

Government of Madras

1894.

P. W. DEPARTMENT.

CURRENT No. 3384

From

The Examiner

P. W. accounts.

ENCLOS. /

No. 1730C

Dated 2. 5. 94

Received 5. 5. 94

SUBJECT.

Executive Engineer's Quarters

at Munnob: Remarking

on letter from the Supg. Engineer

III circle forwarding letter from

the Ex Engineer Munnob &c

applying for a refund of

Rs 534-9-7 the difference

between the old & revised rate

of rent for the —

no 2981W d 22. 9. 88  
" 3387W d 19. 12. 90  
" 648W d 6. 3. 91  
" 649W d 6. 3. 91  
" 3256W d 28. 11. 92  
" 1972e d 6. 5. 93  
" 1568W d 13. 6. 93  
" 3035e d 8. 9. 93  
" 2660W d 18. 10. 93  
no 19941 d 24. 7. 91  
" 3846 d 19. 11. 90  
" 1254 d 16. 1. 94  
" 631e d 12. 2. 94  
" 547W d 22. 2. 94  
" 812W d 24. 3. 94

No. 1266W dated 22<sup>nd</sup> May 1894.

W  
13 May

The Government  
sees no reason to  
modify its order No.  
2660W dated 18<sup>th</sup>  
October 1893.

CMW  
11.5.94

S. E. III Circle ✓  
Ex P. W. Accts. ✓

52 11/5 26 23/5 INDEXED 24/5

P. W. CURRENT No. 3609

no 1883 e d 9. 5. 94.

From

The Supg. Engineer  
Second Circle

From,

The Superintending Engineer,

II Circle.

To,

The

To The Chief Engineer  
P. W. Department

Dated 12<sup>th</sup> May 1894

No. 265 X

Dated

Received

Enclosures.

NO.

SUBJECT.

No. 1270W d 22<sup>nd</sup> May 1894.

B

Sanctioned  
Sanctioned

S. E. II circle  
INDEXED  
24/5 Exar. P. W. accts.  
22/5

2568 11/5 26 23/5

2/5

4.7.91  
9.11.90  
- 1.94  
2.94  
2.94  
1.94

But this clearly does not cancel the original ruling of the Govt. of India, as the Examiner appears to contend, because the Madras Govt. Order in the next paragraph but one (Govt. order 648 of 6 March 1911) directs no time to be lost in giving notice of impending alterations of rent and adjustments will follow &c.

6 In fact, Mr. Johnston's claim, is that it became the obvious duty - as recalculation must occupy time, and in cases much time to make - of the Dy. Engineer receiving the Govt. new Rules of 22<sup>nd</sup> Sept 1888 to notify to all tenants that they occupied thenceforth subject to a recalculation of rent.

7 Also, in the nature of the case, when the Dy. Engineer receiving the order was himself occupant, the notice was served on himself personally there and then.

8. If it had been the other way, and arrears at Rs. 11 had to be recovered from Mr. Johnston, no one can doubt that the Examiner's office would not have let a leisurely recalculation of rent stand in the way for a moment

I have the honor to be

Sir

Your most Obedt. Servt.

Col. Fraser Col. R.E.

Supdy. Engineer  
III Circle

From

John Johnston Esquire,  
Executive Engineer  
Kurnool Division.

To

The Superintending Engineer  
IIIrd Circle  
Bellary.

Dated

Despatched

Received

19/12 } January 1894

No. 403 L E

Enclosures.

will obligingly reconsider  
their decision.

I have the honor to be  
Sir

Your most obedt Servt

John Johnston

Executive Engineer

86  
13/2

Requesting that the  
Executive Engineer further  
remark regarding the  
claim made by him for  
excess rent paid on  
his Bungalow may  
be laid before Govt.

No. 3196

Superintending Engineer's Office,

3RD CIRCLE.

Bellary 19<sup>th</sup> March 1894.

FROM

Colonel A. T. Fraser R.E.  
SUPERINTENDING ENGINEER.

IIIrd CIRCLE.

To

THE Chief Engineer  
P. W. D.  
Madras.

Sir,

Enclosures.

I have the honor to forward for  
favorable consideration an application  
from J. C. Johnston Esq. C. E. for a  
refund of Rs: 534-7-7 the difference between  
old and revised rent of the Executive  
Engineer's Quarters Kurnool at Rs: 11 Monthly  
from 8<sup>th</sup> June 1889 to 25<sup>th</sup> June 1893.

2. Before recalculation, under Govt. Order  
No: 2981 of 22<sup>nd</sup> Sept. 1888, the rent was Rs: 50  
Monthly.

3. But that order reduced it to Rs: 39  
Monthly, and laid down, page 2 Rule I,  
that the new rules were to be made appli-  
- cable from the 1<sup>st</sup> April/89, allowing  
six months for the necessary calculations.

4. It is true that a Govt. of India letter  
of the 21<sup>st</sup> Feb. 1891 says, para 2, "the revised  
rates shall have effect from the date on  
which notice of the same is served on  
the occupant." Then could be no legal  
increase of rent without such notice,

But

On the same principle Government  
now demur refunding. I hope I  
am correct in my interpretation.

3. The Examiner's argument  
would hold good had I in any  
one case been shown to have  
demurred in repaying to Government  
what they considered any excess  
payments made to me.

4. I can recall to mind two  
cases only in which I had to make  
a refund.

(1) When I was in the Cuddapah  
Division I had charge of the water  
works and was allowed to draw  
Rs 25/- a month beyond my pay,  
and I continued to draw this  
sum after my transfer to Kurnool.  
As I remained still in charge and  
inspected the works on each visit  
to Cuddapah. On reference to  
the Chief Engineer it was decided  
I was entitled to no allowances  
after I left Cuddapah, and  
accordingly I had to make a  
large refund. To this I made  
no demur.

(2) In Fort Saint George

Gazette dated. 18<sup>th</sup> November 190. page 92.  
I was promoted to Executive Engineer  
2<sup>nd</sup> Grade from the date of Major Langley's  
death, I had afterwards to revert  
and had to make a refund. To this  
I made no demur.

(3) The third case was one in  
which I had to make no refund  
but in which I might have  
asked Government to keep to  
its promises. In 1879-80 in the  
re-organization several men  
were regraded, and some lost a  
grade in consequence. but Govt.  
said (I have no papers with me  
and speak only from memory) they  
wished no one to suffer pecuniarily  
by reduction in pay. However  
I lost Rs 300/- being three months  
pay - I said nothing on this  
occasion -

4. It seems to me the Examiner's  
argument not being based  
on facts - but only on probabilities  
will not hold good, and I respectfully  
request that Government  
will

21st MAY 1894, No. 1262 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.  
PUBLIC WORKS DEPARTMENT.

General.  
Account.

READ—the following paper:—

From J. D. REES, Esq., C.I.E., Collector of Nilgiris, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Ootacamund, 11th May 1894, Ref. on Ptn. No. 137.

In forwarding herewith extract from Mr. T. Stanes' letter, dated 5th instant, I have the honour to request to be instructed whether orders will now be passed for the execution of the work referred to in Mr. Stanes' letter and similar works by the Public Works Department, or whether I should authorize owners to proceed, submitting their bills to Government or to the liquidator for settlement, according as the damage is within or outside the acquired limits. It will be seen that the work in this case, as in many others, is of such a character as to make execution by skilled agency necessary.

ENCLOSURE.

From Mr. T. STANES, to the Collector of Nilgiris, dated Coonoor, 5th May 1894.

3. I have the honour to remind you of the landslip at the end of Rannymede bridge caused by the removal of an immense rock by the Railway Company over which you yourself scrambled when you kindly inspected the spot. I am sorry to say that the building up of this road will be a large undertaking, as it will require a stone revetment about 52 feet in length and 34 feet high; the wall will require to be at least 6 feet wide at the bottom and will be built up in terraces to a width of 3 feet: this will be the only way to prevent further landslip and damage and for the reconstruction of the cart road destroyed by the railway. I estimate this will cost about Rs. 700.

I have the honour to request you will be good enough to allow me to proceed with this large stone revetment. It will be partly within the railway acquisition land and partly outside.

ORDER—dated 21st May 1894, No. 1262 W., Public Works.

It is understood that the Engineer-in-Chief, Nilgiri Railway Company, is prepared to undertake the work of repairing the damage in question. He will accordingly be requested to put it in hand at once and to complete it as expeditiously as possible.

2. The cost will be divided between the Railway Company and Government, the portion of the work within railway limits being charged to the former and that outside those limits to the latter. The amount chargeable to Government, which will be fixed by the Engineer-in-Chief, will be met from Imperial (Railway) funds in accordance with paragraph 3 of G.O., No. 1185 W., dated 1st May 1893.

(True Extract.)

Under Secy. to Govt., P.W.D.

To the Consulting Engineer for Railways.  
" Superintending Engineer, IV Circle.  
" Examiner, Public Works Accounts.  
" Examiner, Railway Accounts.  
" Collector of Nilgiris, through the Revenue Department.

Ed. C. A. Munisawmy.

Spare Copies

No. 40355

KURNOOL EXECUTIVE ENGINEER'S OFFICE,

19th February 1894.

FROM

J. B. Johnston Esquire  
EXECUTIVE ENGINEER,  
KURNOOL DIVISION.

TO

THE SUPERINTENDING ENGINEER,

THIRD CIRCLE,

BELLARY.

SIR,

With reference to G.O. No. 2660 W dated 18th October 1893. Expressing concurrence with the views of the Examiner, as given in his Office. Note No. 12792, dated 6th October/93, in regard to the claim made by me for excess rent paid by me from June 1889. I have the honour to request my further remarks may be laid before Government.

2. It seems to me the Examiner's argument is this:—

The Executive Engineer claims a refund of excess rent paid by him. If on the other hand the recalculation resulted in an increase, the Executive Engineer would have demurred paying such excess rent.