(1) பக்கங்களின் எண்ணிக்கை 20

(2) புதுக்கித் திருப்பிய நாள் 1/85

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பொதுப்பணி துறை

அரசாணை எண்.
மு. கோப்புத் தாள் எண். 2077

அச்சகம்
பலவகை

நாள் : 1 – 8 – 1885 ~~198~~.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. கா-1—18,006—15-6-87.

A. Man

No 785 T.J   Office of the Supdt. Engineer, VI circle,
Trichinopoly, 12th July 1889.
despd 13d

From,

Lt Col A. C. Smith R.E,
Supdt. Engineer, VI circle,

To

The Chief Engineer,
P. W. D.

Sir,

I have the honor to acknowledge the receipt of G.O No. 1690 W dated 27th June 1889, regarding the loss of a Govt. Promissory Note from the Executive Engineer's office, Nilgiris, in September last, and to request that Government may be graciously pleased to reconsider the decision arrived at in para 6 thereof for the following reasons.

1. In the first place the Government cannot say — nor do they — that the loss of the note was actually caused by my overlooking para 1891 P.W.C, on the contrary they say (para 4 of the G.O under notice) "there is every reason

to

"to *suppose* that had the regular "procedure been adopted by Lieut. "Col: Smith × × × × the loss would "not have occurred", this supposition is so far correct, but, on the other hand, there is nothing to prove that had the Note in question been duly lodged in the Accountant General's office, it would not have equally disappeared on its receipt for re-endorsement in the Executive Engineer's office on expiry of the Contract.

2. It must be remembered that all such securities must be occasionally trusted to duly authorised persons – Clerks and others – and while in their hands such documents cannot be watched by the officer, nor I respectfully submit can an officer be justly held responsible for any misdemeanour of a clerk whilst in temporary possession of such documents.

3. Whether the Promissory Note in question had or had not been lodged with the Accountant General, it must, at some time or other, have been left in the hands of the Head Clerk who, in absence of his Officer, would correctly lodge it in the Division office Cash chest during that officer's absence, and remove it when it was convenient, i.e. on the return of the Executive Engineer to Office. Such, I respectfully submit, would have been the actual procedure in *any case*. The question therefore resolves itself – as far as *safe custody* is concerned – into this, viz, was the Note as securely lodged in the Divisional Cash chest, as it would have been in the Accountt. General's Office? The answer to this is it did so remain perfectly safe for over two years after lodged *there* originally by me and afterwards by Mr. de Winton until subsequently

hand that two officers (one of whom has served the department for close on a quarter of a century and has a total service of nearly 29 years) should be punished and disgraced — for all punishment is a disgrace — for a simple act of omission to carry out to the letter; a certain code rule the following of which would have by no means ensured the Government against the loss that has taken place.

7. I earnestly hope therefore that the Government will feel pleased to rescind the G.O, inflicting this fine.

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

A L Smith Lt Col RE
Supdt Engineer III Circle

G.O. No 1690 W d/ 27-6-89
Memo No 227 D of 27-5-89
" " 185 D of 16-5-89
G.O. No 1021 W d/ 12-4-89
Memo No 5170 C d/ 20-12-88
" " 4894 C d/ 6-12-88
G.O. No 3680 W d/ 21-11-88
" " 3334 W d/ 17-12-86
" " 3050 W d/ 17-11-86
Memo No 2833 C d/ 18-8-86
" " 2612 C d/ 28-7-86
G.O. No 1852 W d/ 21-7-86

Note is willing to wait for the Pro. note & its interest until such time as it may be recovered according to the rules. If this be so and if he will give an undertaking accordingly & will ~~relieving~~ relieve Govt. from responsibility for the loss of the note there will be no necessity to enforce the orders issued. Otherwise I consider that they should stand.

H.L.
19 July.

With a letter from Mr. de Winton of 15 July. 89

To H. M. Forbes.

[illegible]
15.7.89

Pr.e.D.
18.7.89

I don't see that there is any fine in the case. The officers concerned may not lose a pie. All that has been ordered is that they shall make such arrangements & deposits as will save the Govt. from risk.

As to the arguments that the head clerk & not the two executive Engineers are responsible, they will not hold water. Para 1628 of the Code throws the responsibility on the Ex. Engrs for making proper arrangements for the custody of cash &c & if he chooses under para 1639 to allow the head clerk to keep the keys of the chest, it is at his risk. Had para 1775 been observed in this case, the Ex. Engrs would not have been ignorant of the existence of the note. It is quite true that heads of offices must trust their subordinates, but they must be responsible themselves. The pleas made are simply ad misericordiam and I don't think they should be accepted. I don't believe in Mr DeWinton's twelve hours a day.

In para 9 of his petition however he says that the owner of the

O.L. 83/7 H.M. 18/7/89

18/7. [illegible]

P. W. C. No 6482

From,
The Supg. Engineer
VI Circle,
(2)
Trichinopoly.

To,
The Chief Engineer
P. W. D.
Madras

No. 785 T.J.

Dated 12th }
Despd. 13th } July 1889

Recd 15/7/89

[illegible]

Enclosure Nil.

Loss of a Govt. Promissory Note.

Requesting that Govt. may be graciously be pleased to reconsider the decision arrived at in para 6 regarding the for within mentioned reasons.

Recd 17.7.89 Pr.e.D.

2077/4

From W. B. de Winton
Ex. Engr. Presidency Dn.

To The Superintending Engineer
IV Circle

Bangalore. 15th July 1889

Sir,

With reference to your endorsement No 306 W.I. dated 9th inst. on G.O. No 1690 W. dated 27 June 1889 I have the honor to request that you will forward the following statement of facts to the Chief Engineer, and will beg him to be good enough to lay it before His Excellency the Governor in Council, in the hope that His Excellency in Council may be graciously pleased to reconsider his decision in the matter —

1. I have served Government zealously for nearly 15 years —
2. During that time I have, many a time, worked from morning till night, and often during the night, to the ruin of my health, and without the hope or thought of reward beyond the consciousness of endeavouring to do my

3. That immediately I forget a rule of the Code, of which there are more than two thousand and lose a Note which I never saw, Government are ready to ignore all my past service, and all the work done for them to my own great loss, and to inflict a very heavy fine, and consequent disgrace on me

4. That the Pro. Note might have been as readily lost, even if the Code Rule had been strictly adhered to, for it would in any case, have had to pass through the Head Clerk's ~~hands~~ and Accountant's hands, and it was by the carelessness or the rascality, or both, of these two officials that it was lost in the present instance.

5. That the evidence taken in the case proves that the loss was directly due to the carelessness of the Head Clerk, and must also have been due to his own rascality or to that of the Accountant, they being the only two officials who knew of the presence of the Pro. Note in the tray, & of its pecuniary value.

6. That the head clerk is the most probable perpetrator of the theft, because he made it possible by putting the note into a blank cover, and he was heavily in debt at the time; while the only motive that can be ascribed to the Accountant is malice, and an attempt to damage the head clerk.

7. That I did not emphasize these facts at the time, because I had no evidence to prove which of the two was guilty and punishment of either might involve an innocent man; and because I never supposed that Government would be willing to punish me so heavily for forgetting a Code Rule. But it is an absolute certainty that the theft lies between these two men and these two men only, and I trust that Government will see the injustice of making Col. Smith & myself suffer for their fault.

8. That no one has suffered up to date any real loss from the disappearance of the Pro. Note, beyond that referred to below (Para 10). It is true that the owner of it is unable to draw his interest – but he never did do so.

during the whole period that the Note lay in the cash chest — If he had the presence of the Note would have been brought home to me, and this unfortunate matter might never have occurred — It is also true that Government have no tangible security for the contract for the supply of stores now in force in the Nilgiri Division. But no such security is really needed because the contractor has proved himself, by many years of good conduct, a trustworthy and reliable man —

9. That the owner has expressed his complete willingness to wait for the Pro. Note and its interest until such time as both can be recovered according to the Rule —

10. That the only real loss he suffers is from his inability to realise a re-invest his interest, and that therefore it is at all that it is necessary to reimburse him —

11. That the fine imposed on me amounts up to date, to about Rs 620

	Rs
viz. Half value of note	500
Interest for 3 years at Rs* 40/-	120
(* I believe the Pro. note belonged to the 4% loan)	620.

12. That I shall have to borrow money at 9 per cent to pay it, which will greatly increase the amount of the fine, and seriously embarrass me when I am already embarr-assed —

13. That though it may be said that I shall eventually get the money back, Rs 620 are worth more to me at this present moment than treble the amount would be 2½ years hence

In conclusion I beg most respectfully to submit that it is most disheartening to an officer to feel that Government are ready to punish his first offence with the utmost severity and to inflict disgrace on him in return for all the hard work he has done — I am working now 12 hours a day with the sole object of doing my duty, and in the midst of it I get an order fining me Rs 620 because I was unfortunate enough to have a rascally clerk —

I beg most respectfully to submit that the punishment is out of proportion to the offence, and that it would be sufficient if he were ordered to reimburse the owner of the site the actual pecuniary loss he has suffered since Septr 13th 1888 in not being able to dispose of his interest; in which case the Head Clerk, by whose gross carelessness, if nothing worse, the site was lost, ought to share.-

And I humbly beg that His Excellency the Governor in Council may be graciously pleased to take the above facts into consideration and cancel an order which inflicts such severe punishment on two of his officers.-

I have the honor to be,
Sir,
Your most obedient servant
L.B. [illegible]
Ex. Engr

2077/8

Forwarded to the Chief Engineer with a request that the letter may be placed before His Excellency The Governor in Council for favorable consideration

[illegible]
Col. - R.E.
Supdt. Engr IV Circle

17th July/89

responsibility for making proper arrangements for the custody of cash, &c, and if he chooses, under para 1639, to allow the head clerk to keep the keys of the chest, he does so at his own risk.

2 Had para 1775 been properly observed in this case the Executive Engineer would not have been ignorant of the existence of the note. It is quite true that heads of offices must trust their subordinates, but they must be responsible themselves.

3 In para 9 of his petition, however, Mr de Winton says that the owner of the note is willing to wait for the Pro-note and its interest until such time as it may be recovered according to the rules. If this be so, and if he will give an undertaking accordingly relieving Govt. from responsibility for

89/10

for the loss of the note, there will be no necessity to enforce the orders passed – otherwise they must stand.

20.7.89

To

The S.E. IV Circle

for communication to

Mr de Winton

" S.E. VI Circle 9/8

" Ex. R.W.A. with the reference to G.O. 1690 W. d/ 27th June 89.

R.S.

P.W. C. No 6970

Received 7 vii 87

R 30.7.87

Co 2077 [illegible]

Hav. / B

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

Letter from Lt. Col: A. C. Smith R.E. Suptg: Engr: VI. Circle H.E. No. 785 T.J. dd 12 July/87

Letter from W. B. de Winton Engre Ex: Engr: Presidency Dn. } " " —— dd 15 July/87

Endt: thereon by the Suptg Engr: IV. Circle } " " —— dd 17 July/87

Circulate

The Government observes that no fine has been imposed in this case. The officers concerned will not, in all probability, lose anything eventually. All that has been ordered is that they shall make such arrangements and deposits as will save the Govt: from risk. The Govt: cannot admit that the responsibility rests with the head clerk rather than with the two Executive Engineers. Para 1628 of the P.W. Code imposes on the Executive Engineer the

Issue

29/8

O.S. 80+83/7.. Am 25/7.