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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W. DEPARTMENT

G.O. No.	930-W	Press.
B.P. No.		Mis.
Dated	20-4-1885	198

Not to be folded or roughly handled.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following paper:—

From the Superintending Engineer, IV Circle, dated 25th March 1885, No. 138 E.W.

ORDER—dated 20th April 1885, No. 930 W., Public Works.

The above correspondence refers to a claim for house-rent preferred by the Executive Engineer against Mr. Brodie, Head Assistant Collector, Malabar.

2. It would appear that Mr. Brodie vacated his bungalow at Tellicherry on the 12th October 1884 on transfer to Calicut to take charge of the office of the Collector. He gave no notice of having vacated, and left some furniture (a few boxes and some crockery) in the house, in charge of three servants. He returned to Tellicherry on the 24th November 1884, and reoccupied the building. Mr. Brodie now demurs to pay rent for the period of his absence.

3. It will be pointed out to Mr. Brodie that the same rule governs the contract in the case of a Government building as would be applied in that of a house rented from a private individual.

4. In such case the liability to pay rent would certainly continue until the lessee gave notice of his having vacated the house. In G.O. No. 749 W., dated 18th September 1877, communicated to all departments, it is distinctly laid down that such notice must be given in the case of all Government buildings.

5. In these circumstances, Mr. Brodie's application to have the rent of the Sub-Collector's bungalow at Tellicherry remitted during the time he was away at Calicut cannot be acceded to.

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the Superintending Engineer, IV Circle.
" Examiner, Public Works Accounts.
" Revenue Department.

Exd. E. Fernandez.
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1885) Madras.

PUBLIC WORKS.

Dated April, 20th.

Recd.

Encl.

G.O., 20th April 1885, No. 930 W.

APRIL.

House-rent

Orders on claim for — preferred by the
Executive Engineer against Mr. Brodie,
Head Assistant Collector, Malabar.

Malabar Ad. Coll. Office
No 112. Idelicut 11th March 1885

From

The Ad. Coll. Collector of
Malabar

To

The Executive Engineer
West Coast Division
Idelicut

Sir,

In reply to yours of the 6th
Instant, No 215, I have the honor
to state that I adhere to the opi-
nion expressed in my letter of the
2^d March 1891 and do not in
the least consider the rent in
question pretty due seeing that
I was unable to occupy the Ben-
galaw during the period in question
owing to my transfer by Govern-
ment to Idelicut. I should be

Obliged

Obliged therefore if you will kindly
refer the matter to some higher
authority for decision.

(2) The Public works Code on
which you rely in support of
your Contention is I believe pure-
ly a departmental Code and I
cannot consider that I am
bound to know its provisions un-
less they are specially brought
to my notice and section 1228
never has been. Had I known
of it I could have easily vacated
the house from the 13th October
or so until my return to the Sub-
Collector's Head Quarters about
24th November as it was, a much
because I was not aware of these
provisions as any thing else
that employed 3 servants at my
own cost to look after the bungalow
and grounds whilst the house
was vacant; instead of that fact
being

being made use of, now to show
me to have been in Constructive
occupation of the bungalow whilst
absent and so liable to house rent
for it as well as for a bungalow
in salient at the same time, I think
it should have been gratefully
acknowledged by your Department
as Conduct calculated to save it
leasts some expense and trouble.

I have &c &c

180/ J. Brodie
Ag. Asst. Collector
(True copies)

Wm. Thompson

Lt Col. R.
Executive Engineer

21st March 1885



Enc: m. n. 149
21/3/83

Malabar H. S. Coll. Office
W. G. Camp. Vaniacollam 2nd March 1885
From
Venor a Brodie Esquire
etg. to Assist Collector of
Malabar

To
The Executive Engineer
West Coast Division
Calicut

Sir,
As requested in your letter
of the 15th ultimo No 141, I have the
honor to return herewith my
letter as sub Collector of the 5th
ultimo duly signed that it was
originally forwarded without my
signature must have been due to
an error on the part of some sub-
ordinate in the sub Collector's office
which I regret.

I. Dealing with the other para-
graphs of your letter separately
and

and in order I have to state that I gave no intimation of my leaving vacated the Bungalow on taking charge of the office of collector solely because I was not aware that such a notice was necessary seeing that the movements of Durinmal affairs are usually matters of some notoriety in the District in which they occur and because knowing that I should return to the Bungalow I retained servants at my own expense to take charge of it whilst vacant.

3. Whilst absent in fact my furniture in the house consisted of some three boxes and a little crockery for which I think I paid ample warehouse rent in keeping as I did at my own expense which I have not thought to recover a sweeper and two gardeners to take care of the house and

grounds

grounds. 4. I have asked for me from the 12th October to the 21st November but the duties of sub collector were discharged by me coordinately with those of the collector.

5. In conclusion I would explain that I dispute my liability in this matter solely upon the ground that the office of sub collector and the liability to pay rent for the Bungalow attached thereto must be deemed to go together and the liability to cease when the office becomes vacant merged in a higher one which necessitates residence and liability to payment at an other station as occurred in this case. This is the view Government take in the matter of pay and allowances and if whilst in charge of two offices an officer can only draw the pay and allowances attached to the more important

as

as is the case, it seems to me that
he is in fairness only liable to pay
rent for a residence at the station
where the most important of the
two offices he holds compels him
to reside. This is also the reason
why I paid the rent for October
and November in full when it
became due for until I was gazetted
in December to have acted as
collector from 12th October to 21st
November I remained sub collector
and was entitled to halting allowance
as outside my division by being
gazetted I have been called upon
to refund such allowances and con-
sequently consider myself entitled
to a refund of the house rent paid by me
as a sub collector for the period during
which I have since been deputed to
have acted as collector.

I have &

W. V. Brodie

Ag. Ad. & Coll. Collector

No



No. 149 West Coast Division Office
Calcutta 21st March 1885

From

The Executive Engineer

West Coast Division

To

The Superintending Engineer
4th Circle

Sir,

I have the honor to bring
the following to notice.

The sub Collector of Sellicherry
Mr. V. Brodie, who occupies the
Public Bungalow at that station
at a monthly rental of Rs 52 re-
fuses to pay a portion of rent
Rs 70 due from the 12th October
to 21st November 1884, both days
inclusive on the grounds that
he acted as collector for the above
period and made Calcutta his
head quarters for that time, but

still

Enc. 2

2 Copies of
letters.

still kept possession of the Bungalow at Tellicherry as he left it with some of his furniture & in charge of his servants so that virtually the Bungalow was not vacant but still in his possession and therefore the rent due Rs 70 should in my opinion be paid by him.

As no intimation was given to this Department according to para 1228 of the P. W. Code of the Bungalow being vacant, and in the absence of Government authority to permit the rent the Sub Collector was not justified to withhold rent due to this Department. Had intimation been received of the Bungalow being vacant this Department would have taken charge of the building, but no such notice was given as the Sub Collector kept it in charge

change of his servants, fully intending to return to it after his appointment as Collector had ceased.

I have therefore to request you will be good enough to take such steps as you may deem proper in recovering the rent due. Copies of the Sub Collector's letters No 91 and 112 are forwarded for perusal.

I have the honor to be
Sir,

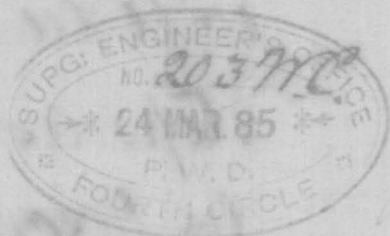
Your most obedt. Servant

Wm Thompson

Legal A.C.
Executive Engineer

W

From
The Exec. Engineer
West Coast D.



Dated 21 } Mar 21/85
Recd }

No. 149

Enclosures two

Sub Collector's Bungalow
at Tellicherry

Requests that steps
be taken for the re-
covery of rent due
by the Sub Collector
Mr. Blodde, for occu-
pation of the
from 12th October to
21st November 1885

No. 138
Rur.

Superintending Engineer, 4th Div.
Coimbatore, 25 March 1885.

From

The Superintending Engineer,
H. H. Circle.

To,

The Chief Engineer
Public Works Department.

Sir,

Enclosures 2.
Letter No. 149
of 21/3/85 from
the Sub Collector
of Tellicherry with 2 enclos-
ures.

The Acting Head Assistant
of Malabar having refused to
pay rent for the Government
Bungalow at Tellicherry from
12th October to 21st November 1885,
under the circumstances stated
in the accompanying letters,
I have the honor to request
that you will be good enough
to obtain orders of Government
in the case.

I have the honor to be,
Sir,

Your most Obedt. Servt.,

H. Beatty, Colonel R.E.
Superintending Engineer, 4th Div.

From
The Suppl. Engineer,
Fourth Circle.



Dated 25th } March 1885
Sept. 26th }

No. 138
P.W.

Enc. 3.

Government Bangalore,
Telli-cherry:—

Requesting to
obtain orders of Govern-
ment on the question
of the refusal by the
Head Sectt. Collector
of Malabar to pay
rent for the — from
the 12th to 21st Nov. /84

To Secy.

C. No. 2887.

The case would
seem to be governed
by G.O. 1310 of 26th
May. 84.

Mr. Boodie was
away on duty, and
had to pay rent
at his new station.

Mr. Boodie should
no doubt have given
notice of his intention
to vacate the house,
and have handed
it over to the P.W.D.,
instead of retaining
possession. In the
case of a private
landlord, rent would
probably be claimed
in such circumstances,
but it may perhaps
be considered that
the relations of Govt.
with their officers
are not quite the same.

N.S. 30.3.85

A
G.O. 2829 of 11-11-84
No. 808 of 22-10-84
G.O. 1310 of 26-5-84
" 1239 of 15-5-84
" 3191 of 5-12-82
" 749 of 18-9-77

C. A. W.

In the case of J. O. 7th post
Mr. Martin was ordered away on
special duty & received no extra
remuneration although he was
of extra accommodation elsewhere.
This is not the case in the case of Mr.
Hodges, who apparently was an Officer.
Under J. O. No. 2829 W. of 11th Decr, 1884,
Mr. Hodges had to pay rent under
circumstances somewhat similar to
those in Mr. Hodges' case. Under
J. O. No. 749 W. of 18th Sept, 77, all
Officers are bound to find housing. There
is then to be said that Mr. Hodges had to
provide himself with a residence at
Calicut, but according to strict letter of
law he did not vacate the bungalow at
Tellicherry & is liable.

Cd.

30. 3. 85

70

Another case of disputed
liability to house rent.

Mr. Hodges, H² Asst. Coll^r Tellicherry,
vacated the forst bungalow at Tellicherry
on 12th October, on transfer to Calicut
to take charge of Office of Collector.
He gave no notice, & left some furniture
a few boxes & some clothing in the
house, in charge of 3 servants. He returned
to Tellicherry on 24th November, & refused
to pay rent for period of his absence.

Mr. Hodges argues that he was not
aware of any Departmental rule regarding
giving notice, & J. O. No. 749 W. of 18th
Sept, 77, however, warns all officers
to give notice of vacating public buildings,
and apart from this, it seems to me
that, as a mere act of courtesy, an officer
going to vacate a house ought to inform
the agent responsible for the house of his
intention. Say what he may, Mr. Hodges
virtually kept on the house.

In the case of Mr. at Selem in 1884,
Mr. Martin was exempted from house
rent, that he kept his furniture in the building,
on the ground that he was sent away on
special duty, had to provide accommodation
for himself elsewhere, & received no extra
remuneration to cover it - G. O. No. 1310 W.
of 26th May, 1884. And under G. O. 2829 W.
of 11th Decr, 1884, Mr. Hodges had to pay
rent for the bungalow at Selem, during the
period he drew allowance as Sub. Collector, & the
building at Selem being the Sub. Collector's residence,
acted he did not actually occupy it.

It seems to me that under the latter &
spirit of the law Mr. Hodges is bound to pay.
Possibly for some time a similar view has
been taken that he had to find himself
(I presume) a residence at Calicut.

Cd.

1. 12. 85

It certainly seems
that the rules in force
require payment of rent
by Mr. Brodie.

Better draft a note for
orders, based on D.W.'s
remarks overleaf.

W

1-4-85

P. W. DEPARTMENT.

Read the following:—

From the Superintending Engineer IV Circle. N.E. No. 138 of 25th March 1885.

FOR ORDERS.

The above correspondence

It will be pointed out to Mr. Brodie that the same rule governs the contract in the case of a rented for building as would be applied in that of a house rented from a private individual.

In such a case the liability to pay rent would certainly continue until the lessee gave notice of his having vacated the house. In G. O 749 of 18th Sep 1877 commencing

all Departments it is distinctly laid down that such notice should be given in the

refers to a claim to house rent preferred by the Public Works Department against Mr. Brodie, Head Assistant Collector, Malabar.

2. Mr. Brodie vacated his bungalow at Tellicherry on the 12th October, on transfer to Calicut to take charge of the office of collector. He gave no notice, and left some furniture (— a few boxes and some crockery—) in the house, in charge of three servants.

3. He returned to Tellicherry on the 24th November, and

and refuses to pay rent for the period of his absence.

FOR ORDERS.

4. Mr. Brodie argues that he was not aware of the Departmental rule requiring notice to surrender possession. But G. O. 749 W dated 18th September 1877 (communicated to all Departments of Government) warns officers vacating public buildings to give notice to the P. W. Officer in charge. Apart from this, however, it would seem that an officer about to vacate a house should, as an act of courtesy, inform the agent responsible for the house of his intention. In the present case it seems clear that Mr. Brodie kept on the house.

5. In an analogous case at Salem in 1884, Mr. Martin was exempted from the payment of house rent, though he kept his furniture in the building, on the grounds that he was ordered away on special duty, had to provide accommodation

Case of all Govt buildings
In these circumstances
Mr. Brodie's application
to have the rent of the
Sub Collector's bungalow
at Pelliicheri remitted
during the time he was
away at Calicut cannot
be acceded to.

14/A.

* G. O. No. 1310 W of 26 May 1884

accommodation for himself elsewhere,
and received no extra remuneration
to cover the cost.

6. Under G. O. 2829 W dated 11th November 1884, Mr. Rawson had to pay rent for the bungalow at Erode during the period he drew allowances as Sub Collector, the building at Erode being the Sub Collector's residence, though he did not actually occupy it.

7. Mr. Brodie seems to be liable under both the letter and spirit of the rules.

W.
2-4-85

For Orders.



No 930.W PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 20th April/85

Read the following

From the Supply Engineer IV Circle (N. E. No 138 W of 25th March 1885

The above correspondence refers to a claim for house rent, preferred by the Executive Engineer against Mr Brodie, Head Assistant Collector, Malabar.

It would appear that Mr Brodie vacated his bungalow at Tellicherry on the 12th October 1884, on transfer to Calicut to take charge of the office of the Collector. He gave no notice ^{of having vacated,} and left some furniture - (a few boxes

and

and some crockery) in the house, in charge of three servants - He returned to Tellicherry on the 24th November 1884, and reoccupied the building - Mr. Brodie now demands to pay rent for the period of his absence.

It will be pointed out to Mr. Brodie that the same rule governs the contract in the case of a Govt building as would be applied in that of a house rented from a private individual.

In such a case the liability to pay rent would certainly continue until the lessee gave notice of his having

having vacated the house. In G.O. 749 W of 18th September 1877, communicated to all Departments, it is distinctly laid down that such notice must be given in the case of all Govt buildings.

~~Under~~ ⁱⁿ these circumstances, Mr. Brodie's application to have the rent of the Sub-Collector's bungalow at Tellicherry remitted during the time he was away at Calicut, cannot be

To ^{W. M.} acceded to.

The Suply Engineer IV Circle

" Enr. S. M. Acels

" Revenue Dept

(Revenue Secretary for final off)

at counter initials

Under instructions dated 16/10/85

W. M.
16-10-85

15-4-85



930
14

18.38

Proc.

Govt. of Madras.

PUBLIC WORKS.

21/4/85

Dated

Recd

Ent

60.2

1885, No. 430

Time

Order on claim for
- expenses by the
by the against Mr.
Brodie, to a pth
Brodie, Malabar

75

4

W. 30

Id
21/4

50