

1171 W of 18. 4. 88
1412 of 18. 3. 88

[6] P.W. No. 4369
Govt. of (188) Madras.

To
The P.W. Dept

13- 1446 W of 15th May 1888

Communicated
to the S. & T. Circle
with reference to
para 2 of G.O. No.
1171 W of 18. April 1888

12.5.88

14/5/88

Proceedings, dated 3rd May 1888
No. 1034

Subject.

Regarding the prosecution
of a head Cooly for having
brought a false charge
against Sub Conductor
J. Kelly of the P.W. Dept

S. & T. Circle
with 5 enclos
Exp. P.W. Dept

16TH FEBRUARY 1888, No. 537 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following letter from J. HANNAN, Esq., Superintending Engineer,
II Circle, to the Chief Engineer, Public Works Department, dated Bezváda,
28th January 1888, No. 406 G.L. :—

I have the honor to request you will be good enough to grant me a general permission to appoint a temporary clerk, 5th class, 1st grade, and a temporary lascar on Rs. 6 to work under temporary upper subordinates, who have already been, and will be, appointed to this circle, from, or subsequent to, the date on which such upper subordinates join the several divisions of this circle. These appointments will be duly intimated to the Examiner in the weekly returns. These appointments will cease from the date on which such upper subordinates quit the divisions concerned.

2. In making the above appointments, I beg to bring to your notice that the supernumerary permanent clerks will be first provided for.

To the Examiner of Public Works Accounts, dated 2nd February 1888, No. 433 C.
From the Examiner of Public Works Accounts, dated 11th February 1888, No. 1055.

ORDER—dated 16th February 1888, No. 537 W., Public Works.

Superintending Engineers are authorised to appoint a temporary clerk, 5th class, 1st grade, and a temporary lascar on Rs. 6, for employment under each temporary upper subordinate sanctioned. It will be understood that the establishment is not to be engaged unless absolutely necessary, and that it must be dispensed with when no longer required. Supernumerary hands must in all cases be first absorbed.

(True Extract.)

(Signed) J. O. HASTED, Colonel, R.E.,
Secretary to Govt., P.W.D.

To Superintending Engineers.
To the Consulting Architect to Government.
„ Examiner, Public Works Accounts.

Exd. J. Moses.
Spare Copies

GENERAL.
ESTABLISHMENT.

Gobi. of (1888) Madras.
PUBLIC WORKS.

Dated February, 16th.

Recd.

Encl.

G.O., 16th Feb. 1888, No. 537 W.

FEBRUARY.

Establishment

Orders authorising Superintending Engineers to appoint a temporary clerk, 5th class, 1st grade, and a temporary lascar for employment under each temporary upper subordinate, sanctioned.



Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper :—

Proceedings of Govt., P. W. Dept., No. 1171 W,
dated 18th April 1888.

Order 3rd May 1888, No. 1034.

It is clear that the Examiner,
Public Works Accounts, is correct in stating that
it must have been evident from the plaint
that the suit against Mr. Kelly was brought against
a public officer in his official capacity. Section 424
of the Civil Procedure Code provides that the plaint
in such a suit must contain a statement that
two months notice has been given. In the absence
of this declaration the Judge of the Small Cause
Court, Saint Thomas Mount, ought not to have received
the plaint, and he will be informed accordingly.

(True Extract.)

W. B. B. B. B.

Under Secy to Govt. P. W. D.

for Chief Secretary.

To

The Public Works Dept with 5 enclos. n^o 2 ✓

" Judge, Small Cause Court, S^t Thomas Mount.

0
10/4. 0.25 52. Km. 12.4.88. No. 13.4.88

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

From the S.S.V Circle No 5270 dt 24.3.88.
 " " Engr No. 1315 dt 7.4.88.

The Govt agree with the Engr No. 1315 that the case is not one in which authority to prosecute at the expense of the State can be given. The man

2. The correspondence will be communicated to the Judicial Dept. with reference to para 4 of the Engr note.

S.S.V Circle
 Engr No.
 Judicial Dept. with
 5 inclos. for perusal & return. C. J. 12/4/88

No 1412 C dt 28-3-88

No. 1412 C dt 28 March 1888

To C

For perusal of
 remarks.

W. 3. 11. 88

W.

To W.

No. 1315
 7.4.88 Encl: 5

I do not think that this is a suitable case for sanction to prosecute under P.W.D. Code paras 410, 411, or 412. It does not appear that any charge was made against Overseer Mr. Kelly. The head cooly brought a civil suit in the Small Cause Court for wages alleged to be due. The court might, without any imputation on overseer Mr. Kelly, have found the wages due; but as a matter of fact, the court found that the wages were not due and thereby disposed of any possible imputation against the overseer

10/4 - O.L.S. 12/4.88, Encl: 13.4.88

3295
 PWC No 2950

From

The Superintending Engineer
 5 Circle

To

The Chief Engineer
 P.W. Department

Dated 24th
 Recd 27th March 1888
 Enclosures. 5.

No. 5470.

False charge brought by a Head Cooly against Sub Conductor Kelly.

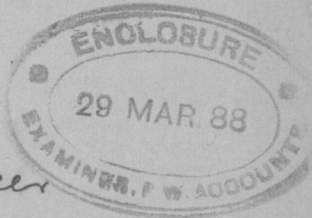
Forwards copy of a letter from the Engr. Bhingale. Put on and considers that Sub Conductor Kelly should be permitted to prosecute the Cooly and recommends that sanction be given.

No 5198

Chinglaput Division Office
9th March 1888
Despd 10th

From

The Executive Engineer
Chinglaput Division



To

The Superintending Engineer
5th Circle

Sir,

5 Enclosures

1. Mr. Kelly's origl.
letter No 598 with its
5-3-88

4. enclosures.

(to be kindly returned)

I have the honor to bring to
your notice that in the enclosed
letter No 598 dated 5th Instant
Sub Conductor J. Kelly asks me to
obtain permission to prosecute a Head
Cooly for having brought a false charge
against him. The fact of the case
is fully explained in his letter
herewith submitted but I find no
provision in the P. W. Code by which
a Public Servant who having been
sued by a cooly for wages falsely stated
to be due, can be allowed to bring a criminal
prosecution against the cooly at the expense

1888.

P. W. DEPARTMENT.

Current No. 2950

From

The Suptg. Engineer
V circle

ENCLOS.—5

No. 5470

Dated 24th March 1888

Received 27 - do -

SUBJECT.

Saking: with remarks
letter from the Exec. Eng.
Chinglaput Div requesting
to permit sub-Conductor
J. Kelly to prosecute a
Head Cooly for having
brought a false charge
against him.

DISPOSAL.

No. 1412C Dated 28th March 1888

To

C

For favour of remarks

(2d) W. L. C. B

28-3 88

D.W.

Despd

28/3

10/4/88

of Government. I therefore request your
orders on the subject.

I have to

(Sd) C. H. B. Burlton

Executive Engineer Ch. Dr.

7 N° 5470.

Forwarded to the Chief Engineer
Public Works Department.

I consider that Sub Conductor Kelly
should be permitted to prosecute the
Cooly and recommend that sanction
be given under Code para 412.

Heckler & Pickett
Col. R. B.

Superintending Engineer
V Circle

Bangalore
24 March 1888.

overseer's reply to the plaintiff's
petition.

There is apparently therefore no
ground for instituting a prosecution
for the purpose of clearing the
character of a public servant.

2. It is very possible that
the head cooly committed perjury,
and it may be desirable that, in the
interests of justice, he should be
prosecuted for the same, but I do not
think this is a matter with which
the P. W. Department is concerned. It
was I think, rather a matter for the
court, and apparently the court did
not think such a prosecution
desirable.

3. It seems to me that under
P. W. D. Code para 682, Government and
not the overseer should have been
made the defendant, and the usual
notice would then have been received.

4. I would also point out that
whereas Civil Procedure Code Section
424 requires two months' notice
of such suits, and whereas on the
facts presumably stated in the plaint,
it must apparently have been evident
that the suit was brought against a
Public officer in his official capa-
city, yet the summons was issued with-
in ten days of the date of the

Enclosures: 5-
(to be returned)