2. With advertance to paras 2 and 3 of his endorsement, the attention of the Supdg. Engr. IV Circle is drawn to the Proceedings of Govt. marginally noted, ruling that the rates of rent prescribed in the Code for upper subordinates occupying public quarters must be paid irrespective of the value of the quarters.

3. The Govt. agree with the Examiner that supervisors and overseers should not be compelled to live in public buildings except with the sanction of Govt. The requisite note will be added to para 1042 of the P.W. Code.

14.6.88

15/6/88

To The Supdg. Engr. IV Circle
" Exn P.W. Accts.

× No. 197 IW dt 4-8-82
1653 wd/ 13-6-83
2223 wd/ 10.9.84

No. 1879 W dt 23rd June 1888

R-26/6.

8/6/88

14/6.

R-23/6.

8/6/88

14/6

R 21.6.88

No. 30

Malapuram 2nd March 1888.

From,

Narsoo J Pereira

To,

Colonel A F Fraser RE
Executive Engineer
West Coast Division

Sir,

With reference to your memo No 178 of 6-2-88 regarding arrears of house-rent claimed from me, I beg respectfully to represent the following and hope it will meet your kind sympathy.

1. On my transfer from South Canara to Calicut Sub-Division in Nov 1885 I made my own arrangements for a private building, some distance from the Cantonment. My Sub. Dist officer Serjeant Macalister did not approve of this and directed that I should occupy the office shed free of rent and thus live close to the new Barracks with a view to frequent inspection and within easy distance of the Military authorities.

I accordingly shifted into the building in September 1886 and occupy it to date.

On the understanding that I pay no rent, I carried out several improvements necessary for a family, at my own cost, as per detailed statement enclosed amounting approximately to Rs 97.

3

3. The present order directing me to pay rent at Rs 7 per month with arrears for 17 months - or Rs 119 is therefore very disappointing.

It is of no advantage to me to occupy the office shed for Rs 7 per month, when the water and the sweeper cost me an additional Rs 5, while a private building a little distance from the Cantonment could be rented for Rs 3½ inclusive of water &c.

4. The total outlay on the building will be apparent from the following dates and vouchers.

1 Mahapuram Barracks.

Building Temporary office shed. Contract certificate No 16 for March 1884. 120 — —

2. Improvements to the Temporary office. Sergt's Sanction No 680 W.C. of 11th Dec 85 - 75 — —

Total Rs. 195 — —

5. P.W. Code para 1042 directs that rent of Rs 7 will be recovered from an overseer 1st Grade, for the occupation of a "permanent" or "Lucka" public building but not for a temporary office shed which cost the Department only Rs 195.

Again in P.W. Code paras 1041 and 1041 it is stated that the percentage on the rent will depend on the value of the property and will not exceed 7½ per cent on the Capital cost.

6. In the case under explanation, the fixed monthly rent - Rs 7 is at 43 per cent on the outlay Rs 195, which I beg submissively to state is gloriously exorbitant.

7. I beg therefore to lay this matter for your kind decision, humbly appealing against the rent charged.

I beg further to request

1st. For a proportionate reduction of the rent, on the capital outlay

2. For a remission of arrears Rs 119 or a refund of Rs 97 for improvements

Soliciting a favorable reply

I beg &c.

Sd/ J Pereira
Overseer.

Thro' The Sub Officer.
(True copy)

A Fraser
Capt
Executive Engineer

March 88

ENCLOSURE
SUPDT. ENGINEER'S OFFICE
No. 2/220/VC
31 MAR. 88
P. W. D.
FOURTH CIRCLE
EXAMINER
APR
ENCLOSURES
P. W. A. VIZ

Statement of Expenditure incurred in the Improvements to the Inspection Shed at Malapuram and by overseer J Pereira between August 1886 and December 1887.

To main Room.				
1032 Sft.	Mud plastering the walls and whitewashing	6.		
300.	Bamboo mat ceiling with wood rafters and nails	5	11	" "
2. Adding a front Verandah.				
220 ft.	Laterite in mud with plastering and whitewashing	10		
300 Sft.	Mud floor including earth filling 1½ feet in depth	5		
600	Thatched roof with bamboos Cadjan and grass	13		
325.	Bamboo Mat Screen over parapet and ceiling	5		
20 Rft.	Tin gutters tarred Stoeaves of Thatch roof	2	35	" "
3. New office Room				
60 ft.	Laterite in Mud	5		
150 Sft.	Jetty in clay floor	1		
180 Sft.	Roofing with old rafters & tiles	5		
100 Sft.	Bamboo mat Screens with Doors and windows	3	14	" "
4. Building bathroom and Kitchen				
	With Mud walls floor & thatched roof	20x11=32	32	" "
5.	Sundry repairs in putting up a fence & labour	5	5	" "
	Total Rs		97	" "

Malapuram 2. 3. 88 (True Copy)

Conf. J Pereira overseer.

A Fraser Lieut & Executive Engineer

March 88.

ENCLOSURE
1090
16 MAY 88
EXAMINER P.W. ACCOUNTS

SUPG: ENGINEER'S OFFICE
NO. 1/2291/11
31 MAR 88
P. W. D.
FOURTH CIRCLE

ENCLOSURE
979
9 APR 88
EXAMINER P.W. ACCOUNTS

West Coast Divisional office
Calicut 29 March 1888

No. 187

From,

Colonel A S Fraser RE.
Executive Engineer

To,

The Superintending Engineer
Fourth Circle

Sir,

I have the honor to enclose copy of a letter from Mr Pereira overseer, Palapuram for reduction of his rent, for consideration.

2. There was a small store shed there which the overseer went into on the 1st of September 1886 and somewhat fitted for a residence at his own expense.

3. The Examiner reckoning the building as an Inspection house rented in the "Return of Public buildings rented" that rent under Code para 1042 at Rs 7 had to be recovered.

Enclosures 2.

1. Copy of overseer's letter.
1. Statement -do-

2.

4.

4. I am however of opinion that only rent under Code 1039 is leviable, there being no reason for Mr Pereira being charged higher than any other tenant because he is overseer.

5. The building stands at a value of Rs 240 in the books of this office, rent on which would be Rs 2, Per monthly in pound numbers.

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

C.W. Fraser Lieut RE
Executive Engineer.

No: 119
dd
Coimbatore
4th April 188

Submitted to the Chief Engineer, P.W.D.
for favor of orders

2. In the circumstances brought to notice by the Overseer it appears hard to compel

y compel him to pay the rent prescribed for Overseer 1st class viz Rs: 4 for an inferior description of Kacha Building valued at Rs 240 only.

3. It is recommended that Mr Pereira be directed to pay Rs: 2 per month, from this date, and that the arrears shall not be claimed in consideration of his having been put to some expense in making the building habitable.

Captain Lieut. RE.
Supdg Engineer, 4th Circle

ENCLOSURE
9 APR 88

SUPG. ENGINEER'S OFFICE
NO. 229 W.C.
31 MAR 88
P. W. D.
FOURTH CIRCLE

ENCLOSURE
6 MAY 88

From,

The Executive Engineer

West Coast Dn

Dated 29 March 1888

No. 187

Encls. 2

Overseer Mr. J. Pereira occupying store shed at Mallapuram —

Recommends that a reduced rent of Rs 2 may be recovered from ——

EXAMINER
No. 979
8 APR 1888
ENCLOSURES
P. W. ACCOUNTS

P.W.C. No. 3 of 1888

4322/88

5556

From

The Supg. Engineer,

Fourth circle

EXAMINER
No.
16 MAY 1888
ENCLOSURES
P. W. ACCOUNTS

No. 1489 C dy 7th April 1888

To C

for favour of

remarks.

W.M.
6.4.88

Dn

No. 1454 dy 8/5/88

Encl: 2

To W.

Dated 4th April 1888.

No. 119
Gw

Stone Shed at Mallia-puram

Submitting for favor of orders letter No. 187 of 29th March 1888 from the Executive Engineer, West Coast Division, recommending that a reduced rent of Rs. 2 maybe recovered from Overseer Pereira for—

According to Code para 1042 (based on the Govt. of India Code Chapter XI, para 29) an overseer 1st. Grade, occupying a public building, is required to pay a monthly rent of Rs. 7 "irrespective of the accommodation provided". In my opinion however the amounts entered in Code para 1042 are intended as maximum rates, and I do not think it can be the intention that rent should in any case be paid in excess of the amount leviable under Code para 1040 (Govt. of India Code Chapter XI, para 27). It would perhaps be well to have this point cleared up, by a reference to the Government of India, and in the meanwhile rent might I think be received at the rate proposed by the Supg. Engineer.

2. Code paras 1036, 1037 and 1039 seem to have been all disregarded in this case, and Sergeant Mc Alister seems to have somewhat exceeded his authority in ordering the overseer to live in the shed, and as the overseer seems to have acted in good faith and under orders of his immediate superior, I can see no objection to Govt. waiving the rules, if disposed to do so, and remitting the arrears of rent in consideration of the expense to which the overseer has been put.

C.

No. 1875 C dy 14th May 1888

To C

Please see the papers quoted in the margin - the question raised in your first para has been more than once referred to

G.O. No. 1330 W dy 29.5.82
" " 1971 W dy 4.7.82
" " 1653 W dy 13.6.83
Co's office note No. 268 dy 10.7.84
G.O. No. 2223 W dy 10.9.84.

to the Govt of India, and the ruling in Code para 1042 has been declared to be absolute.

2. In the present case however, Overseer Pereira was ordered by his superior officer to occupy the store shed, and apparently under Code para 1043(V) he may be exempted from payment of rent. Please favour me with your opinion on this point. The disregard of Code paras 1036, 1037 & 1039 can be noticed hereafter.

W.
12.5.88
Dft

To W. No. 1652 dy 11.6.88 Encl 2

Code para 1043 applies to public quarters at presidency towns only; clause V of para 1043 does not therefore seem to bear directly on the present question. I observe however that in G.O. No. 1653 W. dated 13th. June 1883 the Government of India gave as a reason for upholding this ruling, that an Upper Subordinate is not compelled to live in a public building, and seeing that, in the present case, the Overseer was ordered to live in the building, Government might I think forego the arrears of rent as a special case, and leave the Overseer to make his own arrangements for the future.

2. Perhaps it would be as well to add to Code para 1042 words to the effect that Supervisors and Overseers should not be ordered to live in public buildings, unless with the sanction of Government; so that – what is, or may become, the grant of quarters rent free may not be given under cover of an order to occupy a public building.

C.
Approved. Proposed addition to para 1042 will render it unnecessary to make any reference to the disregard of paras 1036 &c.

W.
12.6.88

P.W.C. No. 43
8-596/88
ENCLOSURE 1090 18 1 1988 EXAMINER P.W. ACCOUNTS
R.G. 5:88
E.3.

No. 1971 W dy 4.8.82
" 1331 W dy 29-5.82
" 1330 W dy 29.5.82
" 1653 W dy 13.6.83
" 1016 W dy 3.4.83
" 598/599 W dy 23.2.83
" 2223 W dy 10-9.84
" 1834/1835 W dy 9-7.84
" 1875 C dy 14.5.88
" 1489 C dy 7.4.88

PWC No 559

R 12.6.88

E.3

No 1879 W

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 23rd June 88

READ the following

From the Supdg. Engr. Trichy. Ltr. No. 119 Dtd 4th April 1888
Office Note from the Govt Bord " No. 1454 dy 8th May 1888.
——do—— ——do—— " No. 1652 dy 11th June 1888.

As overseer J. Pereira was ordered to live in the Store shed at Chulla-puram, he will be exempted from payment of rent for the period he has occupied the building. He will now be allowed a month to make other arrangements for his accommodation, but if he elects to remain in occupation of the Store shed, he will be required to pay the rent prescribed in para 1062 of the P.W. Code, from date of receipt of this order.

2

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R 21.6.88