3. In these circumstances, the Govt: sanction the free occupancy of the quarters up to the end of January 1886; since which date it is understood that ~~the last case when~~ rent has been recovered from ~~the~~ the occupant. ~~Collector proceeds~~.

4. The attention of the Ex: Engineer will be directed to paras 1222, 1224, and 1226, of the P. W. Code.

Secy
7/6/86

Ch. to 10
9

Ch.
9-6-86

B. R- 1499 dy 12 June/86

Secy 14/6. Fin 16. 14/9/6.
8-7-6-86

Encl. dft 12/6
Secy
12/6
S. E. IV Circle
Examine P. W. A.

6. Feb

14/9/W

B/

PROCEEDINGS OF THE MADRAS GOVERNMENT.

12th June 86.

READ the following

Office note from the Examiner - H.E. No. 105 dy 7th May 1886.
From the S.E. to Circle - H.L. No. 192 Ens. dy 2d June 1886.

It appears from the foregoing papers that the Examiner first took objection to Mr. Hollingsworth occupying his quarters rent free in July 1885 and the Ex: Engineer should have at once taken steps for recovering rent from Mr. Hollingsworth, with effect from the date of the Examiner's objection

2. ~~The~~ The arguments urged ~~in support~~ by the S. Engr: ~~letter~~ against rent being recovered retrospectively for more than four years, apply also to the question of charging Mr. Hollingsworth rent from the 1st August 1885.

In

8-7-6-86

C3

C. Geis called attention to the fact that Sub-Conductor Hollingsworth should pay rent up July/85 and the E.E. should have recovered rent from that date but as he did not do so it seems hard that the Sub-Conductor should be called upon to pay Rent for arrears,

Note. The arguments used in favor of the E.E. against rent being charged for 4½ years hold good as regards rent being charged from 1st Dec. to 1st Jan. Therefore though the rent should be charged from 1st Jan 1886

5-6-86

D.O.

For orders.

Invites and it notes E.E. says that rent will be recovered from the 1st Febry 1886, but E.E. now recommends that it be recovered with effect from 1st augt 1885 - so that Sub Conductor Hollingsworth would have to pay Rs 60 as arrears of rent.

J.B.
5.6.86.

C3 Folio 424

From

The Supg. Engineer
4th Circle

To,

The Chief Engineer
P.W. Department.

Dated 2nd
Received } June 1886.

No 192
E.W.
Enclosure:—3

Overseer's shed at Wellington.

Explains and recommends that the rent formay be recovered from Mr. Hallingsworth from 1st August 1885.

8-7-6-86

referred the case to me, I could see no grounds for recommending an exemption; and he then commenced to recover rent. The Examiner, however, considers that rent should be recovered from the present tenant, Sub Conductor H. Hallingsworth for the full period he has occupied the building; about 4¼ years.

4. Major Smith explains that the history of the building is unknown; that no rent has been charged for it from the time of its construction; that it has always been occupied by P. W. Subordinates free of Charge; that, in his opinion, under the statute of limitations Sub Conductor H. Hallingsworth could not be made to pay for the whole 4¼ years he has occupied it; also that the Sub Conductor cannot in justice be made to pay back rent because none of his predecessors were made to do so; and because no option was ever given him of paying rent or quitting the building.

5. I send herewith the Executive Engineer's letter* on the subject, and return the Extracts from Examiner's audit note bearing your endorsement.

*No. 534 of 27th May 1886.

6. I am of opinion that the practice of not charging rent for the building in question, which the Executive Engineer found in force, may be held to justify him in not recovering rent up to the time of the Examiner's objection sometime in July 1885; & that the rent may be recovered from 1st August 1885.

I have the honor to be,
Sir,
Your Most Obt Se.

C. Beatty. Colonel R.E.
Supg. Engr. 4th Circle.

A

No. 192
E. W.

Superintending Engrs office. 4 Cir.
Coimbatore 2nd June 1886.

From,

The Superintending Engineer,
Fourth Circle.

To,

The Chief Engineer,
P. W. Department.

Enclosures 3.

1. Exe: Engineer's letter No. 554 dt 27/5/86
1 Chief Engr's Endt No. 1812-C dt 14/5/86 on Exr's office Note No 105 dt 7th May 1886
1. Extracts from the Exr's audit notes.

Sir,

As directed in your endorsement No. 1,812 of 14th instant, I have the honor to report on the case referred to in extracts from Examiner's Audit notes on the accounts of the Nilgiri Division.

2. The Examiner having ascertained, from accounts that came before him and enquiries made, that the subordinate of this Department stationed at Wellington was occupying quarters in a Government building free of rent, brought to the notice of the Executive Engineer that rent should be recovered.

3. The Executive Engineer, having

SUPTG ENGINEER'S OFFICE
NO. 4081 S.D.
29 MAY. 86
P. W. D.
FOURTH CIRCLE

From
The Executive Engineer
Nilgiri Division

To.
The Superintending Engr
4th Circle.

No 554
Dated 27th May 1886.

Encls.

Wellington. overseer's shed at. occupied by Mr. Hollingsworth. non-recovery of rent from date of occupation by. Submits reasons for.

built for convenience and probably as a temporary residence of the Overseer or Maistry in charge of the construction of the Barracks. Any how from time immemorial the building has been occupied free of charge by D.P.W. Subordinates. I therefore respectfully submit that I cannot be held responsible for accepting as sanctioned a state of things which has been in vogue ever since the construction of the building.

3. As to Mr Hollingsworth being called upon to pay back rent I submit that he cannot in justice be made to do so, firstly because none of his predecessors have been made to do so; and secondly because no option has ever been given him of either paying rent or quitting the building.

4. I regret the Examiner cannot see his bearing the Statute of limitation has on the matter.

I have the honor to be
Sir
Your most Obed. Servant.

Al Smith Major R.E.
Executive Engineer.

WDG
26/5.

I.W.C. No. 3463

No. 554 Nilgiri Division Office
Ootacamund 24th May 1886.

From

The Executive Engineer
Nilgiri Division.

To.

The Superintending Engineer
4th Circle.

Sir,

In reply to your No. 282 N.I. dated 21st May 1886, with enclosure (Audit Note & remarks by Examiner) I have the honor to state that if any Executive Engineer is to be made responsible for the recovery of rent for the building recently occupied by Mr Hollingworth, then all the Executive Engineers who have been in charge of Wellington since the year 1858 or thereabouts, should be held responsible.

2. As already fully reported by me, this house was originally as far as can be ascertained merely a Store shed built

No. 1812 & dy 14th May 1886.

Referred to the Superintending Engineer, IV Circle, for full report.

(By Order)
D.W. Campbell, Major R.E.
Dy. Chief Engr: P.W.D.

III
1215-86

To
The Supdg: Engr: IV Circle
Ootacamund

SUPG: ENGINEER'S OFFICE
No. 3719
17 MAY. 86
P. W. D.
FOURTH CIRCLE

Recd. 8/5/86
Encl.

P. W. Dept.
To be returned with reply.

[C. No. 8.]

GOVT. OF MADRAS. } 1886. {P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 7th MAY 1886.

OFFICE NOTE No. 105.

To

E.W.

Encs: 1

AUDIT NOTE FOR JULY 1885 - PARA 28.
AUDIT NOTE FOR OCTOBER 1885 - PARA 29.
AUDIT NOTE FOR JANUARY 1886 - PARAS 2 & 33.

I BEG TO BRING TO YOUR NOTICE FOR SUCH ORDERS AS YOU MAY CONSIDER NECESSARY THE EXTRACTS FROM AUDIT NOTES ON THE ACCOUNTS OF THE NILGIRI DIVISION NOTED IN THE MARGIN.

2. IT SEEMS TO ME THAT THE EXECUTIVE ENGINEER SHOULD BE HELD RESPONSIBLE FOR RECOVERY OF RENT FOR BUILDINGS IN HIS CHARGE (CODE PARAS 1222, 1224 AND 1226) AND HIS REFERENCE TO THE STATUTE OF LIMITATIONS IS NOT UNDERSTOOD.

C.

KEEP-WITH Genl. No.

dated 188 .

P.W. Encl 3463/86

Remarks by Examiner

[*N.B.*—This space should not be written upon as it is required for filing.]

Replies by Executive Engineer.	How disposed of.

[*N.B.*—This space should not be written upon as it is required for filing.]

[P. W. D. Form, No. 111 Inner.]

Remarks by Examiner	Replies by Executive Engineer.	How disposed of.
what date the building was actually occupied.	made before that date. Moreover under the statute of limitation he could not be made to pay for the whole 4 3/4 years he has occupied the building. It was not thought worth-while to charge for the broken period in January but to commence at once from the 1st February /86.	to the Chief Engineer for orders.
Para 33. The result of reference made to Superintending Engineer should be intimated to this Office.	Rent at the rate of Rupees 10/- per annum is being recovered from Mr. Hollingsworth from 1st February /86.	Vide disposal on para 2.
X X X	X X	X.

[N. B.—This space should not be written upon as it is required for filling.]

(True Extracts)

G. E. Sutton

Superintendent Correspondence Branch.

7/5

[P. W. D. Form, No. 111 Inner.]

Remarks by Examiner.	Replies by Executive Engineer.	How disposed of.
Extracts from Audit Notes.		
x x x	x x	x
July 1885.		
Para 28. The name of Work as per Schedule is Supervisor's Office, while according to the Voucher it is Supervisor's Quarters. Please state which is correct. If the Supervisor occupies Government Quarters it should be explained why such occupation is not shown in the Return of Buildings.	Supervisor's Office is correct.	Vide Audit Note for October 1885 (Para 29).
x x x	x x	x
October 1885.		
Para 29. Please say whether the Supervisor occupies or occupied any portion of the Office or other Government Quarters.	Mr Hollingsworth neither occupies part of the Office nor any regular Government Quarters. The History of the habitation is unknown but no rent has been charged for it from time immemorial. The matter has however been referred to the Superintending Engineer.	Transferred to Audit Note for January 1886. (Para 33).
January 1886.		
Para 2. Provincial Buildings Canal Rents of Buildings Register No 38. The remarks that rent will be recovered from 1st February 1886 is not understood. Inquiries from what	The Superintending Executive Engineer having decided in his No 56 P.I. 29.1.86 that rent should be recovered from Mr Hollingsworth it is thought that no recovery can equitably be made	The case has been reported to

[N.B.—This space should not be written upon as it is required for filing.]

REFERENCE TO MADRAS P. W. D. CODE.

PARAS. 2347 AND 2354.

SUPG: ENGINEER'S OFFICE
NO. 3719
17 MAY. 86
P. W. D.
FOURTH CIRCLE

Enc-1

P. W. D. FORM.
No. M 111.

CENTRAL OFFICE OF ACCOUNTS.

Extracts from
Examiner's Audit Note on the Accounts of
Nilgiris Division for the months of
July & Oct. 85 & Jany 1886.