

Public Works (1897) Department.

G.O., No. 34386

DATED 8 December 1897

[Despatch Abstract.]

Legal Proceedings: Pros: Judicial Dept Con
sidering that it is undesirable that one depart-
ment of Govt should institute legal proceedings against
another department without the special sanction
of Govt, Comd to officers of the P.W.D.

8/12/97

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Indexed.

15/12/97

GOVERNMENT OF MADRAS.

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I have been requested by the Superintendent of the Gun Carriage Factory to assist him in an appeal he is desirous of presenting in the name of the Government of India, under section XII of Madras Act III of 1893, against a decision of the Inspector of Steam Boilers under the same Act who presumably is an officer of the Madras Government, and I write to know whether, under these circumstances, I am entitled to refuse to assist an officer of the Government of India seeing that my services have not been requisitioned by the Inspector.

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(True Extract.)

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Chief Secretary.

To the Government Solicitor.

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Read—also the following paper:—

G.O., No. 2469 W., dated 6th September 1897.

Read—the following papers:—

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Memorandum No. 3336-C, dated 27th July 1897.

From the Sanitary Engineer, dated 2nd August 1897, No. 1318.

In forwarding the report called for by No. 3336-C, dated 27th July 1897, I have the honour to call attention to the following points:—

(1) That the Boiler Inspector once having granted a license had no power to alter that license without previous reference to me—*vide* Rule 31 of the Boiler Act Rules; this I have pointed out to him, but the circumstances were doubtless peculiar.

(2) That the boiler was made in 1892 some five years ago. A question, therefore arises (the rules are not clear in this respect) for what period the factor 5 and its additions (excepting Y Rule 19) is to be used. The boiler in question although under steam only 300 days was five years old and it might have been exposed to any action during that time whether it was lying here or in England. The recognition therefore of a certificate (Rule 19-Y), I contend, ought to be limited to the case of new boilers when first licensed and to such boilers, say, up to ten years after manufacture, provided that the boiler does not show any defect during that period.

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pressure on shell of a Lancashire boiler now situated in the Gun Carriage Factory and built by Ruston and Proctor, Lincoln, England, for a daily working pressure of 100 lb. per square inch; my reason for using 6.65 was due to the certificate—*vide* Rule 19-Y, *Fort St. George Gazette*, dated 26th January 1897—not being produced on the date of examination. However, since that date, the Superintendent, Gun Carriage Factory, has asserted that he is prepared to swear on oath that the boiler was open to inspection during the period of construction by Inspectors provided by the Home Government. Therefore the certificate was granted for a pressure of 100 lb. instead of 88 lb. He has accordingly written for the certificate to certify the statement made.

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His Excellency the Governor in Council considers it undesirable that one department of Government should institute legal proceedings against another department without his special sanction. If an officer considers himself aggrieved by the action of another officer acting in the discharge of his legitimate duties, his proper course is to lay the matter before Government and await its orders.

2. The law officers of Government will be instructed to abstain from affording any advice or assistance to either officer in a case of this description.

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for Chief Secretary.

To all departments of the Secretariat. (P.W.D.)
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Copy to the Honourable the Chief Justice (with C.L.).

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Government { 1897 } of Madras.
JUDICIAL.

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Enclosures

Spare copies

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~~No. 34375: 8-12-97~~
OCTOBER.

34385: 8-12-97

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