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The Hon. H. E. Sullivan



No. 1946 May 9-8-84

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August 10, 1984

To

HIS EXCELLENCY THE RIGHT HONORABLE
MOUNTSTUART ELPHINSTONE GRANT DUFF, C.I.E.,
GOVERNOR AND PRESIDENT IN COUNCIL,
FORT SAINT GEORGE.

*The Humble Memorial of WILLIAM ALEX-
ANDER LAUGHLIN, late Accountant, Office
of Examiner of Public Works Accounts,
Madras.*

ENCLOSURES. *Six*

HUMBLY SHEWETH,

That in obedience to Government Order, No. 123 W., Public Works Department, dated 16th January 1884, your Memorialist very humbly addressed Colonels L. Conway-Gordon, R.E. and D.H. Traill, R.E., his late Superior Officers, to afford him the required "testimony" accounting for the fact that your Memorialist's name was not placed on the Graded List of Accountants.

2. That your Memorialist first addressed Colonel L. Conway-Gordon on the 4th February 1884, and not receiving a reply, your Memorialist again respectfully submitted a reminder (duplicate copy) to that Officer on the 18th April following. The receipt of the (printed) communications were duly acknowledged, but to the great misfortune of your Memorialist no decided response to his request has been as yet vouchsafed to him. Your Memorialist addressed Colonel Traill on the same subject on the 21st April 1884. This letter also was duly registered and posted, and yet your Memorialist regrets to state that he has received no reply from Colonel Traill even.

3. That your unfortunate Memorialist readily obeyed the orders of Your Excellency in Council, but his position has become very painful by the non-receipt of replies to his humble requests to relieve him from the dilemma in which he has been placed from causes arising from no fault of his own.

4. That your Memorialist with all deference begs very respectfully to state that the conditions imposed on him for the re-opening of his case by Government have placed him in a very peculiar and trying position. The "specific testimony" required by Government to be adduced by Memorialist to prove that the grading of your Memorialist was omitted by oversight and not by intention is a matter your Memorialist begs very respectfully to submit, that rests with the Officers by whom he was selected to be graded as an Accountant and who accepted his "Application" and "Agreement" in terms of Circular No. 40 of 1876, (*Annexment B, in Appendix*), addressed to Memorialist with others to work in that position and who your Memorialist begs to submit obtained the sanction of Colonel McLeod Innes, the then Accountant General, P. W. D., (Bengal,) to carry out this authorized arrangement.

5. That your Memorialist, without giving cause of being accused of taking any undue advantage of the kindness and generosity shewn to him by a paternal Government in patiently and dispassionately reviewing his unfortunate case, would, with the greatest humility, as a faithful servant of the State who earned the approbation of all his Superiors (vide Testimonials, Annexment F, in Appendix) for having worked hard for years, deferentially supplicate the attention of Your Excellency in Council to the material point required to adjust his demand for the *Concessions* attached to his appointment as Accountant, 4th Grade, viz., to the 4th paragraph of his Appeal to the Government of India, dated 19th December 1881. To this

humble Appeal of your Memorialist the Government of India called up Examiner of P. W. Accounts, Madras, to inform them why your Memorialist was not "Graded" and what "Covenant" he had signed. This reference Your Excellency in Council will observe elicited the only reply from the Examiner that he was unable to account for this omission as his predecessor was responsible for it.

6. That your Memorialist begs very respectfully to state that, from this reply Your Excellency in Council would glean that the omission in question is a burden of proof which rests with the Officer who, after submitting the name of your Memorialist for the grade of an Accountant and having once obtained the sanction of the Government of India to carry out his proposals is the Officer who should be accountable for the 'testimony' which is now demanded from your poor unfortunate Memorialist. He begs humbly to submit that *his position in life* just now will not permit him to do more than what he has done in fervently Appealing to his late Superior Officers referred to above. If Your Excellency in Council in the plenitude of your powers are willing to assist a faithful servant of the State in vouchsafing to him that protection and mercy to which he feels he is entitled, your Memorialist would respectfully and most humbly beg a reference to the whole facts of his deplorable case and call upon the responsible Officers to satisfy Government as to the omission which has deprived your poor Memorialist and his large family of the fruits of his labor for many years in the service of a Government which seeks to promote, encourage, countenance and protect the interests of their zealous and faithful Servants in the evening of their lives.

7. That Memorialist's case has already been fully and succinctly laid before Your Excellency in Council, and he is quite sanguine that if his case had not sufficient basis, Your Excellency's Government would not have given it that Justice for which the British Government are so universally renowned and for which your humble and unfortunate Memorialist is under the greatest obligations, for the opportunity humanely allowed him to once more explain his grievances.

8. That to prove to Your Excellency in Council that Memorialist was *unmistakeably one* of the Subordinates specially selected after undergoing a regular Service Test of 2 years his name was submitted with those of 11 others for the appointment of Accountant and he now begs respectfully to forward the *list in question* showing the "History of the Services of the Accountants recommended for exemption from the prescribed examination" in which his name amongst others was entered as qualified for the position, Memorialist's "work and conduct" being pronounced "satisfactory." See also Colonel Conway-Gordon's, R.E., remarks in his letter of the 26th February, 1878, No. 188A, to the Accountant General, P. W. D., (Bengal). In this letter Colonel Conway-Gordon very forcibly says *I forward a list containing the names of those members employed in the Accounts' Establishment of this Presidency whom I consider of being brought on the Graded List of Accountants without undergoing the prescribed examination.* In this "List" your Memorialist begs to submit that his name appears and Your Excellency in Council will at once come to the conclusion that your Memorialist having been duly qualified as an Accountant his name was submitted. Your Memorialist would deferentially submit and he humbly expects that Your Excellency in Council would concede that the list after having once received the sanction of the Accountant General, P. W. D., (Bengal), the highest authority in the Accounts' Branch, the names of the members mentioned therein must be accepted as those who should have been considered as *bona-fide graded Accountants*. Your Memorialist would earnestly supplicate the attention of Your Excellency in Council to an indisputable point, that is, whether the name of your Memorialist would have found a place in the list had he not been selected and found duly qualified for the post of an Accountant. Your humble Memorialist was never in the position of "a Clerk" and *his salary was provided for in the Public Works Department Budget of 1879-80* the year he retired as an Accountant of the 4th Grade. He had always discharged Accounts' duties during his whole career in the Public Works Accounts' Department, whilst the "Clerks" were

Out - *acted for separately* in that and previous years; and taking this fact that he was actually selected and described as a *graded man* there is nothing left on the part of your Memorialist to submit why *he* should be denied the enjoyment of the advantages and benefits of the position of an Accountant for which he had for years faithfully, laboriously and honestly worked, whilst his fortunate *confreres* who were selected together with him are now reaping what your Memorialist has so lamentably lost from no fault of his own. Had his health permitted him to remain in the service (vide Confidential Medical Report in the Examiner's Office) he would have been placed on a par with his Colleagues.

9. That this assertion will be verified from the assurance given to your Memorialist by Colonel D. H. Traill, R.E., who informed your Memorialist that *he was one of the exempted Accountants to be graded and retained in the service*, and on your Memorialist begging that owing to failing sight and general physical debility he was anxious to retire from the service under Government of India's Resolution, as he would not in the interests of Government be able to do justice to his work as heretofore, Colonel Traill, expressed sympathy and again mentioned to your Memorialist that he wanted to grade him as an Accountant but that if your Memorialist wished Colonel Traill would permit him to retire from the service.

10. That your Memorialist is at a loss to conjecture why after having discharged the duties of a *bona-fide* Accountant he should on his retirement be deprived of the concessions and privileges attached to the Appointment. If the omission to grade him was intentional on the part of his Superior Officers there would be some reasons assigned for keeping him out of a grade for which he was duly selected and for which Appointment he had *Covenanted* to serve in any place in British India, in conformity with the conditions embodied therein (vide Agreement in Appendix, Annexment B). This very fact your Memorialist most humbly begs to observe would suggest itself to Your Excellency in Council *viz.*, the omission to Grade him must have been caused by a pure oversight. There being no reasons assigned for the apparent omission and there being nothing on record to show that he was found incompetent, your Memorialist therefore reasonably considers that the omission not being intentional must be attributable to an oversight and which contention will be graciously conceded by Your Excellency in Council as conclusive in the absence of evidence to the contrary and the fact of his having been specially selected as an Accountant and exempted from passing the prescribed examination.

11. That notwithstanding the exemption aforesaid the men recommended, with one exception as explained in his Appeal to Colonel Conway-Gordon, R.E., being a special arrangement made on emergency, were not *formally* graded as Accountants till nearly 22 months and after completing the reductions in Establishments by which date Memorialist had been obliged by reason of ill-health to retire from the service in the full belief that the mere absence of an obvious *formality* to include his name with his Colleagues in the "Graded List of Accountants" would not affect his claims for *an average pension and bonus* under the provisions of Government of India, Resolution No. 2079 of the 31st July 1879, P. W. D. The delay in grading the men from whatever reason it might have been caused was certainly not owing to any incompetency or other fault on their part. It has been clearly admitted as a matter of fact that had your Memorialist continued a few months longer in the service he should have been *formally* graded along with the other Accountants exempted with him.

12. That as with one exception aforesaid, none of the Accountants exempted with your Memorialist were graded previous to his retirement, he begs respectfully to submit that it is hardly a fair or just inference to "assume" that his gradation was delayed for "good and sufficient reasons" and Memorialist retained in the position of a "Clerk." His fitness as an Accountant in the absence of any censure on his conduct, or reflection on his qualifications, during the whole period of his connection with the Public Works Accounts' Office, either before or after his exemption, was a matter, that could not be called in question.

13. That General Sankey's letter to the Government of India, P. W. D, dated 28th January 1880, herewith forwarded (Annexment H) the results of a discussion, maintained a most praiseworthy contention. The claims of the Subordinates of the Department Public Works employed on Account of duties retiring from the service for *average pension and bonus* under India's Budget had, your Memorialist deferentially submits, no reference to the *Exempted Accountants* who had "*Covenanted*" in the Examiner's Office at Madras of which number your Memorialist was one, but to Subordinates employed in the "Divisional (District) Offices." The "*12 Exempted Covenanted Accountants*" aforesaid had previously to the date (28th January 1880) of General Sankey's letter been virtually graded men on the 12th June 1878, the inclusion of their names in the "Graded List of Accountants" was a bare *formality* the compliance with which was left to the convenience of the Examiner. It is a noteworthy fact that Government on more than one occasion called on the Examiner to *formally* Grade the *exempted men*. Those that remained in the service were *formally* graded subsequently to Memorialist's retirement without reservation whilst he, of *like status*, and who had duly qualified with his *confreres*, had retired *ungraded* and was consequently denied the *concessions in question*.

14. That the Special Privileges granted by the Government of India Resolution No. 2079 of the 31st July 1879, P. W. D. to Accountants retiring in consequence of reductions of Establishments, must, it is very respectfully contended, on a fair and legitimate construction being put on that document, and on General Sankey's letter, extend to the "*12 Exempted Covenanted Accountants*" in the Examiner's Office at Madras, as they were duly recognized Accountants in this Presidency *on that date*, who were on a footing of equality with the graded Accountants of Bengal and other Provinces, *all* of whom on retirement, were admitted to the concessions in question. Therefore your Memorialist most humbly and fervently urges that his claim is an *exceptional* one; and the suggestions contained in General Sankey's letter aforesaid, do not apply to a case like that of your poor distressed Memorialist, by which mere "*Clerks*," and "*Reference Pickers*," were beyond expectation benefitted by the grant to them of 3 months' salary as a *bonus*, on retirement.

15. That the following papers, as containing all the facts necessary to a clear understanding of your Memorialist's most deplorable case with General Sankey's letter, are respectfully submitted for the patient perusal, the generous, gracious and dispassionate consideration of Your Excellency in Council, in conjunction with his previous Appeals forwarded to Government.

List of documents forwarded to which special attention is now supplicated as corroborative of Memorialist's claims.

1. Appeals to Colonels Conway-Gordon and Traill.
2. Appendix—containing Annexments A to F, to above.
3. List of Accountants Exempted, Annexment G.
4. General Sankey's letter, Annexment H.
5. Grounds of his Claims, Annexment I.

16. That, in conclusion, your humble Memorialist would once more reiterate the hardships of his unhappy case as disclosed in the above records, and he fervently beseeches Your Excellency in Council for such rectification of the omission through an obvious oversight on the part of the Examiner of Public Works Accounts to include his name in the "*List of Graded Accountants*," for which appointment he had duly qualified on the 12th June 1878 after having undergone a regular Service Test previously for 2 years from July 1876, and he having had

merited the confidence and approbation of his immediate Superiors, thereby rendering him deserving under the exceptional circumstances of his lamentable set forth in his several Appeals to Government for the grant of:—

1. An average pension and bonus.
2. Presidency Allowance and House Rent and
3. Eleven months' service in the Army Clothing Department, qualifying for pensionary provision.

For which act of benevolence and charity your poor Memorialist, who is an unfortunate *cripple* will, with his greatly distressed large family of 10 souls, as in duty bound, always feel especially grateful to Your Excellency in Council, and Ever Pray.

MADRAS,
19th July 1884.

H. A. Laughlin late Accountant,
Examiner's Office of Public Works Accounts.
Madras.

1946W 6094

946W

Due

To

Major C. Bowen,
Royal Engineers.
Under Secretary to Government
Public Works Department
Madras.

Honored Sir,

I most humbly beg permission
to submit for your information, a copy of my
Memorial dated 19th July 1884, addressed to
Government.

I most respectfully supplicate
your generous and impartial consideration to
the additional facts now put forward in respect
of the merits of my unhappy case.

I am a very poor man indeed,
a cripple with a large family to provide for
and I fervently beseech you with your
wonted charitable disposition enlist your
sympathy in my case, and compassionately
vouchsafe me such aid as will move Govern-
ment to favorably entertain my several requests.

For which benevolence and charity

Yours

In 40. No 1274 of
16.1.84, he was required
to

It was due to

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30.7.84

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case & a
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Due
1946W 6094/84

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No 1946 W

all at the Throne of Grace ever pray,
and always feel especially grateful.

I beg to remain
Honored Sir,
Your most Obedient and
humble Servant.

Madras
Lango Garden No 10.
19th July 1884.

W. A. Langhlin late Accountant
Examining Office of P. W. Accounts.

To

have allowed me
to slide up to the time of
his retirement.

In G.O. No 1234 of
16.1.84, he was required
to

in to grade him as
tant was due to
t.

W.

30.7.84

1946W Co 94

But

W has now received a copy of Mr. Laughlin's memorial, & has called for the previous papers.

I send up the file in case you should wish to record any remarks thereon, prior to despatching it to Ooty.

The gist of the matter is given in Cair's notes attached to No. 2364C & 30.11.83, & 1234W & 16.1.84. Mr. Laughlin's claim hinges on the question whether the omission to grade him as an Accountant in the Dar's office was intentional, or the result of an oversight. The case appears a hard one on reading the memorial, but the fact remains that if Mr. Laughlin had any chance of being graded as an Accountant, it is not likely he would have allowed the matter to slide up to the time of his retirement.

In G.O. No. 1234W & 16.1.84, he was required to

But 2/7/84

Sn 7 No. 1946-WA/9-8-84

But

On receipt of the

memorial of Mr. Laughlin

the following doubts are

arising - Mr. Laughlin might

perhaps accept that

But

2/7/84

S.A.W.

I received your letter of 2/7/84 regarding Mr. Laughlin's claim. I have been thinking of the matter and I am not sure that I can do much more than to forward the memorial to the appropriate authorities for their consideration.

But

2/7/84

2/7/84

2.8.8-84

2.8.8-84

to obtain an assurance from
the Examiners under whom
he served that his grading
was omitted by oversight.

Mr. Laughlin unfortunately
has not been able to obtain
replies from Major Conway,
Jordan & Traill, whom he
assured on the subject.

Cu
24-7-84

S.A.W.

I have read Mr. Laughlin's
Memorial and the papers
connected therewith, and I
deem his case seems to me
a very hard one —
Forward the papers to City.

CJ
24-7

Cau.

File forwarded for
submission to W.

Cu
24-7-84

To W / Submitted.

R.S.
27-7-84

1946 W
Mr. Laughlin's case seems
a hard one, but I do not
see what can be done to
help him, unless he is able
to show that the omission
to grade him as Accountant
was due to oversight.

In disposing of his previous
petition, Mr. Laughlin was
informed that if he were
able to prove this, the Gov.
would lay his case before
the C. of D. for reconsideration.

Mr. Laughlin now states
that he has addressed Blounts
Conway, Jordan & Traill on the
point in question, — but the
fact that he has received no
^{satisfactory} reply does not seem to
strengthen his case.

Ill.
29-7-84

No 1946 W

P.W. Department

Under date the 19th Aug 84

Letter from Mr W.A. Laughlin, of Madras 19th July 84.

The Government regret that they are unable to reopen Mr Laughlin's case, in the absence of the proof considered requisite in G.O. 123. W of 16th January 84.

Mr Laughlin now states that he has addressed Colonels Conway Gordon and Traill; and the fact that he has received no satisfactory reply does not seem to strengthen his contention that the omission to grade him as Accountant was due to oversight.

To

Mr Laughlin.

W.S.

30.7.84

B. 8. 8. 84

W.S. 5/8. 1818