No 1273 W Ry 10.5.87.

P.W.D. Form.

P.W.C. No 4911

(12)

From,

The Supg Engineer
6: Circle

To,

The Chief Engineer
P. W. D

File read

No 615. T. S with P.W. Con 3

Dated 25: June 1887

Ry 29.6.87

Enclos 2

~~No 1815 W dated 7th July/87~~

Submits letters from the executive engineer, Negapatam Dn & Government Pleader & states for the reasons given that it is useless to undertake the prosecution of Vencatachellam Pillai who received fraudulent payment

~~No 1815 W d/ 7th July/1887~~

In the circumstances reported the prosecution sanctioned in G.O. No 1273 W d/ 10th May 1887 will be abandoned.

2. It is satisfactory that no loss has occurred to the State though there was considerable carelessness in regard to the original payment to the contractor.

29.6.87

1/7/87

3. The facts of the case should have been accurately ascertained before it was reported to Govt.

7 July

SE VI, 6 Despt 7/7/87

C.E.

3 Dec 1917

O. 29.6.87. R. 11.7.87

Gl 806 T.J/87

PUBLIC WORKS DEPARTMENT.

SUPERINTENDING ENGINEER 17 JUN 87 VI CIRCLE

No. 1916.

From G. E. Manson Esqr
~~The~~ *Executive Engineer,*
Negapatam Division.

To
The Superintending Engineer,
VI Circle.

Station Negapatam

Dated 13th } June 1887
Despatched 15th }

Enclosures 1. Govt. Pleader Letter No $\frac{C}{8.6.87}$
~~(to be [illegible]) (returned)~~

Sir,

In reply to your letter No $\frac{480}{6.6.87}$ T.J. I have the honour to enclose a letter No $\frac{C}{8.6.87}$ received from the Government Pleader owing partly to want of enquiries at the time of payment by our only witness: the Division Accountant and

---

plea of ignorance of the fact. and though this is merely a quibble of law it loses our case.

I have the honour to be
Sir
Your most obedt Servt
G. E. Manson.
Ex. Engineer

Chiefly to the fact that payments in to Court on behalf of contractor not being communicated to & acknowledged by such contractor we have little chance of a conviction. Under these circumstances we had better forego the prosecution and let the matter drop. As already reported, under threat of prosecution the money has been refunded and is in the Mannargudi Sub Division Officer's Cash Chest. I am writing to him to credit it to Govt. in his accounts.

Ins: 2
PW 4911/87

In conclusion I would point out the desirability in future of obtaining contractors own written acknowledgements for all sums paid in to Court on their behalf. In this present case though the man's accounts were closed he is able to

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PWD No. 17806 J.

SUPERINTENDING ENGINEER
17 JUN 87
6TH CIRCLE

No. 1963 M

Encl to Negm Ex's No 1978/ 11/6/87

H.D.
True copy of this wanted & file
G.D.M. 11/6/87

No.

8th June 18

From
S. A. Saminatha Aiyar
Government Pleader
Tanjore

To
The Executive Engineer
Negapatam

Sir,

With reference to your letter No 1599 dated 25th May 1887, I have the honor to inform you that in accordance with my letter No. dated 29th Ultimo, I consulted with your Office Head Accountant as to the evidence that is forthcoming in the matter of the prosecution against Vencatachela Pillai and the circumstances under which the amount in question was paid. The only witness available against Vencatachela Pillai is the Head Accountant himself. He says that he knew Vencatachela Pillai before the date of payment as he was a contractor in 1885 and that he therefore did not think it necessary to make any enquiry before issuing the cheque. But It is true that the District Munsiff's Court of Mannargudi attached his money and that the money was remitted to that Court. But Vencatachela Pillai was not sent for when his accounts were closed nor has his signature been obtained to those acquits. Vencatachela Pillai never applied for the money as money due to him for work which another man of the same name had executed Nor did the Head Accountant question him at the time of issuing the cheque

regarding the particulars of his claim. There is nothing to show that Vencatachela Pillai drew the money knowing that it was the balance due to another Vencatachela Pillai for another work which that man had executed. On the other hand he might have very honestly believed when he heard that there was some amount to the credit of Vencatachela Pillai that it was the balance due to himself for work executed by him after deducting any amount which might have been sent to the District Munsiff's Court which attached his money.

The subsequent delay in paying up the amount cannot of itself be sufficient to bring home mala fides to Vencatachela Pillai at the time he made the claim and obtained the cheque

In these circumstances I am clearly of opinion that there is absolutely no evidence to sustain a charge of cheating, much less cheating by personation. It will be waste of time and waste of Public money to press the case in the absence of all evidence to make out even a prima facie case.

The enclosures are herewith returned.

I have the honor to be
Sir
Your most obedt Servt
Government Pleader

En: 1
PW 4911/87

717W - 8-3-87

P.W.D. Form.

No. 615.T.J

Kodaikanal
25th June /87

D/27th

Letter from the Executive Engineer Negapatam Dn No 1916 of 13th June/87 & the Government Pleader's letter No C dated 8th June 1887 - forwarded therewith.

Enclo: 2.

Submitted to the Chief Engineer P.W.D with reference to G.O. No 1273 W of 10th May 1887 -

2. Under the circumstances stated, it seems useless to undertake the prosecution but it is not clear why the Govt Pleader should now give an opinion wholly different from that contained in his letter No 207 of 28th March 1887, on which the prosecution was ordered in the G.O quoted above -

3. There appears to have been a good deal of carelessness in the matter of the original payment,

No. 1014 c d/ 17-3-87

but no actual loss to the State has occurred; the Executive Engineer concerned is no longer in the public service and the Accountant is under orders for transfer to another Division -

Lt Col RE

Supdt. Engineer, Sinde -

B. No 1273 W d/ 10.5.87.

~~[illegible]~~

No 1815 W d/ 7th July 1887

R/cir

In the circumstances reported the prosecution sanctioned in G.O. No. 1273 W d/ 10th May 1887 will be abandoned.

2. It is satisfactory that no loss has occurred to the State though there was considerable carelessness in regard to the original payment to the contractor.

In the circumstances reported the prosecution sanctioned in G.O. No. 1273 W d/ 10th May 1887 will be abandoned. 2. It is satisfactory that no loss has occurred to the State though there was considerable carelessness in regard to the original payment to the contractor.

MW
29.6.87

Jou
1/7/87

3. The facts of the case should have been accurately ascertained before it was reported to Govt.

MM
1 July

S.E. VI C. ✓ Dest
Exe. ✓
7/7/87

R.S. 206 VI
11.7.87

O. 29.6.87. R. 11.7.87

Com
1/3 Due 29/7

P.W.C. No 4911 ✓

(12)

From,

The Supg Engineer
6th Circle

To,

The Chief Engineer
P.W.D

No. 615 T.J

File read with P.W. Con. 3[illegible]

Dated 25th June 1887

R/ 29.6.87

Enclos 2

No 1815 W dated 7th July/87

Submits letters from the Executive Engineer, Vizagapatam Dn & Government Pleader & states for the reasons given that it is useless to undertake the prosecution of Vencatachellam Pillai who received fraudulent payment

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717 W. 8-3-87

P.W.C. No 1085

P.W.D. Form

5

No. 1014 C d/ 17-3-87

~~[illegible] Hutchins~~

2058 - 1014 C - 3304

2058 - 1014 C - 3304

R/cir

B. No. 1273 W d/ 10th May 1887

cir

MM

The prosecution of the man for (1) cheating by personation & (2) cheating is sanctioned — The case should be placed in the hands of the district Govt Prosecutor for early action

The prosecution of the man for (1) cheating by personation is sanctioned. The case should be placed in the hands of the district Govt Prosecutor for early action.

MW
3.5.87

Jou
6/5/87

S.E. VI Circle ✓

S.E. VI Circle

Exe. P.W.D. ✓ 12/5

Exe. P.W.D.

R.S. 22.5
6.5.87

O. 3-5-87 R. 9th 5-87. Com 1/7 5th 2/6

P.W.C. No 3304 ✓

(5)

From,

The Supg Engineer
6th Circle.

To,

The Chief Engineer
P.W.D

No. 140 T.J

Dated 26th April /87

R/ 2.5.87

B. No 1273 W d/ 10th May 1887

Submits for information copies of correspondence between the Exe: Engr Vizagapatam & the Government Pleader on the subject of fraudulent payment obtained by one Vencatachellam Pillai

Dw/W

p. No 1273 of 10.5.87.

O. 29.6.87.

Notice issued by one Contractor Vencatachalam Pillay son of Viapury Pillay Thattankovi village Mannargudy Talug.

To

The Superintending Engineer
Trichinopoly.

Sir,

You are hereby informed that the expenses, incurred by me in strengthening the left bank of the Koryaur in the limit of Palavarayakallur against being breached during the flood of December 1884, amount to Rs16 — 4as — 6ps, in accordance to the accounts prepared by the Overseer Muthurulappa Pillay; that this sum has not been paid, as yet, in spite of my repeated demands made both by person and writing, and that, if the said sum is not paid within two months time, a suit will be put

in

in the Civil Court
in against you, in order to obtain payment of it.

Recd No 763 7/3/87

SUPERINTENDING ENGINEER 8 MAR 87

1/3125 T.J

Eng 2
PW 2058/87

Paid on 27th March 86 to Venkatachellam P. of Pattakara Street in Pamaniyour [illegible] Cole of Mannargudi vide D.O 821/27-3-86

On 5th April [illegible] & recovery ordered in D.O 923/1124 5.4.86

S.D.O ordered in S.D 19.4.86 [illegible] & [illegible] procedure

S.D.O asked to take in his [illegible] within 10 days

That if not returned in [illegible] in his D.O 1369/21.5.86 [illegible] 278/27.5.86 that the [illegible] & sent by S.D.O in his 403/12.6.86

S.D.O [illegible] two refund

E.E. [illegible] ~~deemed to have been taken~~

On a fresh petition for payment S.D.O endorsed on 16-7-86 that the man wrongly paid was to be sent to the Civil [illegible] head – He never came & nothing further appears to have been done.

No 699/4.

Executive Engineer's Office
Negapatam 5th March/87.
Despd 7th

~~From~~
G. C. Monson Esqre
~~The~~ Executive Engineer
Negapatam Division

To
The Superintending Engineer
6th Circle
Trichinopoly.

Sir,

Enc—2.
Petition & translation bearing S.E. endorsement No 2016.T.J/3.3.87

In returning your Endorsement No 2016 T.J/3-3-87 on petition from Venkatachellam Pillay son of Vyapuri Pillay of Shattamcoil Village Mannargudi Taluq, I have the honor to report that petitioner's claim is correct.

Another man of the same name Venkatachellam Pillay of Pattakara Street Pamaniyour Left Bank Close to Mannargudi impersonated peti-tioner & got payment of the Rs 16-4-6 in question on 27th March/86 at the Division Office (Cf D.O. No $\frac{821}{27.3.86}$) vide C. 3429.

The fraud being discovered the Division Officer directed the Mannargudi Sub Dn Officer in his No $\frac{923}{5-4-86}$ to recover the money from the man who was paid. Sub Dn Officer sent the order on in his No $\frac{97}{19.4.86}$ but no attention was paid to the order and Sub Dn Officer asked Division Officer to take legal proceedings. Division Officer in his No $\frac{1369}{21.5.86}$ sent orders that if money not refunded in two days legal proceedings would be taken.

No notice taken of this & Sub Dn Officer reported in his No $\frac{403}{12.6.86}$ that the ten days were over and again asked for legal Proceedings..

His letter was recorded and no steps taken. The Petitioner again applied for payment however and Division Officer endorsed his petition on 16th July/86 to have the man who had been wrongly paid sent to his Camp at Morayaur Head. He did not attend and nothing further has been done.

I received a similar petition a day or two ago and yesterday learned the state of the case.

The petitioner must be paid and I have written to the petitioner to come in and receive payment and propose to charge the amount to

River

River Embankment repair Estimate.

The accountant fully admits the mistake and is willing if need be to pay the amount from his own pocket. I think this is not necessary. The delay in taking Proceedings is the cause of the non recovery of the money and the Division officer is responsible for this. I propose to take proceedings now if you will sanction my doing so. Whatever is done or not done we are bound to pay the petitioner.

h.1
P.W. 2058/87

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

G.E. Mawson
Executive Engineer
Vizagapatam Dn

Enclo: 1.

No 2073. T.J

Submitted to the Chief Engineer P.W.D. with a request that he will be good enough to obtain the sanction of Government to prosecute the man who has fraudulently received payment.

2. The Executive Engineer, Vizagapatam Division has been instructed to pay the petitioner as soon as possible.

E.W. Martin
Supdt of works
in ch: of 6. Circle

10: March/87
D/M:

Gl 325 Tj

SUPERINTENDING ENGINEER
8 MAR 87

From,

G. E. Manson Esqre
Executive Engineer
Negapatam Dn

To,

The Supdg. Engineer
6th Circle
Trichinopoly

Dated 5th
Despd 7th } March/87
Received

No 699
Enclos 2

Reporting on claim made by contractor Vencatachelam Pilla for work done by him

Within

The case is too vaguely stated. The man may & ought to be prosecuted for cheating by personation if there is evidence forthcoming wh satisfies the public prosr of the Dt that a conviction will probly result

15 March

No 1014 C of 17th March/87

Memo

With reference to his No. 2073 T. J. dated 10th March 1887, the Supg. Engr. VI circle, is requested to take the opinion of the District Govt Pleader as to whether sufficient evidence is forthcoming – to render a conviction probable for cheating by per-sonation.

~~The case as submitted by the S. E. for the orders of Govt is too vaguely stated.~~

16.3.87

Joh 16/3/87

S. E. VI circle 17/3/87

P.W.C. No. 2058

From.

The Supg. Engr
6 Circle.

To.

The Chief Engineer
P. W. D.

No. 2073 T. J.

Dated 10th March 87

R. 14.3.87

Enclo: 1.3

No 1014 C of 17-3-87

Requests sanction to prosecute the man who has fraudulently received payment.

Expediting

be there no grounds for

2058

For orders whether the prosecution may be sanctioned. It seems extraordinary that definite steps in the matter were not taken before this. Mr. Wilks was in charge of the Division up to the end of February.

F.B.
14/3/87.

The man should be prosecu if there is a reasonable certainty of proving the charge against him.

15.3.87

SAW

16/3/87

S. E. VI circle
S. E. VI C.

17/3/87

Executive Engineer's Office
No. 979. Negapatam Dated 24th March 1887.

From
G. E. Manson Esqre.
Executive Engineer
Negapatam Division.

To
The Government Pleader
Tanjore.

Reference. Superintending Engineer's No. 2140 T.J. / 20-3-87 (herewith sent).

Encl: 8.

Sir,

I have the honor to forward for your perusal the enclosed file of Papers and to ask your opinion whether we can sustain a charge for cheating by impersonation.

The Venkatachellam Pillay who wrongly received the payment in 1886 came to the office and said money was due to him and the money was paid on his statement. The man will probably deny any wilful impersonation. But after the mistake was discovered he was written to, to refund the money and has now done so.

If he cannot be convicted of wilful impersonation are there no grounds for

Conviction for wrongly obtaining payment for work done by some one else and refusing to refund such payment when called upon to do so.

I have &c &c.

(Signed) G. E. Manson

Executive Engineer

Negapatam Division

No. 207.

28th March 1887

Tanjore.

From

S. A. Saminadair

Government Pleader

Tanjore.

To

The Executive Engineer

Negapatam Division. Enc: 8

Sir,

With reference to your letter No. 979 dated 24th instant, I have the honor to inform you that if there is any reason to suppose that Venkatachellam Pillay would successfully plead bona fides in receiving the amount due to another man bearing his name, then a criminal action will not lie, but a civil suit may be filed for the recovery of the amount mistakenly paid to him which he now refuses to refund.

From the papers sent to me I am unable to understand how Venkatachellam Pillay in question could plead that he did not wilfully personate the other. Had any work been done by him and was any amount due to him on that date. If no money was due to him on that date for any such work executed by him or to be executed by him, then his subsequent conduct in refusing to refund the money strengthens the presumption that he wilfully personated another man of his own name.

I have &c &c

The enclosures are herewith returned.

(Signed) S. A. Saminatha Iyer

Government Pleader.

(True Copies)

No. 1044.

Forwarded to the Superintending Engineer 6 Circle Trichinopoly with reference to his endorsement No. 2140 S.J. dated 20th instant (herewith returned).

Enc: 1

(Sd) G. E. Manson

Exe: Engr

Negapatam ...

31-3-87

No. 140.T.T.

Submitted to the Chief Engineer. P.W.D. for information with reference to his No. 1014C dated 17th March 1887.

2. The executive Engineer has further reported that "Vencatachellam Pillai "who fraudulently obtained payment of "Rs 114-6 had no claims at the "time for any sum"; that "he had "not been doing work for us for "some time previous to the date of the "mistaken payment made to him;" & that "the man had received "final payment for the last work "done by him viz on District Munsiff's "Court at Mannargudi on 30th "March 1885."

Lt. Col. R.E.
Supg Engineer 6th Circle

Kodaikanal
26th April 1887

Df 28th

No. 1014c d/17-3-87