Reference to Madras P. W. D. Code.

Paras. 317 to 319 and 1404.

13.11.84

P. W. D. Form
No. M 92.

——— Branch.

Circle.— 5 Circle

Division.— Presidency

**Remarks on Progress Report of Minor Works for the Month of October 1884.**

1773/86

| By Executive Engineer. | By Superintending Engineer. |
|---|---|
| October 9th Arrived and took charge in Madras. | |
| Do. 10th Arrived and took charge in Bangalore Office work | |
| Do. 11th Telegraph Office, Trinity Church. | |
| Do. 12th Sunday | |
| Do. 13th Telegraph Office - Arranged to meet Contractor who absented himself or was absent. | |
| Do. 14th Parade Bks, Married Shooting Gallery, Sappers & Miners latrine, met C.O. 43rd L.I. A. Qr Mr General called over to the Office of Exe: Engr. | |
| Do. 15th Agram R.H.A. Mely Prison XII Lancers' Manège | |
| Do. 16th Agram Entrenchment | |
| Do. 17th Agram Entrenchment roads & R.H.A. Guard room | |
| Do. 18th Wet very | |
| Do. 19th Sunday | |
| Do. 20th Wet morning | |
| Do. 21st | |
| Do. 22nd Parade Bks Munpl Meeting on Captn Romilly's scheme for fencing Ulsoor Tank | |

| By Executive Engineer. | By Superintending Engineer. |
|---|---|
| Octr 23rd Agram Entrenchment | |
| " 24th Agram | |
| " 25 Holiday Municipal Meeting | |
| " 26 Sunday | |
| " 27 With General Rowlands round Entrenchment | |
| " 28 Agram – Post Office | |
| " 29 St Andrew's Church Hebbal huts. | |
| " 30 St Andrews Church to meet Mr Jollie & left for Madras. | |
| " 31st arrived in Madras & inspected Napier Bridge, Napier Battery. Flagstaff Fort. | |

W H Austin.
Colonel R.E.
Exe: Engineer

Vide Cho: 1626.

No. 489 D. Rd No 6025
25-2-85

GOVT. OF MADRAS. } 188 . { P. W. DEPT.

SECRETARY.

Chepâk, 25th February 1885.

OFFICE NOTE.

Rd 27.2.85

From W

[illegible]

Vide Cho 1626

To The Supdg Engineer
V Circle

No: 522 D d/12-3-85

Please send for reference Colonel Burton's Journal for October 1884.

CW.

24.2.85

No. 4405

D. W.

Colⁿ Burton's Diary Form M 92 for October 1884 is sent. The journals, Form M 152 which accompany Travelling Allowance Bills sent to the Examiner are retained in his Office

Unwin Sender ...
Colⁿ R.E.

26th February 1885 Superintendg Engr 5th Circle

No. 2038 C. of 10-12-84
" 2096 D. of 25-11-84

No. 522 D.

GOVT. OF MADRAS. } 1885. { P. W. DEPT.

SECRETARY.

Chepâk, ~~Feb~~ 2nd March 1885.

OFFICE NOTE.

From

D.W.

To

C.

Please send for reference Colonel Burton's Journal for October 1884 – Form No. 152.

1 Jos. C.B.
D.W.

Ansd. 2/3/85

REFERENCE TO MADRAS P. W. D. CODE.
PARAS. 566 AND 567.

P. W. D. FORM.
No. M 152.

15

ENCLOSURE
18 NOV 84
EXAMINER OF ACCOUNTS

CIRCLE— Fifth
DIVISION— Presidency

---

Journal of the Occupation and Duties of
Colonel W. H. Burton R.E.
Ex Engineer 1st Grade
having his head-quarters at
Bangalore for the month of
October 1884

---

Pr. W G. 1
1947/88

---

No. 522 D. Pro. Cir. 1947

GOVT. OF MADRAS. 1885. P. W. DEPT.

SECRETARY.

Chepâk, 2nd March 1885.

OFFICE NOTE. R. No. ~~826~~ 825
2. 3. 85

R. 4. 3. 85.
Genl.

From

D. W.

To

C.

Please send for reference Colonel Burton's journal for October 1884 Form No. 152.

CS.

D. W.

2. 3. 85

W. No. 876 of 4th March 1885
Encs: 1

Herewith the journal of Col: W. H. Burton R.E. for October 1884 to be returned when done with.

C
W.A.H.
3/3

E. P.
3/3

Extract from List of Disallowances from the Salary Bill for January 1885. No: 484 of 1884.85.

| Name & Rank. | Amount disallowed. | | | Reason of Disallowance. | Explanation &c: by Ex: Engr. |
|---|---|---|---|---|---|
| (a)<br>Col: W. H. Burton R.E.<br>Ex: Engr: 1st Grade.<br>Pay disallowed in October 1884 reclaimed —— | 48 | 2 | 10 | (a)<br>Disallowed, vide item (a) in Salary Disallowance List No: 349 of 1884.85, and also Memo: from the Secy: to Govt. No: 2038C of 10 Decr: 84. The attention of the Supg: Engr: is drawn to the fact that this amount which was disallowed in October 1884 has again been claimed in this bill for audit for the third time without any authority quoted to warrant the claim being preferred. | My letter No: 5635 d/. 29 Jany 85<br>" " 5946. d/. 11 Feby 85 |
| × | | | | × | × |

/Sd/ D. C. Gordon,
Examiner P.W. Accounts

(True Extract)

W H Burton Col R.E.
Ex: Engr Ps Div

No. 21
1626/85

EXECUTIVE ENGINEER'S OFFICE
No. 5946
DATE 11 Feby 1885
MADRAS PUBLIC WORKS DEPARTMENT
PRESIDENCY DIVISION

Bangalore.

To,
The Superintending Engineer,
V Circle.

Sir,

× Extract from Dis: List No. 484 of 1884.85

In reference to the objections× raised by the Examiner of Accounts to my continuing to claim the arrears of pay which I believe he has improperly disallowed, I have the honor to state that I continue to do so for the following reasons.

I think that his Office Note 627 d/. 27th Nov. 84 does not contain an impartial, equitable, or complete representation of the question as it affects me, pro and con.

For instance in his Office Note although he truly describes commencement and end of my Privilege Leave, vizt. that it endeds on the night (mid-night, to be even more exact) of the 6th-7th October 1884 and although he states I was properly absent from my duty on the 7th October, (i.e. midnight 6th-7th to midnight 7th-8th) "on account of my joining time", yet he then in the most unfair, partial and illogical manner possible goes on to say that, as I was still absent on the 8th October, I thereby "overstayed my Privilege Leave, by one day" and therefore by the day the 8th October 1884 – I request that Examiner be called upon to explain why the words of the Office Note I have indicated by the inverted commas and underlined were used in preference to "overstayed" my "joining time by one day", for it seems to me that on the 8th October my Privilege Leave its commencement, middle and end had all become a matter of history: and that its length and end was then, as it still is, in no sort of way whatsoever a matter of controversy and dispute between me and any one else. I submit in fact that the Examiner has as little right to report that I "overstayed" the before mentioned "Privilege Leave by one day" vizt. 8th October 1884 as he has now to say that I overstayed the sick furlough I had in 1861-62 by one day, vizt. on 8th October 1884.

Colonel Barnaby's argument amounts to this, that an officer who obtains 3 months' privilege leave may stay away 3 months + 1 day!? RS 23.2.85

If the description of my overstay be so corrected, as I request it may be, the Examiner will find, by a further perusal of P.W. C. Code, that he has exceeded his powers in mulcting me my pay, as he has done for the 8th October 1884; he should have looked in fact at Para 455, Rules I & III, before he mis-described my alleged overstay – for by his own showing my absence from duty on 8th October was after all, if in any way irregular but a non-use of all reasonable despatch in proceeding from my former to present appointment and that he has only authority to mulct me of Rs 14/1[illegible]/10

D.P.W. Code

Pray believe me I do not state all this as in any way minimising, watering away or withdrawing my claim to arrears of pay vizt: Rs 48.2.10 for the 8th October. I merely indicate this part of the question as an ensample of the animus with which the Examiner appears to me to have examined the whole of it.

I have already sent you sufficient information to show that whilst Examiner laid down in July (vide his letter to you 111 S.E.& D/ 17 July 1884) the new, not in-the-Code and Special rule for the Executive Engineer, Presidency Division to rejoin after Privilege Leave &c: at the temporary Head Quarters of the officer in temporary charge of the Division no such rule was being applied at same time to the P.W. Officers of the Nellore Division for instance; or in short I was treated differently to Captain Henderson. Neither is there any rule in D.P.W. Code so worded, the only one on the subject being 404 which can only indicate Bangalore in the transfer in question, as the locality for transfer.

Again

Again whilst Examiner was telling you in July, in before mentioned letter, how that Madras had become the Head Quarters of the Presidency Division and in November the same thing to the Chief Engineer, he was not himself in one single instance, except as regards myself which I can discover, acting as if it was so during my Privilege Leave, he treated me as if it was so, by causing me to rejoin there, but the whole of the rest of the Divisional Staff as if it was not — for instance, he allowed the salaries of Divisional staff to be paid prior to audit in July, August, September and October. Para 499 D.P.W. Code will complete the explanation of this partiality.

He did not report to the Chief Engineer in November I had rejoined at Madras in October pursuant to his own directions sent through you; but he so worded and arranged his report to the Chief Engineer and his letter to you that it is impossible for me to fully criticize them in an official letter.

Notwithstanding all which he now appears astonished that I do not accept with perfect silence such extraordinary Office Notes, letters, descriptions and mulctings. How can I?

I regard the withholding of his letter No: 111 S.E.V. d/. 17 July from the Chief Engineer, the contents of it,* and those of his Office Note 627 d/. 27 November 1884 (on the last of which Memorandum No: 2038 C d/. 10 Decr 84 was based) as so many inconsistencies, misrepresentations, wrong implications, omissions, breaches of Civil Leave

and

* he misindicated the parts of the C.L. Code applicable, viz:- Rules 1 & 5 not 2 & 7 of Section 160.

and D.P.W. Codes and acts of positive unfairness that I really can't be expected to refrain from continuing to re-claim my full pay for the 8th October.

He has greatly injured me by obtaining even by such means from the Chief Engineer the Memo No: 2038 C d/. 10th December 1884 — because even if that Memorandum be cancelled I shall still have personally suffered in several ways, which being of a private nature I need not here particularise; it will suffice perhaps for me to say that in July and following months, consequent on obtaining Privilege Leave and effecting a change of ~~residence~~ appointments necessitating a change of residence, I did such and such things and made such and such arrangements on the belief that the Regulations in the P.W. Code and C.L. Code would govern such leave, joining time and place of re-joining, that subsequently (letter received on 26th August) making me re-join at Madras was not in accordance with the Regulations in either Code, was not necessary: for, immediately I got to Madras I had to go to Bangalore to resume the duties Capt. Hamilton had but a few days before relinquished and Lieut. Plummer had not by the latter officer's express orders - touched, that I could not as a matter of fact completely and satisfactorily take charge of the Bangalore duties until Captain Hamilton came here on 3d Decr, and that I believe the Examiner's letter 111 S.E.V. dt. 17 July was based solely upon his private desire to reduce some-how my Regulation joining time from 8 days to 1: that in asking that the 8 days be admitted, I only ask for that which the Accountant General for Madras freely concedes under exactly the same Regulations to the Members of the Madras Civil Service from one of whom, in fact, I heard shortly before leaving Madras in July that I was entitled to 8 days' joining time for change of appointment and residence.

It is under these circumstances that I make this appeal and continue to claim my pay for October.

I have &c.

W H Burton
Colonel R.E.
Executive Engineer
Presidency Dn.

R No 5750
12-2-85

P.W. Cno: 1626

From
The Executive Engineer
Presidency Dn

No: 4301

Forwarded to the Chief Engineer P.W. Department
Chas Pendergast Lt Col R.E.
Superintending Engineer
Camp Managudi
19 Febr 1885

No 5946.
Dated 11th } Febry 85
Recd 23rd }

No 2038 Ca/10.12.84.

Encl 1

Resubmits claim for 1 Days pay in October 1884:

Enc 14/3 R 17/3/85

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Examiner's letter dy 17 July 1884 to the Superintending Engineer.

Sir,

With reference to your letter No 1362 dy the 6th Instant I have the honor to request that you will if necessary inform Lieut Col Burton R.E. that he will not under existing rules, be entitled to more than a days joining time on return from Privilege leave, as he has to take over charge of the Presidency Dn from Captain Hamilton R.E. at Madras which has been constituted by Government in G.O. No 1592 W dy 25th June 1884, as his Head Quarters, Vide Section 160 Rules 1 & 5 of the Civil leave Code.

I have &c
(sigd) D. C. Gordon
Examiner P.W. accounts

Executive Engineer's letter No 5176 dy 18-12-84

Sir,

I have the honor to request you to furnish me with a copy of any instructions which may have been iſsued from your Office to Captn Henderson R.E. Executive Engineer Nellore 5 regarding the place of his handing over and receiving charge of Nellore Division previous to and on return from his recent Privilege leave.

I have &c

/Sigd/ W. H. Burton Col. R.E.
Executive Engineer P.D^n.

---

Examiner's letter No 324 S.E.V d/ 20^d Decr /84

To Executive Engr

Sir,

With reference to your letter No 5176 d/ the 18^t Instant I have the honor to enquire for what purpose you can require, a copy of instructions which may have been iſsued from this Office to Captain Henderson R.E. Executive Engineer, regarding the place of his handing over and resuming charge of the Nellore Division, seeing that that Officer is in no way connected with your Division nor connected with the same circle of superintendence

I have &c

/Sigd/ D. C. Gordon
Examiner P.W. accounts

---

Executive Engineer's letter No 5385 d/ 14-1-85

To Examiner

Sir,

In reply to your letter No 324 S.E.V d/ 20^t Ultimo I have the honor to inform you that the purpose for which I required copy &c of any orders that may have been iſsued regarding the locality for Captain Henderson R.E. handing over & resuming charge of the Nellore Division in July and October last was to remove doubts I had on your construction of the Regulations set forth in your letter No 111 S.E.V d/ 17 July 1884 for although Captn Henderson is, as you say, neither in the Presidency division nor connected with the Fifth Circle yet he is serving in the same Corps and Department with myself and therefore would I presume be serving under exactly the same Regulations.

I have &c

/Sigd/ W. H. Burton Col. R.E.
Executive Engineer
Presidency

2/5483
30-1-85

Examiner's letter No 350 S.E.V of 17 Jany/85—
To Exe Engineer

Rd. Ec1/9.2.85

Sir,

With reference to your letter No 5385 of the 14th Instant, I have the honor to state that as Government have already passed orders on your case vide Memorandum from the Secretary to Government P.W. Department No 2038 C of 10th December 1884, any modification should be asked for from Government on the merits of the individual case.

I have &c
(Sd) D. B. Gordon
Exer of P.W. a/cs.

True copies
Ex Engr.

---

No. 5639

MADRAS, D.P.W.,
*Bangalore*, 29 Jany 1885

From,
THE EXECUTIVE ENGINEER,
*Presidency Division*,

To,
THE Superintending Engineer
V Circle.

Encls 2
Copies
Examr's letter 17 July to S.E.
Exr's letter 350 S.E.V. Df. 17.1.85
Ex Engr's No: 5385 Df. 14.1.85
Examr's letter No: 324 S.E.V.
Ex. Engr's letter No: 5176 Df. 18.12.84
Origl
Chf: Engr's No: $\frac{C}{2038}$ Df. 10.12.84

SIR,

In returning Chief Engineer's Memorandum No: 2038 C df. 10 Decr 1884 and Examiner's Office Note No. 627 df. 27th November 1884 on which it is founded as also copy of Examiner's letter No: 111 S.E.V. df. 17 July 1884 on the same subject, I have the honor to request that my claim to the one day's pay of which I was mulct in October 1884 may be reconsidered as there are no two or more consecutive words in the P.W. Code or C.L. Code which support the Examiner's assertion that by the Regulations "I had "to receive over charge at Madras".

There was no technical or departmental necessity for my doing so any more than there was for Captain Henderson R.E.

&c

for instance in handing over and resuming charge of the Nellore Division Madras P.W.D. at Nellore the Head Quarters of Nellore Division before and after his privilege leave which occurred at same time as mine.

The C.L. Code Section 160 I submit only governs, see para 456 P.W. Code, the time allowed in travelling from one station to another on changing appointments: it does not govern the locality of assuming charge — either in Section 160, as asserted by Examiner, or elsewhere.

But the C.L. Code I also submit did entitle me to 8 days joining time for changing my appointment and residence to a place 216 miles distant by rail am I asked to believe I did not change both during my privilege leave?

Not during
privilege leave
as Head Quarters both at
were at Madras and end
the beginning
of leave?

I submit, the P.W.D. Code alone governs the locality, for it states in para 402, that I should resume charge of not only the Divisional cash balance but also of the records, stores and works in hand, and I could only do that at the place where they were, and not where they were not.

It is true that the Divisional cash balance was at Madras but it ~~was~~ had been brought there by my own order× in pursuance of the direction of Examiner contained in his letter d/. 17 July for me "to join at Madras" and not as he disingenuously implies and reports to Government as a voluntary act on my part — yet Mr Gordon knew perfectly well when he so reported that he had written his letter of 17 July and that I was acting in accordance therewith, so how he can seek to hold me responsible (para 3 of his Office Note 627 d/. 27 Nov. 84) for my doing so and make use of my having so acted in order to sustain his ~~previous assertion~~ retrenchment of my one day's pay & that "I had to rejoin

"at

× 3 days before my arrival, it only amounted to Rs 4.14.7 & therefore was not a bonâ fide Establishment of Hd. Qrs. of the Divn. at Madras whilst I was on P. Leave.

"at Madras" is not understood: but no doubt it needed support.

Mr. Gordon, when I asked for any orders which may have been given Capt Henderson on the locality of his transfer of charge on a similar occasion refused me all information, but has subsequently suggested I should ask Secretary to Govt: to modify his Memorandum No: 2038 C d/ 10th ultimo, which I therefore now do, and at same time to reclaim my pay for 8 October 1884.

I have &c.

W H Burton Col. R.E.

No. 12 Wd/13.6.84.
1477
" 1477 Wd/13.6.84
" 1592 Wd/25.6.84

4
29/1

---

R.No. 5483
30-1-85
Note 962

8

From,

THE EXECUTIVE ENGINEER,

*Presidency*,

No.

Dated
Recd. 3/2/85 } 1884.

SECRETARY TO GOVERNMENT P.W. DEPARTMENT MADRAS
3 FEB 85

*Subject.*

No. 4075

Forwarded to the Chief Engineer P.W. Department.

Col. R.E.

Superintg. Engr. 5th Circle

2nd February 1885.

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P. W. Department,

Letter from the Executive Engineer, Presidency Division, No. 5946 d/ February 11th 1885.

Endt. thereon by the S.E. V Circle No. 4301 d/ Feby 19th 1885.

For Orders

On the 5th May 1884 ~~Lieut.~~ Col: Burton R.E. was appointed to officiate as Supty. Engineer V Circle during the absence of Col: Prendergast on privilege leave. Col: Burton's head-quarters - previously at Bangalore - became thereupon fixed at Madras - to which place the Divisional head quarters were also transferred, at —

~~Lieut:~~ Col: Burton's own request, under G.O. 1592 W d/ 25th June 1884.

On the 7th July 84, Colonel Burton himself took privilege leave for three months. He was due again on duty on the 7th October 1884, but he did not actually assume charge of the Presidency Division at Madras till the 9th October. The Examiner has allowed him one day's joining time, under section 160 Rule 1 of the Civil Leave Code, but has disallowed his pay for the 8th October.

Col: Burton contends that he was entitled to 7 days joining time after privilege leave, under Section 160, Rules 2 and 4 of the Civil Leave Code, "because he was reverting to his substantive appointment."

This contention does not seem to be sustainable. The head quarters of the Circle as well as of the Division were, at the time, fixed at Madras, and Col: Burton delivered over, and reassumed, charge at that station.

The one day's joining time allowed by the Examiner seems to be more than is admissible under a rigid interpretation of the rules. Col: Burton did not proceed on privilege leave as Supdg. Engineer, but as Executive Engineer, Presidency Division.

There was thus, strictly speaking, no change of appointment on his return — and had the Examiner disallowed joining time altogether, his action would ~~be~~ have been justifiable.

It will be seen from the correspondence that ~~Lieut.~~ Col Burton will not accept the Examiner's ruling, which has also been confirmed by endorsement from this office No. 2038 C d/ 10th December 1884.

It is requested that final orders should now be passed on the case.

W.S.
13-3-85

W

C.W.
13.3.85

R.S. Cir: 14/3 K 17/3/85

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~~The Hon H E Sullivan~~

For Orders

17 MAR 85
SECRETARY TO GOVERNMENT P.W. DEPARTMENT

Order in accordance with

16/3 H.S.

---

No. 692 W

PUBLIC WORKS DEPARTMENT

## PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 18 March

READ the following

Letter from the Executive Engineer Presidency Dvn No. 5946 d/ 11th Feby 1885 — Endt. thereon by the S.E. V Circle No. 4301 d/ 19th Feby 1885.

Colonel Burton will be informed that the Examiner's disallowance of his pay for the 8th October 1884 must be accepted as final.

C.W.
17.3.85

W.S.
17.3.85

To

The Suptg. Engineer V Circle
" Exr. P.W. Accounts.

Dd 18/3/85

There

spec

a

K. No. 692 d/ 18 March 85

E

M
10.3

E.C. 20/3

RD Circ: 14/3 K 17/3/85

To: F.W.

S.E.V submits a strong protest from Col: Hutton against the action of the Examiner in connection with his having overstayed his leave in October & consequent retrenchment of his pay for one day.

It seems to me somewhat difficult to follow Col. Hutton in his arguments regarding the overstaying of leave and the overstaying of joining time, but the fact cannot well be got over that as Madras had (at his own request when D.G.: S.E.) been declared to be the temporary Head Quarters of the Division, Col. Hutton was bound to join there, and therefore exceeded his joining time by taking over on the 9th October instead of on 8th.

Col: Hutton is naturally very sore on the subject, & it is hard to have one's pay docked in circumstances to a certain extent beyond one's control — but I confess I do not see my way to recommending any modification of the decision already arrived at — I wish I could.

Col: Hutton alludes to the Acct. General freely conceding pay under similar circumstances & same regulations. Perhaps the case might be put to him, so as to make sure that a wrong view is not being taken in P.W.D. His opinion in the case of Major Drake-Brockman's allowances, was distinctly adverse to that of Examiner, and for the matter of that to my own. Here too he may think we are wrong.

C.A.W. CS.
5.3.85

I regret that I can see no reason for departing from the decision already arrived at. Better have a brief

Statement drawn up, explaining circumstances, & action already taken, & send it to the Hon: Member.

JW.

12-3-85