Public Works (1899) Department.

G.O., No. 175 W

✓

DATED 19 January 1899.

[Despatch Abstract.]

Mr. S. Trutwein, late Supervisor, P.W.D.

Informing ______ that H.E. the Govr in Council can find no extenuating circumstances to warrant the modification of the punishment meted out to him in G.O. 775 W of 22 March 98.

E

Indexed. 20/1

P. W. 2
1,000—7-1-99.

BACK PAPERS.

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

FURTHER PAPERS.

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

P. W, DEPARTMENT.

Read the following :—

Petition from Mr. S. Trutwein, late Supe=
=visor, P.W.D., d/ 18th Novr. 1898.

~~Circulated to~~

ORDER. No: 175 W d/ 19/1/9

Mr. Trutwein will be informed that His Excy. the Governor in Council can find no extenuating circumstances in his case to warrant a modification of the punishment meted out to him in G.O. No. 775 W dated 22nd March 1898.

APR
17.1.99.

17.1.99

To
Mr. S. Trutwein d/ 20/1/99

[P. W. 4 / 1,000—14-11-98.]

P.W. DEPARTMENT.

READ the following:—

Petition from Mr. S. Trutwein, late Supervisor, P.W.D. of 18th Nov. 1898

Circulated to H.E. the Governor.

FOR ORDERS.

× Flag W.

The above is a petition from Mr. S. Trutwein, late Supervisor, P.W.D., who was dismissed the service by G.O. No. 7×75 W dated 22nd March 1898, ~~in which he~~ He prays either to be granted a pension, or to be reinstated.

2. Mr. Trutwein was dismissed for making a gross overpayment to a contractor for rock cutting on Budweed tank supply channel when he was in charge of the Cumbum sub division. The Chief Engineer, from personal knowledge of the case as Supdg. Engr., III circle, was convinced that Mr. Trutwein made the payments in

in

S.W.

made a mistake in calculations. He repeats that the fact that he made an overpayment is no proof that he made it with guilty intention.

It is submitted that beyond denial of his guilt the petition contains no arguments in proof of his innocence, but is really nothing but an appeal *ad misericordiam*.

6 As dismissal to a man of Mr. Trutwein's age & service is practically equivalent to the penal sentence of a Court of Justice, his past record has been looked into to see whether any extenuating circumstances exist in his case to justify mitigation of the punishment inflicted

inflicted.

7 It is found that in April 1892 he was charged with an offence similar to the one for which he was dismissed. The Sub-Divisional Officer of Arni Sub division then reported Mr. Trutwein for having made over measurements and overpayments to contractors in the case of a number of petty works in that sub-division. Mr. Trutwein's explanation was considered unsatisfactory. The then Suptg. Engr., IV Circle, (Col. Drake-Brockman) was of opinion that the charges had on the whole been made out, & he cited other instances of work badly done & over billed for

for which came under his personal cognizance. He was also of opinion that though Mr. Trutwein could not be convicted of direct fraud yet he allowed work to be done in a lax & perfunctory manner. The Chief Engineer in taking a lenient view of the case, agreed in the Supdg. Engrs.' opinion, & reduced Mr. Trutwein from Supervisor, 1st Grade to Supervisor 2nd Grade. vide Memo No. ×70 D d/ 28. 4. 93.

× Hay K.

8. Mr. Trutwein then worked satisfactorily, & in May 1894 was again promoted to Supervisor, 1st Grade, permanent.

9. He was next reported in

in March 95 for bad work in connection with the Sikrail Katwa in the surplus channel of the Cumbum tank, which necessitated the demolition & rebuilding of the east wing of the Katwa. Mr. Trutwein was not in immediate charge of this work, but he was the Sub Divisional Officer & his head quarters were about 2 miles from the work. The S.E., IV Circle, (Col. Drake Brockman) in reporting the case stated that from his experience Mr. Trutwein was a lazy, untrustworthy subordinate & quite unfit to hold charge of a sub-division. Mr. Trutwein in his explanation admitted that he had not

not studied the plan of the work, & he practically admitted that he had neglected his work owing to the disallowance of his horse allowance for August 94. The Chief Engineer considered that the explanation was unsatisfactory & that he had shown that he was not fit for the charge of a subdivision. He was accordingly removed× & further reduced to Supervisor 2nd Grade with effect from the 1st May 1895. He was also warned that he would be still further reduced if not reported to be fit for sub divisional charge at the end of twelve months.

10 He was again promoted to Supervisor, 1st Grade, permanent, in July 1896, having

×
Memo No. 44 D
d/ 23.4.95
Flag D.

The C.E.'s recommendation is concurred in and accepted.
A.G.H
13.1.99

× and recommend that Mr Trutwein be so informed
L Bell
17.12.98
~~[illegible]~~

Rd.

having been well reported on.

11. Besides these facts there is nothing in the Establishment Registers of this office, for or against, Mr Trutwein.

12 It will be seen that the present overpayment occurred in June 95, a month after his second reduction. It is evident therefore that Mr Trutwein did not profit by the lessons he had already received. There are therefore no extenuating circumstances to warrant a modification of the punishment meted out to him in G.O. No. 775-W dated 22nd March 1898. ×

AK
17.12.98.

6.2. 17.12.98 || 16.1.98

Public Works (1898) **Department.** ✓

CURRENT No. 9708

From

Mr S. Tratwein
late Supervisor.

No.

Dated 18 – 11 – 98.

Received } 23
Registered }

Enclosures

Spare copies

SUBJECT

Praying for a reconsideration of the order passed against him

Note

W's remarks are endorsed on the back of this current.
R.

[P. W. 29. / 1,000—5-9-98.]

BACK PAPERS.

G.O.	No.	Department.	Date.
	✓2171W	26.8.98	
	✓3587C	12-8-98	
	✓3497C	9.8.98	
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	✓4485W	16.6.98	
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✓2614C 23-5-98
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✓2085C 5.4.98

FURTHER PAPERS.

✓1746C 21.3-98
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G.O.	No.	Department.	Date.
	✓775W	22.3-98	
	✓1280D	3.9.97	
	~~3502~~		
	✓2064C	9.4-97.	
	✓798C	9.2-97	
	✓274C	16.1-97	
	✓4942C	18.12-96.	
	✓4158C	16.11.96.	
	✓1889D	13-10-96.	
	✓1523D	8.10-96.	
	✓1499D	5.10-96.	
	✓1357D	21-9.96.	
	✓1345D	17-9-96.	
	✓466D	28-6-95	
	✓1254C	5-3.96.	
	✓768D	15-8.95	
	✓44D	23.4-95	
	✓1086C	14.3.95	
	✓549C	12-2-95	
	✓388C	29.1.94	
	✓586D	1-7-93	
	✓332D	7.6-93	
	✓70D	28-4-93	
	✓2475C	12.5.92	

Berhampore
Gangam Dist
18th Nov 98

To
W. B. Winlow Esquire
Chief Engineer & Secy to Govt
Madras

Sir,

I beg to inform you that I have this day submitted my memorial to you, praying for a more generous disposal of my case, and shall feel highly indebted to you if you would only enlist your usual sympathy in behalf of a ruined subordinate.

If you will kindly read over my first and second explanations, submitted when I was called upon to do so, you will see Sir, that in trying to give my version of the case as truly believed by me, I really injured my own cause innocently by writing too much and also helped to convict myself by fitting up the weak points of the charge against me.

I beg Sir that you will kindly take into your kind consideration, the way I have worked in the department for the last 24 years nearly and the hardships I and my family endured especially when I was put on famine duty in the Cuddap and Gangam Dists two of the most feverish places.

Besides you will kindly see Sir from records, that I was the subordinate selected for special work on several occasions

1st When an overseer I was selected to supervise the conversion of the D.P.W. Workshops into the D.P.W. Secretariat, which still stands as a monument of my good work.

true?
It is I did not complete the whole work but all the foundation and superstructure of both the wings were carried out completed by me.

2nd When the Groynes Committee wanted a good subordinate of the D.P.W. to look after their work at Cocanada, I was selected & sent.

3rd On two occasions when the Chief Engineer wanted a man to work in his office I was ordered to attend. The first time I worked for 3 months and on the second occasion I got the transfer cancelled owing to private affairs & domestic trouble.

4th When the Sagalier Project was started as a famine work I had to start the work alone as ordered.

5th When a good subordinate was wanted for the Workshop & Govt. Lime Kilns I was the man entrusted with the work.

I beg that you will kindly refer to the following Officers under whom I worked directly and if any one of them say that he ever had to doubt my honesty I will gladly submit to any punishment you are willing to inflict on me: Col. C. C. Rawson R.E, Col. Smart R.E, Lieut-Col. W. L. C. Baddeley R.E, W. C. De Morgan Esq, J. C. Johnston Esq. C. H. B. Barlton Esq. C. B. Lambert Esq, J. Inglis Esq, H A Moss Esq, Loam Esq; J. M. Lacey Esq and Honary Captain Calor.

I have not said all this to set myself above other subordinates, but simply to show you that I always tried to do my very best in the interest of Government.

In an ill fated moment (Whether you believe it or not Sir) Entrapped by subordinates of my own standing. This occured as you will see Sir just a week or two after I got my transfer order to the D.P.W. Workshops Madras. Fearing that I would lose the place and another put in if I delayed I therefore was in a hurry and never paid the due care to my work the result of which cost me my place. I have been very foolish Sir and hope never to commit myself if you will kindly give me one more chance. If you will please call for my Service Book and kindly look into it, you will see Sir that I always bore a good character.

This fall of mine after so many years of faithful service is telling very much on me and my only hope of ever rising and facing the world as an honest man is entirely in your power Sir and I beg of you for God's sake and wife and family to show pity on a poor man. I would see you in person Sir if I had the means. Through the kindness of the Rajah of Kallikota, who has engaged me to look after the construction of one of his I was able to earn enough to keep myself and family from starvation and if I receive no help from you by January next my state would be most miserable as the work I am engaged on to look after will come to a close then.

Last & not least Sir I am certain that any betterment can only be throu word of yours & I humbly beg & pray that that word may be pronounced and that a recommendation may be made to Govt to reverse the order in my case in accordance to the request made in the memorial. Earnestly beseeching you to issue the revised orders on my case as early as possible as the shame & remorse from which I am now suffering is very great as every one look down on me as a rogue.

Begging Sir to be excused for this long letter & any mistakes in it & for taking up so much of your valuable time

I beg to remain
Sir
Your most obt Servant
C. Trutwein

Address.
Mr S. Trutwein
Berhampore
Gangam Dist

To

W. B. DeWINTON Esquire,
CHIEF ENGINEER & SECRETARY
TO GOVERNMENT.
P. W. D. MADRAS.

SIR,

I very respectfully beg to submit my explanation on my case dealt with in G. O. No. 775 W of 22nd March 1898, which you were kind enough to express your readiness to receive, in your telegram to me dated 1st April 1898. The delay in submitting the explanation is due to the time necessarily spent in getting copies of reports and documents which were relied upon in deciding the case against me.

2. I very humbly beg to submit that it appears to me that the most important point, I may even say the only essential point, in my case, was never touched upon and discussed in the reports and notes which recommended my punishment, and I now beg leave to invite your sympathetic consideration of it, so that it may result in reversing the order of dismissal passed on me and securing me a modified form of punishment and fresh livelihood.

3. That essential issue is, taking matters of fact as set forth to be all against me, what is the additional evidence, which subsequently came to light and which should be credited, from which those very facts were adjudged to mean and count more against me in 1898, than when they occured and became known in 1895, or after about 3 years' lapse of the event. As in fact there has been no such additional evidence forthcoming, I rely, SIR, upon this aspect of my case being deeply considered, and the benefit of the doubt, which its consideration should give rise (in the justness of the extreme punishment recommended for me), being graciously extended to me.

4. In paragraph 8 of the Chief Engineer's note printed with the G. O. quoted above, it is remarked as follows:—

> "The undersigned is convinced from personal knowledge of this case as S. E. III circle that
>
> (1) Mr. Trutwein made the excess payments in question *knowing* them to be much in excess of work done".

I most respectfully and most emphatically beg to submit that I was thoroughly innocent of any such "*knowing*". The fact of an overpayment having been made is certainly now clear to me beyond doubt, and I now freely admit it and my liability for it. That I had not admitted it in my first & second explanations, is because of the fact that it was not pointed out that two Gazetted Officers had also verified the comparatively small quantity of work actually done as reported by Mr. Lazarus in the first instance. I could not bring myself then to believe in the beginning of 1896 when I was called upon to explain the overpayment upon the strength of Mr. Lazarus' report itself, that he could have been correct (because he was not a subordinate of superior standing to mine), and that I could have made such a grievous mistake in calculations. If, on the other hand, I had been given then or on the 2nd occasion to understand that *2 Officers* had also verified the actual quantity of work done as reported by Mr. Lazarus and found my quantity to be incorrect, I would have myself been the first to unhesitatingly admit my liability to make good the loss that accrued to Government through my inaccuracies or want of due care or method in my work. As it was, I had to explain everything from memory, while in a different station and division, without records to refresh my memory, and without the knowledge of the facts which have now established the matter of the overpayment beyond any doubt.

5. I humbly beg leave to submit that I am at a loss to understand that because an overpayment was made by me, therefore I should be held guilty of making the overpayment with guilty knowledge or with a malafide intention.

Is it to be so concluded, Sir, because I did not freely admit my responsibility to make good the loss to Government, no sooner than called upon to explain about it?.

I humbly venture to think and suggest that inference of malafide from such a circumstance, has had no precedent in the Department, and is extremely hard upon me, in the circumstances of the case.

6. Could it be seriously contended, Sir, that it took *three years* to come to know that I had made the overpayment in question through guilty knowledge, when no more than the facts known in 1895 are handed down in 1898. I humbly venture, however, to think, that the question of malafide was only subsequently imported into the matter about the close of 1897, merely to intensify my punishment at the hands of the Government. But the reasons for such a suspicion at the close of 1897 (that did not exist in 1895) have not been disclosed, to enable me to establish the contrary.

7. But I have, however, still one very strong fact to urge to disarm this suspicion, and it is for you, Sir, to give it the weight and credit that it should receive on an unprejudiced consideration.

That fact is, Sir, that soon after one year after the overpayment in question occured, that is in 1896, I was, for good work done in connection with the Rushikulya Project works, permanently re-instated in the rank of Supervisor, 1st grade, from which I had been reduced some time ago, prior to my transfer in December 1895 to the Rushikulya Division. And up to the date of the receipt of the G. O. in question, my work, conduct and efficiency have always been found up to the mark, in proof of which I would request a reference to J M. Lacey Esq., Assistant Engineer, under whom I worked during my service in the Ganjam District.

8. I would therefore humbly beg to plead and urge, *Sir*, that the overpayment of 1895 should not be made, in justice to me, to assume the characteristics of a guilty transaction, and that upon mere personal knowledge of the correspondence about the case.

9. I was a subordinate of about 24 years' standing in 1898, and it must be, in justice, conceded, till the contrary is established by more direct and conclusive evidence than has been trusted to in this case, that I could not misconduct myself in my 21st year of service, in the way it has been assumed I have done, so as to deserve the forfeiture of a well-assured pension in the near future for the rest of my life after retirement.

10. In conclusion, I hope and trust that I have clearly explained in the above that I have been very heavily punished for a case of departmental remissness by deprivation of my livelihood and pension in 1898, which in 1895, the controlling authorities did not think as merited by the very same facts of the case, but thought would be fully answered, in the interests of discipline and Government, by compelling me to make good the loss accrued to Government, with or without the infliction in addition of a less grievous punishment than dismissal.

11. Humbly begging to be excused for the lateness of the explanation and praying to be pensioned according to my length of service, or reinstated in the permanent establishment of the Department in the status that you think fit.

I humbly beg to remain,
Sir,
Your most obedient & humble servant,

C. Antwein
late Supervisor, 1st Grade,
P. W. D.
MADRAS.

Berhampore
Gangam Dist
18th Nov 98

Dao

Please look up this case, & into the main record, & see if there are any extenuating circumstances. He is wrong in supposing that a belief in his guilt only arose 3 years after the offence was committed. A strong belief therein was expressed by his Div. officers when first reporting the case, & I did not at the time, & do not, see how it was possible to come to any other conclusion.

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CN. 97-

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Please see W's remarks on the back of this correct.

Can you refer to any records relating to Mr. Trutwein. I find he was reduced in June 93 (1) & again in March 95 (2), but the papers are not in the file.

I suppose Memo No. 1357 D of 21.9.96 (3) will give some information but even this is not put up

R.. 11.12.98.

SAO

(1) Memo No. 90 D of 28.4.93
" 332 D of 7.6.93
(2) " 44 D of 23.4.95
(3) " 1357 D of 21.9.96

These are the only records

J

I Can refer to.

RK is not to blame for not placing these papers in the file, as they have not been referred to in the memorial under disposal.

They may now be called for.

12-12-98

RK/

Please put these up.

Rm

12.12.98

SAO

Papers put up

14/12/98

SAO

There is nothing in the establishment registers either for or against Mr. Tintrocin, except what I have noted above

16.12.98