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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D. DEPARTMENT

G.O. No. 752. Press.
~~B.P. No.~~ ~~Mis.~~

Dated 20. 3. 1884. ~~197 .~~

GP

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PUBLIC WORKS DEPARTMENT.

158/7 1

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

Letter from J. P. Davidson Esqre Executive Engineer, Coimbatore. (M.E. No. 180 dated Feb: 11. 1884)

Endt. thereon by the S.E. IV Circle (" " 91 Ewd " 18. 1884)

In his letter recorded above Mr. Davidson complains of what he regards as unjust supersession by Capt. Baddeley and Lieut. Hamilton

The Government cannot recognise the grounds on which this appeal is based. Seniority does not of itself confer a right of promotion which may

at the discretion of
Gouernment, he also made
by selection.

Capt. Baddeley and
Lieut: Hamilton were
promoted to the 1st grade
of Assistant Engineer in
September 1877, at a time
when Mr. Davidson had
not qualified in the Vernacu-
lars for advancement to
that grade. The promotions
made more than six years
ago on grounds which
then commended themselves
to the Government cannot
now be reconsidered.

CE. 14/3/84

S.E. IV Circle

No. 180

Executive Engineer's Office
Coimbatore 11th February 1884

752/82

From,

J. P. Davidson Esq:
Executive Engineer
Coimbatore

To,

The Secretary
P. W. Department, Madras.
Through the Supg Engr, 4th Circle.

Sir,

I have the honor to bring to your notice two cases in which it appears to me that according to Code Rules I have been unjustifiably superseded by officers junior to me in the P. W. Department.

2. I refer to Lieutenants Baddeley and Hamilton.

3. In the classified list of the Madras P. W. Department for 1874 corrected to 1st January 1875

compiled from the latest classified list shows the services of Lieuts Baddeley and Hamilton:—

name	Date of arrival in India	Date of joining P. W. Depart	Date of passing Vernacular L. S. Examination
Lieut. Baddeley R.E.	13 Nov. 74	28 July 75	19 July 1877.
Lieut. Hamilton R.E.	17 Febry 75	18 June 75	19 July 1877

9. A reference to paras 75 and 76 P. W. Code and paras 987-8 of the Madras Army Regulations will show that, under no circumstances, ought either of the above two officers to have been graded senior to me or the six other Cooper's Hill officers of 1874; for (1) Had they even passed the required Vernacular Examination, and thereby become entitled to be graded in the P. W. Department from the date of their arrival in India to join the Sappers and miners they would

Paras 987-8 of the Army Regulations

in P. W. Code paras 75-76

would still be junior to myself and the six other Coopers Hill officers of 1874; and 152/104

(2) As they actually had not passed the required Vernacular examination prior to joining the P. W. Department, they were not even entitled to be graded from the date of their joining the Sappers and miners.

10. It is clear then, that in no way whatever, were these officers entitled to be placed senior to me in the seniority List, and I submit that their being so placed is directly contrary to the authorized rules regulating grading and promotion.

11 As regards the question of promotion generally I am perfectly well aware that seniority in itself does not constitute a right to promotion, merit

having a prior claim; in the case under reference, however, there is no question of merit and seniority, as two perfectly untried and inexperienced Royal Engineer officers were placed over the heads of seven of their seniors who had, at the time of the supersession, completed at the least six months actual service and whose grading from the 1st October 1874 was guaranteed by the Secretary of State himself.

12. My supersession in 1875 by Lieuts Baddeley and Hamilton has been continued throughout my service, and I now write to ask that you will be good enough to move Government to rectify the mistake, which was made in 1875 as regards the relative position in the Department of myself and these two Officers.

13. It is only recently that I have become aware of the P. W. Code rules, and Madras Army Regulations quoted in para 5 of my letter— had I possessed earlier knowledge of them I should have re-presented the matter sooner— I think, however, that you will agree with me that a wrong is not less a wrong because it was perpetrated years ago, and now that it has been discovered, the mere fact that it has been continued for nearly nine years cannot in common fairness be held to justify the action of 1875, or to bar my claims to justice being now done me. As a point of fact Government

have already established a precedent in this very matter in the case of Mr. J. Traill, Assistant Engineer, who was some years ago promoted over the heads of several Officers who had for years been graded senior to him (Mr. Traill) because it was ascertained that a mis-take had originally been made in his grading.

14. In conclusion I beg to state that I regret very much that I am compelled to bring this matter forward; I have lost considerably by the supersession I complain of, and as my prospects of promotion in common with those of other Officers of my standing, are by no means hopeful, I have no alternative but to bring this matter to the notice of Government.

I have the honor to be

Sir,

Your most Obedt Servt

R Davidson

Executive Engineer

No. 91

Forwarded for the favorable Consideration of the Chief Engineer P. W. D.

Coimbatore 2 Beatty - Colonel R.E.

18th February 84. Supg. Engr. 4th Circle

Cir: No 2642 a/17-6-1878
G.O. 982 W a/ 12-10-77
G.O. 1366 a/ 1-6-72
4394 a/18-2-84
4388 W a/18-2-84
No 322 D
323 D
324 D
325 D a/18-2-84
3672 W a/21-12-83
369. C a/10-2-82
2066 W a/20-8-81
5745. C a/19-12-78

From
The Executive Engineer
Coimbatore Dn

78 C I

No 180
Dated 11th February
1884

Lieuts Baddely RE
" Hamilton RE

Brings to the notice of Govern-ment that being his junior officers have superseded him and requests to be rectify the mistake

Receive: 17/3/84
Cir 5/3

P.W. Department

Read the following:-

Letter from J. P. Davidson Esqre, Executive Engineer Coimbatore, No 180 d/ 11th February /84.

Endorsement thereon by the Supdg: Engineer III. Circle No 91/E.W dated 18th February /84.

252/80 7

For Orders

The question of the relative seniority of Cooper's Hill and Royal Engineers of the same year has been raised again ~~raised~~ by Mr Davidson in the above letter.

Mr Davidson's con-tention is that Captns

Hamilton and Baddeley should not have taken precedence, in the 2d grade of Assistant Engineers, of his batch of Cooper's Hill Engineers, and that the precedence accorded to those officers in the Grada= =tion List of 1st January 1876, owing to which priority of promotion to the 1st Grade has, he contends, been secured, should now be altered.

Mr Davidson bases his contention on paras 75-76 of the present

Contract Instr.

departmental Code - a reproduction of paras 987-988 of the Army Regulations. 752/218

It seems inprac= =ticable, at the present, ~~moment~~, to arrive at all the reasons which guided the Government ten years ago in assigning particular places to certain officers, such reasons not usually being placed on record at any time.

The rules on the sub= =ject, where such rules exist, have not always

been uniform. Thus a reference to para 4 of section III, Chapter 2 of the R.W. Code of 1870 will show that the grading of Royal Engineer officers was then regulated on principles different from those which now obtain. The rule there laid down was somewhat modified by a Standing Order of the same year No 10. Further modifications were made in G.O. 1366 of 1st June 1872. But no specific rule can be traced regulating the

Contract part of

752/27

the relative seniority of Coopers Hill and Royal Engineers of the same year.

As regards the officers now under con=sideration, it must, it is submitted, be held that, at the time their positions were as=signed to them on the Gradation List of the department, relative claims were duly weighed. What was decided ten years ago cannot well be altered now. Especially as, since that time,

promotions to the 1st Grade
of Assistant Engineer
have been made; and
these promotions, which
regulate present relative
seniority, must be regard=
-ed as having been made
by selection. No other
principle of promotion is
recognised by Government.
This is ~~my~~ specifically
laid down in para 13,
page 16, of the Cooper's Hill
Calendar for 1883-84, which
reads as follows:—

"Promotion is made
wholly by selection; mere

seniority is considered to
confer no claim to it."

Under para 19, page 10,

7.12.22
10

service for furlough and
pension is allowed to
count from the 1st October
of the year in which
Cooper's Hill Engineers pass
out of the College. This
however does not affect
subsequent promotion - the
question now ~~under~~ im=
=mediately under Considera=
=tion // So far as Mr.
Davidson is himself con=
=cerned, he was not en=
=titled to promotion to

1st grade Assistant Engr:
till October 1877; not having,
up to that date, passed
the requisite qualifying
test in the Vernaculars.
Captains Baddeley and
Hamilton both passed
in July 1877, and were
promoted in September
of the same year, at a
time when Mr. Davidson
was not eligible for pro=
=motion.

It would it is sub=
=mitted be a sufficient
answer in this and
similar cases to say that
the

the Government do not
recognise the claims to
promotion on the score of
seniority; put forward - and
that they reserve to them=
=selves the right to
select officers for promotion.

V. Mews Stewart
Col. R.E.
4-3-84
Secretary to Govt. P.W.D.

258/84

And add with reference to
Mr Davidson that he was
not eligible for promotion
to the grade when the App
was given to Lieut Hamilton
Baddeley reasons
why he had not then
passed the exam. in the
Vernaculars.

12/3

~~The Hon'ble Secretary~~

8/2/28

Rec'd 17/3/04
Cir 5/3 R 13/3/04

Extract from P. W. Code.

× × 252/17 ×

Para 75.

Young Officers of Royal Engineers on first arrival from England will be ordered to join the head-quarters of the Sappers and Miners. After performing one year's duty with the Corps, those who have during that time qualified themselves by passing the required lingual tests will be considered eligible for employment in the Department.

Para 76.

Engineer Officers will comply duty with Sappers and Miners, as duty in the Public Works Depart-ment, conditionally on their having passed the Lower Standard in Tamil or Telugu, provided they join the Department at the expiration of twelve

twelve months; but if they overstay that time they must have passed the full Departmental Test to be entitled to retain their grading. — (Madras Army Regulations, paras 987-8).

I.W. Code - corrected up to 1st January 1870 - Para 4 of Sec: IV of Chapter II

25/2/18/13

"Officers of the R.Es. will usually "be appointed in the 2d or 1st grade, according "to length of their previous service, and "will be appointed permanently at "once. Previous service will be reckoned "from the date the Officer left Chatham, "irrespective of actual service in the Sth Dept.

Subsequently altered by S.O. No. 10 of 1870 to read thus:—

"Officers of the R.Es. will usually "be appointed in the 2d or 1st grade "of Assistant Engineers, and will be "appointed permanently at once."

P. W. Code - Para 96 - "Before an Apt. Engineer of the 2d. grade can "be promoted to the 1st. grade, he must pass a colloquial examination "in Hindustani, or in the language of the District in which "he may be employed."

252/19/14

Name.	Date of leaving England.	Date of arrival in India	Date of passing Vernac: Exam:	Date of promotion to A.E. 1 grade.
Lt. R.E. Hamilton	1st July 1875	19th July 1877	1st Sept. 1877	
Capt. W.L.C. Baddeley	13th Novr. 1874	19th July 1877	1st Sept. 1877	
Mr. W.B. De Winton	13th Novr. 1874	2d Oct. 1876	1st Sept. 1877	
Mr. C. Vincent	18th Novr. 1874	7th April 1879	1st March 1878	
Mr. A.H. Garrett	23d Novr. 1874	11th July 1877	1st April 1879	
Mr. J.P. Davidson	15th Novr. 1874	1st Oct. 1877	1st April 1880	

W. 25/4

Proceedings, &c.

752
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And No Print
Cro B.

In his letter recorded above
Mr Davidson complains of what
he regards as unjust supersession
by Capt Maddey & Lt Hamilton.

He urges that, when Lieuts.
Maddey & Hamilton were brought
on to the strength of the Dept[mt],
the former in November 74, the
latter in Feby 75, their names
were placed on the seniority list
above seven of the Assist Engineers,
2nd grade whose service dated
from 1st October 74, & who were
thereby superseded. Further he
contends that Lieuts Maddey &
Hamilton were not entitled to
Graded Steadds (when they joined
the Department.

It was from the date of their
joining the Sappers - Miners.

It is impossible at this distance
of time to ascertain the exact
reasons
that guided the Government at
that date in assigning to the
Assistant Engineers of the junior grade
their relative positions on the list;
but that the merits of the case
must have been then fully and
justly considered is sufficiently
indicated by the terms of S.O. No
982 W, of 12th Oct 77 on a similar
similar appeal preferred by Lt Maddy
regarding the reckoning of his date
of service in the Dept[mt]. It is therein
expressly stated that Lt Maddey's
place in his grade was regulated
by the date of his arrival in India,

"It will be seen by reference to the Retired Pay List of 1877, in which his name appears above all the Corps' Office Registers who joined the Dep^t in 1874." and as the Admin. then arrived at the Gov^t cannot now go back, more especially as, until recently, no uniform rule of procedure appears to have obtained in regulating the relative seniority in the gazette of Corps in Hill & Dept Engineers of the same year.

It must, however, be further observed with reference to this specific appeal, that, apart from the argument raised by Lt Davidson, his original grading in the list above Lts Ruddock & Hamilton can in no way have affected his present position & prospects in the Dep^t, inasmuch as in Sept^r 77, when steps to count Dep^t Q^rs of each became available, he could not have been promoted, not having qualified in the remarks [illegible] Lts Ruddock & Hamilton, who had previously passed, were accordingly promoted.

CS
15-3-84

W.
15-3-84

The Gov^t cannot recognise claims to promotion on the score of mere seniority: they reserve the right to select officers for promotion in the Corps on the Hill Calendar, in the exercise of the terms of service in the P. W. Dep^t, which point is adverted to in the following words: —

"Promotion is made wholly by selection; mere seniority is considered to confer no claim to it."

W.

Lt Davidson's appeal. 152/84

Please read C.A.W's remarks
I agree with C.A.W. that we cannot go back in what was done 10 years ago, but even if we could & Capt. Ruddock & Lt Hamilton were put behind Lt Davidson in the graduation lists of Lt's 2nd grade of those days what good would result? The two former would have been permitted in Sept^r 77 & Lt Davidson would not as he had not passed. Such being the case the contentions raised by Lt Davidson in his favour do not require disposal as they could have no practical result for him even if admitted to be valid. —

CS
3-3-84

C.A.W.

Please have a note for orders drafted in the sense of your remarks, adding thereto the point to which D.W. draws attention respecting the date on which Lt Davidson passed the required examination.

W
3-3-84

Ch. No.: 1563

C. A. W. 752/85 17

According to the History of services Capts Hamilton & Baddeley passed in Tamil in July 77 & was promoted to 1st grade in September 77.
Lt Davidson passed in Hindustani in October 77 & in Tamil in July 79.
According to para 96 of Code an Asst. Engineer cannot be promoted from 2d to 1st grade until he has passed a colloquial examination in Hindustani or in the vernacular of the district in which he may be employed.
Lt Davidson could not then get with the steps that were going on 1st September 77, and Lieut Baddeley & Hamilton who had passed got them.
Does not this sufficiently explain the alleged supersession without going any further?

Col.
26-2-86

To
H. W.

This was no doubt one reason for the prior promotion of Lieuts Hamilton & Baddeley - but I do not think that in consideration disposes of the contentions raised by Mr Davidson

in para 9 of his letter.
and should not therefore
be relied on as furnishing
a complete reply to the
letter. I think we
hale put the case in
the only way which
admits of no question.

R.S.
28.2.876

Chn.: 1563

Hale 752/84/18

The question of the
relative seniority of
Cooper's Hill and Royal
Engineers of the same
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Mr Davidson's con-
tention is that Lieuts
Hamilton and Baddeley
should not have taken
precedence, in the 2d
grade of Capts. Engineers
of his batch of Cooper's
Hill Engineers; and that
the precedence accorded
to those officers in the
Gradation List of 1st
January 1876, owing to
which priority of
promotion to the 1st
Grade has, he contends
been secured, should
now be altered.

Mr Davidson bases
his contention on para
75-76 of the present
Departmental Code
a reproduction of

Edward Stanhope

of paras 987-988 of the Army Regulations.

It seems impracticable at the present moment to arrive at all the reasons which guided the Government ten years ago in assigning particular places to certain officers. Such reasons not usually being placed on record at any time.

The rules on the subject, where such rules exist, are not always known uniform. Thus as reference to para 4 of Section IV, Chapter 2 of the S. O. Code 1879 will show that the grading of R. E. officers is regulated on principles different from those which govern the rule there is somewhat modified by a Standing Order of the same year. Further modifications were made in G. O. 136 of 1st June 1877. But no specific rule can

(Extract put up)

2

be traced regulating the relative seniority of Coopers Hill and Royal Engineers of the same year.

1582/5/19

As regards the officers now under consideration, it must, I think, be held that at the time their positions were assigned to them on the Graduation List of the Dept, relative claims were duly weighed. What was decided ten years ago cannot now be altered and especially as since that time, promotions to the 1st Grade of Asstt Engrs have been made, and these promotions which regulate present relative seniority must be regarded as having been made by selection. No other principle of promotion is recognized by Govt. This is now specifically laid down

in para 13. page 16 of the Caspers Hill Calendar for 1883-84, which reads as follows:-

"Promotion is made wholly by selection; mere seniority is considered to confer no claim to it."

Under para 19. page 10. Service for furlough & pension is allowed to count from the 1st October of the year in which Caspers Hill Engineers pass out of the College. This however does not affect subsequent promotion. The question how more immediately under consideration.

A.S.
28.2.84

Can

752/870

Please have order drafted accordingly. It might I think run somewhat on the lines of this order in Mr. Vincent's case, dated 21.12.83.

W
13.3.84

W
Will accompanying draft be submitted

752/13 21

P.W. Department

Proceedings of the Madras Government

Read the following-

Letter from J.T. Davidson Esqre
Executive Engr: Coimbatore N.C. No: 180 dy 11th Feby: 1874.

Endorsement thereon by the
Supty: Engr: IV Circle — " — " 91 E.W dy 18th Feby/74.

In his letter re=
= corded above Mr. Davidson
complains of what he regards
as unjust supersession by
Captain Baddeley and Lieut:
Hamilton.

2. He urges that, when
Lieuts: Baddeley and Hamilton

808

were brought on to the strength
of the Department, the former
in November 1874, the latter
in February 1875, their names
were placed on the Seniority
list above seven of the
Assistant Engineers, 2d grade
whose service dated from
1st October 1874, and who
were thereby superseded. Fur=
=ther he contends that
Lieuts. Baddeley & Hamilton
were not entitled when they
joined the Department to
be graded even from the
date of their joining the
Sappers and Miners.

At

3. At this distance of
time it is impossible to
ascertain the exact reasons
that guided the Government
at that date in assigning
to the Assistant Engineers
of the junior grade their
relative positions on the
list; but that the merits
of the case must have
been then fully and justly
considered is sufficiently
indicated by the terms of
G.O. No 982-W, of 12th October 1877
on a somewhat similar
appeal preferred by Lieut.
Baddeley regarding the

reckoning of his length of
service in the Department.
It is therein expressly stated
that Lt. Baddeley's place
in his grade was regulated
by the date of his arrival
in India, "as will be seen
by reference to the Esta=
=blishment List of 1877, in
which his name appears
above all the Coopers Hill
Engineers who joined the
department in 1874." And
on the decision then arrived
at the Government cannot
now go back, more es=
=pecially as, until recent
years,

years, no uniform rule of
procedure appears to have
obtained in regulating the
relative seniority in the
junior grade of Coopers
Hill and Royal Engineers
of the same year.

4. The Government
cannot recognise claims
to promotion on the score
of mere seniority, they
reserve the right to select
officers for promotion. In
the Coopers Hill Calendar,
in the epitome of the terms
of service in the P.W. Dept.
that point is adverted to

in the following words:—

"Promotion is made wholly by selection; mere seniority is con=sidered to confer no claim to it."

5. It must, however, be further observed with reference to this special appeal, that, apart from the arguments raised by Mr Davidson, his original grading on the list below Lieuts: Baddeley & Hamilton can in no way have affected his present position and prospects in the department,

in as much as in September 1877, when steps to Assistant Engineer 1st grade became available, he could not have been promoted, not having qualified in the Vernaculars.

252/16/94

S. E. IV. Circle.

W.B.

G.O.M.s No. 1504 P. W. Department.

Proceedings of the Madras Government,

Under date the 20th March 1875

Read the following:—

Letter from J. S. Davidson Esqre. Ex: Engr., Coimbatore Division, (No. 180 dated 26th Feb: 11. 1874)

Endt. thereon by the S.E. IV Circle (No. 91 Dated 18th March)

752/23

In his letter recorded above, Mr. Davidson complains of what he regards as unjust supersession by Capt. Baddeley and Lieut. Hamilton.

2. He urges that, when Lieuts: Baddeley and Hamilton were brought on the strength of the Dept.,

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the latter in February 1875,
their names were placed on
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2d grade, whose service dated
from 1st October 1874, and
who were thereby superseded.
Further he contends that
Lieuts: Baddeley & Hamilton
were not entitled, when they
joined the Dept., to be
graded even from the date
of their joining the Sappers
and Miners.

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time, it is impossible to
ascertain the exact reasons
that guided the Govt

752/26

at that date in assigning
to the Assistant Engineers of
the junior grade their
relative positions on the
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of the case must have been
then fully ~~and justly~~
considered is sufficiently
indicated by the terms of
G.O. No. 982 W of 12th October
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appeal preferred by
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the reckoning of his length
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On the decision then arrived
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as, until recent years,

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in regulating the relative
seniority in the junior grade
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W.
17-3-44

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Sec. Mar. Est. Subs.

G.O 752. PWD
20-3-1884

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W.

19-3-44

W.
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S E & W Circle Sd
21/3.

Civil. 17/3/44.

Executive Engineer Hyderabad