

1886

P. W. DEPARTMENT.

Current No. 1228

From

*The Supg Engr
I Chick*

ENCLOS.—

No. 2300 *g.d.*

Dated 10-2-86

Received 16-2-86

SUBJECT.

*Requesting that
G Swabharanum, tem.
for any clerk may be
permitted to be pro-
-moted to Rs 30/-*

DISPOSAL.

No. 719 Dated 23rd Feby 86

*Referred to the Edu-
-cational Department
for consideration with
advice to G.O. in
that department
No 719 Mis d/17th
November 1885*

Decd / B.O.

23/11/85 1241 Dm

Q. 2801 W. 23-11-85
No. 1766 C. 5-11-85
Q. A 2659 W. 28-10-84
" 1523 W. 18-6-84

GOVT.
OF MADRAS. }

1888.

{ P.W.
DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 17 March 1888.

OFFICE NOTE No. 1227

To

W.

The claim to pay on behalf of one Sivabharanam appointed by the Supp. Engineer 1st. Circle as clerk V. Class 1st. Grade to fill a vacancy was preferred by the officer in charge of the Dowlaishwaram Workshops for 14th. to 30th. April 1887, and the audit of the same deferred, pending submission of the health and vaccination certificate prescribed by Code para 50 and orders of Government to his entertainment after the age of 25 years, as per Code para 176.

2. The Executive Engineer in charge contends that no certificate or sanction of Government is necessary as Sivabharanam states that he was in the service of Government on the Upper Godavari 1st. Barrier Division from 1865 to 8th. August 1872.

KEEP-WITH

Genl. No.

dated

188 .

3. There are no records in this office to verify the statement said to have been made by the clerk. Enquiry was however made whether the clerk was granted any pension or gratuity on retirement. No retiring allowance of any kind is stated to have been sanctioned for him, and considering the time

(15 years) that elapsed since 1872, the year in which he is stated to have been discharged on reduction of establishment, and the fact that no pension or gratuity was granted to him, it seems doubtful whether he was holding any pensionable appointment at all.

4. The Executive Engineer was accordingly requested to apply for the orders of Government. No such application has apparently been yet made and the accounts of the workshops show that a sum of Rs. 128-8-0 was paid to the clerk in spite of the disallowance and in anticipation of audit.

5. Under the circumstances therefore, it appears necessary that the clerk should be called upon to furnish the required health and vaccination certificate, and if

Government approve, the Executive Engineer should be directed to obtain the same on an early date. Orders of Government sanctioning the clerk's entertainment after the age of 25 years appear also necessary and are awaited.

6. The matter is now specially reported to Government on account of the length of time — more than six months — that the disallowance has been outstanding. This delay seems to call for notice, and I would also suggest that notice may be taken of the Executive Engineer's action in paying the amount disallowed in contravention of P.W. Code para 473, and in making subsequent payments and charging them to miscellaneous advances without submitting any claim for audit and without obtaining the orders of Government.

7. I also beg that the Executive Engineer may be reminded that he is bound, in accordance with P.W.D. Code para 543, to submit any claim for the orders of Government, when the necessity for so doing is

pointed out by the Examiner.

lab
no

C.

At 17/3

29.
17/3.

No 1212 C d/21 March 1888

Communicated to
the Superintending Engineer I
Cable who will call on
the Executive Engineer
to submit such explanation
as he may have to offer
on his alleged infractions
of rule.

19.3.88

W

MML

20/3/88

PWC No 2644

13 19. 3. 88

No. 1212 C d/21 March 1888

2244 W d/23-7-88

22/3/88

Supy. Engr. I Cable
per 22/3/88

No. 1212 C of 21-3-88

- 626 W - 9-3-86.

" 2801 W " 23-11-85

" 1766 C - 5-11-85

" 2659 W - 28-10-84

" 1523 W - 18-6-84

1888.

P. W. DEPARTMENT.

Current No. 4913

From

The Suptg. Engineer
I circle.

ENCLOS. — 5

No. 509 G. D.

Dated 21 May 1888

Received 28 do —

SUBJECT.

Subj: letter from the Exec Engr
in ch: Dowlaishwaram Workshops
furnishing explanation to the
Exrs office Note No 1227 of 17-3-88
& reqs. that sanction of Govt
may be obtained for the con-
-tinuement of G. Sivabharanam
clerk in Dowlaishwaram Workshops
office after the age of 25 years.

DISPOSAL.

No. 2026 C Dated 29 May 1888

To

C

For favour of any
further remarks you
may desire to offer.

Slftd
29/5

(ld) W.L.C.B.

28-5-88

D.W.

No. 509 G. D.

FROM,

J. E. Paul Esqre
Executive
THE SUPERINTENDING ENGINEER in charge

FIRST CIRCLE.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

DOWLAISHWARAM, 21st May 1888.

Depd 22/5/

SIR,

With reference to your Memo
No 1212 C of 21/3/88 embodying the
Examiner's Office Note No 1227 dated
17/3/88, I have the honor to submit
herewith letter No 64 dated 30-4-88
with all its enclosures received from
the Executive Engineer in charge of
Dowlaishwaram workshops furnishing
explanation to the Examiner's remarks
in his Office note referred to for
your perusal.

2. The Executive Engineer has with
(Mr Walch's) the Superintending Engineer's
permission disbursed as a special case
the salary of Clerk Sivabharanam

626

2801

1766

2659

1523

for 8 months from April to Nov.
ember 1887 because the man received
no pay from the date of his appoint-
ment.

3. I therefore beg to ask your
decision with reference to the accom-
panying papers as to whether the clerk
Sivabharanam was on the permanent
establishment in the Upper Godavari
& if this be the case the orders of
Government are not necessary for the
man having more than 25 years age
under para 176 of the P.W. Code but the
Clerk will be directed to furnish health
and vaccination certificates if necessary
on receipt of your final order on the
subject

4. In case you doubt from the
enclosed papers of the Clerk's holding
a permanent post in the Upper Godavari,
I request that you will be good enough to
obtain the sanction of Government to his
employment from 14th April/87 after

5

the age of 25 years, which is only the
objection to this clerk holding the
present post.

5 I beg to invite your attention
to this office letter No 1538 Gd 23/10/85
and 2300 Gd 9/2/86 from which
you will find that both Colonel
Montgomery & Major Clarke wrote
favorably about this clerk.

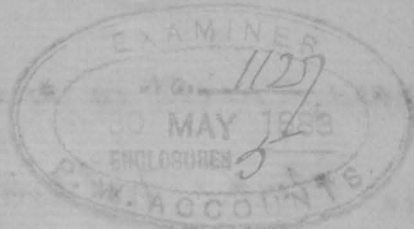
I have the honor to be

Sir,

Yours most Obedt. Servant

Executive Engineer in charge
1st Circle.

MGC
21/88



No. 2026C d/29 May 1888

To

C

For favour of
any further remarks
you may desire to
offer.

Wm
W.S. or

D.W.

To W.

No. 1803 d/3-7-88
Enc. 5

The facts were quite
correctly stated, or rather indicat-
ed in para 6 of my first note.
Pay amounting to Rs. 8-8-0 was
claimed for April 1887: it was
disallowed, but was paid (whether
before or after audit and dis-
allowance is immaterial) in
contravention of Code para 473; and
a further payment of Rs. 120 was
subsequently made in December
1887, no claim whatever having been
made, either then or previously, in

FROM,

J. C. Paul Esq.
Executive
THE SUPERINTENDING ENGINEER
In Charge FIRST CIRCLE.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

DATED 21st }
DESPTCHED 22 } May 1888
RECEIVED 28-5-88 }

No. 509.90

ENCLOSURES. 5.

SUBJECT.

G. Sivabharanam
Club in Government
Workshop office -

Request that sanction
of Government may be
obtained for the
entertainment of -
after the age of 25 years

To

any salary bill since that for
April.

2. The Executive Engineer's
para 4. If a claim is disallowed,
it is the Executive Engineer's duty
not to pay it, or to recover it if
paid, and to take action under Code
para 543, if he does not admit
the correctness of the disallowance.
Disallowance is disallowance, and it
is not, in any case, the Examiner's
duty to repeat a disallowance, but
in this particular case, inasmuch
as the Executive Engineer, as stated
above, made no further claim on
account of this man's salary, this
office had no means of knowing, nor
any reason whatever to suppose, that
his services were retained, there was
therefore no sort of reason for
reiterating either the disallowance
or the request to obtain the
sanction of Government. The natural
presumption was that the man was
for the time being discharged but that
the Executive Engineer wished to
clear up his case with a view to
re-entertaining him, or with reference
only to the Rs. 8-8-0 disallowed; and
his remarks in the disallowance list

were dealt with accordingly: had the Executive Engineer plainly stated that he had not discharged the man and did not mean to do so, I should have known what action to take.

3. If, as appears from the correspondence, the Executive Engineer acted under instructions from the Supg. Engineer, the responsibility for the complete disregard of rules and the audit is only shifted from one officer to another. There is nothing in the Code which authorizes a Supg. Engineer to over-rule the Examiner's disallowance, and whilst freely admitting that cases may possibly occur in which a Supg. Engineer would be justified in taking, and perhaps should take, on himself the responsibility of ordering a payment in spite of disallowance, I submit that, (1) for reasons stated below this was not such a case, (2) that if such a case should occur it is clearly the Supg. Engineer's duty to at once report and explain his action to the Examiner or to Government, and (3) that under no circumstances whatever can a Supg. Engineer or any

other officer, be justified in absolutely disregarding a disallowance for something like twelve months.

4. As regards my contention above that the case was not a proper one for the Supg. Engineer's interference, I beg to point out that there is not, even now, any satisfactory evidence that the man was ever on the permanent establishment, or that, having once been on the permanent establishment, he left under circumstances which do not prevent his counting his service. It is quite possible that, if and when the case is properly taken up, his previous service may be established to the satisfaction of Government in the Pension Department; but it is for the Examiner P.W. Accounts Central Provinces, with whom are the old Upper Godavari records, and not for me to verify those services; and, assuming that his entertainment is now sanctioned in spite of his age, it will be for Government in the Pension Department to decide the question of service. I do not think it is open to Government in

No

the P.W. Department to forestall or compromise any decision on the question of service for pension, by now holding that the previous service is established; and certainly it is not open to the Supg. Engineer to do so.

5. I would further point out that unsatisfactory and insufficient as the evidence is even now, the evidence, such as it is, or at any rate the corroborative evidence, appears from the correspondence to have been obtained quite recently. It appears that, when the Supg. Engineer issued his instructions for the man's retention, there was no evidence at all beyond the man's unsupported statement; and this, I submit was not evidence on which the appointment should have been made.

6. Assuming, moreover, that the evidence was from the outset perfectly satisfactory, I question very much whether old previous service of a year or two is a sufficient justification for re-entertainment without the sanction of Government after an interval of

20 years.

7. I quite agree with the Executive Engineer (see his para 7(a)) that it is not desirable that any man should continue to serve without pay; but I submit that the responsibility for any such hardship and for any liabilities incurred, rests entirely with the officer who makes or sanctions an appointment without due care, and who after notice continues it in disregard of all rules.

8. In conclusion I beg again to point out that a very great deal of unnecessary trouble is caused by such disregard of audit. Had this case been promptly submitted for audit about a year ago, it would, as far as this office is concerned have been disposed of in about a quarter of an hour of the time of everybody concerned, whereas now, in consequence of the complication and contentions introduced by delay, it has occupied me personally for some hours, and one or two members of my office for probably the same length of time; and probably the trouble to other

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 23rd July 1888

READ the following

From the Suptg. Engr. I Circle: H.E. No. 509 G.D. of 21st May 1888
Office order from the En. Prod. " No. 1803 of 3rd July 1888

The Govt. do not consider that it has been satisfactorily established that Clent Liva-sharaman was previously on the permanent pensionable establishment, and the requirements of the audit Department should therefore be complied with ^{after} his employment of the age of 25 years is sanctioned.

subject to his furnishing the necessary certificates, and also of course subject to the rules of the Civil Pension Code.

The Govt. cannot understand why so great delay has occurred in submitting this matter for orders. The Clent's pay was disallowed in April 1887, and the facts of the case were not laid before the Govt. by the Suptg. Engineer until May 1888, and ~~not~~ ^{after} a special report had been called for. Meanwhile pay had been passed to the Clent.

9244
18/7/88

P.W. Cuo 6527

offices concerned has been, or will be increased in much the same proportion.

hdy

C.

2/7

3/7

Recd 5:7:88

A 1523 Waf 18-1-84
" 2659 Waf 18-10-84
1766 C of 5-11-85
12801 Waf 23-11-85
B 26 Waf 9-3-86
1212 C of 21-3-88
2026 C of 29-5-88

death in disregard of audit objections.

3. The Examiner's Office Note of 3 July 1888 will be communicated to the Suptg. Engineer, who will perceive that from how much time and correspondence would have been saved if he had promptly reported the case for the orders of Government when the Examiner's disallowance was first brought to his notice.

Wm
14.7.88

Jm
16/7/88

L. L. 14.7.88
July 1888

24/7

To the Suptg. Engr. & Civils
with 5 Enclos.
" Engr. W. A. V.

Cu

207 85
209 37
207 17
207 17

207 17

9-5-11 ✓

MADRAS RECORD OFFICE.
Government Records.

Public Works Department.

G. O. (Mis).

Dated *23rd July* 1888.

No. *2244 W*

*with file of Connected Gov
(to be kept in fact)*