Public Works (1898) Department.

G.O., No. 1757 W

✓

DATED 11 July '98

[Despatch Abstract.]

Costs of Suits: The Costs of the defence of the original & appeal suits instituted by piece worker Aiyalu Naidu in the Dt. Munsif's Court, Tirumangalam, in the Dist Court, Madura, sanctioned & the Supdg Engr VI Circle requested, with remark, to ascertain & report the opinion of the Collr as to the reasonableness of the entire fee of Rs 100 claimed by the Govt Pleader.

Indexed. 2/7

P. W. 23.
1,000—23-6-98.

BACK PAPERS.

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

FURTHER PAPERS.

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

DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. 12734 of 1897, dated 29th Decr. 1897, from the P.W.D., Irrigation Branch.
" " 86 " 1898, " 5th Jany. 1898, " the S.E., IV Circle.
" " 1200 " 1898, " 9th Feby. 1898, " the S.E., III Circle.
" " 1750 " 1898, " 25th Feby. 1898, - do -
" " 1802 " 1898 " 26th — do — — do —
" " 1868 " 1898 " 26th — do — S.E. VI circle
" " 2316 " 1898 " 11th March 1898 S.E. III "
" " 3427 " 1898 " 18th April 1898 — do —
" " 4365 " 1898 " 14th May 1898 Chief Engr. for Irrign
" " 4546 " 1898 " 24th — do — S.E. VI circle.

ORDER.

No. 1757 W dy 11.7.98

Rs. 86-8-7

A.S.H.
4.7.98

The costs of the defence of the original and appeal suits instituted by pieceworker Aiyalu Naidu in the District Munsif's Court, Tirumangalam, and in the District Court, Madura, are sanctioned. The Suptg: Engineer, VI Circle, will be requested to ascertain and report the opinion of the Collector as to the reasonableness of the extra fee of Rs. 100 claimed by the Govt. Pleader for conducting the defence.

2. The Govt. is not disposed to pursue further the inquiry into the mistakes alleged against subordinates of the P.W. Department, as they do not appear to be sufficiently substantiated.

Dm/W

The S.E., VI Circle, with ~~4~~ 2 enclos.
" Examiner, P.W. Accounts, with one bill
" Chief Engineer for Irrigation.
" S.E., III Circle.

Flagged A

11/7/98

Cn

A.H.
26.6.98.

W

m. 6.98

Note. In G.O. No. 249 I, dated 11th March

[P. W. 4. 500—24-3-98.]

H.S. 27.6.98 R 5.7.98

March 1897, the defence of the suit brought by pieceworker Aiyalu Naidu for the recovery of Rs.698-11-2 for work alleged to have been done on the Periyar Project, was authorised at the public expense. It was decided against the plaintiff, but each party were however to bear their own costs. The judgment of the Dt. Munsif showed certain grave mistakes to have been committed by subordinates of this department; but as will be seen from the Note* reviewing the case, the allegations seem to have been based on no adequate evidence whatever. It is accordingly proposed to drop the matter.

Flagged M.

The defence of the appeal preferred by the pieceworker was authorised in G.O. No. 1145 I, dated 29th December 1897. The appeal has been dismissed with costs by the Dt. Court. The memo of objections to Govt. bearing the costs of the defence in the lower court has also been dismissed. The Govt. Pleader claims an extra fee of Rs. 100, alleging that a good deal of fraud was practised by the plaintiffs and that he had to work very hard to find it out and expose it. The Executive Engineer, Periyar Works, recommends it. It is proposed to sanction the costs of the defence in the Dt. Court and in the Dt. Munsif's Court and to await the opinion of the Collector as to the reasonableness of the extra fee claimed by the Govt. Pleader.

×Flag P

ACK
21.6.98.

21.6.98

W

PWD

Note

In G.O. No. 249 I. dy 11. 3. 97, the defence was authorized of a suit instituted in the Dt. Munsif's court at Tirumangalam, Madura Dt., by Aiyalu Naidu a piece worker for recovery of certain sum alleged as due for work done by him on the Periyar Channel Excavation, 1st Reach. The case appears to have been dismissed, but the judgment of the Dt. Munsif showed that Overseer P. Ramachandra Aiyar had wrongly made out a bill for twice the amount actually due to the Contractor, that Sub Conductor Rule his Subdivisional Officer had paid the amount, and that the above bill, though purporting to be a final one, not being in the yellow form, on the Contractor advancing further claims, Temporary Upper Subordinate A. Narayanaswami Nayudu, had under instructions from his Sub Dn. Officer for preparing

Flag. A.

W

The papers in this case are incomplete, & might be called for.

2. I see nothing suspicious in the conduct of Overseer P. Ramachandra Aiyar & Sub Conductor Rule. It is not clear that the former made any error in calculation, & the District Munsiff appears to have jumped at a hasty conclusion.

3. Temporary Overseer A. Narayanaswami Naidu appears the more ~~knave~~ fool than knave, & there is no reason to punish him for preparing a bill which was not passed, & which could not be passed unless the S. D. O was as ignorant as himself.

4. Payment of the Pleader's bill might now be authorised, & final judgments on the respective liability of the parties concerned suspended until the record has been made complete

A.S.K.
11. 6. 98.

a bill, made out one for Rs. 621-3-5, without making any measurements. He appears to have merely copied the figures from a statement which was prepared when the original contractor left the work & which showed the balance of work left undone by him, deducted the work for which Aiyalu Naidu had been paid, and exhibited the balance as work for which Aiyalu Naidu had yet to be paid. This bill also was not prepared on a yellow form although it was intended to be a final bill in settlement of all claims.

In this office memo, No 5143 C of 30th November 1897 - Flag H. Overseer Ramachandra Aiyar and Sub Condr. Rule were accordingly called on to explain their action and Tempy. Upper Subordinate A. Narayanaswami Nayudu was asked to show cause why he should not be dismissed.

The explanations have all been received after some delay, in one case due to Temporary Upper Subordinate A. Narayanaswami Nayudu having gone on leave and only recently returned. The following is a précis* of the charges against each of the subordinates with their explanation.

In the Pereyar main Channel excavation, 1st reach, Aiyalu Naidu, a pieceworker, was ordered to finish the work left undone by a previous contractor and appears accordingly to have been engaged on the project between August 1893 and October 1895, receiving payment from time to time for work done by him. We are told that Supervisor Srinivasagam Pillai measured up the work done by Aiyalu Naidu in view to final payment, making out a bill for Rs. 20-5-5, only. This bill was not paid and the Supervisor left for Bellary. His successor Overseer P. Ramachandra Aiyar again measured up the work done by Aiyalu Naidu. It was found that Srinivasagam Pillai had omitted to measure 50 feet out of the 350 feet in which

* prepared from office notes, the originals having been returned to the S.E. - Vide Flag H.

The costs of defence of the original and appeal suits are Rs. 186-8-7 inclusive of the extra fee of Rs. 100 claimed by the Govt. pleader. The appeal having been dismissed "with costs" the plaintiff should pay the defendant the costs in the appeal.

It appears to me to be a waste of time to pursue this matter further for so small a sum as Rs 37-6-4, the costs of the suit. The alleged mistakes by subordinates of this Dept are all based on statements made in the Dist. Munsiff's judgment, which are entirely unsupported by evidence so far as we know. The corrections, involving the S.E. spending hours & days in investigating a mare's nest. Ask for sanction to pay the costs

14.6.98

Madras 15/6/98

Aiyalu Naidu had worked. The result arrived at by Ramachandra Aiyar was that payment was due to Aiyalu Naidu for 7437 cubic feet of rock cutting against Srinivasagam Pillai's measurement of 452 cubic feet, which did not however include the 50 ft. left unmeasured. Ramachandra Aiyar's bill amounted to Rs. 334-10-8. while Srinivasagam's amounted only to Rs. 20-5-5, and the large difference, which can in no way be attributed to the 50 feet left unmeasured, is pointed out by Srinivasagam Pillai to be due to the wrong mode of calculation adopted by Ramachandra Aiyar, in that in finding out the area of triangles the Overseer had multiplied the altitude by the full base instead of by half the base. The amount of the bill challenged as incorrect, ~~being~~ is exactly one half of it.×

Ramachandra Aiyar's explanation×, to the best of his recollection, is that Contractor Aiyalu Naidu's work (in the 1st reach of the Peruyar main Channel, consisted of deepening and widening a channel that was already dug out to an incomplete section. The cross sections of the incomplete channel having been already taken and recorded, the Overseer took cross sections of the channel after it was completed by Aiyalu Naidu, plotted these over the cross sections of the incomplete channel and worked out the sectional areas of cutting at the different cross sections; in doing this, there were only trapezoidal areas, as far as the Overseer could remember, and no triangular areas at all. The Overseer, therefore is not in a position to make out how his bill could have been for twice the amount due. Overseer's bills he says, are not usually paid without careful check in the Subdivisional Office and even if he had made mistakes in calculation, they should have been detected in the Subdivisional Office.

× Vide leaf F.

The Subdivisional Officer Sub Conductor Kuli's explanation× of his failure to detect the mistake is that as he had no reason to suspect that a mistake had been made

× Vide leaf G.

by the Overseer in the mensuration calculations of the sections, he paid the bill after the arithmetical calculations had been checked.

The failure to use the yellow form in making out the final bill Sub-Conductor Rule explains, by saying that after the original Contractor's agreement had been cancelled, work in this and other portions of the Channel was carried on by petty taskworkers, from whom no piecework agreements had been obtained and for whom no running accounts were kept. The men were paid fully for work done, as it was measured and there was therefore no necessity for preparing a final bill on the yellow form.

To find the area of a triangle by multiplying the altitude with the full base instead of half the base, seems too palpable a mistake to have been committed by an Overseer ~~of the~~ trained in the Engineering College ~~which Ramachandra Aiyar has presumably had~~, but the matter is complicated by the fact, that there is nothing in the correspondence before us to show beyond a doubt that an overpayment to the extent of twice the amount actually due had been ~~paid.~~ made. We have the statement of Witness Srinivasagam Pillai adverted to in the District Munsif's Judgment* — of the Overseer committing a mistake in mensuration calculations, the truth of which, however, does not appear to have been sifted in cross-examination. And we have the Executive Engineer's remark "we have an Overseer Ramachandra Aiyar making out a bill for twice the amount due to the plaintiff and getting it paid". This does not show as if the Executive Engineer had independently satisfied himself as to the accuracy of the statement that an overpayment had been made, beyond relying on the Dt. Munsif's version of the case admittedly based on Supervisor Srinivasagam Pillai's statement of what Overseer Ramachandra Aiyar had done.

It is unfortunate that all the records appertaining

* for an extract from which, please see flag B.

to this case are not forthcoming in the office, having been returned already to the S.E. VI Circle; and it is apprehended that even those records are not likely to throw light on the fact of overpayment since, apparently, they purport to be based on the narration of facts as detailed in the judgment of the Dt. Munsif.

~~It is submitted~~ In the face of the direct denial by the overseer to the charge of incorrect mensuration calculations, and in the absence of independent proof that an overpayment had been made, it is submitted that the course to be pursued, apparently seems to be, to forward the explanation of the Overseer to the local Authorities and to call for a report as to the merits of the explanation and as to the fact of overpayment as evidenced by the records of the division.

Overseer Narayanaswami Nayudu's explanation× has now to be dealt with. × Vol I

It will have been observed that the charge against this Overseer is that he made out a bill for Rs. 621-3-5 without making any measurements, by merely copying the figures from a statement which was prepared ~~which~~ when the original contractor left the work and which showed the balance of work left undone by him, and, after deducting from it the work for which Aiyalu Naidu had been paid, by exhibiting the balance as work for which Aiyalu Naidu had yet to be paid. This bill appears not to have been paid, as the Subdn. Officer found that the work specified had not been done by the Contractor; it was accordingly cancelled.

Narayanaswamy Naidu's explanation is that he was not personally aware of what Aiyalu Naidu had carried out & what payments were due to him if at all. Mr. Cunliffe, the S.D.O., having to report on 2 petitions of Aiyalu Naidu's, asking for payment of certain balance alleged as due for work done by him went with the Temporary Overseer and the Petitioner to the work and after inspecting it, desired the Temporary Overseer to make out a bill on 5.11-95 "for anything which might seem due to him, after looking at previous bills estimates &ca in the Office." He accordingly prepared the bill. "I showed it on 9.11-95 to Mr Enright who after looking at it, called me fool, as I had noted it in the measurement book, while it was no measurement actually taken. Accordingly, I cancelled it as per his desire inserting this note thereon 'Cancelled as per personal instructions of the Subdl Officer, Mr Enright'."

Mr Enright appears to have forwarded this bill with a long report to the Ex. Engineer and Narayanaswami Naydu Says that if this letter be looked at, the whole matter would be plain and would not give any room to suspect his conduct in any respect. The temporary Overseer says that he and Mr Enright did not measure any work, and that it was not possible to do so, all distinguishing 'marks having already been obliterated.' "All that we did was to check roughly the levels of the excavated Channel here and there which appeared in every way to have been dug to full depth laid down in estimate and original sections. The very bill in question would show that no measurements were actually taken."

The Overseer states that the Munsif "misunderstanding facts and failing to elicit more facts from him and others to correct his error, formed a wrong opinion" of his procedure.

In the light of this explanation, the transaction wears more of the aspect of an attempt on the part of the Subordinate Officers to ascertain the amount of the Contractor's claim in view to orders being obtained as to how far they were allowable. Here again we have not access to records; but the free manner of the Tempy. Overseer's Criticism of some statements in the Munsif's Judgment lends countenance to what, in itself, appears probable that, in the action of the Ex. Engineer in reporting* on the conduct of these Subordinates, far too much credence had been given to certain dicta of the Dt. Munsif, which had not however formed the subject of judicial examination.

* His remarks "& then the Plaintiff comes forward with a false claim for over Rs. 600, having got another Overseer N. Nayudu to prepare a bill without making any measurements at all"/ Vide notes with memo No. 5143 C of 30.11.97. Flag G.

Pieceworker Aiyalu Naidu appealed to the District Court against the District Munsif's decision, and his appeal has been dismissed. In reporting this, the S.E. recommends that temporary Upper Subordinate A. Narayanaswami Nayudu should be made to pay the costs of the suit. The question of his liability as well as of the punishment to be meted out to him, turns upon a settlement of the circumstances under which he prepared the bill without making measurements, and as, according to his ~~showing~~, version, the transaction wears a bona fide complexion, a report as to how far his version is supported by facts, from the local Officers, seems necessary.

In reply to an enquiry the S.E. III Circle reports* on the conduct of A. Narayanaswami Nayudu, when on famine duty as follows:-

* Flag D.

" Did very well for some time with a very large work. Towards the end he was inclined to get slack. He

wanted perpetual keeping
up to the mark".

C.L.
8/6/98.

OW

When this matter first came up, it was ~~[illegible]~~ reviewed in the note attached to no. ~~5-14 C~~ 5-143 C of 30.11.97 –

The original papers then received were sent to the S.E. III Circle, & by him were probably returned to the S.E. VI Circle – It seems necessary to have these papers, especially the Munsif's judgment, for a full understanding of the case, & it is proposed to call for them.

Overseer Ramachandra Aiyar's first explanation was not returned, when the further one was submitted – It is proposed to call for the former, & to send both to S.E. VI Circle for opinion –

As regards A. Narayanaswami Iyer's explanation, it seems necessary to call for the letter from the Supervisor, with which the bill was sent to the Ex. Engr. The explanation itself should apparently first be sent to the Supervisor for report as to whether there was any intention of paying the bills framed by the Overseer, or whether it was drawn up merely as a preliminary to an investigation of the piece workers claims. The Supdg Engr's opinion on this report may then be asked for.

It is stated in the judgment of the Sub. Court that the pieceworkers claim rests on a bill prepared by a man who admittedly made no measurements. The S.E. considers that the costs of the appeal should be recovered from A. Narayanaswami Nayudu, but if the overseer made out the bill under instructions from the Ex Engr, who cancelled it on seeing it, it is hard to understand how the piece-worker could have founded any claim on it, or how much the overseer was to blame.

The S.E. might be told to pay the pleader's bill, leaving it to be decided hereafter whether the amount should be recovered from the temporary overseer. If the latter is eventually dismissed, no recovery from him will be practicable, unless pay & arrears is due to him.

10/1/98

Public Works (1897) Department.

CURRENT No. 12/34

From The P.W. Department
Irrigation Branch

E.S. 3-1-98

No. 1145 I

Dated 29-12-97
Received } 30-12-97
Registered
Enclosures -
Spare copies -

SUBJECT.

Appeal suit filed by Iyyalu Naidu, Contractor, Periyar works

Authorising the Supdg. Engr. VI Circle to take steps for defending the —— at the public Expense

OLS/91
R7/7

BACK PAPERS.

G.O.	No.	Department.	Date.
	1344 C	P.W.	5-3-98
	1145 D	"	29-12-97
	5479 C	"	16-12-97
	5143 C	"	30-11-97
	2492	"	11-8-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.
GO 8053 W			

From the Government Pleader, Madura, to the Executive Engineer, Periyar Works, Madura, No. 543 dated 10th December 1897:-

Referring to your letter No. 650 M dated the 6th Instant, I have the honour to forward herewith a draft Memo of objections. It should be filed in court on or before the ~~a~~ 30th ~~instant~~ December next. I have the honour therefore to request you will be so good as to obtain and communicate to me before the said date the sanction of the Government to file the Memo of objections.

(True Copy)

(s/d) O. V. Boddy, Lt:Col: R.E.,
Suptg. Engr. VI Circle.

Memo of objections.

1. Because the lower Court ought in the circumstances of the case have directed the plaintiff to pay the cost of the defendant.

2. Because the lower Court has not exercised a sound and judicial discretion in not awarding the cost of the --- defendant.

3. Because the reasons given by the lower Court for not awarding costs to the defendant are not sound.

(s/d) M. S. Narayanasami Aiyar.
10-12-97

(True Copy)

(s/d) O. V. Boddy, Lt:Col: R.E.,
Suptg. Engineer VI Circle.

Copy of communication from the Executive Engineer, Periyar Works, Madura, to the Government Pleader, Madura, No. 660 M, dated 13th December 1897:-

In reply to your No. 543 dated 10th December 1897, I have the honour to inform you that the "Draft Memo of objections" sent therewith has been forwarded to the Superintending Engineer for Government sanction being obtained to file it in the Court which, if not received before the due date, the same may be filed in anticipation of sanction.

No. 144 S.E., dated 13th December 1897.

Copy together with the Government Pleader's letter No. 543 dated 10th December 1897 with the draft Memo of objections in original is forwarded to the Superintending Engineer, VI Circle, with reference to his No. 1793 M.D. dated 6th December 1897 (herewith returned) for favour of Government --- sanction being obtained soon.

2. The copy of judgment may also be transmitted without much delay.

(s/d) A. Joyce.
Executive Engineer in charge
Periyar Works.

No. C/11 M.D.

Copy, with copies of enclosures, is submitted to the Chief Engineer for Irrigation, in continuation of this office No. 1794 M.D. dated 6th December 1897 and with a request that early sanction of Government may be obtained to file the Memo of objections in the District Court of Madura before the 30th instant.

2. The early return of the judgment and Decree forwarded with this office No. 1602 M.D. dated 4th November 1897 and applied for in No. 1827 M.D. of the 10th instant is solicited.

Camp, Shermadevi.
18th December 1897.

(s/d) O. V. Boddy, Lt: Col: R.E.,
Suptg. Engineer VI Circle.

Public Works Department,
Irrigation Branch.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following:-

From the Superintending Engineer, VI Circle, No. + C/11 M.D., dated 18th December 1897.

2 + attached

Note by the Chief Engineer for Irrigation, No. 305 I, dated 22nd December 1897:-

In G.O. No. 249 I, dated 11th March 1897, the defence of the suit brought by contractor Iyalu Naidu for the recovery of Rs. 698-11-2 for work alleged to have been done on the Periyar Project, Madura Division, was authorised at the public expense.

W Hughes

With his letter No. 1602 M.D., dated 4th November 1897, the Superintending Engineer VI Circle, submitted the judgment and decree of the District Munsiff of Tirumangalam in the case and requested orders for recovering the -- overpayment etc. from the two subordinates concerned. This letter was transferred to the Acting Chief Engineer, P.W.D., for disposal.

In his endorsement No. 1793 M.D., dated 6th December 1897, the Superintending Engineer communicated correspondence intimating that Iyalu Naidu has preferred an appeal suit and that the Government Pleader, Madura, has been asked to furnish a defence statement.

The Superintending Engineer now forwards a draft Memo of objections furnished by the Gove[illegible] with a request that sanction may be obtained [illegible] being filed in the District Court, Madura, before t[illegible]. This sanction may be accorded.

The judgment and decree [illegible] tending Engineer VI Circle, were [illegible] the subordinates concerned in [illegible] Engineer, P.W.D., to the Superi[illegible]

The latter officer was requested by wire on the 15th instant to return the documents direct to the Executive Engineer, Madura.

Subd I
office for
R. No. 158 M.D.
d. 9.12.97

Order thereon No. 1145 I dated 29th December 1897

The Superintending Engineer VI Circle is authorised to take the necessary steps for defending at the --- public expense the appeal suit referred to, the result of which should be duly reported to Government.

(True Extract)

W Hughes

Joint Secretary to Government.

The Chief Engineer for Irrigation.
,, Superintending Engineer VI Circle.
,, Examiner, P. W. Accounts.
,, Acting Chief Engineer, P. W. D. ✓

Exd
ME

L.O. No. 56

Public Works (1898) Department.

CURRENT No. 86

From The Supg. Engineer
4th Circle.

Order

Await receipt of reply from S.E. III circle to memo No. 5143 C 97 31.11.97.

No. 694/W.

Dated 30th December 1897

Received
Registered 5.1.98

Enclosures 2.

Spare copies

SUBJECT.

Periyar Main Channel

Submits explanation from Sub Condr. Rule regarding excess payment to Aiyalu Naidoo for rock cutting in —

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

"Enclo: No 2 to No 694"
W

In the Court of the District Munsif
of Tirumangalam at Madura.
Friday, the 17th day of September 1897.
Present:-T. Subramanya Pillai, District Munsif.

Original Suit No. 709 of 1896.

1. Aiyalu Naidu alias Sundararaja Naidu
2. Kamasami Naidu........................ Plaintiffs.

The Secretary of State for India in Council through the Executive Engineer, Periyar Division, Madurâ...... Defendant.

Judgment.

x x x x

7. As to the rock-cutting witness Srinivasagam Pillai says that he was in charge of the channel work from April 1889 to the end of 1894, and that 1st plaintiff had completed his -- work in the 3½ chains by the middle of 1894. On 10th June 1894 the Sub Divisional officer ordered witness to close the accounts relating to the 1st reach and submit final bills as soon as possible, -Exhibit IX. On 12th June witness replied that he would submit the bills after the 15th idem, -Exhibit X. Accordingly he measured the works of 1st plaintiff and other piece workers and submitted the final bill for 1st plaintiff on 19th June 1894, as will be seen from pages 84 and 85 of the Measurement Book Exhibit VI. The bill was for Rs. 20-5-5 only. Srinivasagam Pillai is now Supervisor in the Bellary District. He gave his evidence in a straightforward manner, and I have no reason to suppose that what he deposed to was anything but the truth. Unfortunately the above bill is not forthcoming. What became of it, or what order was --- passed on it, it is not known. We find, however, that Srinivasagam Pillai omitted to make measurements for 50 feet out of the 350 feet in which 1st plaintiff worked, and 1st plaintiff

was

was not paid the amount of the bill. Srinivasagam Pillai left the Periyar Division and was succeeded by Ramachandra Aiyar. This Overseer again measured the works done by 1st plaintiff including the 50 feet left out by Srinivasagam Pillai, and found the money was due to 1st plaintiff for 7437 C. feet of rock-cutting, after deducting 31,680 cubic feet for which he had been already ~~been~~ paid, while the quantity found by Srinivasagam Pillai after the same deduction was only 452 cubic feet. This large increase, although the works measured by Ramachandra Aiyar were the same as those measured by Srinivasagam Pillai, plus only the 50 feet left out by the latter, is pointed out by Srinivasagam Pillai to be due to the wrong mode of calculation adopted by Ramachandra Aiyar. For in finding out the area of triangles, he has multiplied the altitude by the full base instead of by half the base. Anyhow the bill prepared by Ramachandra Aiyar for Rs. 334-10-8 as due for the said 7,437 cubic feet at the rate of Rs. 45 per 1,000 cubic feet was passed by his superior officers and 1st plaintiff was paid the sum on 24th January 1895, -Exhibit H. It does not appear that any more work was done by the 1st plaintiff between the date of the bill prepared by Srinivasagam Pillai and the date of H. If so it would have been included in H. By some oversight the bill H was not called the 'final bill', and was not prepared on yellow paper as such --- bills are usually prepared. Taking advantage of this omission and the confused state in which the Periyar Project Establishment at Madura was, 1st plaintiff began to write petitions to the Executive Engineer claiming that Rs. 80 re was due to him.............

NORTH ARCOT DIVN. 6-DEC.97 P.W.

SUB-DIVISIONAL OFFICER, ARNI, REG'D. No 15 DEC.97 NORTH ARCOT DIVISION

3/909 NA 29 DEC.97 FOURTH CIRCLE.

1/1535 W SUPG. ENGINEER'S O. P.W.D. 2 DEC.97 FOURTH CIRCLE.

EXECUTIVE ENGINEER Regd. No 20 DEC.97 29 DEC.97 P.W.D. NORTH ARCOT DIVISION.

Head Clerk.

Ex H

No: 392/Ex. of 15/12/97

Arni
14th December 1897

From,
Sub Conductor Ebell Rule,
Supervisor D.P.W.

To
The Suptg. Engineer
IVth Circle

thro:
The Ex: Engineer
North Arcot Divn.

Ex. A

Sir, In reply to your No. 589/N.A of the 3rd Instt. forwarding Chief Engineer's Memo: No. 5734C of the 30th November 1897 for explanation — regarding an excess payment for rock cutting done by Task-worker Iyaloo Naidu in the 1st Reach of the Periyar Main Channel, I beg respectfully to report as follows:—

To the best of my recollection the bill in question was prepared on levels of the channel, taken by Overseer Ramachandra Iyer who, after plotting the Sections as they then stood, on the Sections of the Channel as it stood when the Original Contractor's agreement was cancelled, calculated the quantity of work done by Iyaloo Naidu. The Overseer's measurement book was forwarded to me with the bill and, as I had no reason to suspect that a mistake had been made by the Overseer in the Mensuration Calculations of the Sections, I paid the bill, after the Arithmetical Calculations had been checked.

2. After the Original Contractor had been cancelled, work in th

portions of the Channel was carried on by petty task workers from whom no piece work agreements had been obtained and for whom no running accounts were kept. The men were paid up *fully* for work done, as it was measured, and there was therefore no necessity for preparing a final bill on the yellow form.

Enclosures received with your Number under reply are herewith respectfully returned.

EXECUTIVE ENGINEER
Regd. No. 7771
20 DEC. 97
P. W. D.
NORTH ARCOT DIVISION

29 DEC. 97

I beg to remain
Sir,
Your most obedient Servant
Supervisor D. C. W.

Rubo 4.

6672 WE

Forwarded
S. D. Pears
Exe. Engr. Arcot
17.12.97
24

No. 694 W. d/30-12-97

Forwarded to the Chief Engineer P.W.D with reference to his No. 5143C dated 30th November 1897.

Enclos: 2

Supg. Engineer IV Circle

Enclosure 3

Public Works (1898) Department.

CURRENT No. 1202

1st Reminder to S. E. VI circle 25.5.98

From the Supdg Engineer, 3rd Circle Bellary

C/ No. 994C d/18-2-98

Order

The S. E. VI Circle is requested to expedite the explanation due from Temporary Upper Subordinate A. Narayanaswami Nayudu.

2. The S. E. III Circle is requested to report on the Conduct of the Tempy: Upper Subordinate while he was on famine duty.

No. 5877 W

Dated 7 – 2 – 98

Received } 9. 2. 98
Registered }

Enclosures

Spare copies

SUBJECT.

Messrs P. Ramachendra Iyer & A. Narrainsawmy Naidu:

States that the explanation called for from the former is awaited from the Exe Engr Cuddapah and of the latter, the S. E. VI Circle was asked to submit &ca

S. R. on 16/2/98

16. 2. 98

To the S. E. VI Circle ✓
S. E. III Circle ✓

D 19/2/98

21/2/98

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

No. 5877 W

Superintending Engineer's Office,
3RD CIRCLE.
Bellary 7th February 1898.

FROM J.C. Larminie Esq., M.I.C.E.,
SUPERINTENDING ENGINEER,
IIIRD CIRCLE,
BELLARY.

To
THE Chief Engineer
P.W.D.
Madras.

Sir,

Enclosures.

With reference to your Memo No. 5143 C dated 30-11-97, I have the honour to state that the Executive Engineer Cuddapah Division has been requested to obtain from overseer P. Ramachendra Iyer the explanation called for by you in Contractor Aiyalu Naidu's case on his return from 3 months' leave granted to him with effect from 10-10-97 and this is awaited. The Exec. Engineer will be asked to submit the explanation at an early date.

2. Temporary Upper Subordinate A. Narrainasawmy Naidu was granted 2 mon

months leave from 1st December 1897 and directed to report himself for duty to the Superintending Engineer VI Circle on the expiry of his leave. Copy of para 2 of your No. 5143 dated 30th November 97 is being sent to the Superintending Engineer VI circle for obtaining the explanation of A. Narrainasawmy Naidu & he will be informed that the judgment & decree in the Aiyalu Naidu's case having been forwarded to the Exec: Engineer Madura Division with this office No. 5198 dated 16th December 97, they should be obtained from that officer.

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

J. C.
Superintending Engineer
III Circle.

File
4/2/98

III/6

From

The Superintending Engineer,
IIIrd Circle,
Bellary.

To

The

Dated } 189
Received }

Enclosures.

No.

Subject.

No. 1344 EC, d/ 5-3-98 P.W.D.

Memo

In returning letter from Overseer P. Ramachandra Aiyar dated 3rd Feb 1898, the undersigned has the honour to point out that the overseer has not furnished the explanation called for in this office memo. No 5143C dated 30th Novr 1897, & to request that it may be obtained without further delay –

2. The overseer was asked to explain his action in making out the bill of Rs 334-10-8 for twice the amount due to the Contractor Aiyalu Naidu. In the

8/3/98

District Munsif's judgment it was stated that this result was arrived at by the overseer multiplying "the altitude by the full base instead of by half the base", "in finding out the area of triangles" — In his explanation, the overseer has not touched on this point at all —

SRam
3/3/98

R
U.R.C.

S.E. III Circle
with remarks — 3 7/3/98

...lic ...rks (1898) Department.

PAPERS.

CURRENT No. 1750

From the Supdg Engineer 3rd Circle Bellary

Order

No. 6182 W

Dated 24-2-98

Received
Registered 25.2.98

Enclosures 1

Spare copies

SUBJECT.

P. Ramachendra Iyer Overseer —
Forwards explanation from — regarding over payment to contractor Iyaloo Naidu —

o L.S. 170 R 7/7

BACK PAPERS.

No.	Date.
1134C	24-2-98
995C.	16 2 98
637C	3-2-98
4921C	20-11-97

FURTH

Currently 1750

DW

The charge against ~~Overseer~~ P. Ramachandra Aiyar will be found in the extract from judgment, flagged E, in the linked file.

It was that the bill of Rs 334-10-8 was actually for twice the amount due; because the overseer "in finding out the area of triangles, multiplied the altitude by the full base instead of by half the base".

It was on this point he was called upon for explanation in memo: No 5143 C of 30.11.97 (flagged H in linked file). But his present explanation [illegible]

No 6182 W d/ 24 February 1898

Submitted to the Chief Engineer P.W.D., Madras with reference to Memo No 5143 C dated 30th November 1897, and in continuation of this office No 5877 W dated 7th February 1898.

x No. 994 C 16.2.98

Superintending Engineer
III Circle

20/2

AM
21/2/98

BAC

No.

1136

99

63

69

Submitted to the Chief Engineer P.W.D. Madras with reference to Memo No 5143 C dated 30 Nov. 1897 and in continuation of this office No. 5877 dated 9th February 1898.

Superintending Engineer
3rd Circle

2.0.56

Public Works (1898) Department.

CURRENT No. 1802

From the Superintending Engineer
3rd Circle
Bellary

Order

No. 6215 W

Await reply to memo No. 5143 C d/ 30-11-97 -

Dated 26—2—98

Received
Registered } 28. 2. 98

Enclosures

Spare copies

S 1-3-98

send another reminder to S.E.

S 1-3-98

Reminder to S.E. III issued on 1-3-98

SUBJECT.

A. Narayanaswamy Naidu Temy. Upper Subordinate. Reporting on the conduct of — while employed on F. R.W. in Bellary Dn.

o.d 3/91
R 7/7

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

No. 6215 W

Superintending Engineer's Office,
3rd Circle.
Bellary 26th February 1898.

From
J. C. Larminie Esq., M. I. C. E.
SUPERINTENDING ENGINEER,
IIIrd CIRCLE,
BELLARY.

To
THE Chief Engineer,
P. W. Department,
Madras.

Enclosures.

Sir,

With reference to para 2 of your Memo No. 994 C dated 18th February 1898, I have the honour to state that the Officer in charge of Bellary Division under whom Temporary Upper Subordinate A. Narainswami Naidoo was working during the late famine reports as follows:-

"Did very well for sometime with a very large work - Towards the end he was inclined to get slack. He wanted perpetual keeping up to the mark."

I have the honour to be,
Sir,
Your most obedient servant,

J C Larminie
Supdg: Engineer, III Circle.
25/2

22 2/98

From

The Superintending Engineer,
IIIrd Circle,
Bellary.

To

The

Dated
Received 189 .

Enclosures.

No.

Subject.

L.0.56

Public Works (1898.) Department.

CURRENT No. 1868

Order

Await receipt of the Division's explanation

3/3/98

From The Supdg Engineer VI. Circle

No. 292. L.D.

Dated 26th February 1898.

Received 1. 3. 98

Enclosures

Spare copies

SUBJECT.

Temporary Upper Subordinate A. Narayanasamy Naidu - Informs the explanation called for from — in connexion with Contractor Aiyaloo Naidu's case will be submitted when received from ~~[illegible]~~ him who has not yet returned to duty.

0LS.170
1176

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

From A. Joyce Esquire, Executive Engineer, Madura Dn, to the Supg Engineer, VI Circle, No: 701 S.E. d/ 18 February 1898:—

With reference to your Endorsement No: 211 M.D. d/13 Instt, I have the honor to inform you that temporary upper subordinate A. Narrainasawmy Naidoo did not return to duty on the 1st Instt, but he has applied for a letter to the Surgeon of the 3rd District, Madras, to examine him and grant medical certificate. I have accordingly addressed the surgeon.

2. A copy of your reference has been forwarded in a registered cover to the Overseer for early submission of the explanation required.

No: 292. M.D. dated 26th February 1898
D/28.

Copy forwarded to the Chief Engineer P.W.D. with reference to para 1 of his Memo. No: 994 C d/ 18 February 1898. The explanation called for from the Overseer will be forwarded on receipt.

O. V. Bodkly Lt. Col. R.E.
Supg Engineer, VI Circle

26/2/98

Public Works (1898) Department.

CURRENT No. 2316

From The Superintg: Engineer
3rd Circle
Bellary

Order

await receipt
of reply to memo. no
1344 C of 5-3-98

CH
DW
14.3.98.

No. 6386 W

Dated 11 — 3 — 98

Received } 12. 3. 98
Registered }

Enclosures

Spare copies

SUBJECT.

P. Ramachendra Ayyar
Overseer: —

States that an explanation from — was submitted with No. 6182 W of 21 — 2 — 98.

0.L.S. 170
11/7/6

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

No. 6386W.

Superintending Engineer's Office,
3RD CIRCLE.
Bellary 11th March 1898.

FROM J. C. Larminie Esq M.I.C.E.,
SUPERINTENDING ENGINEER,
IIIRD CIRCLE,

To
THE Chief Engineer
P.W.D.
Madras.

Sir,

Enclosures.

Explanation found to be incomplete
W

With reference to your No $\frac{5143C}{2}$ dated 1st March 1898, I have the honour to state that an explanation from Overseer P. Rama-Chendra Aiyar was submitted to you with this office No 6182 W dated 24th February 1898.

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

J C
Suptg Engineer
9/3
III Circle

$\frac{7^3}{98}$

1899

From
The Superintending Engineer,
IIIrd Circle,
Bellary.

To
The Chief Engr
P.W.D.
Madras

Dated
Received } ______ 189

Enclosures.
No.
Subject.

No 5143C dated 17th March 1898 from
[illegible]
[illegible]
[illegible]
submitted to
you with this office No [illegible]
dated 24th February 1898

Public Works (1898) Department.

CURRENT No. 3427

From the Superintdg Engr
3rd Circle
Bellary

No. 1784

Dated 18-4-98
Received } 20-4-98
Registered }
Enclosures /
Spare copies

Order

Await explanation
from A. [illegible] regarding
called for in memo
5143C of 30-11-97

C
20-4-98

SUBJECT.

P. Ramachandra
Iyer Overseer
Forwards explanation from
about double payment
of Rs 334-10-8 to Contractor
Iyaloo naidu & co.

0 L S 170
A 1716

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

No 4
2.4.98.

Encl 1.

Rep No 92
31.3.98

To,
The Executive Engineer,
Cuddapah Division,

Thro' The S. D. O. Cuddapah

Dated:- 2nd April 1898.

Sir,

With reference to your no. C 140 dated 27-3-98, I beg to bring to your notice, that neither the Chief Engineer's memo no. 5143 C dated 30-11-97, nor the District Munsiff's judgment in Contractor Iyalu Naidu's case, was communicated to me, when I was called upon for explanation in your no. 4740 of 19-1-98, and I was not therefore in a position to know how the District Munsiff made out that the bill was made for twice the amount due. I now find that the District Munsiff refers in his judgment to the method of calculation and points out that the areas of triangles, as arrived at, are wrong. If I remember right, the work that was done by Iyalu Naidu in the First Reach of the Periar main channel consists of deepening and widening a channel that was already dug out to an incomplete section. In order to arrive at the correct quantity of work done, I adopted the following method:- The cross sections of the incomplete channel were already taken and recorded; I took cross sections of the channel after it was completed by Iyalu Naidu, plotted these over the cross sections of the incomplete channel and worked out the sectional areas of cutting at the different cross sections. In doing this, there were only trapezoidal areas, as far as I remember and no triangular areas at all. I am not therefore in a position ~~how~~ to make out how my bill could have been for twice the amount due.

I have also to point out that bills received from Overseers

CUDDAPAH
4-4-98

Overseers are not usually paid without being checked in the Sub Division Office. This checking is done for the purpose of rectifying errors in calculation to which everyman is liable. Even if I had made any mistake in calculation, it should have been detected in the Sub Division Office.

This is all the explanation I can offer at present, and if any further explanation is required, I request that the copy of the District Munsiff's Judgment, the Levelling Field book in which my levels are recorded, the cross Sections which I have plotted, the Measurement Book relating to the Bill in question and other connected papers may be sent to me.

I beg to remain,
Sir,
Your most obedient Servant,
P. Ramachandra Aiyar
Overseer.

Ck
4/4/98

No. 32 of 5/4/98

Submitted to the
Ex: Engr Cuddapah with ref. to C. O. C. No. C 140 / 27.3.98

C. Venkataramayyr
Sub Dl. officer
5-4-98.

EXECUTIVE ENGINEER'S OFFICE
P. W. D.
7 APR. 98
83
CUDDAPAH

SUPERINTENDING ENGINEER
21-C
13 APR 98
BELLARY, P.W.D.

C No. 75 d/ 11/4/98 En: 2.

Enclr

1 Executive Engineer's Endorsement No 5100 / 16-2-98

1 Superintending Engineer's Endorsement No 6410 / 19-3-98

2

Forwarded to the Superintending Engineer III Circle Bellary, with reference to his Endorsement No 6410 of 19-3-98, which is herewith returned with its enclosure.

11/4

Offg Executive Engineer
Cuddapah Division

Kd.
8/4/98

4.4.98

No. 178 W of 18 April 1898.

Submitted to the Chief Engineer P. W. D. with reference to his memo No. 1344 C of 5.3.98

Supdg Engineer
3 Circle 16/4

14/4

from Supy Overseer A. Narayanasamy Naidu

Public Works (1898) Department.

CURRENT No. 4365

Order

From The Chief Engr for Irrgn

No. 4681 O

Dated 14-5-98

Received } 15-5-98

Registered }

Enclosures 4

Spare copies

SUBJECT.

Appeal suit of Aiyalbo Naidu – Letter from the S E VI informing that the — was dismissed and requesting orders as to the payment of the Govt Pleader – Forwards and states that he agrees with the S E as to the recovery of costs from tempy overseer A. Narayanasamy Naidu

o L.S. 170

R 17/6

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

From,

The Government Pleader,
Madura.

To

The Executive Engineer,
Periyar works. Madura.

Dated 15th April 1898.
Received: }

No. 150.

Enclosures. 1. Bundle.

Sir,

Referring to your letter No. 660m dated the 13th December 1897 I have the honor to state that the appeal came on for hearing on the 25th February 1898, and was dismissed with costs. The memo of objections has also been dismissed without any reason being assigned. But I do not think it worth while appealing from the decree dismissing the memo of objections. But if the plaintiffs appeal to the High Court we may file a memo of objections in the High

Memo of costs.

In the Lower Court.

Stamp on 2 yadasts for copies.	" - 2 - "
- " - 5 petitions for adjournment.	2 - 8 - "
Copy stamp for deposition	5 - 8 - "
Printing charge &c	4 - 5 - "
Vakeels fee.	34 - 14 - 4
	47 - 5 - 4

In the Appellate Court

Stamp in 2 yadast	" - 2 - "
Copy stamps for decree	1 - 2 - "
vakil's fee.	37 - 15 - 3
	86 - 8 - 7
Extra fee claimed	100 - " - "
	186 - 8 - 7

Rupees one hundred and eighty six, annas eight and pies seven only.

High Court within 30 days after service of notice of appeal on you.

2. I return the papers connected with the suit except those filed in court as exhibits. These will not be returned until the expiry of the appeal time allowed to the plaintiffs or the disposal of the appeal if the plaintiffs prefer one.

3. I append a memo of costs incurred in connection with the suit in the court of First Instance as well as in the appellate court. I request you will kindly send me a cheque for the amount as well as for the extra fees claimed at the foot of the memo. The extra fees are claimed in the following circumstances. The regulation fee for the conduct of the suit in the Court of First Instance is Rs 34-14-4. In addition to preparing our defence and attending to settlement of issues, I had to appear 5 days in court for the trial of the suit. The plaintiffs' witnesses were examined on the 19th, our witnesses on the 23rd, 24th and 26th and the argument was on the 27th August 1897. There was a good deal of fraud practised by the plaintiffs, and I had to work very hard to find it out and expose it. In these circumstances I venture to put before you that the regulation fee viz Rs 34-14-4 is an inadequate remuneration for my services and request you will be so good as to obtain the sanction of the Government to pay me an extra fee of Rs 100.

I have &c

(Signed) M. S. Narayanaswami Aiy
Government Pleader.

True Copy

Lieut: Col. R.E.
Supt. Engineer, 6th Circle.

4th May 1898

Letter from J. W. S. Smyth Esqr, Executive Engineer, Periyar works, Madura, to the Superintending Engineer, VI Circle, Trichinopoly, dated 26th April 1898, No 17. S.E:—

Reference. This Office No $\frac{107.S.E}{22-10-97}$.

In forwarding the enclosed letter of the Government Pleader, I have the honor to recommend the extra fee* asked for may be paid together with the ordinary fee or a total of 186-8-7 including costs.

* In Iyalu Naidu's case - O.S. No 709 of 1896 + A.S. No 393 of 97.

2. This amount should be recovered from Overseer Narayanaswamy Naidu whose behaviour in the case calls for severe remark.

|True copy|

O. V. Bo[illegible]

Lieutt.-Col. R.E.

4th May 98

Supg Engineer, 6th Circle

7/5/98

CHIEF [illegible]EER
FO[illegible]
7-MAY. 1898
41 Md

3

0323/4365/98

From J. W. A. Smyth Esq., Executive Engineer, Periyar works, to the Superintending Engineer, VI Circle, Trichinopoly, dated 26th April 1898, No 17. S.E.

Reference. This Office No $\frac{107\ S.E}{22-10-97}$

In forwarding the enclosed letter of the Government Pleader, I have the honor to recommend the sanction [illegible] for [illegible] with the [illegible] fee or a total of Rs [illegible] including costs.

In Appeal Suit [illegible] O.S. No 354 of 1896 A.S. No 393 of 97.

2. [illegible] should be recouped from [illegible] accounts [illegible] in the [illegible] for [illegible]

True copy

7-MAY. 1898
41 M.D.

Oc S.C. 4365/P.D

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646. M.D.

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE,

Kodaikanal. ~~Trichinopoly~~, 4th May 1898
D/6

From Lt. Col. A. V. Boddy, R.E.
~~The~~ Sperintending Engineer,
6th Circle.

To

The Chief Engineer,
for Irrigation.

SIR,

4 ENCLOSURES.

With reference to G.O. No: 1145 I dated 29th December 1897, I have the honor to report that the appeal suit preferred by Irzalu Naidu in the District Court, Madura, came on for hearing on the 25th February 1898 and was dismissed with costs. The memo of objection put in by this Department has also been dismissed.

2. Copies of Judgment and Decree in A.S. No: 393 of 97 on the file of the above Court are herewith forwarded for information and return when no longer required.

3. I also forward copy of letter from the Special Executive Engineer, Periyar Works, No: 17 S.E. of 26th April 1898, with copy of Government Pleader's letter and request orders for the payment of costs in the suit,

200—20-4-98

Viz. 86 – 8 – 7 together with Rs 100, the extra fee claimed by the Government Pleader, making a total of Rs 186 – 8 – 7.

4. A perusal of the judgment will show that the appeal rests on a bill prepared by a man who admittedly made no measurements and simply calculated as if the work had been carried out as per original design plus an addition at the bottom. It would further appear that the plaintiff has been overpaid and the plaint bill is fraudulent and speculative.

[But it was cancelled before payment & from the overseer's explanation, appears to be a rough calculation to form the basis for the ascertainment of Ayalu Naidu's claim – nothing more.

5. The individual who prepared the bill is A. Narrainasawmy Naidu, temporary upper subordinate now employed in the Madura Division, and the Special Executive Engineer, in para 2 of his letter, recommends that the amount of Costs should be recovered from the above subordinate and that his behaviour in the case calls for severe remark. I agree with the Executive Engineer and submit the matter for orders.

I have the honor to be
Sir,
Your most obedt. Servant.
J. V. Bodley
Lt. Col. R.E.
Supg. Engineer, IV Circle

Enclosures:—

1. Copy of Judgment
1. Copy of Decree
1. Copy of Spl. Ex. Engr's letter No: 175 E. d/ 26.4.98. with
1. Copy of Govt. Pleader's letter No: 150 d/ 5 – 4 – 98.

2/5/98

P. T. O.

P. W. D. 6th CIRCLE.

FROM

THE SUPERINTENDING ENGINEER,

6TH CIRCLE.

TO

THE CHIEF ENGINEER,

NO. 5143C/97

Dated. }
Received. } 189 .

Enclosure. Encl 4

No. 46 E. W.

Transferred to the Chief Engineer - P. W. Dept for disposal in continuation of Endorsement No. 71 Ew. dated 12th November 1897.

2. The undersigned concurs in the opinion expressed by the Supg Engineer in para 5 of his letter -

Ootacamund }
12th May 1898 }

W. Hughes

Chief Engineer for Irrigation

CHIEF ENGINEER
FOR IRRIGATION.
7th MAY. 1898
No. 41 M.D.

11339 - 5743 C/97 - 1750 = 13444
C No. 2316 - L 014/3/98

Public Works (1898) Department.

CURRENT No. 4546

Order

From

The Supg Engineer
VI. Circle

No. 735. M. D.

Dated 24th May 1898.

Received 27.5.98

Enclosures + 2

Spare copies

SUBJECT.

Temporary Overseer A. Narayanasamy Naidu. Forwards with remarks the explanation of —— in connection with the appeal suit of Contractor Aiyalu Naidu.

0. L. 5. 170
R 17/6

[P. W. 23.
1,000—23-6-98.]

BACK PAPERS.

No.	Date.
1344C	5-3-98
944C	18-2-98
1145D	29-12-97
5479C	16-12-97
5143C	30-11-97
249D	11-3-97
1134C	24-2-98
995C	18-2-98
637C	3-2-98

FURTHER PAPERS.

No.	Date.

No. A.

Madura
7th May 1898.

To

The Executive Engineer
Madura Division

Sir

With reference to your No. $\frac{2118^{S}}{17\text{-}2\text{-}98}$ which communicates the order of Chief Engineer, calling on me to show cause why I should not be removed from service, I beg to submit this my short explanation.

Enclosures 5.

1 copy of judgment.
2 depositions
1 copy of bill with measurement
1 Petition

2. At the outset I beg to state that the Munsiff of Tirumangalam, misunderstanding facts and failing to elicit more facts from me and others to correct his error, formed a wrong opinion of my procedure.

3. Full earthwork of 1st Reach of Periyaur Main Channel was undertaken on contract by one Venkatasamy Naidu, whose accounts were, on certain grounds, closed before he completed his work. Balance of work was given on piece work to one Abboy Naidu, who, after executing

executing a portion thereof, delegated the remainder on a power-of-Attorney to Iyaloo Naidu, the 1st plaintiff in this suit, to receive the money that might be due therefor. Accordingly Iyaloo Naidu was permitted to do work in the same Reach and payments appear to have been made to him from time to time during the progress of the work.

4. In September and October of that year, 2 petitions marked L & K. respectively in the Judgment were addressed to the Executive Engineer, Madura Division by Iyaloo Naidu asking for payment of the balance alleged to be due to him, and these petitions were sent on for report to Mr. Enright, the then Sub-Divisional Officer. I was not personally aware of what Iyaloo Naidu had carried out and what payment was due to him if at all.

5. Mr. Enright taking me and the petitioner to the work in question inspected it, and desired me to make out a bill on 5-11-95 for anything which might seem due to him, after looking at previous bills, estimates &c in the Office. After taking out necessary papers with the help of the Sub-Divisional clerk

clerk I prepared the bill in question. I showed it on 9-11-95 to Mr. Enright who after looking at it called me fool as I had noted it in the Measurement book, while it was no measurement actually taken. Accordingly I cancelled it as per his desire inserting this note thereon "Cancelled as per personal instructions of the Sub-Divisional Officer Mr. Enright."

6. He (Mr Enright) forwarding this bill made a long report to Executive Engineer on 11-11-95 in reference to the petitions of Iyaloo Naidu. If this letter be looked at, the whole matter would be plain and would not give any room to suspect my conduct in any respect.

7. Mr. Enright and I did not measure any work, it was not possible to do so, all distinguishing marks having been already obliterated. All we did was to check roughly the levels of the excavated channel here & there which appeared in every way to have been dug to full depth laid down in Estimate and original sections. The very bill in question would show that no measurements were actually taken. The method adopted to arrive at the Plaintiff's

1,000-23-6-98.

plaintiffs work was the only one practicable under the circumstances.

8. I may observe what I did was only as per orders of my sub-divisional officer. I never pretended that I knew the plaintiff's work, and I could satisfactorily measure or had measured it:

9. I beg leave to point out that the District Munsiff is not quite correct in saying that the Sub-Division Officer and the Executive Engineer had endorsed in the petitions K. & L. that nothing was due to 1st plaintiff before they were sent for report; as a matter of fact, the said endorsements were made long after I submitted the bill and Mr. Enright reported thereon.

The enclosures received with your No. 182 S. dated 22. 4-98 are herewith returned.

I beg to remain,
Sir,
Your most Obedt. Servant.

Overseer.

Ows.1
LSY

15

SUB-DIVISION OFFICE,
No. 265
9 - MAY. 1898
P. W. D.
TIRUMANGALAM.

No. 269

Forwarded.

EXECUTIVE ENGINEER'S OFFICE,
P.W.D.
Regr. No. 2385
10 MAY. 98
MADURA DIVISION.

SUPERINTENDING ENGINEER'S OFFICE
No. 1/1660 M D
17 MAY. 1898
P.W.D.
SIXTH CIRCLE.

Vellithanandanad
S. D. Officer.

8.5.98.
Do. 9th
Encl. 5.

A Joyce
Executive Engineer,
Madura Division,

Enclo. No. 1. to 86 82 / 14/5/98

6452 / 1526/98

No. 735. L. D.

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE,
Kodaikanal ~~Trichinopoly,~~ 24th May 1898.
D/26

From

Lt. Col. O. V. Woddy R.E.
Superintending Engineer,
6th Circle.

To

The Chief Engineer,
P. W. D.

SIR,

1 ENCLOSURES.

with L.O. No. 56
with C.N. 4365

With reference to your Memorandum No: 994 C d/18th February/98, I have the honor to forward herewith the explanation from A. Narainasawmy Naidu, temporary upper subordinate, in connection with the judgment in Suit No: 709 of 96 on the file of the District Munsiff of Tirumangalam, Madura District, brought by Contractor Iyalu Naidu.

2. The Contractor preferred an appeal in the District Court, Madura, against the Judgment of the District Munsiff, the defence of which was sanctioned in G.O. No: 1145 I dated 29 December 1897. The appeal came on for hearing on the 25th February

R. 1898 and was dismissed with costs.

3. Copies of Judgment & Decree in the appeal suit have been forwarded to the Chief Engineer for Irrigation with this office letter No: 646 M.D. dated 4 May 1898.

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

O. V. Bodley Lt. Col. R.E.
Supg. Engineer, II Circle

21/5/98

[P. W. 23. / 1,000—23-6-98.]

Indexed.