

Enc: 2 (with Receipts.)

To
The Honorable
Colonel J. H. M. Stuart Stewart
Royal Engineers
Secretary to Government
Public Works Department,
Fort St. George, Madras

Honorable Sir,

I humbly beg very respectfully to apologize for having unintentionally misled Government by asserting in my Appeal dated 19th July 1884, that "no decided response" had been received from Colonels, L. Conway-Gordon, and D. H. Trail, Royal Engineers.

It should have been correctly stated that "no response whatever" had been vouchsafed by my late Superior Officers to my solicitations for the "Testimony" required in G.O. No 123 W. dated 16th January 1884, and in the absence of such testimony the Government (in subsequent Order No 1946 W. dated 9th August 1884) regret inability to re-open my case.

This to me is a very great hardship which I deeply deplore for notwithstanding my utmost endeavours to obtain the said testimony (in obedience to orders considerably issued with a view to my attaining the concessions in question, and for which generosity I am very grateful to Government) I have through no fault of mine failed to obtain it.

I would briefly, Honorable Sir, most humbly supplicate your wonted generous assistance being once more charitably accorded to me, and I beseechingly implore your compassionate protection of my interests as a faithful servant of the State and beg you will be kindly pleased to obtain for me the special, indulgent consideration of Government to the Letters (addressed and acknowledged to have been received as per receipts, by my late superior Officers respectively) herewith forwarded, dated 11th July 1884, 15th August 1884, and 15th August 1884.

high fact Col. Trail reiterated on the 12th June 1880 after
I had retired though the Examiner, himself, had it in his power,
to formally put me on the grade - but omitted to do so
through oversight, when my retirement was directed, hence was
raised the technical objection subsequently, to account for
the oversight, notwithstanding that General Sankey and the
Government of India had previously, on the 28th January 1880,
distinctly ruled, that all bona fide Accountants were amenable
to the concessions in question.

Under the above explanation I fervently implore
the Government will with your generous advocacy of the
circumstances of my case truthfully set forth in my Appeal
dated 19th July 1884, obtain for me a gracious reconsideration
of my claim to the concessions in question. For which
act of Charity conferred on me in the evening of my life,
I and my distressed large family, shall as in duty bound,
ever pray.

I beg to remain
Your most obedient & humble servant
W. A. Laughlin, late Accountant,
Examiner's Office of P.W. Accounts.

Madras
6th October 1884

Note.

To Mr.

Mr. Laughlin, whose case has
been before the Court

The petitioner, Mr. W. Laughlin,

Major C. Bowen,
Royal Engineers
Under Secretary to Government, P.W.D.
Fort St. George, Madras.

Honored Sir,

I humbly beg to forward the accom-
panying Letter (and its enclosures) addressed to the
Honorable, the Secretary to Government, P.W.D., for
your kind perusal, generous and indulgent consid-
eration; and, I fervently beseech your compassionate,
gracious advocacy of the just merits of my claim
to the concession, in question, as will be now more
apparent, from the facts stated therein, and which
have not been refuted as per Letters acknowledged to have
been received by my late Superior Officers.

I am a very poor man indeed, a cripple
struggling hard through this plea world with
a large family, in the evening of my life, and any
help you may deem my unhappy case deserving
as well as in the interests of Government, and as fair
and just, to me, I implore that it may be kindly
vouchsafed me, in my distressed condition, for which
act of Charity I, and my large family, shall, as in duty
bound, ever pray at the Throne of Grace.

I beg to remain, Honored Sir,
Your most obedient & humble Servant
W. Laughlin Foot Pensioner

draft according for circulation

et for service as Account-

under Chap. II, Sec. III of

MCB 374

- No 1869 Dd/15.10.84
- " 1852 Dd/14.10.84
- " 2900 Wd/15.7.78
- " 323 Wd/12.2.80
- " 1556 Wd/22.1.81
- " 142-3 Wd/17.1.82

Rev 7/10/82
 Sn 3

J.A.W.

Please get E. to look
 carefully into this man's
 case, taking into account all
 the circumstances from the beginning
 & making thereon.
 I have not read the petition
 yet, but I remember the case
 well, & I am inclined to think
 the man has been unfairly

treated - C.S.
 6.10

Rev: 7/11/82 R/H

To W.

Mr Langhlin, whose case has
 been before for ^{not} more than once,
 has again petitioned.

I have endeavoured to the best
 of my ability to discover whether
 injustice has been done him, but
 must confess, after having gone through
 all the papers I could get hold of
 bearing on his case, that I see no
 valid grounds for recommending a
 reconsideration of the decision already
 arrived at.

The evidence that exists is not
 in Mr Langhlin's favour, and as
 to calling on Mr Conway-Gordon &
 Mr. Wall to explain whether it
 was through any fault of theirs that
 he was not graded, that would be
 useless.

The case is a complicated one,
 but with every desire to have
 justice done, I do not see any
 way to impugning any of the orders
 that have been passed. This office
 has done its best to sift the matter
 to the bottom, but with no favourable
 results to Mr Langhlin.

C.S.

4.11.84

W.L.'s case is undoubtedly
 hard, - but I can see no
 reason whatever to recommend
 a modification of the orders
 already passed.

Draft accordingly for circulation.

118 5.11.84

Note.

The petitioner, Mr. W. Laughlin, entered the P.W.D. Examiner's office, Madras, as an Accountant on the 1st. Septr. 1865, and continued to do the duties of an Accountant till the 18th. March 1880, when he retired from the Govt. service.

Up to 1876 (when a separate Accounts Branch was formed under the orders of the Examiner P.W. Accounts.) Mr. Laughlin's name appeared in the half-yearly Classified Lists of Estab. as an "Accountant" in the Exr's. office but after that date, only the names of the Accountants on the Govt. of India List (who were serving in Madras for Famine work) were entered in the Classified List as Accountants and the names of all the Madras Accountants (56 in number) were entered as "Clerks acting Accountants".

In June 1876 the Examiner had issued a Circular No. 40) calling on all the Madras Accountants to elect for service as Accountants under Chap. II, Sec. III of

the P.W.Code or for remaining on their present footing as "Clerks acting Accountants". Those who elected to serve ~~as~~ as Accountants were required to sign a regular Agreement binding them to serve in any place in the Madras Presy. or in British India, and to abide by all the regulations of the P.W.Code.

This agreement Mr. Laughlin signed on the 25th. July 1876, and signed it (strange to say) as "4th. grade Accountant".

Up to 1878 nothing was done to give the Madras Accountants who had signed the agreement any of the advantages which their position as Accountants under the P.W.Code entitled them, though the terms of their agreement were put in force against them by transferring them to "any place in the Madras Presidency".

In G.O.No.3578 W of 11-9-78 the Examiner was directed to forward to the Accountant General the names of all the graded Accountants (i.e. those who had elected for general service and had passed the

~~entrance examination~~.

On the ^{26th Feby.} 4th. Octr. 1878 the Exr. submitted to the Accountant General (who alone had power under the Code to exempt men from the entrance exam.) a list containing 12 names of Accountants whom he had specially selected for exemption from the entrance examination from the whole number (56) of Madras Accountants.

In ^{June} Decr. 1878 the Accountant General sanctioned the exemption of the 12 Accountants whose names had been sent up. Mr. Laughlin's name having been one of the 12 men thus exempted there was no further bar to his appointment as a "graded Accountant."

Nothing however seems to have been done for these Accountants till April 1879 when one of their number (C. Subha Rau) was appointed a 2nd. grade Accountant.

In July 1879 the Govt. of India directed a reduction of Establishment in the Executive Branch of the P.W.D., and offered certain inducements for Officers and Accountants to voluntarily retire.

Mr. Laughlin then voluntarily elected to retire in the full belief (as he states) that he was an Accountant and as such eligible to the concessions offered in Govt. of India Resolution No. 2079 dated 31st. July 1879. Mr. Laughlin also states that he was confirmed in this belief by both Major Traill and Capt. Carey, his superior officers, but of this there is no written evidence.

Mr. Laughlin was however retired under the Govt. of India Resolution without receiving any of the concessions mentioned in it, but with a bonus of 3 months pay which was granted (under G.O. No. 323 W of 12-2-80) to many others also who had not been specially exempted and to some who were ~~not~~ not even bona fide Accountants.

To all Mr. Laughlin's petitions the same reply has been given, that he was not a "graded Accountant" and therefore was not entitled to any of the concessions.

Against this view Mr. Laughlin's arguments are:-

1. That he was a bona fide Accountant, having signed the Covenant as such, having been exempted from the entrance examination in 1878, and having always satisfactorily performed the duties of an Accountant.
2. That the Resolution of the 31st. July 1879 and all the subsequent letters of the Govt. of India explaining the terms of the Resolution said nothing about "graded" Accountants.
3. That the Resolution of the 31st. July only referred to "Officers and Accountants" and not to Clerks, and that therefore he could not have been retired as a Clerk under that Resolution.
4. That he could not have been ~~retired under~~ ^{retired under} G.O. Nos. 218 W, and 323 W of 28th. Jan. and 12th. Feby. 1880, because
 1. those Orders were issued long after he had elected to retire;
 2. those Orders referred to men who were to be ~~em~~ exempted and so could not refer to him who had

been specially exempt-
ed 15 months before
with 11 others, out of
the whole number (56)
of Madras Accountants.

5. That she had fulfilled all
the conditions laid down in
clause I of para 8 of G.O.No.
218 W of 28th Jany. 1880, and
having already been exempt-
ed had a preferential claim
to be graded before any of
the men referred to in that
Clause.

The other 7 exempted men were
appointed as graded Accountants
in 1880-81, when nearly the
whole of the Madras Accountants
were graded in obedience to
G.O.No. 323 W of 12th. Febry.
1880.

No reason has been assigned
by the Exrs^r. concerned for this
delay in grading these men,
which resulted in all the Ma-
dras Accountants being super-
seded by the young Accountants
from other Provinces, who had
elected to serve in Madras
after the Famine work was over.

Reminders, as Mr. Laughlin
states, were really sent to the
Examiner from the Secretariat

Office but nothing was done.

In the last Orders passed on
Mr. Laughlin's petitions it has
been assumed that there must
have been some good reason for
this delay, and that it is Mr.
Laughlin's duty to prove that
there was no better reason than
"oversight" to account for it.

Against this Mr. Laughlin con-
tends that as unfitness cannot
be alleged there can be no other
objection which would invali-
date his claim.

Mr. Laughlin in his present
petition prays :-

- I. that his case may be deci-
ded on the evidence now be-
fore Government, as to wheth-
er he was an Accountant
when he retired and as such
eligible to the special
concessions.
2. that if more evidence is
still required, Govt. will
call on Col. Conway-Gordon
and Major Traill to explain
whether ~~he was not graded~~
it was through any fault of
his that he was not graded.
Mr. Laughlin has twice tried by
registered letters to Col. Conway
Gordon and Major Traill to ob-

tain their evidence, but with
no success, as neither of the
gentlemen replied to his let-
ters.

M.
11.10

1000.

The foregoing note,
drawn up by E. is
submitted in accordance
with your order on
the back of Mr. Langhlin's
last petition (C. No. 8374).

The note tends to show
Mr. Langhlin's case as a
very hard one, & such
it is doubtless, but
the following facts
must also be brought
to notice -

In 1888, Mr.
Langhlin preferred a
number of claims, which
were reported upon
in a tabular statement
embodied in Proc. of Mt.
of 30.8.80 No. 20524.
One of the claims then
put forward was the
same as that now

at Advanced, viz. that
he might be regarded
as a graded accountant,
followed the concessions
granted by the Govt of
India under the reduction
resolution of July 1879.

On this point the
Sgt. P. W. Aceto remarked

"Although Mr. Langhlin's
name was included in
the list of employees of
this office who were
recommended for exemp-
tion from the entrance
test of the Aceto Branch
and whose recommendation
was subsequently accepted
to by the Acet. Genl. Bd.,
Mr. Langhlin was never
graded or regularly brought
into the accountants' class.
Of this Presy. & consequently
is not entitled to the
concessions of G. of I.
Res. No. 2079 of 31.7.79."

"There is nothing exceptional
in the case of Mr. Langhlin
to justify its being reopened"

The above remarks were
made by Major Trill &
the statement was signed
by Capt Carey, for Major
Trill, so that two of
the officers from whom
Mr. Langhlin now seeks
to obtain testimony that
his non-grading was
a mere oversight, had
his case under full
review in July 1880,
or only a few months
after he was ~~promoted~~ re-
tired, while his
pension papers were
under consideration.

Of the omission
to grade Mr. Langhlin
was the result of an
oversight, surely the
point would have
been noticed or brought
forward by the officer

who had the power to grade him, at a time when the whole case was fresh in the minds of those concerned.

Further, Mr. Laughlin received on retirement, a bonus of three months pay under the G. of I. telegram recorded in Pros. No 323 W of 12.2.80.

Letter to Govt. of India No 218 W of 28.1.80, in which the grant of that concession was recommended, was drafted to meet the cases of men like the Memorialist, who on some hands were described as Accountants de facto & de jure, but who had never been formally graded as Accountants, & who thus were not entitled

to the higher bonus of twelve months pay sanctioned for graded Accountants under the restriction order of 1879.

It will thus be seen that at the time of his retirement, Mr. Laughlin was not looked upon as a regular Accountant, and if, as ~~he~~ he himself asks, his case be decided on the evidence now before Govt., the weight of such evidence, hard though it may be, is against his case.

For orders.

C₂
11.10.84

To Du.

All available papers
collected in connection
with Mr. Langhlin's
case, have now been
received.

His pension papers
describe him as a clerk
doing duty as Accountant,
and he was pensioned as a
clerk.

A note on the original
pension order, shows that
it was considered in the
Pension Dept. that con-
siderable indulgence had
already been shown to
the applicant.

C's letter to the Asst.
Genl. No. 188 A of 26.2.78,
forwarding a list of
men recommended for
exemption from the
entrance test for
Accountants, contains
Mr. Langhlin's name.

Copy 7/11/84 R 11/11

The rough list ~~given~~
subsequently forwarded to
the West. Secy. of men
~~who had been~~ whom it
was proposed to grade,
originally contained the
names of Mr. Laughlin
& several others, but
eventually only three names
were sent up, & ~~of~~ those
of Mr. Laughlin, were
struck out. This looks
as if Mr. Laughlin's
fratry was intentionally
~~deposed~~ set aside.

Again, with letter by
144 W of 22.9.79, the C
sent up a list of
accountants for in-
sertion in the P.W.D.
Classified list. This
statement did not
contain Mr. Laughlin's
name.

The papers just
received with C's office
note No 561 of 31.10.84
do

+ C's letter to A. No 1164.
of 4.10.78.

do not throw any light
on Mr. Laughlin's case.

C
3.11.84

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 12th Decr 1884

READ the following

From

Mr. W. A. Laughlin (H.E. No. 46th B. 1884)

In this foregoing Memorial, Mr. Laughlin states that he has been unable to obtain from the Examiners concerned the testimony called for in G.O. No. 123 W. dated 16th January 1884, that the omission to grade him as an Accountant prior to his retirement was the result of an oversight, and he prays that his case may be decided on the evidence now before the Govt. as to

Circ: 7/11/84 R 11/11

Further he was an
accountant when he
retired, and as such
eligible to the concessions
to which he lays claim.

2. Mr Laughlin's case
was dealt with on its
merits in Progs: of Govt:
No: 2052 W dated 30th
August 1880; and it was
then decided that, as he
was retired as a Clerk,
and had never been
graded as an Account-
-ant, he had no claim
to the special conces-
-sions granted to ac-
-countants under the
Govt of India Resolution
of 31st July 1879, No 2079.

3. His claims were
subsequently negatived

by this Government,
the Government of India,
and the Secretary
of State, ~~after care-
-ful consideration,
and now, after an~~
Original review of all
available papers
bearing on the case,
the Govt regret that
they can see no reason
~~whatever~~ to modify
the orders already passed.

W.
6.11.84

4. Mr Laughlin
will be informed
that his claims are
finally rejected,
and that his case
will not in future
be reopened.

To Mr W. A. Laughlin

Recd
13/11/84

CL
6.11.84

2831

~~The Hon H. B. Swain~~



B

No 2831 W. 8/12-11-84

Ad
15/11 82
12/11

Circ: 7/11/84