 1876 dismissed by the Deputy Magistrate at Sydapet for default of prosecution. No steps were then taken by Raghava Moodelly till 8th September 1877 when he brought his present complaint before the Cantonment Magistrate. It is not explained why the Complainant was not referred back to the Court by which his case had been previously dismissed but in any case I do not think that sufficient reason has been shown by the Cantonment Magistrate for re-admitting the complaint.

8 I reverse the finding of the lower Court and direct that the fine of Rupees 500 be refunded to the Appellant.

(Signed) J. HOPE,

Sessions Judge.

J

IN THE DISTRICT COURT OF CHINGLEPUT

Appeal Suit No 195 of 1876

PRESENT — J HOPE, Esq., *Acting District Judge*

JUDGMENT

Appeal from the Decree of the District Munsiff of Poonamallee in Original Suit No 417 of 1875

2 This was a Suit to recover from the Defendants the sum of Rupees 1,300

3 The Plaintiff stated that he entered into an oral agreement in March 1874 with the 1st Defendant's husband Parthasarathy Moodelly and the 2nd and 3rd Defendants (Head and Deputy Accountants in the Department Public Works Office at St Thomas Mount) to advance to them Rs 1,000 for certain Road works (the Contract for which these Defendants had undertaken) on condition that he should be repaid his Capital together with $\frac{1}{8}$ of the profits after the completion of the work by the 30th March 1875, and that under this agreement the 1st Defendant received money both from the Plaintiff and the 2nd Defendant and that the plant amount Rupees 1,300 represents the unpaid portion of the Capital and Plaintiff's share of the profits after deducting the common expenditure

4 The 1st Defendant stated that she was not aware of her husband's having undertaken the Contract in question, that she did not inherit her husband's property and that she had no objection to the Plaintiff's recovering the alleged debt due by her late husband from any property he may have left

5 The 2nd and 3rd Defendants denied that any such arrangement as that alleged by the Plaintiff had taken place, or that the deceased Parthasarathy Moodelly had received any money from the 2nd Defendant or that they were in any way liable for the plant amount

6 The District Munsiff found that the Suit is in reality for the winding up of a partnership after its termination, and that it therefore not subject to his jurisdiction according to the explanation in Section 265 of the Indian Contract Act

7 The Plaintiff appeals, contending that the Suit comes under Section 240 of the Contract Act. To support this plea the Appellant must show that he is a mere lender of money to a firm to which in reality he does not belong. But a perusal of the documents filed in the case shows clearly that the Plaintiff repeatedly admitted himself to be a partner with the Defendants and not a mere lender. I think therefore that the Munsiff's decision is correct, and I dismiss this Appeal with costs.

Pronounced this 7th December 1877

(Signed) J HOPE,
Acting District Judge

(A True Copy of the Judgment)

(Signed) BALASOONDARA MOODELLIAR,

Head Writer

(Signed) A PARTHASARATHY IYENGAR,

Sheristadar

K

To

Captain A C SMITH, R E, *Executive Engineer*,
No 2, or Mount Range, St Thomas Mount

HONORED SIR,

In addition to my Registered letter to you dated 22nd June 1875 about not paying up any money to the relatives of the deceased Parthasarathy Moodelly who has contracted the road carts supplying in the month of March 1875 under your orders

2 Mooneappah Moodelly and Ragava Moodelly, the Head and Deputy Accountants were also associated in the said Contracts with us

3 All of my partners received my Lawyer's Notice dated 11th June 1875, for the disappointing of settling the accounts and profits, as the above mentioned Parthasarathy Moodelly has departed from the world before distributing the accounts and profits

4 The cause of my not stating the names of Mooneappa Moodelly and Ragava Moodelly in my address to you as they are public servants and requested me that they will settle the above circumstances in a fortnight, and it is now past more than 2 months and there seems to be no any symptom of my entreaties

5 All the sums that were advanced to the carter and deposited in your office are of my own money and turned a great deal of losses

6 I have complained them in the Civil Court on the 7th August 1875, and I have sufficient documents to be proved to the higher authorities connected in the above Contract for the investigation of the case

I therefore humbly suggest your honor will be so good enough as to retain any sums that due by your honor to the said Contract till further movement occurs

For the act of kindness, I shall ever devote my fervent prayers to the mercy of Providence for your honor's long life and prosperity

I beg leave to remain &c,
(Signed) SOONDARA CHETTY,
Cloth Merchant, Poonamallee

POONAMALIE, }
18th August 1875 }

K—I

Memo No 1322
21-8-75

(REPLY)

19th August 1875,
RED HILLS

With reference to his Urzee dated 18th August 1875, Soondara Chetty is informed, that if he has anything to urge regarding his claims to payment on account of late Parthasarathy's Cart Contract he must appear in person at the Range Office, St Thomas Mount at or before 12 noon on Monday 30th instant. As the Contract was between the Government on the one side and Parthasarathy on the other the undersigned recognises no third party, but as Parthasarathy is dead, to his executors and to them only will all sums that may be due be paid. The undersigned has nothing to do with claims against the estate of deceased. If the Government is debtor to the deceased, the debt will be paid to deceased's representatives only. Unless therefore Soondara Chetty has some document proving him to be one of the representatives of deceased, it will be useless his troubling himself to attend. As to the office members being mixed up in the question, that is another matter, and will meet with the attention it deserves, it in no shape or way influences the payment

(Signed) A C SMITH, CAPTAIN, R E,
Executive Engineer

No 1327

The accompanying urzee and reply annexed are forwarded to the Superintending Engineer, Chingleput, for such notice as he may see fit to take

(Signed) A C SMITH, Captain R E,
Executive Engineer

21st August 1875

K—II

DATED 25th August 1875

No 2122

To

THE EXECUTIVE ENGINEER, Mount Range

SIR,

I have the honor to observe that the charges made in the petition sent in your wrapper No 1327 are in my opinion very serious. I trust you will take measures to compel the writer to prove his assertions or to be tried for defamation

I have &c,
(Signed) F J MOBERLY, Colonel R E,
Superintending Engineer

(True Copies)

M T RAGHAVA MOODELLIAR,
Late, Deputy Accountant, Mount Range Office

30 In the opinion of the Court the Defendant, Soondra Chetty has committed the offence with which he is charged

26th February 1878,
Poonamallee }

(Signed) F W HAMILTON,
Cantonment Magistrate, 1st Class

I

No 13.

In the Court of Session of the Chingleput Division, Monday the eighth day of July one thousand eight hundred and seventy-eight.

PRESENT

J HOPE ESQUIRE

Criminal Appeal Petition No 3 of 1878

Soondra Chetty . Appellant (Prisoner)

Appeal against the sentence of the Cantonment Magistrate (1st Class) of Poonamallee in Criminal Case No 17 of the Calendar for 1877

This appeal coming on for hearing Upon perusing the petition of appeal and the Calendar and sentence of the Cantonment Magistrate as well as the record of the case in the above Calendar and in Calendar No 14 of 1875 connected therewith and upon hearing the arguments of P T Streenivassengar and M Coopusawmy Naidoo, Vakils for the Appellant, and no one appearing in support of the conviction though the District Magistrate was duly served with a notice* the Court passed the following

* This notice does not appear to have been received by the Cantonment Magistrate

M T R

JUDGMENT

The Appellant, Soondra Chetty has been convicted of defaming one Raghava Mudali, a Deputy Accountant in the Mount Range Office by writing a letter (exhibit A) to the Executive Engineer containing an allegation that he Raghava Mudali was associated with himself and one Parthasaradi Mudali (deceased) in a Contract for road work It was charged against the Appellant that this was a "false accusation" made "with intent to defame" Raghava Mudali The harm to Raghava Mudali's reputation involved in the charge would appear to be "the lowering of his character in respect of his calling" in the estimation of his official superiors as it is contrary to departmental rules for subordinates in Raghava Mudali's position to enter into such contracts As the Appellant could only plead *bona fide* on the ground that the allegation was true the whole question of his guilt or innocence was made to turn upon this point, and the Magistrate accordingly proceeded to consider whether Soondra Chetty (Appellant) had made out the accusation to be true or not He found that the Appellant had not substantiated the allegation and therefore convicted him

2 I do not consider it necessary to follow the Magistrate through his several grounds for arriving at this decision, as I do not think that under the circumstances of the case he was right in entering into such an enquiry at all The facts are as follows —

3 Parthasaradi Mudali the person in whose name the Contract stood died on the 5th June 1875 The Appellant at once proceeded to take legal action against the widow of the deceased and against the Head and Deputy Accountants of the Range Office as his partners in the Contract to recover sums that he had advanced to them On the 22nd of the same month he wrote his first letter to the Executive Engineer asking him not to pay the deceased's relatives any of the Contract money In this letter he speaks of the partners in the contract though he abstains from mentioning their names Being unsuccessful in obtaining what he claimed by other means, the Appellant on the 7th August 1875 formally filed a suit in the Poonamallee District Munsiff's Court against the deceased's widow as the 1st defendant and the Head and Deputy Accountants

rice I now live upon "conjee", yesterday I engaged another doctor who strongly promises me that he will put me in good state of health within a fortnight.

Until after that time, I regret and fear, I will not be able to go any where by any sort of "conveyances" Under these circumstances I respectfully and humbly beg that the date 18th fixed for enquiry may be altered to some other later date I have already addressed Mr Dunhill, my lawyer, on the subject who will, I trust, appear before your honor's Court and apply for the adjournment My state is so alarmingly bad that I am not able to present this in person I beg that your honor will be pleased to excuse me if I am not justified in addressing your honor direct

Saint Thomas Mount,
16th January 1876,
Despatched 17th January 1876 }

I beg to remain &c ,
(Signed) M T RAGAVA MOODELLY

௧௭ - 12

இந்தப்படிவனை சரியான வட்டாமலில் யெழுதப்படாததா விதை வாபசுசெய்யப்பட்டது

1876ஆம் ஜனவரிமீன் 17உ
சைதாபேட்டை }

(Signed) C. VENCATASIAH,
Deputy Collector

No 12

This petition is returned for not having been written on proper stamped paper, dated 17th January 1876, Sydapet

(Signed) C. VENCATASIAH,
Deputy Collector

(True Translation)

M T RAGAVA MOODELLY

F

M R Ry

MADRAS, 19th January 1876

M T RAGAVA MOODELLY, Butt Road, St Thomas Mount

Sydapet Police Court

Yourself *versus* Soondara Chetty

DEAR SIR,

I appeared herein on your behalf yesterday, and was sorry to find you were absent from the Court You should have seen me long, long ago I have never seen a man so dead to his own interests as you have been You should have sent me a Medical Certificate, if you wanted your case to be adjourned The Magistrate told me you wrote to him requesting an adjournment, and such he considered irregular Mr Browne stated you were not so ill as to be unable to attend Court and you were seen about, and after my having a long contention with the Magistrate he dismissed the case for the present on account of your non-appearance, but I obtained leave, however, to bring on the case again I trust you will now see the advisability of your seeing me as early as possible, and we can re-instate the case, and proceed. This should be done soon Don't delay to see me within an early date There is a sum of Rs 5 due for carriage hire before, to which add Rs 2-8-0, carriage fare for the 18th instant, and send me the sum, Rs 7-8-0, by return post For the last occasion, you did not even make arrangements about carriage I am really surprised how indifferent you are in your own concerns, and the case of immense importance to you, and I am desirous you should see me quickly

I am, Dear Sir,
Yours faithfully,
(Signed) F. E DUNHILL

30 In the opinion of the Court the Defendant, Soondra Chetty has committed the offence with which he is charged

26th February 1878,
Poonamallee }

(Signed) F W HAMILTON,
Cantonment Magistrate, 1st Class

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Soondra Chetty Appellant (Prisoner)

Appeal against the sentence of the Cantonment Magistrate (1st Class) of Poonamallee in Criminal Case No 17 of the Calendar for 1877

This appeal coming on for hearing Upon perusing the petition of appeal and the Calendar and sentence of the Cantonment Magistrate as well as the record of the case in the above Calendar and in Calendar No 14 of 1875 connected therewith and upon hearing the arguments of P T Streemvassiangar and M Coopusawmy Naidoo, Vakils for the Appellant, and no one appearing in support of the conviction though the District Magistrate was duly served with a notice* the Court passed the following

* This notice does not appear to have been received by the Cantonment Magistrate

M T R

JUDGMENT

The Appellant, Soondra Chetty has been convicted of defaming one Raghava Mudali, a Deputy Accountant in the Mount Range Office by writing a letter (exhibit A) to the Executive Engineer containing an allegation that he Raghava Mudali was associated with himself and one Parthasaradi Mudali (deceased) in a Contract for road work It was charged against the Appellant that this was a "false accusation" made "with intent to defame" Raghava Mudali The harm to Raghava Mudali's reputation involved in the charge would appear to be "the lowering of his character in respect of his calling" in the estimation of his official superiors as it is contrary to departmental rules for subordinates in Raghava Mudali's position to enter into such contracts As the Appellant could only plead *bona fide* on the ground that the allegation was true the whole question of his guilt or innocence was made to turn upon this point, and the Magistrate accordingly proceeded to consider whether Soondra Chetty (Appellant) had made out the accusation to be true or not He found that the Appellant had not substantiated the allegation and therefore convicted him

2 I do not consider it necessary to follow the Magistrate through his several grounds for arriving at this decision, as I do not think that under the circumstances of the case he was right in entering into such an enquiry at all The facts are as follows —

3 Parthasaradi Mudali the person in whose name the Contract stood died on the 5th June 1875 The Appellant at once proceeded to take legal action against the widow of the deceased and against the Head and Deputy Accountants of the Range Office as his partners in the Contract to recover sums that he had advanced to them On the 22nd of the same month he wrote his first letter to the Executive Engineer asking him not to pay the deceased's relatives any of the Contract money. In this letter he speaks of the partners in the contract though he abstains from mentioning their names Being unsuccessful in obtaining what he claimed by other means, the Appellant on the 7th August 1875 formally filed a suit in the Poonamallee District Munsiff's Court against the deceased's widow as the 1st defendant and the Head and Deputy Accountants

Court of the Cantonment and 1st Class Magistrate Poonamallee

Name of Complainant.

Ragava Moodelly

Late Deputy Accountant

Range Office, Mount

Name of Defendant

P Soondara Chetty.

Poonamallee.

Calendar Case No 17 of 1877.

CHARGE

That you on or about the 18th day of August 1875 defamed M Ragava Moodelly, Deputy Accountant in the Mount Range Office by falsely accusing him in a letter to Captain Smith R E, Executive Engineer, in Exhibit A of being associated in a cart Contract with you and the late Parthasarathy Moodelly with intent to defame him and have thereby committed an offence punishable under section 500 of the Indian Penal Code and within my cognizance.

FINDING AND SENTENCE

The Court finds that you Soondra Chetty are guilty of the offence specified in the charge namely that you defamed M Ragava Moodelly, Deputy Accountant in the Mount Range Office, by falsely accusing him in a letter Exhibit A to Captain Smith R E, Executive Engineer, of being associated in a cart Contract with you and the late Parthasarathy Moodelly with intent to defame him and have thereby committed an offence punishable under section 500 of the Indian Penal Code, and the Court directs that the said Soondara Chetty be fined five hundred rupees in default of payment one year's simple imprisonment.

350 Rupees of the fine, if realized, to be paid to Complainant as compensation

Poonamallee,
26th February 1878 }

(Signed) F W HAMILTON,
Cantonment Magistrate, 1st Class

(True Extract)

(Signed) F W HAMILTON, Major,
Cantonment Magistrate, 1st Class

H

Judgment in Case No 17 of 1877

1 The accused, one Soondram Chetty is charged under Section 500, Indian Penal Code with having defamed the Complainant, one Ragava Moodelly by stating that the said Ragava Moodelly was a partner in a Contract with him, thereby causing the loss of Ragava Moodelly's appointment as Deputy Accountant in the D P W Office at the Mount

2 The Complainant swears that about the 20th August 1875 a petition Exhibit A was received by the Range Officer at the Mount, in which he was accused of being a partner with Defendant in a Contract, that he received orders to take steps to clear his character, that he did take proceedings against Defendant in Court but unfortunately fell sick, was very ill for some time, and has been more or less sick ever since up to his bringing the present case Illness and want of means have been the reasons for the delay in bringing the present suit, he adds he was no partner of Defendant and the statement in the petition to that effect is false, he also states that he was dismissed from his post as Deputy Accountant in consequence of this Exhibit A being sent to Captain Smith

3 Defendant acknowledges that Exhibit A was signed by him.

4 The Complainant was subjected to a lengthy cross-examination by Defendant's Attorney and an enormous amount of information about his mother-in-law's affairs was elicited, the Court

was informed that this information was of great importance but when it was all recorded it did not appear to have any thing to do with the case and in the opinion of the Court a whole day was wasted in recording useless information. The Counsel for the defence either has not the faintest notion of the nature of relevant evidence or he intentionally wasted time in asking these questions

5 Complainant states he knows nothing about the Contract in question and was not present at all when Mooneappa Moodelly had some arrangement with Defendant about 1000 Rupees. Complainant denies that he ever agreed to be jointly responsible for the 1000 Rs. Complainant denies knowing Vencatasa Naicken, Yellappa Chetty and Appacooty

6 He denies that he ever was called by Defendant to settle accounts anywhere

He states that after Parthasarathy Moodelly's death Defendant came to his house and asked him to get him the Contract money and he refused, he thinks it was for this reason Defendant brought up the false statement against him in the petition. After reading all Complainant has said, the Court thinks his evidence has in no way been shaken in cross-examination, but the reverse

8 Second witness for prosecution Armooga Moodelly deposed to having seen Defendant receive 5 Rupees from Complainant. Defendant after a little conversation urged Complainant to get him the Contract money. Complainant refused and then Defendant got angry.

9 In cross-examination he deposes to Defendant promising to give Complainant something on his getting him the Contract money, that Complainant got very angry and that when Defendant went away, he said "I will see". During the cross-examination of this witness Mr. Dunhill more than once stated that his evidence was got up. The Court considers that on the whole this witness' testimony is that of a truthful man and that he answered very satisfactorily several most confusing questions put by Mr. Dunhill and that Mr. Dunhill's remarks about the evidence being got up were as uncalled for as they were improper.

10 3rd Witness for prosecution proves signature to Exhibit A as being that of the defendant, he is not cross-examined

11. The prosecution is closed.

12. Defendant pleads not guilty and cites 6 witnesses

13 1st Witness for defence Ruthna Chetty swears Complainant was partner of Defendant that he was present when there was an allotment of shares at Mooneappa Moodelly's house and that Complainant's share was $\frac{1}{8}$ and that Mooneappa Moodelly and Ragava Moodelly declined, to execute an agreement on the plea of being public servants

14. According to witness there were 3 people in no way connected with partnership present while all this talk was going on. Witness also contradicts himself repeatedly, he was questioned by the Court and in reply said Mooneappa Moodelly first spoke about this money then Ragava Moodelly spoke, then he corrected himself and said both spoke.

15 Second Witness for defence Iyasawmy Pillay says Defendant and Mooneappa Moodelly and no one else were partners with Parthasarathy Moodelly in this Contract, then he heard Defendant tell Ragava Moodelly in the water-shed that he, Complainant was also a partner, that all the people in the water-shed were talking, that the Complainant said nothing, that Complainant was talking to Mooneappa Moodelly, that Complainant said nothing about accounts, that he did not hear Complainant say any thing to any one and that all were disputing together but in cross-examination he says Mooneappa Moodelly spoke about a pro-note and that was all the dispute

16 This witness first says one thing and then another and contradicts himself so frequently that the Court cannot attach much importance, if any, to his testimony

17 Third witness for defence also declares he was present when the shares were settled, he says he heard Complainant decline to make agreement as he was a public servant, and that Complainant agreed to be responsible for 1,000 Rupees jointly with Mooneappa Moodelly

18. This witness has gravely contradicted himself when cross-examined

19 Fourth witness for defence Vencatasa Naick so frequently contradicts himself both in examination in chief and cross-examination, that it is hardly worth while to notice his evidence, he begins by swearing Complainant was a partner, when examined by Court he says it was from what Mooneappa Moodelly said he inferred Complainant was a partner and in the very same breath, he says from Complainant saying nothing I inferred he was not a partner, then he says Defendant and Parthasarathy Moodelly said Ragava Moodelly was a partner and at the same time, he declares that they did not say that Complainant was a partner, but it was Mooneappa Moodelly who said so he winds up by saying he recollects nothing now of what occurred then

20 Fifth witness for defence Soobraya Chetty swears he was present at Ragava Moodelly's house when Complainant paid 465 Rupees to Defendant as Contract money at Parthasarathy Moodelly's request. This witness in cross-examination contradicts himself on more than one occasion and on being pressed on a certain contradiction he actually states that the statement last made by him was true and the former statement was false, this was in reply to a question from Court, when re-examined witness offers an explanation, when asked why he had not offered this explanation witness most falsely swears that he was asked by Court in an angry tone and that he got confused

21 The record will shew that the witness was not confused but in the opinion of the Court was cool and rather impudent

22 The Court has no hesitation in saying that in its opinion this witness has unquestionably perjured himself and his evidence is worthless

23 Sixth witness for defence Appacooty says he saw Complainant at his house and that he saw him pay the 465 Rupees to Defendant. On being cross-examined witness admits he had never seen Complainant before, he had never been to have dealings with any one in that street up to now, and that it was Defendant himself who said it is Ragava Moodelly

24 The 7th witness is the Court Interpreter who is asked a number of questions about Documents.

25. The Defendant in his address apparently contradicts his own witness.

26 Two witnesses are put in by prosecution to rebut certain statements made by defence witness. Both these witnesses swear they were present when the terms of Contract were settled and that Complainant was not present

27 Defendant has nothing to say with reference to these statements taking into consideration the nature of the testimony of the Defence witness. The Court thinks the attendance of these two witnesses might have been dispensed with.

28 Judging from the various contradictions of the several witnesses for the defence and also the contradictions to some of these as made by accused himself in his statement, the Court considers that the defence has quite failed to prove that Complainant was a partner of Defendant or had anything whatever to do with the Contract. There certainly was a considerable delay in bringing up this case, but the Court considers the reasons of this delay as stated by Complainant as satisfactory

29 The documents rejected by the Court are the former Suit of Mooneappa Moodelly *versus* Soondara Chetty and the Civil Appeal Suit of Defendant *versus* Complainant in the District Judge's Court, the Court is quite unable to see in what way either of these records have any thing to do with this case. It appears to the Court very irregular for Counsel to call on it to admit the whole of a record after the Magistrate has after hearing arguments on both sides, rejected as inadmissible certain documents forming part of the above named records, and the argument of the Counsel for defence that a Magistrate is bound to receive the whole of a record after his having rejected parts of the same is quite incomprehensible.

rice I now live upon "conjee", yesterday I engaged another doctor who strongly promises me that he will put me in good state of health within a fortnight

Until after that time, I regret and fear, I will not be able to go any where by any sort of "conveyances" Under these circumstances I respectfully and humbly beg that the date 18th fixed for enquiry may be altered to some other later date I have already addressed Mr Dunhill, my lawyer, on the subject who will, I trust, appear before your honor's Court and apply for the adjournment My state is so alarmingly bad that I am not able to present this in person I beg that your honor will be pleased to excuse me if I am not justified in addressing your honor direct

Saint Thomas Mount,
16th January 1876,
Despatched 17th January 1876 }

I beg to remain &c ,
(Signed) M T RAGAVA MOODELLY

௧௩ - 12

இந்தப்படிவென சரியான வட்டாமலில் யெழுதப்பட்டதா விதை வாபசுசெய்யப்பட்டது

1876ஆம் ஜனவரிமீன் 17உ
சைதாப்பேட்டை }

(Signed) C. VENCATASIAH,
Deputy Collector

No 12

This petition is returned for not having been written on proper stamped paper, dated 17th January 1876, Sydapet

(Signed) C VENCATASIAH,
Deputy Collector

(True Translation)

M T RAGAVA MOODELLY

F

M R Ry

MADRAS, 19th January 1876

M T RAGAVA MOODELLY, Butt Road, St Thomas Mount

Sydapet Police Court

Yourself *versus* Soondara Chetty

DEAR SIR,

I appeared herein on your behalf yesterday, and was sorry to find you were absent from the Court You should have seen me long, long ago I have never seen a man so dead to his own interests as you have been You should have sent me a Medical Certificate, if you wanted your case to be adjourned The Magistrate told me you wrote to him requesting an adjournment, and such he considered irregular Mr Browne stated you were not so ill as to be unable to attend Court and you were seen about, and after my having a long contention with the Magistrate he dismissed the case for the present on account of your non-appearance, but I obtained leave, however, to bring on the case again I trust you will now see the advisability of your seeing me as early as possible, and we can re-instate the case, and proceed. This should be done soon Don't delay to see me within an early date There is a sum of Rs 5 due for carriage hire before, to which add Rs 2-8 0, carriage fare for the 18th instant, and send me the sum, Rs 7-8-0, by return post For the last occasion, you did not even make arrangements about carriage I am really surprised how indifferent you are in your own concerns, and the case of immense importance to you, and I am desirous you should see me quickly

I am, Dear Sir,
Yours faithfully,
(Signed) F. E DUNHILL

APPENDICES.

A

No 4456.

CHINGLEPUT SUPERINTENDING ENGINEER'S OFFICE,
Camp, Seemapoorum, 9th February 1876,
Despatched 10th February 1876

FROM

THE SUPERINTENDING ENGINEER, CHINGLEPUT

To

THE EXECUTIVE ENGINEER, MOUNT RANGE

SIR,

As Ragava Moodelly appears to have been unnecessarily dilatory in clearing his character in the matter of the charge made against him of being a partner with a Contractor employed in the Range, I have the honor to inform you that I must dismiss him from 31st January

2 If he establish his charge of defamation, he can be reinstated but without any claim to pay from 1st instant

I have &c ,

(Signed) F J MOBERLY Colonel, R E,
Superintending Engineer, Chingleput

No 3125

Copy forwarded to Ragava Moodelly for information

MOUNT RANGE OFFICE, }
14th February 1876 }

(Signed) A C SMITH, Captain R E,
Executive Engineer, Chingleput

B

Name of appointment	Nature & whether substantive or acting permanent or temporary	Pay	Date of appointment	Character of Office	Date of termination of appointment	Reason of termination e.g., transfer promotion return of permanent incumbent
Goomastah in No 3, or Poona Range Office	Substantive Petty Establishment	Rs 10 1/2 20	27th Oct 60	This is to certify that M Ragava Moodelly was employed in this Office as Temporary Writer from 27th October 1860 to 23rd August 1868, on which last date he left to take up a permanent post in the E C Canal Office. During the period Ragava Moodelly was employed by me, he conducted his duties very creditably, from his intelligence and aptitude, very soon acquired the system of work and accounts of the Office. His character has been unexceptionable, as far as I have had to do with him. He is steady and there is every thing in him that promises well, in his future official career. (Sd) S OTTMANN, 23rd June 1869 Sub Engineer, 3rd Range	23rd August 1869	Transfer on Promotion
Writer & Accountant in E C Canal Range Office	Substantive Permanent	30	24th Aug 68	Is a good Writer and hard working man, has always given me satisfaction. (Sd) J O HASTED, CAPT R E, 5th September 1870 Executive Engineer	10th March 1869	Amalgamation of 2 Offices (Range and special)
Writer in Do	Do	30			31st May 73	Do of Nos 2 & 4 Ranges Vide G O No 661 of 1st March 1873
Deputy Accountant No 2 or Mount Range Office	Do	30	1st June 73	A very good office servant I have had no fault to find with him. (Sd) W S HARRINGTON, 11th June 1873 Executive Engineer		31st Jan'y 1876

To

Captain A C SMITH R E,
Executive Engineer, Mount Range

RESPECTED SIR,

In obedience to your honor's endorsement No 1491 (on my sick report,—returned on the 15th instant to the address of the Head Accountant) of the 6th idem, and to your Memo No 1570 of 14th, I most respectfully beg to report as follows —

On the 7th September I attended the Hospital at the Mount and asked for a Certificate to be produced to your honor but to my greatest sorrow I was informed that the Certificate will be granted should I only remain in the Hospital as an in-door-patient to which proposal I as well as my elders having been afraid and averse I was not kept in the Hospital and hence the required Certificate was not granted to me

Since then I was placed under the treatment of such Native Doctors as were to be got at Mount up to the 15th whose profession as doctors, being very limited and whose medicine that I had taken having made me worse and multiplied or created different diseases (such as chest-pain, neck pain, giddiness, and some other nervous diseases in addition to the fever, cold &c, already reported on) and as there were no proper persons to attend upon, and to look after me, I was brought to this place on the 16th Here a great many of my relatives and qualified Native doctors are, and I am now placed under the treatment of a Native doctor I am now somewhat better and he (doctor) promises that he will restore me to my former state and put me in perfect state of sound health within about 3 weeks I therefore respectfully and humbly beg that your honor will graciously be pleased to recommend and obtain for me 40 days privilege leave from the date of my absence viz, the 6th instant.

I further beg to report for your honor's information that since I entered the Department in 1865 I have had obtained only 26 days leave—exclusive of casual leave—of which 15 days privilege leave obtained in 1870 and 11 days sick leave in 1872

Respected Sir,—As I am now, owing to my sickness, put to enormous expenses I humbly beg that I may be granted the leave above solicited so that I may not be deprived of my pay

The cause of my not having replied to your honor's memo, I beg to submit, has been owing chiefly to my inability to sit and write and to the necessity of my seeking for others to write for me

Trusting that your honor will kindly support me at this critical time granting me the leave herein applied for

I beg to remain &c,
(Signed) M T RAGAVA MOODELLY,
Deputy Accountant

P S—The Memo (if any) which will be sent to me, I beg, may be addressed as follows —

To

M T RAGAVA MOODELLY,
Care of RAMALINGA MOODELLY,
Clerk, Messrs Bunny & Co, Madras

MADRAS, }
18th September 1875 }

C-I

Application for 40 days leave from Deputy Accountant Ragava Moodelly, Mount Range
Office

No 2571

FROM

THE SUPERINTENDING ENGINEER, CHINGLEPUT

To

THE EXECUTIVE ENGINEER, MOUNT RANGE

Dated 24th }
Received } September 1875, [Your No. 1652 dated 21st September 1875]

Ragava Moodelly forfeits his salary for the number of days he absented himself without giving notice Leave on private affairs may be granted him for 40 days under section 5 of Supplement F of the Civil Leave Code.

(Signed) F J MOBERLY, Colonel R E,
Superintending Engineer,
Chingleput District

No 1799

ENDORSEMENT

Copy forwarded to Ragava Moodelly for information with reference to his letter dated 18th ultimo who forfeits all pay from 6th to 18th September, from 19th he has 40 days leave on pay as per Code above referred to

ST THOMAS MOUNT, }
1st October 1875 }

(Signed) A C SMITH, Captain R E,
Executive Engineer

D

No 2596

CHINGLEPUT SUPERINTENDING ENGINEER'S OFFICE,
Gundry, 24th September 1875
Despatched 25th September 1875

FROM

THE SUPERINTENDING ENGINEER, CHINGLEPUT

To

THE EXECUTIVE ENGINEER, MOUNT RANGE.

SIR,

With reference to your letter No 1649 dated 21st instant, I have the honor to request that you will insist on Deputy Accountant Ragava Moodelly prosecuting Soondra Chetty for defamation of character and that very speedily or I shall be obliged to dismiss him for having dealing with Contractors

I have &c,

(Signed) F J MOBERLY, Colonel R E,
Superintending Engineer, Chingleput.

No 1800

Copy forwarded to Ragava Moodelly for early attention

Mount Range Office, }
1st October 1875 }

(Signed) A. C SMITH Captain R E,
Executive Engineer

E

To

M R Ry C VENCATASIER AVERGAL,
Deputy Magistrate of Chingleput

RESPECTED SIR,

In obedience to your Summons dated Sydapet, 12th January 1876 (which reached me on the 14th instant at 4-30 P M) directing me to attend your honor's Magistrate's Court on the 18th, I respectfully beg to inform your honor that after attending the Sydapet Cutchery with my lawyer on the 3rd December last for applying for an adjournment of the case inasmuch as the original papers connected with the case were then in the Poonamalle Magistrate's Court, I fell sick twice with rheumatic pains and recovered partly and was able to walk a little at the beginning of the current month but since then to my greatest sorrow and surprise again subjected to severe and awful rheumatic pains and thereby totally unable to get up from my bed and to walk about a few yards, added to which is the constant vomiting which has utterly deprived me of

rice I now live upon "conjee", yesterday I engaged another doctor who strongly promises me that he will put me in good state of health within a fortnight.

Until after that time, I regret and fear, I will not be able to go any where by any sort of "conveyances" Under these circumstances I respectfully and humbly beg that the date 18th fixed for enquiry may be altered to some other later date I have already addressed Mr Dunhill, my lawyer, on the subject who will, I trust, appear before your honor's Court and apply for the adjournment My state is so alarmingly bad that I am not able to present this in person I beg that your honor will be pleased to excuse me if I am not justified in addressing your honor direct

Saint Thomas Mount,
16th January 1876,
Despatched 17th January 1876 }

I beg to remain &c,
(Signed) M T RAGAVA MOODELLY

௧௩ - 12

இந்தப்படிவத்தை சரியான வட்டாமலில் யெழுதப்படாததா லிதை வாபசுசெய்யப்பட்டது

1876ஆம் ஜனவரிமீன் 17உ
சைதாப்பேட்டை }

(Signed) C. VENCATASIAH,
Deputy Collector

No 12

This petition is returned for not having been written on proper stamped paper, dated 17th January 1876, Sydapet

(Signed) C VENCATASIAH,
Deputy Collector

(True Translation)

M T RAGAVA MOODELLY

F

MADRAS, 19th January 1876

M R Ry

M T RAGAVA MOODELLY, Butt Road, St Thomas Mount

Sydapet Police Court

Yourselves *versus* Soondara Chetty

DEAR SIR,

I appeared herein on your behalf yesterday, and was sorry to find you were absent from the Court You should have seen me long, long ago I have never seen a man so dead to his own interests as you have been You should have sent me a Medical Certificate, if you wanted your case to be adjourned The Magistrate told me you wrote to him requesting an adjournment, and such he considered irregular Mr Browne stated you were not so ill as to be unable to attend Court and you were seen about, and after my having a long contention with the Magistrate he dismissed the case for the present on account of your non-appearance, but I obtained leave, however, to bring on the case again I trust you will now see the advisability of your seeing me as early as possible, and we can re-instate the case, and proceed This should be done soon Don't delay to see me within an early date There is a sum of Rs 5 due for carriage hire before, to which add Rs 2-8-0, carriage fare for the 18th instant, and send me the sum, Rs 7-8-0, by return post For the last occasion, you did not even make arrangements about carriage I am really surprised how indifferent you are in your own concerns, and the case of immense importance to you, and I am desirous you should see me quickly

I am, Dear Sir,
Yours faithfully,
(Signed) F. E DUNHILL

PN 9

C-E-Inc

42

R. W. Dept.

FOR ORDERS.

No 627 d/12 Feb. 1879

Memorandum

Letter from the S. E. Third Circle
No 657 d/8 Feb. '79.

The Chief Engineer declines
to reconsider the question which
has already been disposed of

(By order)

(Sd) W.F.

By: C.E.

The S. E. Third Circle

The Chief Engineer
declines to reconsider
the question which
has already been
disposed of.

Letter from the Paper Engineer, Hunt Circle,
no by dated 8th Feb/79

FOR ORDERS

Calhoun
Say to put me

From the Sup^t Eng^r C.

No. 657

dated 8th } Feb/79.
Recd }

Olivera Wood^r late
Deputy Account^t Mount L.
— Under the circumstances
stated regarding to permit
— of his being reempl^d
ed in the Depart^t.

I have the honor to be
Sir.

Your most obedient servant

Alfred Major. D.

Ag Sup Engineer. 30 mile.

Magistrate, of the wording of the charge
or suit. so that correctly speaking,
the Deputy Magistrate's dismissal
of the ^{first} suit instituted by the Contractor
to prove the co-partnership of the
late Deputy Accountant and others
exonerates the Petitioner from the
imputed crime - The Petitioner
has undoubtedly been compelled
to borrow a very considerable sum
of money to meet the numerous legal
fees - and being now thrown out
of employ is actually penniless
and in a dire state of misery.

6. He has hitherto borne a very
good character and has served
in the Department some 10 years or
more. and bears the repute of being
an able Assistant.

7. Under these circumstances, I
hope the Government will be pleased
to reverse their former order and
to permit of his being again re-
employed in this Department.

NO 657.

P. Circle

CHINGLIPUT SULLIMILLING ENGINEER'S OFFICE,

SAINT THOMAS' MOUNT, 24th Feb 1879.

From

THE SUPERINTENDING ENGINEER,

CHINGLIPUT P. Circle

To

The Chief Engineer
Public Works Department

Sir,

I have the honor to submit for your consideration, and final decision, a piece of a Petition received from the late Deputy Accountant of the Mount Division. Ragava Madavar, who now pleads a reversion of the Government order No 3011 R of 27th July 1878 which has precluded him from obtaining any employment, in the Government service, during the past 3 years.

2. He states that in 1875 he was wrongfully charged by a Contractor by name Sunda Chetty with having signed an agreement to the effect that he was to receive a certain proportion of some Contract money.

31-8-91

GENERAL
ESTABLISHMENT

Govt. of (1878) Madras.
PUBLIC WORKS.

THE SUPERINTENDING ENGINEER,
CHINGLIPUT,
20, " 30

Dated July 27th

Issued

Recd

Ind

G O, 27th July 1878, No 3,011 W

JULY.

Nos 264 265.

Ragava Madavar, late Deputy Accountant,
Mount Range, Chingleput District — Approving
of the District Engineer's action in
directing that — he not be entertained

on the condition that the said Contract was granted to the said Sundra Chetty by the Executive Engineer through such influence, as the Clerk could bring to bear upon his Superior officer.

3. The two men subsequently fell out, with each other, and the Contractor brought into the Deputy Magistrate's Court at Sydapett, a case against the Clerk, which was thrown out in January 1876, and dismissed by the Magistrate.

4. Colonel Moberly R.E. the Superintending Engineer of the District, dismissed the Deputy Accountant, considering his case a suspicious one, and gave ^{him} to understand, that unless he could clear himself of the charge of being associated with the said Contractor, in some one of the Courts, he should never be re-employed. The Petitioner after some months delay, which he attributes to prolonged sickness and an empty purse, brought a case against the Contractor, for defamation of character, in the Cantonment Magistrate's Court at Ponnammallee, and received a

judgment

Judgment in his favor, on the month of February 1878, in addition to costs, the Magistrate awarded the complainant the sum of Rs 500.

5. In July 1878 the Session Judge of Chingleput District reversed the finding of the Ponnammallee Cantonment Magistrate's Court, on the grounds, that the statement made by the Contractor, in his first case brought before the Deputy Magistrate's Court, was not a defamatory one, but such as a man similarly circumstanced could make (although he could not prove his case or the charge before the Court). From the above I am of opinion that it can hardly be assumed that the Petitioner has not proved his case, for the Session Judge does not enter into the question of his being a quasi-partner or not, of the Contractors, but merely gives judgment on the mis-comprehension, on the part of the Cantonment

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT.

27th July 1878, No 3,011 W

General
Establishment

Read the following paper —

No 264 From Colonel P O'CONNELL, R E, Superintending Engineer,
Chingleput, to the Chief Engineer, Public Works Department, dated
St Thomas' Mount, 18th July 1878, No 2,600

In reference to G O, No 2,434 W, dated 10th June 1878, I have the honor to
inform you that I have just received from the District Magistrate a copy (enclosed,
to be returned,) of the decree passed by the Sessions Court of Chingleput in an appeal
filed in that Court against the decision of the Court of the Cantonment Magistrate of
Poonamallee in the case instituted by Ragava Moodelly, the late Deputy Accountant
of the Mount Range Office, whose reinstatement has been ordered in the above
Government Order. The Sessions Court has reversed the finding of the Lower Court
and has directed the refund to the appellant of the fine of Rupees 500 which he was
sentenced to pay. Under these circumstances it would appear that Ragava Moodelly
is not entitled to be reinstated in the service. I have directed that he be not
re-entertained.

No 265 ORDER THEREON, 27th July 1878, No 3,011 W
THE District Engineer's action is approved

(True Extract)

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

To the Superintending Engineer, Chingleput
„ Examiner of Public Works Accounts.

Exd T D Ryan
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1878) Madras.
PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,
CHINGLEPUT,
&c, &c, &c

Dated June 10th

Issued

Recd

Encl

G O, 10th June 1878, No 2 434 W

JUNE.

Nos. 58-59.

Ragava Moodelly, Deputy Accountant, Mount
Range — Cancelling the order of dismissal
of —

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT.

10th June 1878, No 2,434 W

General
Establishment

Read the following paper —

No 58 From Colonel P O'CONNELL, R E, Superintending Engineer, Chingleput, to the Chief Engineer, Public Works Department, dated St Thomas' Mount, 3rd May 1878, No 1,746

I HAVE the honor to inform you that the enclosed letter to your address, No 1,366, dated 1st April 1878, was forwarded through the Examiner, and in reference to it I have received the enclosed reply from that officer. As the Examiner's letter is not to the point, inasmuch as the matter is not an ordinary one on which I can take any action, I forward the papers for orders

One original petition
Two copies of Cantonment Magistrate's judgment and charge finding sentence
One copy of letter to Chief Engineer, Public Works Department, No 1,366, dated 1st April 1878
One copy of letter from the Examiner, Public Works Accounts, No 7 CN, 4th April 1878

From Colonel P O'CONNELL, R E, Superintending Engineer, Chingleput to the Chief Engineer, Public Works Department—through the Examiner of Public Works Accounts—dated St Thomas' Mount, 1st April 1878, No 1,366

I HAVE the honor to bring to your notice that in the year 1875 on a charge preferred in a petition against Ragava Moodelly, late Deputy Accountant of No 2 Range office of this district, of holding partnership with a contractor employed in the range, the then Superintending Engineer ordered that the Deputy Accountant should clear himself from the imputation by instituting legal proceedings against the Writer of the petition for defamation of character, or that he should be dismissed the service

One original petition
Two copies of Cantonment Magistrate's judgment and charge finding sentence

2 The Deputy Accountant having failed to take prompt action in the matter, the Superintendent Engineer subsequently ordered* his dismissal from the 31st January 1876, with the condition, however, that, in the event of his clearing himself of the charge, he can be reinstated, but without any claim to pay from the date of dismissal

* No 4456 of 9th February 1876

3 Only recently the late Deputy Accountant has instituted proceedings in the Cantonment Magistrate's Court at Poonamallee and has obtained a judgment against the writer of the petition, who has been fined Rupees 500, or in default of payment one year's simple imprisonment. Upon this judgment Ragava Moodelly now claims to be reinstated in his appointment, but, as the vacancy caused by his dismissal has been permanently filled up and as there are no vacancies at present to which he can be nominated, I have the honor to request instructions as to the disposal of his claim for re-admission to his post, as the man appears to be fully entitled to consideration. I enclose in original the late Deputy Accountant's petition to my address and its enclosures

P.W. Cho 9389

No 3269 Wd/Nov 16th 1883

Communicated to
the Supty Engr South Circle
with reference to S.G. No
2724 W d/ 27th Sept 1883

Recd. 29 Oct 83

2 The S.E. will note
the instruction in para
2 of the Govt of India
letter.

Cy

30/10

W

10.11.83

No 3269 Wd/November 16th 83

No 2529 17.10.81
" 3433 26.12.82
" 791 10.3.83
No 1627 27.7.83
" 2724 27.9.83
2725

S.E. South Circle
Engr P.W.

17/11

11/10/11

26.10.11 W

Q.L.S. 33/10.

M 27/10 52C

23/11

With order

Subd. Engr Supt

All communications should be addressed to the Secretary

GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT.
GENERAL

To

The Secretary to the Government of Madras.
Public Works Department.

Simla 20th October 1883.

Sw.

In reply to your letter No 27257 dated
27th September 1883, I am directed to communicate
the sanction of the Government of India to the
continued employment for a further period of
12 months of Mr Wilks temporary Engineer on
a salary of Rupees 800 per mensem, with effect
from 1st January 1884 under the conditions of Public
Works Code Chapter I 88A

2 I am to add that if it is found necessary to retain Mr. Tulko's services beyond the period now sanctioned, application should be made, to this effect, 3 months before the expiry of the sanction

I have the honor to be,
 Sir,
 your most Obedt servant,

Chrysomelidae

offg Under Secretary to the Govt of
India

of Mr. Wilks as Executive
Engineer on Rs 800 per mth
- ^{vol} ~~sum~~ ^{exp} expected on the 1st
January next, and to
request that the Government
of India may be moved
to accord renewed sanction
to his employment in the
Madras P. W. Department.

Cu *M* *Ce*
20-7-78 18/9

No 2724.5 W 27 g. B

22-9-83

9/2/19

21.2
Cir 20/9 K 24/9

Entri Receipt Register

All communications
should be addressed
to the Secretary

No 13834

GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT.
GENERAL

To

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

Simla 20 October 1883.

Sir,

In reply to your letter No 2725H dated 27 September 1883, I am directed to communicate the sanction of the Government of India to the continued employment for a further period of 12 months of Mr Wilks temporary Engineer on a salary of Rupees 800 per mensem, with effect from 1st January 1884 under the conditions of Public Works Code Chapter I 88A

2 I am to add that if it is found necessary to retain Mr Wilks services beyond the period now sanctioned, application should be made, to this effect, 3 months before the expiry of the sanction

I have the honor to be,
Sir,
your most Obedt servant,

W. L. L. L.

Offg Under Secretary to the Govt of India

1883.

P.W. Department.

Current No. 6177

From The S.E. Sinto Circle

No. 7827J

Dated 19-7-83

Received 23-7-83

Subject.

Requests to take
steps for the retention
of Mr Wilks services
in the Sinto Circle

Disposal

No. 1627 D Dated 27th July 1883.

Loc Please pay from
what date the services
of Mr Wilks commenced
under the sanction
conveyed in G.O. No.
3432 Wd 26th Dec 1882
/ 20/6/83
By J. L.

of Mr. Wilks as Executive
Engineer on Rs 800 per mth.
- ^{10th} expired on the 1st
January next, and to
request that the Government
of India may be moved
to accord renewed sanction
to his employment in the
Madras P. W. Department.

Cu 11 13
20-13

No 2724.5 W 27 9. 13

11
27-9-83

Exc
Ct 20/9 H 24/9

Subdri Recd P. W. Dept

No 782 T. D.

Supg Engr's Office C^o Circle
Trichinopoly 19th July 1883

From,

The Superintending Engineer
C^o Circle
Trichinopoly

To
The Chief Engineer
P. E. S. D.
Madras.

Sir,
With reference to G. O. No. 791 W
of 10th March 1883, I have the honor
to request you will be good enough
to take steps for the retention of Mr.
Wilks' Services.

I have the honor to be
Sir,

Your most obedient Servant

M. M. — Lieut Col R. E.
Superintending Engineer C^o Circle

R. No 393
27703. *Madras*
27th July 1883
No 1627D

W.C. No 6177

W.C. No 2039

To C.

From

The Sup^r Engineer
Circle.

Please say from
what date the services
of Mr. Wilks commenced
under the sanction con-
veyed in G.O. No 3432 W
of 26 Dec 1882.

To

The Chief Engineer
P.W.D.

Cy

Dr. W.

25/7

No 78272

Dated 19th } Aug 1883.
Recd 23 }

No 437 of 28th July/83

To V.

From 1st January 1883.

A 2529 W of 17-10-81
A 3432 W of 26-12-82
A 3433 W of 26-12-82
B 791 W of 10-13-83
1627 D of 21-7-83

DC

29/7

Sanction accorded with
the ... of ...

Requests to take steps
for the retention of
Mr. Wilks' services in the
Circle.

*See over with
minutes of Sept 1883*
20/7

25/7/9

20/7/9
20/7/9
20/7/9

[Faint handwritten notes and signatures]

No 791 W of 10th March 83

Communicated
to the Deputy Eng
3rd Circle for informa-
tion to the ...

28/7

Att

8/7

20/7/9

10/3/83

2nd Circle
20/7/9
20/7/9
20/7/9

All communications
should be addressed
to the Secretary

No 337 G
GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT
GENERAL.

To

The Secretary to the Government of Madras
Public Works Department

Fort William, 3rd March 1883

Sir,

Referring to Public Works Department
letter No 1558 G dated 30th November 1882, relative to
the Establishment required to carry out Productive
Public Works in the Godavari Krishna and Cauveri
Deltas, I am directed to remind you that the
sanction to the temporary appointment of Mr Wilks
conveyed therein, will be in force for one year
only, under Public Works Code Chapter I Para 88 A
rule III Standing order No 168 of 1882. If therefore
Mr Wilks' services are required at the end of the
12 months, renewed sanction must be applied for on
September next, 3 months before the expiry of the
existing sanction

I have the honor to be,
Sir,
Your most obedient servant
G. W. Walker

Off. Under Secretary to the Govt of Ind

India may issue.

N.E. No 3271 d/November 1883

Copy of the above

forwarded to the Govt
of India with reference
to letter from that Govt
No. 1388 G of 20th Oct/83

No 3271 & 3271 wa/16/11/83

L.C.

B. No. 127 W 16-1-84.
128

Exan S. P. W. accl
Dec

17/11

CS 470

Ci 12/11 R 16/11

Subscribed by

No 3271 W

PUBLIC WORKS DEPARTMENT

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

16th Nov 1883

Read the following

From the Examr. P.W. acct. H.E. No 149 W a/g. No 8/83

Under the Circumstances
Explained by the Examiner
Public Works accounts
as to there being a
saving to the Madras
Government in consequence
of Mr. Anthony's depu-
tation on other duty,
there is apparently no
objection to the sub
pro tem promotion of
Mr. Calder, which
is accordingly approved
subject to any further
orders which the Govt
of

13-3-83 ho 827 W
21-3-83 917-18 W
31-3-83 975-96 W
22-9-83 2662 W
8-10-83 2835 W
1-11-83 3106 W
6-11-83 2340 W

P. W. Dept. 2005

From,

The Examiner P. W. Accounts,
Madras.

To,

The Secretary to Government,
P. W. Department.

No. 149 W

Dated 9th November 1883.
No. 10

Mr. Calder. Regarding the
sub pro tem promotion of----

Attest R. S. S.

No 14911

From

THE EXAMINER.

PUBLIC WORKS ACCOUNTS,

MADRAS,

To

The Secretary to Government,

Public Works Department.

Madras,

9th November

1883

Sir,

With reference to G.O.No. 3106 W. dated 1st. Instant communicating letter No. 1388 G. dated 20th. October 1883 from the Government of India, ordering the cancellation of the sub-pro-tem promotions given in consequence of Mr Anthony's deputation to Simla, I have the honor to submit the following remarks for the consideration of Government.

2. Mr. Calder has been required in obedience to the above orders to revert to his substantive rank from 1st. November instant. Mr Conquest was promoted to permanent 2nd. Grade Accountant on 16th. October last, to fill an existing vacancy, and consequently the order does not now affect him. I have to acknowledge the concession granted by the Government of India that the increased salaries drawn for the promotions declared irregular need not be refunded.

3. In no document that has reached either your Office or mine, has any thing been implied, far less expressed, from which it could have been clearly understood that no extra charge should be incurred beyond the travelling expenses due to the temporary transfer of Mr Anthony. This Office ^{was} asked if it "could spare Mr Anthony without filling up his place", as stated previously his place has not been filled up. The

No 3212 Wd Nov 16th

676

10/12

Subd. Rept. Dept.

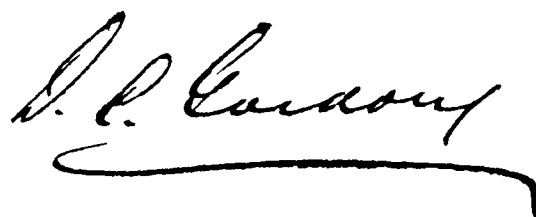
Salary Mr Anthony was drawing in Madras (Rs. 420) was added to this Government. the increases due to the sub-pro-tem promotions amounted to Rs. 135/as stated in the Government of India's letter, so that there was in reality a saving to this Government of Rs. 295/per mensem. Since the "total charge" is computed only against the Madras Establishment, it is clear that the "extra charge" cannot have been intended to embrace charges to "Establishment" Madras and India inclusive. Mr Anthony's deputation has been a saving to this Government but an extra charge only to the Government of India.

4. I would therefore ask whether this Government has any objection to Mr Calder's promotion being allowed to stand, and, if having no objection, whether they will move the Government of India to allow him to be restored to the sub-pro-tem rank from 1st. November instant, seeing that no extra charge falls upon the Madras Establishment thereby.

I have the honor to be,

Sir,

Your Most Obedient Servant.



Examiner P.W. Accounts.

SP 2/11

cc/

No. 32 12th Nov 1671

676

107/12

Subin Rept Sept

N^o 3272 W.

y
%

The Secretary to the Govt of India
P. W. D.

Madras 2nd Feb 1883

Sir

In continuation of my letter
N^o 3226W of 13th November 1883, I am
directed to forward herewith the two
copies of the Correspondence and notes
on the re-organisation of the Supr. Satabh
of the P. W. Dept. which were supplied
to Mr. Crepin as a Member of the
recent Committee which assembled
at Simla.

(V)RS I have the
off. of J. Shaw Stewart Col. R. E.,
Secy to Govt. P. W. D.
Signed by Baughly
17/4/83

Mr. Crepin

25/1/83

N^o 3272 W of Nov 16/83

Vide 1882 10233 of file.
... and are - 10 19-11-83

JH
To the Secy to Govt.
P. W. D.
The Secy to Govt.

No 687

From,

The Engineer in Chief
Kagahalam S Ry.
Waltair

To,

The Secretary to Government
Public Works Depart
Madras

Dated, Waltair, November 10th. - 1883

Sir,

Referring to your No 487. E. dated
27th ultimo, I have the honor to inform
you that the printed set of confidential
papers on the reorganization of the
Engineer Establishment, therein referred
have been sent under a separate Cover.

I have the honor to be
Sir

Yours most obediently

Ans. Foreseen

Engineer in Chief, Kag
State.

6.12.06

20.3.32 ✓

No 3273 Wd/Kar 16.11.83

Ordered to be forwarded to the Govt. of India, in anticipation of whose sanction the Govt. of P.W. Accts. is authorized to entertain the requisite temporary Establishment.

rom,

The Examiner P.W. Accounts,
Madras.

The Secretary to Government,
P. A. Department.

HE No 3274 Wd/16.11.83

141 W

No 3273 Wd/Kar 16.11.83
3274

Forwarded

ed 2 November 1883.

d.

Cy
5/11

Despatch
Statement
No 409 8/14 5/83
74. 3.9.83
No 2252 8/14 10/83

2.C.

No. 3627 W. 18-12-83.

Enclo. I.

Additional Accounts Establish-
ment. Applies for-----for Rushi-
a and Barur Project Divisions.

Ep. of M. A. S.

With order

Sub-Dir. Receipts

request

No 111/W

From

THE EXAMINER.

PUBLIC WORKS ACCOUNTS,

MADRAS,

To

The Secretary to Government,

Public Works Department.

Madras, 2nd November

1883

Sir,

With reference to your Office Note No. 2253 D.
dated the 24th. October 1883 regarding the formation of the
Rushikulya and Barur Project Divisions, I have the honor
to forward herewith for the sanction of the Government of
India, a statement of the additional temporary Accounts
Establishment required for work in connection with the
Accounts of those Divisions. The additional Establishment
must be entertained and put in training at once as we are
much crippled for want of trained Accountants at present, and
will be still more so when Accountants are required for
Railway Construction Accounts, and I shall be obliged if
Government will sanction its entertainment in anticipation
of Government of India's orders.

I have the honor to be,

Sir,

Your Most Obedient Servant.



Examiner P.W. Accounts.

57 111

OK,
request

G.O. 714 Jy 3-9-83
" 1699 Waj 16-6-83
" 409 Jy 19-5-83

P. W. Dept
Chepauk 24th Oct 1883
No 2252 D.

Ch. 9150
Office - Note

C.N. from the Exand,
P.W. No 768 Jy 20-10-83
Ref: an Accountant
for the Ruslikulji
Division, & request-
ing also to state
whether any more
temporary or permanent
Divisions are to be
formed during the current
year -

To

The Ruslikulji
is to be formed into
a temporary Division
under the sanction of
the Govt of India
Communicated in
G.O. No 1699 Waj 16th
June 1883 -

If required the
sanction of Govt will
be obtained to your
satisfying the
request

requisite additional
establishment in
anticipation of the
approval of the Govt.
of India

So far as it is
at present known,
the only other temporary
Division likely to be
formed during the
present official
Year is the Baruer.
Project, sanctioned
by the Govt. of India
in their letter recorded
in P. G. No 714 I d.
3rd Sept 1883

GENERAL
ESTABLISHMENT

Govt. of 1883 Madras.

PUBLIC WORKS.

Dated January, 6th

Recd

Encl

6th January 1883, No. 29 W.

JANUARY.

No. 43.

Accounts Establishment.

Increases in the — of the Presidency
rendered necessary by the formation of the
three new Divisions

6TH JANUARY 1883, No 29 W, PUBLIC WORKS

GENERAL
ESTABLISHMENT

Govt. of {1883} Madras.

PUBLIC WORKS.

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT.

General
Establishment

No 43

LETTER—from

COLONEL R H SANKEY, CB, RE,

Secretary to the Government of Madras, Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT

SIR,

In continuation of my letter, No 3433 W, dated 26th December 1882, I am directed to forward, for the sanction of the Government of India, the accompanying proposition statement showing increases required in the Accounts Establishment of the Presidency on account of the three new temporary Divisions which are to be formed

I have the honor to be,

Sir,

Your most obedient servant,

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

FORT ST GEORGE,
6th January 1883

Lxd C Howarth
Spare Copies

Dated January, 6th

Recd

Encl

6th January 1883, No. 29 W.

JANUARY.
No. 43.

Accounts Establishment.

*Increases in the — of the Presidency
rendered necessary by the formation of the
three new Divisions.*

6TH JANUARY 1883, No 29 W, PUBLIC WORKS

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT

General
Establishment

No 43

LETTER—from

COLONEL R H SANKEY, CB, RE,

Secretary to the Government of Madras, Public Works Department,

To .

THE SECRETARY TO THE GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT

SIR,

In continuation of my letter, No 3433 W, dated 26th December 1882, I am directed to forward, for the sanction of the Government of India, the accompanying proposition statement showing increases required in the Accounts Establishment of the Presidency on account of the three new temporary Divisions which are to be formed

I have the honor to be,

Sir,

Your most obedient servant,

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

FORT St GEORGE,
6th January 1883

Lxd C Howarth
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1882) Madras.
PUBLIC WORKS.

Dated December, 26th

Recd

Encl

26th Dec. 1882, No 3433 W.

DECEMBER.

No. 192.

Assistant Engineers.

THE Government of India applied to for
the services of certain —

26TH DECEMBER 1882, No 3433 W, PUBLIC WORKS

PUBLIC WORKS DEPARTMENT.

General.
Establishment

No 192

LETTER—from

COLONEL R H SANKEY, R E, C B,
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 1558 G, dated 30th November 1882, and with reference to paragraph 1 to say that the Government of India will very shortly be addressed

2 In reference to paragraph 3 this Government will gladly avail themselves of the offer of the Government of India to obtain the services of two temporary Engineers from England It is essential that the Engineers selected shall have had two or three years' practical experience on works They might be offered the pay and position of Assistant Engineers of the 1st or 2nd Grade, with free passages out and home

3 The Right Honorable the Governor in Council will, I am further directed to say, be glad to obtain the services of the Assistant Engineer expected from Cooper's Hill, provided he has finished his practical course so as to be available for executive duties within a reasonable time

4 The statement called for in paragraph 4 of your letter is under preparation, and will be forwarded in due course

I have the honor to be,

Sir,

Your most obedient servant,

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

FORT ST. GEORGE,
26th December 1882

Exd C Howarth
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1882) Madras.
PUBLIC WORKS.

Dated December, 26th

Recd

Encl

G.O., 26th Dec. 1882, No. 3432 W.

DECEMBER.

Nos. 190-191.

Assistant Engineers

*The Government of India applied to for
the services of certain —*

Order—dated 21st December 1882, No 3395 W, Public Works

Extract paragraph 4 of the above letter will be forwarded to the Examiner, Public Works Accounts, for information and early attention

2 The remaining subjects will be taken up by the Chief Engineer, Public Works Department

(True Extract.)

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

To the Examiner, Public Works Accounts, with extract paragraph 4
,, Chief Engineer, Public Works Department, (in original with file)

No 191.

ORDER—dated 26th December 1882, No 3432 W, Public Works

Ordered that the Government of India be addressed

(Here enter No 3433 W, dated 26th December 1882)

(True Extract)

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

To the Examiner, Public Works Accounts.
,, Chief Engineer for Irrigation

Exd C Howarth
Spare Copies

GOVERNMENT OF MADRAS

PUBLIC WORKS DEPARTMENT.

General
Establishment

No 190.

READ—again—

G O, dated 21st December 1882, No 3395 W, Public Works.

Read—also the following letter from G H D WALKER, Esq, Officiating Under Secretary to the Government of India, Public Works Department, (General,) to the Secretary to the Government of Madras, Public Works Department, dated Fort William, 30th November 1882, No 1558 G —

In reply to your letter, No 2592 W, of 4th October 1882, regarding establishment required to carry out Productive Public Works in the Godavari, Kistna, and Cauvery Deltas, I am directed to state that the Government of India sanctions the temporary employment of Mr Wilks on a salary of Rs. 800 per mensem, but he must not be graded in the department—see S O No 168.

2 As regards Mr Taylor and Lieutenant Baddeley, Assistant Engineers, I am to observe that it is within the competence of the Government of Madras to promote them temporarily, if there are vacancies in the sanctioned scale of establishment, indeed, it is understood that they already hold the temporary rank of Executive Engineer, 4th Grade, but as it is not clear whether it is the intention to give them the full pay of Executive Engineer, 4th Grade, in addition to those officers who get it in regular course in succession to absentees, I am directed to point out that if such a course is intended, it is inadmissible, and the Government of India is not prepared to sanction any deviation from the rules on this subject

3. Referring to your paragraph 3, (2) I am to state that there are no Assistant Engineers at the disposal of the Government of India for transfer from other provinces at present. Inquiries are being made on this matter, but one Engineer from the Royal Indian Engineering College ought to be arriving in Madras shortly, and the Government of India will be prepared, if desired, to obtain the services of two more Engineers from England on temporary terms, if such a step should be ultimately found to be necessary

4 There is no objection to the appointment of three Accountants for the new divisions, but as these divisions will be extra to the normal scale, the Accountants required for them should not be on the permanent staff, but only temporarily employed. The proposed increase should have been submitted in a separate statement showing how the whole establishment of Accountants in Madras will be affected by the increase asked for, and providing for any addition that may be necessary to the office of the Examiner of Public Works Accounts. I am to request that such a statement may now be submitted

5 The rest of the appointments specified in the statement submitted, being below the limit of pay, may be made by the Government of Madras as suggested

GENERAL.
ESTABLISHMENT

Govt. of (1882) Madras.

PUBLIC WORKS.

Dated October, 2nd

Recd

Encl

G.O., 2nd Oct. 1882, No. 2561 W.

OCTOBER.

Nos. 3-4.

Establishment of the Examiner
of Public Works Accounts.

The retention of the temporary — till the end of the current official year and an eventual permanent addition to his office of 18 clerks sanctioned with remarks

GOVERNMENT OF MADRAS

PUBLIC WORKS DEPARTMENT

General
Establishment

No 3

READ—the following letter from D C GORDON, Esq, Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Madras, 11th September 1882, No 94 W —

As the sanction accorded in the orders quoted in the margin to the retention, for a further period of twelve months from September 1881, of the temporary establishment costing Rs 800 per mensem, employed in the preparation of the Capital and Revenue Accounts of Irrigation Works, will expire at the close of the current month, I have the honor to submit for the favorable consideration of Government the following proposals, with the request that I may be favored with early orders thereon

2 A full report of the work done by this establishment during the eighteen months ending with 30th September 1881 was furnished with my letter No 149 W, dated 24th October 1881, printed with G O, No 748 I, dated 31st October 1881, and for the progress since made I beg to refer you to paragraphs 41 to 47 of the memorandum which accompanied the Finance Accounts of the Irrigation Branch for the year 1881-82

3 It will be seen that during the past two years the accounts of all the systems adverted to in G O, No 1504, dated 17th June 1876, have been completely revised, that of those completed the Revenue Accounts of the systems noted in the margin

Pennér Aicut System	have been subjected to a further revision
Cauvery Delta do	with reference to G O, No 440 I, dated
Srivaikuntham Aicut System	13th July 1881, in which it was directed
Pálár Aicut System	that the old maintenance charges should
Pelandorai Aicut System	be included in the calculation of profits,
Chembrambakam Tank	that the Capital and Revenue Accounts of

the Buckingham Canal ordered in G O, No 1653 W, of 19th June 1879, have been opened and pushed on towards completion as far as the available materials would allow, and that the outlay on the other irrigation and navigation works, for which continuous records are to be kept (of which works 62 have been selected up to date), has been traced as far back as 1875-76 and the ascertained details classified

4 There therefore still remains the completion of the accounts of the Buckingham Canal and the further tracing of the expenditure on the irrigation and navigation groups

5 To admit of these being brought up to date, and as speedily as possible, I beg to request that you will obtain the sanction of the Government for the retention of the full complement of the existing establishment to the end of the current

official year A provision at Rs 800 per mensem has already been passed in the year's budget for this establishment, and therefore no reference to the Government of India on the subject is necessary—*vide* G O, No 13 I, dated 5th January 1882

6 With reference to paragraph 8 of my letter No 149 W, dated 24th October 1881, and previous correspondence quoted therein, I beg to submit herewith for sanction a tabular statement of the proposed permanent establishment at a cost of Rs 500 per mensem from 1st April 1883

7 Having regard for the numerous changes that are being introduced in the Finance and Revenue Accounts, and the consequent frequent re-elaboration of forms in varied details, also for the efficient conduct of the work detailed in the following paragraph, I beg to say that it will not be possible to do with a smaller permanent establishment than that shown in the statement accompanying

8 As far as it can be seen at present the current work of the permanent establishment, costing Rs 500 per mensem, now applied for will comprise —

- (1) The preparation and submission, of the several periodical returns and accounts noted in the margin
- (a) The monthly returns of State of Sanctions
(b) The half-yearly return of Capital Expenditure
(c) The Annual Finance Accounts
(d) The Administrative Account
(e) The Individual Accounts of Productive Public Works
(f) The Financial Statements for the Secretary of State
- (2) The maintenance of the current account of the systems and groups of works whose past accounts have been completed
- (3) The preparation of the Capital and Revenue Accounts of works for which such accounts may hereafter be ordered (among this may be included the Protective Public Works)
- (4) Responding to the frequent calls for miscellaneous information regarding Irrigation Accounts (old and current) from the Government of India, Madras Government, Chief Engineer for Irrigation, and other local officers

9 Soliciting early orders

Tabular Statement showing proposed changes in the Establishment required for the preparation of Capital and Revenue Accounts of Irrigation and Navigation Works in Madras

PRESENT SCALE		PROPOSED SCALE		INCREASE		DECREASE		Grounds of Proposition	Remarks by the Local Government	ORDERS OF THE GOVERNMENT OF INDIA	
Number	Designation	Amount of Salaries	Number	Designation	Amount of Salaries	Number	Amount of Salaries			Remarks in the Public Works Department	Remarks in the Financial Department
33	Clerks	From Rs 10 to 50	1	Clerk III Class, 2nd Grade	Rs 60 to 80		Rs				
3	Attenders	" 6 each	1	Do III Class, 3rd "	" 50 to 60						
			4	Do IV Class, 2nd "	" 30 to 40						
			5	Do IV Class, 3rd "	" 20 to 30						
			6	Do V Class, 1st "	" 15 to 20						
			1	Attender	"						
41	Total	Rs 800		Total				23		<i>vide</i> this Office letter No 94 W, dated 11th September 1882	
							Rs	300			

(Signed) D C GORDON,
Examiner, Public Works Accounts

No 4

ORDER—dated 2nd October 1882, No 2561, W, Public Works.

The proposals of the Examiner, Public Works Accounts, involving the retention, till the end of the current official year, of his temporary establishment costing Rs 800 per mensem, and an eventual permanent addition to his office of 18 clerks costing Rs 500 per mensem, are sanctioned on the assurance of that officer as to the necessity for the additional assistance applied for

(True Extract)

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

To the Examiner, Public Works Accounts
„ Chief Engineer for Irrigation

Exd S T Austin
Spare Copies

GENERAL.
ESTABLISHMENT

Govt. of (1882) Madras.
PUBLIC WORKS.

Dated October, 2nd

Recd

Encl

G O., 2nd Oct. 1882, No. 2561 W.

OCTOBER.
Nos. 3-4.

**Establishment of the Examiner
of Public Works Accounts.**

*The retention of the temporary — till the
end of the current official year and an
eventual permanent addition to his office of
18 clerks sanctioned with remarks,*

GENERAL
ESTABLISHMENT

Govt. of (1882) Madras.
PUBLIC WORKS.

To

THE EXAMINER OF PUBLIC WORKS
ACCOUNTS

Dated January, 6th

Issued

Recd

Encl

G O., 6th January 1882, No 17 W

JANUARY.
Nos. 15-16.

*Accountants of the Public Works Depart-
ment, Madras Presidency — Sanction of the
Government of India to the revised scale of
—, communicated to the Examiner of
Public Works Accounts.*

GENERAL.
ESTABLISHMENT

Govt. of (1882) Madras.
PUBLIC WORKS.

Dated October, 2nd

Recd

Encl

G O., 2nd Oct. 1882, No. 2561 W.

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GENERAL
ESTABLISHMENT

Govt. of (1882) Madras.
PUBLIC WORKS.

To *1*

THE EXAMINER OF PUBLIC WORKS
ACCOUNTS

Dated January, 6th

Issued

Recd

Encl

G O., 6th January 1882, No 17 W

JANUARY.
Nos. 15-16.

*Accountants of the Public Works Depart-
ment, Madras Presidency — Sanction of the
Government of India to the revised scale of
—, communicated to the Examiner of
Public Works Accounts.*

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT

6th January 1882, No 17 W

General
Establishment

Read the following paper —

No 15 From Major A FILGATE, R E, Deputy Secretary to the Government of India, Public Works Department, (Account—Establishment,) to the Secretary to the Government of Madras, Public Works Department, dated Fort William, 29th December 1881, No 221 A—E

IN reply to your endorsement No 2660 W, dated 29th October last, forwarding for sanction a revised scale of Accountants for the Madras Presidency, I am directed to observe that it is presumed that the twenty-six divisions which form the basis of calculation for this scale are those enumerated in appendix to your letter No 1697 W, dated 9th July 1881, excluding the four Project Divisions, but including the Consulting Architect's charge. On this understanding, and on the further understanding that the Consulting Architect is employed on the construction of works as an Executive Officer, I am to communicate sanction to the proposed revised scale of Accountants, viz —

2 Accountants, 1st Grade		
3	"	2nd "
6	"	3rd "
17	"	4th "
30	"	5th "
<hr/>		
58		
<hr/>		

No 16 ORDER THEREON, 6th January 1882, No 17 W

COMMUNICATED to the Examiner of Public Works Accounts, with reference to G O, No. 2659 W, dated 29th October 1881

(True Extract)

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

To the Examiner of Public Works Accounts

Exd S T Austin
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1881) Madras.
PUBLIC WORKS.

THE SECRETARY TO THE
GOVERNMENT OF INDIA

Dated October, 29th

Issued

Recd

Encl

G O, 29th October 1881, No 2660 W

OCTOBER.
Nos. 131—133.

FORWARDING for sanction a revised scale
of the Accounts Establishment of the Public
Works Department, Madras

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT.

29th October 1881, No 2659 W

General
Establishment

Read the following paper —

No 131 From D C GORDON, Esq, Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Madras, 19th October 1881, No 144 W

WITH reference to the orders contained in G O, No 2472 W, dated 8th October 1881, in which the Government of India have approved of the distribution of this Presidency into 26, instead of 25, Executive Divisions (excluding the four Project Divisions) as originally contemplated, I have the honor to forward herewith, for the approval of the Government of India in accordance with paragraph 76 of the Public Works Code, a revised scale of Accounts Establishment of the Madras Public Works Department, which for the sake of ready reference and easy comparison has been shown in red ink in Appendix B, communicated with G O, No 1729 W, dated 14th July 1881. It will be observed that the revised scale necessitates an increase of Rs 692-8-0*

* Including presidency allowance per mensem, or Rs 8,310 per annum over the amounts already sanctioned

2 The revised calculations have been arrived at by taking Kurnool Division and the two Workshops† which, although only sub-divisions of the Presidency and

† Presidency and Dowlaishweram Godavari Eastern Divisions, have separate Accountants and render separate accounts to this office, and therefore should be reckoned as separate accounting divisions for the purposes of arriving at the scale of Accountants

No 132 ORDER THEREON, 29th October 1881, No 2659 W

ORDERED to be forwarded for the sanction of the Government of India

(True Extract)

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

To the Examiner of Public Works Accounts

No 133 (DOCKET No 2660 W, dated 29th October 1881)

Forwarded

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

Ltd E C Shunker
Spure Copies

GENERAL
ESTABLISHMENT

Govt. of (1881) Madras.
PUBLIC WORKS.

THE EXAMINER OF PUBLIC WORKS
ACCOUNTS

Dated October, 29th

For

Per

Sum

G O, 29th October 1881 No 2659 W

OCTOBER.
Nos. 131-132.

Revised Scale of Accounts Establishment of
the Public Works Department, Madras —
Ordered that the — be forwarded to the
Government of India for sanction

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT

29th October 1881, No 2659 W

General
Establishment

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No 132 ORDER THEREON, 29th October 1881, No 2659 W

ORDERED to be forwarded for the sanction of the Government of India

(True Extract)

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

To the Examiner of Public Works Accounts

End E C Shunker
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GENERAL
ESTABLISHMENT

Govt. of 1881, Madras.
PUBLIC WORKS.

To

SUPERINTENDING ENGINEERS,

Dated July, 14th

Isued

Recd

Id

G O, 14th July 1881, No 1729 W

JULY.

Nos 17-18.

Organization of the Public Works
Department of the Madras Presidency

Copy

12 I am to request that the exceptional arrangement regarding promotions in the place of Superintending Engineers on furlough may cease on the receipt of this letter

13 The increase now sanctioned to the number of Upper Subordinates will probably enable the Madras Government to find room for those transferred from Madras to Mysore and for men whose home is in Madras who are no longer needed in Mysore, owing to the transfer of the administration of the country to His Highness the Maharajah

14 I am finally to request that it may be understood that the Government of India cannot admit a higher rate than 25 per cent on the expenditure on Imperial works as a charge for Imperial establishments exclusive of the establishment employed on Revenue work, that is, one-fifth of the entire Imperial grant shall not be exceeded on account of establishment charges exclusive of what is charged to Revenue work

No 17-A To the Government of India, dated 9th July 1881, No 1,697 W

No 18 ORDER THEREON, 14th July 1881, No 1,729 W

THE scale and general arrangement into six Superintending Engineers' Circles sanctioned by the Government of India in the letter above printed have been accepted by the Honorable the Governor in Council

2 For the reasons explained in the letter to the Government of India, No 1,697 W, dated 9th July 1881, the following should be added to the scale thus sanctioned —

Executive Engineers	4
Assistant do	4
Upper Subordinates	12

3 The modified normal establishment will then stand as follows —

<i>Chief Engineers</i>	
First class	1
Second class	1
Third class	1
	<hr/>
	*3
	<hr/>

<i>Superintending Engineers</i>	
First class	2
Second class	2
Third class	2
	<hr/>
	†6
	<hr/>

<i>Executive Engineers</i>	
First grade	10
Second grade	11
Third grade	11
Fourth grade	4
	<hr/>
	36
	<hr/>

<i>Assistant Engineers</i>	
First grade	26
Second and third grades	21
	<hr/>
	47
	<hr/>

Upper Subordinates of all grades	185
----------------------------------	-----

* Includes one Chief Engineer with personal rank | † Excludes one for the excess in Chief Engineer's class

4 The circles, divisions and sub-divisions with the scale of executive establishment allotted thereto are shown in Appendix A attached to these Proceedings, and the financial result of the new organization with the classes of divisions and details of upper subordinate, lower subordinate, petty, and office establishments, are exhibited in Appendix B

5 Protective works projects now in hand or proposed under paragraph 8 of the letter from the Government of India are shown in Appendix D, which is circulated for information and guidance

6 Appendix C (not circulated) contains proposals specially referred to the Government of India

7 Should the final orders of the Government of India be received in time, the new arrangements will, as regards sanctioned scale, come into force with effect from the 1st August, and the redistribution of executive charges will be carried out as soon after that date as practicable

8 The proposal of the Government of India (paragraph 7) to contribute towards the cost of establishment a sum of $2\frac{1}{2}$ lakhs from the general grant for Protective Public Works, as also the question (paragraph 10) of debiting a portion of the charge for Irrigation Establishment against the revenue of the works on which they are engaged are under discussion in separate proceedings

9 The subject matter of paragraph 11 of the Government of India letter in regard to filling up the vacancies in the new scale is also being separately considered and discussed

10 As regards the agency by which the larger class of Local Fund projects is to be supervised, the Government have intimated their readiness to accept the arrangement suggested in paragraph 5 of the letter from the Government of India, No 1,639 G, dated 17th September 1880, by which, in return for a general contribution on the part of Local Fund Boards of Rs 21,250 per annum, the Public Works Department would undertake the duties in question without, however, making any personal allowances to the officers to whom such duties may be assigned. The special allowance hitherto paid will therefore cease on the revised arrangements coming into force

(True Extract)

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

To Superintending Engineers
 „ Superintendents of Works
 To the Consulting Architect to Government
 „ General Superintendent of Public Works Stores
 „ Chief Engineer for Irrigation
 „ Examiner, Public Works Accounts
 „ Consulting Engineer for Railways
 „ Financial, &c, Departments
 „ Revenue Department
 „ Military Department

Exd E C Shunker
 Spare Copies

GENERAL
ESTABLISHMENT

Govt. of (1881) Madras.
PUBLIC WORKS.

To

SUPERINTENDING ENGINEERS,

Secy, Secy, Secy

Date: July, 14th

Issued

Recd

Ind

G O, 14th July 1881, No 1729 W

JULY.

Nos. 17-18.

Organization of the Public Works
Department of the Madras Presidency

Copy

GENERAL
ESTABLISHMENT

Govt. of (1881) Madras.
PUBLIC WORKS.

To

SUPERINTENDING ENGINEERS,

Secy, Secy, Secy

Date: July, 14th

Issued

Recd

Ind

G O, 14th July 1881, No 1729 W

JULY.

Nos. 17-18.

Organization of the Public Works
Department of the Madras Presidency

Osty

1883.

P.W. Department.

Current No. 6177

From The L.E. Lento Circle

No. 78277

Dated 19-7-83

Received 23-7-83

Subject.

Requests to take
steps for the retention
of her Wilks services
in the Lento Circle

Disposal

No. 1627 D Dated 27th July 1883.

Loc / Please pay from
what date the services
of her Wilks commenced
under the sanction
conveyed in G.O. No.
3432 Wd 26th Dec 1882
/ 2 of 6 B
by W

G.O.^B 791 Wd/10-3-83

"^A 3433 Wd/26-12-82

" 3432 Wd/00-

" 2529 Wd/17-10-81