

- (1) பக்கங்களின் எண்ணிக்கை 24
 (2) புதுக்கித் திருப்பிய நாள் 11/88
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/88

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P. W. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண். 2122	அச்சகம் பலவகை
நாள் : 9. 8. 1980	1980

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

6748

Chief
OFFICE OF THE SUPERINTENDING ENGINEER,
PERIYAR PROJECT.

21/22 W 920 07555 PM
15th 25/11
Camp Chummanur on 29 June 1890

The point in this
correspondence on which
definite orders seem
to be required, is that
raised in para 1 of
the Govt note, i.e.
is it to be laid down
as a definite rule
that contractors' bills
are not to be paid
by Govt. before
checked by the divisional
accountant.

Col. Pennycuik
is of opinion that
the formulation of
such a rule is
desirable.

Some definite
decision on the point
seems necessary, for
orders made in given
the Govt will continue
to point out as "failures"
in inspection reports.

Pennycuik R.E.,
Superintending Engineer,
Periyar Project.

Chief Engineer,
P.W. Department.

He has to acknowledge
of G.O. No 1724 of 20th Inst
most consideration of
ing remarks.

far from wishing, and
sorry to appear to
contest the decision of
on the points referred
appears to me that on
the points the actual
as well as the views which
forward, have been
good, and with regard
would ask for further
lion.

3. Item 2 of the Examiner's
Original

12 JUL 1890

9122

Chief

OFFICE OF THE SUPERINTENDING ENGINEER,

PERIYAR PROJECT.

No. 40C

PR

Camp Chummanur 29 June 1890

From

Colonel J. Penycuik R.E.,

Chief

Superintending Engineer,

Periyar Project.

To

The Chief Engineer,
P.W. Department.

Sir,

ENCLOSURES.

I have the honor to acknowledge the receipt of G.O. No 1724 of 20th Inst. and to request consideration of the following remarks.

2. I am far from wishing, and should be sorry to appear to wish, to contest the decision of Government on the points referred to, but it appears to me that on some of these points the actual facts as well as the views which I have put forward, have been misunderstood, and with regard to these I would ask for further consideration.

3. Item 2 of the Examiner's Original

Para 2 of Exam note - No

orders seem needed

Para 3 of Exam note - It

will perhaps be

sufficient to say that

the report furnished

by the Ch. Engr. Periyar

Project will be

awaited

Para 4 of Exam note - It

will perhaps be sufficient

to say that the P.W. Co.

already fully describes

the duties & responsibilities

of the Examiner.

C.E.

19-7-90

original summary of the results of the inspection of accounts of No II Periyar Division quoted para 374 of the code in support of the view that the Executive Engineer had acted wrongly in paying bills without previous examination by the Divisional Accountant.

4 The paragraph quoted did not and does not now appear to me to support this view; it defines the duties of the accountant with regard to bills sent into the office, but certainly does not seem to prohibit an Executive Engineer from paying them without previous reference to his office.

5. I gave reasons why I considered that in certain cases it was desirable that the Executive Engineer should make payments without previous reference to his office but was not contending for any alteration

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alteration of the rule; it appears to be the Examiner and not myself who proposes to alter the rule by attributing to it a meaning which it does not naturally bear.

6 In his rejoinder communicated with the G.O under reply the Examiner drops para 374 altogether and goes off to the conclusion arrived at by Government as expressed in two standing orders having reference to paras 1621 and 1818.

7. These orders which had not been received when I wrote my endorsement No 566 PK of 27th March 1890 do not appear to limit the Executive Engineer's discretion on the point under consideration any more than the para (374) originally quoted; indeed they do not appear to bear upon the subject at all.

8. I entirely admit that when rules have been formulated for the guidance of officers

officers they are bound to observe them" and if government decide that either of the rules quoted bears the sense put upon them by the Examiner I have no more to say, but at present I submit, as a matter of fact, that no rule prohibiting an Executive Engineer from paying a bill without previous reference to his accountant has been formulated, and as a matter of opinion, that the formulation of such a rule is undesirable -

9. Para 3 of the Examiner's note deserves notice as an example of the care with which that officer reads the documents on which he comments. The expression mentioned was not placed by the Executive Engineer and Chief Engineer between inverted commas as if it were a quotation; the Executive Engineer did not allude to it at all, his remarks on the item being

being confined to the four words "will be attended to"; it was placed by me between inverted commas as if it were a quotation for the sufficient reason that it was one - If the Examiner cannot find that the inspecting officer said one word about consequences of the practice in question "I can only conclude that he has not taken the trouble to read para 7 of Mr Rainier's report"

10. With regard to item 8 further enquiry will be made, but I am bound to say that at present I do not believe that there was any irregularity in the matter; the Examiner admits that the inspecting officer's original remarks were based on imperfect information, and his own later remarks are equally so; the contract was not a "contract for the supply of materials" but for the execution of masonry.

11 In accordance with a common practice, of which I personally do

not approve but which is certainly
not "irregular," payment was made
from time to time on the security
of materials prepared for use on the
work, and for convenience the stone
was measured and paid for at
the quarry; it is possible that
in one case the contractor may have
deceived the Executive Engineer
by representing as his own materials
on which the owner of the quarry
had a lien, but this does not
constitute an irregularity on the
part of the Executive Engineer.
The actual facts will however be
ascertained and reported.

12. Item 19; I entirely admit that
the Examiner's circulars (on matters
within his province) should "carry
weight," but this is not the same
as accepting them as orders, failure
to carry out which constitutes a
fault on the part of the officer
concerned.

13. It is of course different when the
circulars are known to issue under
the

the authority of Government, but
in such cases I submit that it would
be much better for the orders to be
issued by Government or by the
Chief Engineer, circulars by the
Examiner being limited to subjects
connected with the technical details
of accounts on which his authority
would be unquestioned.

14. Such circulars might in most cases
be addressed to Accountants, and
it should very rarely be necessary
for the Examiner to address a
circular to Executive Engineers.

The Examiner's circulars appear
to be increasing in frequency and
it is not always easy to judge
what authority they should carry,
if the principle indicated above
were acted on there would be
no difficulty in the matter.

I have the honor to be,

Sir,

your most obedt servant,

P. B. — Col. R. E.

Chief Eng. Suez Canal

PW Code 6236
6748/90
P. W. D. Periyar Project.

From *Chief*
The Superintending Engineer,
PERIYAR PROJECT.

To The *Chief Engineer*
P.W. Department
No. *40C*
PR

Dated *29* June 1890
Received *27* June 1890

Enclosure.

Inspection of Accounts
of No II Periyar Division
in January 1890

Request further consideration
on certain points in
G.O. No 1724 W of 20 June/90
dealing with —

Obs 46-VII *C.A.W.*

82 B.W. 1724 W of 10-6-90
Memo 1800 C of 10-4-90
P.W. Div. 1522 W of 8-6-89
Memo No 2262 C of 9-5-89
" " 1631 C of 28-2-89
R. Div. 650 W of 5-3-89
" A - 384 W of 11-2-89
Memo No 2427 C of 30-7-89
R. Div. 605 W of 16-3-89
Memo No. 480 C of 27-1-89
R. Div. 2566 W of 10-8-88
" A - 2254 W of 8-7-86
Memo No 2720 C of 8-8-86
" " 826 C of 30-3-81
" " 260 C of 31-12-80

N^o 3918. 10th July 1890.

In C
For favor of any
further remarks you
may desire to offer.

Recd
10-7-90
W

(C. No. ¹²⁰¹/₈) *9122*

GOVT. OF MADRAS. } 1890. { P. W. DEPT.
EXAMINER, P. W. ACCOUNTS.

KEEP-WITH CURRENT No.

dated 189 .

Madras, *16* July 1890.
OFFICE NOTE No. *4248*
4235

To *W.*
Your Office Note N^o 391 D. Dated 10th
July 1890.

1. Paras 2 to 8 of the Chief Engineer's letter. Neither Code paras 1621 & 1626 nor, as far as I know, any other para of the Code expressly forbids an Executive Engineer to make any payment to a contractor without previous check of the bill by the Accountant; and I entirely agree with the Chief Engineer that it would be ^{undesirable} ~~inadvisable~~ to formulate any such ^{absolute} ~~prohibition~~, but I think there is all the difference in the world between making occasional exceptions to a rule and habitual disregard of the rule. I think it is unmistakably the intention of the Code paras quoted above that as a rule contractors' bills should be checked before payment, even when they are to be paid by the Executive Engineer, because the Executive Engineer

Engineer has not, any more than a Sub-Divisional Officer, any independent means of checking claims. I also think that, rightly considered, Code para 374 implies exactly the same, for when Government lays it down that it is the duty of a particular individual to do a certain thing, it seems obvious that Government must intend that that thing shall as a rule be done. However, it will now probably be desirable to make the rule still clearer, in accordance with the decision, whatever it may be, now come to.

2. Para 9 of the letter. I admit the mistake; but it does not seem to be of any consequence.

3. Paras 10 and 11 of the letter. It seems to me unquestionable that if a Contractor undertakes to do certain work, on condition of payment for the quantity of such work actually done, any payment not based on the quantity of work done and completed according to the terms of the contract, is an advance, and as such is prohibited by Code para 1372. It matters very little whether the contract was for the execution of masonry or for the supply of stone, and I did not say that it was for the latter; I merely said that according to my information —
information

information derived from the divisional office — it appeared to be the latter. But if it makes any difference at all, it is that the contract being for the execution of masonry, the irregularity (if any) would be all the greater because then the payment would have been made at a stage still more remote from that of completion of the work contracted for. I do not understand what the Chief Engineer means by payments "on the security of materials prepared for use on the work". The Chief Engineer must surely be well aware that unless the materials are mortgaged to Government, or unless Government has in some way or other acquired a legal lien on them, such materials are no more "security" in any reasonable sense of the word, than the Contractor's house, or the balance at his bankers, or the ring on his finger, and that, as long as Government has no lien on them, it is quite immaterial whether any body else has or has not such a lien, or whether they are or are not his property. If the Executive Engineer paid for stone as it lay at the quarry, he must apparently have made payments without having received any value whatever for them; and if such payments are

391D a/10.7. 90 file

2122
8
PUBLIC WORKS DEPARTMENT

READ the following

From the Chief Engineer

from the Examiner P.W. Aceto (.. . 4248 of July 16, '90)

I cannot dispose of these
papers without saying that
1621 ~~1621~~¹⁶²¹ - printed by the
Comm.: - my copy of the P.H.
Cdr has 200 and Sub-sections.
has two Sec: 1611, in my copy
has a K. Sec. - 1611.
like a law or connected with
K. Sec. and Sec. 249
2577/20

the problem
(I don't consider that either Jan
3/4 or 1821 is to be specifically
opposed the power of an Executive
Rep. in the matter of paying contractors
except as regards final payments
that must be previously authorized
him before they can be made / R. Feb.
Divisional Office. But as it seems
correct to pay 1821 & distinctly
laid down as regards Feb. Dist.
Office that no payment shall be
made contractors, in respect of any
contract exceeding \$1,200, or \$1,000.

The office note from the Examiner P.W. Accounts above recorded will be communicated to the Chief Engineer Periyar Project with the following observations:—

Para 1 of Examiner's note
When Government expects certain duties to be performed by its officers, they should invariably be called upon to perform those duties. Under para

16

13

(Give out)

374, 1621 A & 1621 B, P.W. Code, divisional accountants are expected to check all bills and other claims presented by contractors and others, and in all cases in which such check is prescribed by the P.W. Code, it should be made prior to payment of the claim. The rule in para 374 P.W. Code will be made clear in accordance with this order. If Executive Engineers anticipate delay in the checking of bills by the accountant, they can limit him to a certain time within which they expect the bills to be checked, so that contractors may not be kept waiting any unduly long time for their money, and they can also report at once to the Examiner any failure

what per our check in the Dist. office, it may be...
 374 defines the divisional accountants...
 as regards Para 11 of the Chief Eng.
 J.M.S.

on the part of the accountant to promptly check and dispose of bills.

Para 3 of the Examiner's note. The report promised by the Chief Engineer Periyar Project will be awaited.

Para 4 of the Examiner's note. The Government considers that the P.W. Code sufficiently defines the duties and responsibilities of the Examiner, and that no special orders on this point are required.

C.E. Periyar Project.
 Ex P.W. Accts.

Pres
 15.7.50

Cu

Am

Resubmitted to
the Hon. Member with
a corrected copy
of the Code, & file
of Standing orders, to
which I referred in
the body of the
Code.

If the Hon. Member
sends his copy of the
Code to the Secretariat
it will be corrected
to date & returned.

Am
25.7.90
Am

Obs 95-VII
25-VII
25-VII

9/11/7

(see out)

9/11/7

No. 2122 of 5 August 1890

9/11/70

PUBLIC WORKS DEPARTMENT.

Am
Am
Am

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

From the Chief Eng^r Periyar Project (H.E. No. 40 C of June 29, '90)
P.R.
From the Examiner P.W. Accounts (4248 of July 16, '90)

The office note from
the Examiner P.W. Accounts
above recorded will be
communicated to the
Chief Engineer Periyar Project
with the following observa-
tions:—

Para 1 of Examiner's note.

The Government does not
consider that either para
374 or 1621 A to C specifically
defines the power of an
Executive Engineer in the
matter of paying contractors
except as regards final
payments which must be

previously authorized by
him before they can be
made by the Sub-divisional
officers. But as the second
exception to para 1621 &
distinctly lays down
as regards Sub-divisional
officers that no payment
whatever to a contractor,
in respect of any contract
exceeding Rs 200, is to be
made without previous
check of the claims in
Divisional office, it can
be assumed that it was
intended that the
rule should be of general
application. Moreover
para 374 defines the
divisional accountants'
duties to be, among other
things, to check bills &
claims presented by
contractors & others; it

2128
Therefore seems clear
that it was intended
that such check should
precede payment. As the
Examiner & Chief Engineer
Perijer Project, however,
both consider that any
absolute hard and fast
rule prohibiting an
Executive Engineer from
making payments to a
contractor before his bill
has been checked is
undesirable, the Govt is
of opinion that the
power of making such
payments may be conceded
to Executive Engineers
on their own responsibility
and within certain wider
limits than those now

existing, and the
Examiner is requested to
draft a rule accordingly.

Para 3 of the Examiner's note

As regards para 11 of
the Chief Engineer's letter,
the Government understands
Colonel Pennington to
mean that he regards
the stone measured and
paid for at the quarry
as handed over to Govt
and that the Govt had
thus acquired a lien
on and possession of it.
In that case the money
can hardly be said
to have been advanced
but the further report
promised will be awaited.
Para 4 of the Examiner's
note. The Government

9/22/10
considers that the
S.W. Code sufficiently
defines the duties &
responsibilities of the
Examiner, and that no
special orders on this
point are required.

Rueos

29-7-80

To the

S. E. Pennington Report
S. W. Accts.

17/9/10
Cu

Me for [unclear]

No 2122 w 4/5 August 1890

1808/8
O 555 v II
in 29-VII

2/8

(line out)

17