6

(1) பக்கங்களின் எண்ணிக்கை 12.

(2) புதுக்கித் திருப்பிய நாள் 3.3.92.

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D துறை

அரசாணை எண். 868 அச்சகம்
மு. கோப்புத் தாள் எண். பலவகை

P.W.D

நாள் : 30-3-1894 199

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆவண. கா. 1—18,006—6-9-90.

OFFICE OF THE SUPERINTENDING ENGINEER,

6TH CIRCLE.

No. 1073 md,

1/868

Trichinopoly, 10th March 1894

D 10/-

FROM

Lt Col. A. W. Smart R.E.
~~THE~~ SUPERINTENDING ENGINEER,
6th CIRCLE.

TO

THE CHIEF ENGINEER,
for Irrigation

SIR,

ENCLOSURE 1
1 copy of Judgment

Mr. Ramalinga Aiyar, Assistant Engineer in charge of the Dindigul Sub Dn, Madura Dn, having, on the 16th September 1893, discovered a ryot Subbaraya Chetty by name lowering his field and throwing the spoil earth on the bank of No. 47 Raja Voikal anicut channel, bearing No. 28 in the list of Imperial Irrigation works, he was, on the 10th October 1893, authorized by the Executive Engineer to lodge a complaint again Subbaraya Chetty before the Taluq Magistrate of Dindigul.

at the same time, informed that the Collector had been requested to appoint a vakil to conduct the case, but the former having on the 13th November /93 reported that he had himself engaged a Vakil – Mr. Hickey of Dindigul – who is said to be generally appointed by the Collector — the Executive Engineer decided to await the result of the case before taking any further steps.

3. A copy of the Magistrate's judgment is forwarded herewith. From this it will be seen that the case has been lost as it was not proved that there was any diminution in the supply passing down the channel in consequence of the earth thrown into it.

4. The case was a simple one and could have been conducted by the Assistant Engineer himself, but, when the enquiry was proceeded with (which is said to have been between the 20th October, the date when the complaint was lodged, and 5th December /93 the date when the judgment was given) as his services were urgently required for personal supervision of the closing of breach in the Iyempully channel near Palni, and as moreover no vakil was appointed by the Collector up to the 13th November /93, the Assistant Engineer took upon himself to engage one, & the Executive Engineer appears to have tacitly approved of this action.

5. The case is said to have been lost as the vakil was not properly instructed or as he did not properly understand the nature of the case, but the fee settled with him Rs 25 – a – has to be paid, and the Executive Engineer recommends its payment by Government.

6. The Assistant Engineer was wro[illegible] [illegible] [illegible] on

his own responsibility, and the Executive Engineer in approving of the same, but the latter states that great delay is caused in procuring a vakil through the Collector, who has to be satisfied that the case for Govt is sound. This view of the Executive Engineer does not appear correct.

7. As already stated the case was a simple one, and the Executive Engineer appears to have ordered the prosecution under paras 412 and 412 B of the Madras P.W. Code, but was certainly not well conducted.

8. I have therefore the honor to request that sanction of Government be obtained, as a special case, to the payment of the Vakils' fee Rupees (25 — a — .) twenty-five. This office was not aware of the case until the judgment was received with the Executive

the 19th January 1894, asking orders regarding payment of the fee.

I have the honour to be
Sir,
Your most obedt. Servant,

Lt Col. R.E.
Superintending Engineer
VI Circle

Wd

3/868

CHIEF ENGINEER
No. 9 M.D.
12 MAR 94
IRRIGATION

P. W. D. 6th CIRCLE

FROM

THE SUPERINTENDING ENGINEER,
6TH CIRCLE.

TO

THE CHIEF ENGINEER,
for Irrigation

No. 1073 m.d.

Dated 10
Received —
} March 1894.

Enclosures. 1.

Case against Soobooraya Chetty:—

Requesting to obtain sanction of Govt., as a special case, to the payment of the Vakeel's fee Rs 25 for having conducted the —

No 24. I/W

Forwarded to the Chief Engineer P.W.D. for orders of Government. The undersigned considers that there was no necessity for the action taken by the Asst Engineer and supported by the Executive Engineer as the case was not one of emergency, as the usual course of procedure ought to have been followed.

14/3

For Chief Engineer for Irrigation

Madras
13 March 94
}

4/868.

P. W. DEPARTMENT No. 2127

E. I. Form No. 10—1,000—22-4-93

1893.

From

Lt. Col. H. E. Drake Brockman R.E. ~~Lieut.-Col. R. E.,~~
Chief Engineer for Irrigation,

No. 179 W d/ 20-1-94

To

The Chief Engineer
P.W.D.

No. 24. E.W.
Dated 13th March 1894
Despatched
Received 16-3-94

Enclosures. 1. Copy of judgment

Subject.

Case against Subbraya Chetty — Forwards letter from the Superintending Engineer, Sixth Circle, and states that there was no necessity for the action taken by the Assistant Engineer in the — as it was not one of emergency and the usual course of procedure ought to have been followed

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5/868 P. W. Department.

Read the following:—

From the Superintending Engineer VI Circle No. 1073 md. dated 10th March 1894.
Endorsement thereon by the Chief Engineer for Irrigation No. 24 E.W. d/ 13 March 1894.

FOR ORDERS.

Para 412 B of the old Madras Code lays down the course which should have been followed.

This was clearly a case that should have received Superintending Engineer's sanction before being proceeded with. No good prima facie case seems to have been made out, and the suit should never have been brought. The Executive Engineer's action seems to have been so injudicious and irregular that he should

I approve of the course proposed by the Chief Engineer
W
22 Mar

take the consequences on himself, and it is suggested that Government should decline to pay the fee, and let the Executive Engineer and the Sub-divisional officer settle with the Vakil.

H. R.

FOR ORDERS.

J
W
21.3

Form orders

No. 868 W. d/ 30th March 1894. PUBLIC WORKS DEPARTMENT.

6/868

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Endorsement by the Chief Engineer for Irrigation on letter from the Supdg. Engineer VI Circle No. 1073 M.D. d/ 10 March 1894 } (I.E. No. 24 E.W. d/ 13/3/94)

His Excellency the Governor in Council observes that para 412 B of the old Madras Code indicates the procedure which should have been followed in regard to this prosecution. The sanction of the Superintending Engineer should have been obtained before it was undertaken, been seen that a good *prima facie* case could ~~have~~ be ~~been~~ made out before it was taken into Court. The Executive Engineer's action was so injudicious and irregular that he must now take the consequences on himself, and he and the Sub-divisional officer must settle with the Vakil as to the payment of his fee. The Govt. declines to bear the cost.

28.3.94

287

No. 868 W. d/ 30th March 1894

DESPATCHED
0 MAR. 94

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0 MAR. 94

S. E. VI Circle with enclos:

C. E. for I.