Public Works (1896) Department.

G.O., No. 3129

DATED 1/4/96

[Despatch Abstract.]

Suit orders sanctioning the defence of certain — to be filed by a late piece worker of the Buckingh Canal Dn — claiming payment for work done —

[P.W. 25.
1,000—23-10-96.]

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

IRRIGATION.
ESTABLISHMENT.

Govt. of {1896} Madras.

PUBLIC WORKS.

Dated April, 1st.

Recd. *Encl.*

G.O., No. 312 I., 1st April 1896.

APRIL.

Suit

The defence of certain — to be filed by a late piece-worker of the Buckingham Canal Division claiming payment for work done authorised at the public expense, and Mr. H. M. Bond, Assistant Engineer, authorised to instruct the Government Solicitor regarding the defence.

No. 312 I., 1st April 1896.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.
Establishment.

Read—the following paper :—

From A. S. RUSSELL, Esq., Executive Engineer, Buckingham Canal Division, to the Superintending Engineer, II Circle, dated Madras Basin, 9th March 1896, No. 2943.

In forwarding, for your orders, copy of a legal notice served on Mr. Bond, Sub-Divisional officer, South Sub-Division, and just received from the pleader for N. Ananta Aiyar, late piece-worker of this division, for work done on "Diversion of canal from Chintamani to Pulicat back-water," I have the honour to bring to your notice that the piece-worker bases his claims on the estimated quantities and not on the actual quantity of work executed by him.

2. The man first brought forward this claim just before I proceeded on leave last April and handed over charge of the division to Mr. Bond. Mr. Bond examined the measurement books and ascertained clearly that measurements of all work done were duly taken at the time; that the claimant studiously avoided being present whenever measurements of work done by him were taken by this department; and that a sum of Rs. 332-4-4 only was due to him. He accordingly, when officiating as Executive Engineer, disposed of the claim—*vide* this office No. 418, dated 16th May 1895, and statement accompanying.

3. Registered notices were sent to the claimant in this office No. 656, dated 17th June 1895, and No. 2839, dated 27th February 1896, informing him that, unless he receives payment of the amount before 17th June 1896, his claims will be forfeited to Government, as per Code, Volume II, Chapter II, paragraph 167.

4. According to the Government of India Code, Government, and not Mr. Bond, should be made the defendant.

5. The overseer who made the measurements of work done and the Sub-Divisional officer, Captain Power, who checked them, have both retired from Government service.

6. I, of course, frequently inspected the work during construction, and ascertained that measurements were properly made. The man was always behind hand with his work; carefully avoided being present when ordered to be present at the measuring of work done by him; brought forward no claim for arrears until a year after the work was finished; and cannot possibly have any legal ground to dispute the measurements taken at the time by this department. His claim is in fact of an absurd character; the measurement books, documents in this office, and evidence of Captain Power, Mr. Bond, and Overseer Murugesa Mudaliar can be adduced to disprove it; and it seems unlikely that the man will ever actually bring the case into court.

7. In view of this contingency occurring, I recommend that the sanction of Government be now applied for to defend the case, and that Mr. Bond, who has a more intimate knowledge of the matter than I have, and who personally examined the measurement books at the time the claim was raised a year ago, be permitted to take the papers to the Government Solicitor and instruct him regarding the defence of the case.

No. 475 B.C.

Forwarded to the Chief Engineer for Irrigation for favour of obtaining the sanction of Government to the defence of the suit by the Government Solicitor.

15th March 1896. (Signed) W. L. C. BADDELEY, Major, R.E.,
Superintending Engineer, II Circle.

Order—No. 312 I., dated 1st April 1896.

The defence of the suit is authorised at the public expense and the result should be duly reported.

2. The Executive Engineer's proposal that Mr. H. M. Bond, Assistant Engineer, Buckingham Canal Division, be authorised to instruct the Government Solicitor, Madras, regarding the defence of the case, is approved.

(True Extract.)

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

To the Superintending Engineer, II Circle.
" Chief Engineer for Irrigation.
" Examiner, Public Works Accounts.
" Government Solicitor, Madras.
" Revenue Department.

Dxd. C. M. Thumbuswamy Pillay.
Spare Copies

No. 312. I d/ 1st April/96.

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

From the Executive Engineer, Buckingham Canal Division. } (H.E. No. 2943 dated 9-3-96).

From the Supery. Engineer, Supg. Engineer, Second Circle } (H.E. No. 475. BC. dated 15-3-96)

The defence of the suit is authorised at the public expense and the result should be duly reported.

2. The Executive Engineer's proposal that Mr. H. M. Bond, Assistant Engineer, Buckingham Canal Divn. be authorized to instruct the Government Solicitor, Madras, regarding the defence of the case is approved.

DAH
29.3.96

To
The Supery. Engineer, Second Circle.
" Chief Engineer for Irrigation.
" Examiner, P.W. Acct.
" Government Solicitor, Madras.
" Revenue Dept.

19/3.

Recdd
20/3

DESPATCHED
10 APR. 96

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~~His Excellency the Governor~~

Defence of a suit against the Sub. Divl. Office, Buckingham Canal filed by a contractor.

Issue

Records

"5"

BR
30 3 96

E. I. Form No 1—1,000—27-11-95.

H.E. 21/3 R 30/3.

Letter from R. Ramanuja chari, Atty. at Law. for V. Ananda Iyr, to Mr. H. M. Bond Asst. Engr. B. Canal. dated 24th Feby/96.

Under instructions from my client V. Ananda Iyr, I beg to send you herewith a copy of the Plaint to be filed in the High Court, for the amount due to him as a contractor, from your office. I beg to send you the said copy in compliance with the provisions contained in the Civil Procedure Code. The facts will be the same although some alterations will be made here and there in the language. My client will be compelled to file the Plaint of the sort sent to you, if no settlement be made within the time prescribed by the Code.

(True Copy)

A. Russell.
Executive Engineer,
B. Canal.

a.o.u.
9/3

CHIEF ENGINEER
FOR IRRIGATION
17 MAR 96
No. 36BC

P.W.S.3
289C/56

H.E. 21/3 R.048

Statement showing work done by and Payments made to V. Ananta Iyer, contractor, Buckingham Canal, to accompany Executive Engineer's memo No. 418 dated 16.5.95.

Date of measurement	Work done Earthwork cutting ordinary		Earthwork embankment		Turfing		Removal of spoil		Materials Laterite stone		Total amount of Bill		Total amount paid
	Quantity	Amount	Quantity	amount	Quantity	amount	Quantity	amount	Quantity	amount			
						Line A. B.				Joint - 1466902	Balance = 176027	435-5-3	435 - 5 - 3
16. 9. 92	125500	435-5-3								V.A. 125500 1592402			
12. 10. 92	176027	610 9.5	Total quantity was measured. 1768429 deducted									610-9-5	610 - 9 - 5
3 . 3 . 93	123031	426.12.0	6946	24.1.6	114170 Sq-ft	392.7.4	Rs 214.7.9 deducted owing to incompleteness of sectioning bank & removal of spoil on A B				843.4.10 168.8.8	1011-13-6	797-5-9
Vide overseer's report dated 12.4.93. Workdone after final measurement by overseer & check by S.D.O	Removing cross bunds 12247 c-ft	42.7.8											
					Line E.F. 16885	58.0.8	8548 c-ft	14.13.2	586 c-ft		93.12.2	68.8.8	
3 . 3 . 93 Vide overseer's report d/12.4.93. Work done without orders & since measured	548 Earthwork 21729	1.14.8 75.4.11									Balance due	75-4-11 2175-8-9	1843-4-5 332. 4. 4

(Sd) H. W. Bond
Offg. Ex. Engineer
B. Canal

CHIEF ENGINEER
FOR IRRIGATION.
17 MAR. 96
No. 36 BC

ENGINEER'S OFFICE
No. 36
P. W. D.
SECOND CIRCLE

PWE 2
2852 96

Memo from the Ex: Engr., B. Canal
to V. Ananta Iyr, No. 418 dated 16-5-95.

With reference to his petition, dated 22nd April, 1895, forwarding copy of a petition presented by him to the South Sub. Dn. Officer, in respect to the settlement of certain claims put forward by him for work done on the Diversion of Canal from Pulicat to Chintamany, and asking for an enquiry into the matter. Ananta Iyr is informed that after going carefully through the measurements taken by Overseer Murugesa Mudaliar of the work done by Ananta Iyr, the undersigned has made out the amount due and paid to him to be as shewn in the accompanying statement. The sum of Rs 332-4-4 due to him will be paid on his presenting himself at the Sub. Division Office.

2. Ananta Iyr has often said that his claims are based on Overseer Murugesa Mudaliar's measurements; but the undersigned finds that it is not so, but that the Contractor based his claims on the quantities of work estimated for. This is perhaps the first time a Contractor ever claimed payment on the estimated quantities.

3. There are several inconsistencies in the statements and figures

given

given in the contractor's petition, but as the basis of the Contractor's Contention has no stand at all, the undersigned does not wish to deal with them now.

(True copy)

SUPG. ENGINEER'S OFFICE,
No. 3/3218
MAR. 96
P. W. D.
SECOND CIRCLE.

FOR IRRIGATION.
17 MAR. 96
No. 36BC

A. S. Russell.
Executive Engineer
Buckingham Canal.

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8

B. C./1 500–26-9-95.

No. 2943

OFFICE OF THE EXECUTIVE ENGINEER,
Buckingham Canal,
Madras Basin, 9th March 1896.

From
A. S. Russell Esq
EXECUTIVE ENGINEER,
Buckingham Canal Division,

To
THE Supdg Engineer II Circle

SIR,

In forwarding for your orders copy of a legal notice served on Mr. Bond, Sub Dn Officer, South Sub Dn, and just received from the pleader for N. Ananta Ayar, late Piece Worker of this Division, for work done on "Diversion of Canal from Chintamani to Pulicat backwater", I have the honor to bring to your notice that the Piece worker bases his claims on the estimated quantities and not on the actual quantity of work executed by him.

ENCLOSURE. 3

2. The man first brought forward this claim just before I proceeded on leave last April, and handed over charge of the Division to Mr. Bond. Mr. Bond examined the measurement books and

ascertained

ascertained clearly that measurements of all work done were duly taken at the time; that the claimant studiously avoided being present whenever measurements of work done by him were taken by this Department; and that a sum of Rs 332-4-4 only was due to him. He accordingly, when officiating as Ex: Engineer, disposed of the claim, vide this Office No 418, d/ 16th May, 1895, and statement accompanying.

3. Registered notices were sent to the claimant in this Office Nos 656 d/ 17th June 1895, and 2839 d/ 29th February, 1896, informing him that, unless he receives payment of the amount before 17th June 1896, his claims will be forfeited to Govt:, as per Code Vol: I Chap II para 167.

4. According to the Govt of India Code, Government, and not Mr Bond, should be made the defendant.

5. The Overseer who made the measurements of work done and the Sub Dn. Officer, Captn Power, who checked them, have both retired from Govt: service.

6. I of course frequently in-

spected

inspected the work during construction, and ascertained that measurements were properly made. The man was always behind hand with his work; carefully avoided being present ~~at the~~ ~~work~~ when ordered to be present at the measuring of work done by him; brought forward no claim for arrears until a year after the work was finished; and cannot possibly have any legal ground to dispute the measurements taken at the time by this Department. His claim is in fact of an absurd character; the measurement books, documents in this Office, and evidence of Captn. Power, Mr Bond, and Overseer Munnugesa Mudr: can be adduced to disprove it; and it seems unlikely that the man will ever actually bring the case into Court.

7. In view of this contingency occurring, I recommend that the sanction of Govt: be now applied for to defend the case, and that Mr. Bond, who has a more intimate knowledge of the matter than I have, and who personally

examined

examined the measurement books at the time the claim was raised a year ago, be permitted to take the papers to the Govt. Solicitor and instruct him regarding the defence of the case.

I have the honor to be,
Sir,
Your most obdt servt.

A. S. Russell
Ex. Engineer
N. Canal

O.a.4
9/3

SUPG. ENGINEER'S OFFICE
No. 521 B
12 MAR. 96
P. W. D.
SECOND CIRCLE.

From

The Ex. Engineer
B. Canal

To

The Supdg. Engr
II Circle

CHIEF ENGINEER
FOR IRRIGATION:
17 MAR. 96
No. 361 BC

No. 2943

Dated 9th } March 96
Recd

Enclo. 3

P. W. CURRENT No. 257/C Encl 3

No. 475 BC / 15. 3. 96

HP.

Forwarded to the Chief Engineer for Irrigation for favour of obtaining the sanction of Government to the defence of the suit by the Government Solicitor.

Major R.E.
Supg Engineer
II Circle

Enclos 3

Recd: 21. 3. 96

Pulicat Chintamani division. Fwdg. correspondence relative to the claims of Piece worker V. Ananta Aiyar for work done on the — requesting to obtain the sanction of Govt. to defend the case

(With an endorsement on the reverse. No 475 BC / 15. 3. 96)

Public Works (1896) Department.

G.O., No. 3159

DATED 1/4/96.

[Despatch Abstract.]

Bridge & regulator —

Estimate for constructing a —
at the head of the 11 & 12 branch —
Channels, Periyar Project
Sanctioned.

[P. W. 5.
1,000 [illegible]]

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

IRRIGATION.
ACCOUNT.

Govt. of {1896} Madras.

PUBLIC WORKS.

Dated April, 1st.

Recd. *Encl.*

G.O. No. 315 I., 1st April 1896.

APRIL.

Bridge

Estimate of Rs. 3,040 for constructing a — and regulator combined at the head of the 11th and 12th Branch channels, Periyár project, sanctioned with remarks.

No. 315 I., 1st April 1896.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.
Account.

Read—the following paper :—

From W. HUGHES, Esq., Superintending Engineer, VI Circle, to the Chief Engineer, Public Works Department, dated Trichinopoly, 9th December 1895, No. 827 M.D.

I have the honour to submit an estimate of Rs. 3,040 for combined regulators and bridges at the end of the 11th Reach, Periyár main canal, in lieu of four works provided in the revised estimate for the project.

2. In my inspection notes for April last I proposed that the 12th Reach should be merged in the 12th Branch channel. The estimate now submitted is made in the expectation that this proposal will be approved.

3. A statement attached to the estimate shows the hydraulic details of the work and the particulars of the works for which it is proposed to substitute it. The expected saving is Rs. 1,510.

No. 75 I.

Note by the Chief Engineer for Irrigation.

Submitted to Government.

2. No rising screws should be allowed. Pipes and fixed screws should, in all cases, be substituted.

(Signed) R. R. E. DRAKE-BROCKMAN, Col., R.E.,
Chief Engineer for Irrigation.

19th March 1896.

Order—No. 315 I., dated 1st April 1896.

The following estimate is sanctioned in lieu of the provision of Rs. 4,550 made for items 57, 373 and 375 of the revised estimate printed in Proceedings of Madras Government, No. 97 I., dated 3rd February 1894, the saving of Rs. 1,510 effected by the present estimate being added to the balance available for unforeseen works of the Periyár project, which will then be increased to Rs. 60,399:—

Capital Expenditure not charged to Revenue.
49. Irrigation.
Periyár Project.
I. Works.
3. Distributaries.
3. Works.

Constructing a bridge and regulator combined at the head of the 11th and 12th Branch channels — Estimate ... ... RS. 3,040

2. This sanction is registered as No. 4 I. of 1896–97.

(True Extract.)

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

To the Chief Engineer for Irrigation.
" Superintending Engineer, VI Circle, with five enclosures.
" Examiner, Public Works Accounts.
" Revenue Department.

Exd. T. K. Narayana Aiyangar.
Spare Copies

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

No. 315-I d/ 1st April/96.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

From Supdg Engr, VI Circle, No. 827 M.D. 29 Dec/95.
Note by the Chief Engr for Irrigation ~~H.E.~~ No 75 I dated 19 March 1896).

The following estimate is sanctioned in lieu of the provision of Rs 4550 made for items 5, 373 & 375 of the revised estimate printed in G.O. No. 97 I., d/ 3d Feb/96 the saving of Rs 1510 effected by the present estimate being ~~reserved~~ added to the balance available for unforeseen works of the Periyar Project, which will then be increased to Rs. 60,39 Capital Expenditure not charged to Revenue
49. Irriga.

A.S.H.
27.3.96

No 75 I of 15-3-96

Submitted to Govt.

2. No rising screws should be allowed. Pipes & fixed screws should in all cases be substituted.

Pueos
19/3

Periyar Project
I Works
3. Distributaries
3. Works.
Constructing a bridge
& regulator combined
at the head of the
11 & 12th branch channels
Estimate Rs 3040

2. This sanction
is registered as No
4. I of 1896-97

7/1/96

17/1

Recd
19/1

Recd

To
The Chief Engr for I. encls.
Supdg Engr VI with [illegible]
Ex Engr [illegible]
Rev Dept

Form No. 1—500—14-5-95

1/3

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE,

No. 827 md,

Trichinopoly, 9 December 1895.

D 7/5

FROM
W. Hughes Esquire,
~~THE~~ SUPERINTENDING ENGINEER,
6th CIRCLE.

TO
THE CHIEF ENGINEER,
P.W.D.

SIR,

ENCLOSURES.
1. Plan of Regulators.
1. Site Plan
1. Estimate

7.5.9 1/4

I have the honor to submit an estimate of Rs 3,040 for combined regulator and bridges at the end of the 11th Reach, Periyar Main Canal, in lieu of ~~the~~ four works provided in the revised estimate for the Project.

Disposed of
N-2004 C
11-6-95

2. In my inspection notes for April last I proposed that the 12th Reach should be merged in the 12th Branch Channel. The estimate now submitted is made in the expectation that this proposal will be approved.

3. A statement attached

39/3

8—

500—13 11-93.

to the estimate shows the hydraulic details of the work and the particulars of the works for which it is proposed to substitute it. The expected saving is £1510.

I have the honor to be
Sir,
Your most obed^t Servant

W. Hughes
Superintending Engineer
W Cirok

7/12

E. CURRENT No. [illegible]

C89
13-12-95

P. W. D. 6th CIRCLE

FROM

THE SUPERINTENDING ENGINEER,
6TH CIRCLE.

TO

THE CHIEF ENGINEER,
P. W. D

No. 827 md

Dated 9
Received 9 } December 1895.

No. 1815 C a/ 13-5-95 ✓
" 2004 C " 11-6-95 ✓
" 879 D " 29-8-95 ✓
" 143 bc " 14-3-96 ✓
" 97 D " 3-2-94 ✓

Enclosures. 3

Regulators & Bridges at the end of the 11' Reach Kengar main Canal:—

Submits an estimate of Rs 3040 for combined —

1272-95

715.17