

Public Works (1899) Department.

C.O., No.

2179 W

DATED 15 August 1899.

[Despatch Abstract.]

Mrs. J. J. Rogaro, late foreman, P.W. work

Informing the petitioner that the Govt.
has no reason to modify the orders already
passed in his case by the Chief Engineer,
& that his appeal is therefore rejected.

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

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READ the following:—

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Homotopes

~~For~~ ORDER.

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 $\frac{11}{11} \cdot \frac{1}{1} = 1$

2. Mr. Rogario, who was entertained in the workshops as an apprentice in 1870, was in October 1886 appointed to a permanent establishment in the workshops as foreman of instructions. Opt. on Rs 80 raised to Rs 120 by five annual increments of Rs 8.

3. In 1892 to Rotari-

sted for disobedience of
orders & insubordination, & the
chief engineer (Col. Pennycook)
strongly disposed to dismiss
"But as he is as he is un-
doubtedly a good workman, though
bad foreman", Col Pennycook
decided not to inflict this
penalty. ~~but~~ He was there-
fore given Rs 112 & Col. Pennycook
placed him to the position
Instrument Repairer on Rs 80
monthly, & warned him that
the complaints against him
would result in his dismissal.

In Sept 1894 he was
favourably reported on by the
Supt. & recommended for
restoration to his former position
and pay. He was then restored
to the position of foreman & his
pay was increased to Rs 100 per
month. He was further told that
if his conduct continued good
he would be given the maximum
of his old grade Rs 120. In
Oct 1895 on a favourable report
his pay was increased to Rs 120.
In Nov 1898 the Supt. Engr.

* Memo No 245 D
D 24.8.92
flagged M

* flagged 3

T. Bivle, in July 1898 sub-
mitted a letter from the
Genl. Supt. of the P.W. work-
shops in which grave char-
acters were brought against Mr. Rog-
erio such as laziness, care-
lessness, disobedience, intem-
perance, drunkenness, & taking
leave without permission. It
was also reported that Mr.
Rogario was hopelessly indebted
& the Genl. Supt. recommended
his dismissal. The Supt. Engr.
T. Bivle, also forwarded a so-
called explanation from Mr.
Rogario which was only an alibi
and acknowledgment of his faults & an
appeal for mercy. The Supt.
Engr. considered Mr. Rogario's
case perfectly hopeless, & he
also recommended his dismi-
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ated there were 26 attachments
against Mr. Rogarino's pay
amounting in all to Rs 3774-8-0,
that it would take con- siderably more than 2 years to
bear this amount; in addition
being thus heavily involved
in debt Mr. Rogarino is described
as lazy, careless & disobedient
& has apparently been already
given every chance of amendment
without result. The Chief Engineer
therefore decided that he should
be dismissed but before adopting
this extreme measure, the
Supt. Engr. was asked to state,
either in consideration of the
the work which apparently
had been done by Mr. Rogarino
several years, he may not be
admitted to retire on the pen-
sion due to him. The Supt.
considered that Mr.
Rogarino should get whatever
pension was due to him, but

if 1/2 his pay were attached it
would take over 5 years.

Ray P
Memo No 3875C
D. 9. 98

as the man could not be
retired except on invalid
pension having only a little
over 11 years service, he was
sent before the District Surgeon.
Mr. Rogarino however was made
to get a certificate of incap-
acity for further service & on
considering his case the
Chief Engineer came to the
conclusion that there was
no alternative but to remove
Mr. Rogarino from the public
service.
7. In his present petition
Mr. Rogarino denies the charges
made against him although
when these charges were made
Mr. Rogarino ~~practically~~ ad-
mitted his faults & admitted
them. He now states that
having been worried & dis-
tracted in mind in conse-
quence of severe domestic
troubles

* Letter flagged S

trouble he was not able
to explain himself as he
or does.

It seems unnecessary
to deal with Mr. Rogano's
denial of each charge separately
but will be sufficient to state
the grounds which forced
the Chief Engineer to remove
Mr. Rogano from the public
service. They are as follows.

(1) Mr. Rogano admits that
he was in debt & as he had
6 attachments against his
wages for an amount which
would take ~~over~~ considerably
more than two years to clear
was in a condition of chronic
helpless ^{indebtedness} ~~indebtedness~~, & this
alone was sufficient for
removal from the public
service under Gov. No. 134 Public
Order 1892. 88 flagged B & No. 133 Public Order 1892. 95 flagged C.

(2) In 1892. Mr. Rogano
was charged with disobedience
of orders, & showed such a
serious

serious spirit of insubordination
that the Chief Eng. ^{very} ~~was~~ all
but ^{ed} ~~dismissed~~ ^{him} ~~him~~
Mr. Rogano was ^{however} ~~let~~ off
with a reduction of pay to \$1.50
& with a warning that ~~that~~
any further complaints of mis-
conduct, neglect of duty or
insubordination would involve
his immediate dismissal.
This warning however did not ~~shops~~
make a lasting impression

for from the letter from the
Genl. Supdt. P.W. Workshops
flagged B ^{it will be seen} that Mr. Rogano's
conduct has been simply reckless
that all the reprimands &
punishments had no effect
him & that the man was ^a
a disgrace to the workshops.

On these grounds there
was no alternative but to
remove him from the public
service failing his inability to
get a medical certificate.

incapacity for further service.
Mr. Rozario now denies the
allegations of his superior
Nicer & makes an appeal
and miseri cordiam. It is
admitted there are no grounds
for reversing the Chief Sup's
decision & Mr. Rozario's
appeal must therefore be
rejected.

sel
7/7
10-7-
10-21

which he gave in letter
played & he said
his attorney then,
I do not think that
his latest belated
explanation can be
accepted as altering
the case. Draft
and work

10-21

P. W. (1897) Department.

CURRENT No. 5323

From

Mr. J. J. Rozario.
Cak Brown as P. W. work

No.

Dated 27-6-98

Received at bootacammund 30-6-98

Registered at Onada 3-7-98

Enclosures { Plans } Total 1
 { others }

Spare copies

SUBJECT.

Praying that he may be
reinstated

Green Villa Pursewalkum Madras
27th June 1899

BACK PAPERS.			
G.O.	No.	Department.	Date.
	2597C	PW	6-6-99
	1815C	"	25-3-99
	234C	"	11-1-99
	245D	"	21-8-92
	2992C	"	27-9-94
	2317W	"	13-9-94
	250D	"	30-5-94

FURTHER PAPERS.			
G.O.	No.	Department.	Date.
	133W	"	19-1-98
	582W	"	18-2-88
	5220C	"	18-7-98
	4121C	"	19-9-98
	4334C	"	4-10-98
	268	"	21-6-94
			1994

To

HIS EXCELLENCY

THE RIGHT HONORABLE

SIR ARTHUR ELIBANK HAVELOCK,

G.C.M.G., G.C.I.E.,

Governor-in-Council,

FORT ST. GEORGE.

*The Humble Memorial of Thomas Joseph Rozario,
 Foreman, Instrument Department, Public Works
 Workshops, Madras, residing at No. 11, "Green
 Villa," Pursewalkum.*

HUMBLY SHEWETH,

That your Memorialist began his career as an Apprentice in the Public Works Workshops in 1870, under the late Mr. F. Doderet, the then Mathematical Instrument Maker and Foreman of the Instrument Department of the above said Workshops.

2. That Officer was an European expert specially engaged by the Secretary of State for India and brought out to Madras for this particular Department.

3. That your Memorialist after having served his Apprenticeship for the term of 5 years, was entertained as a workman on the Contingent Establishment on Rs. 30 per mensem, which was gradually increased to Rs. 50 per mensem.

4. That in 1886 your Memorialist for having performed good work, was promoted to the grade of Foreman of the Instrument Department, in preference and in supercession of the older hands from Rs. 50 to Rs. 80 rising to Rs. 120 on the Permanent Establishment, to the responsible position of Foreman in full charge.

5. That as Foreman, your Memorialist served the following officers, who were appointed as Superintendents of the Workshops, viz., Messrs H. O'Connell, A. Joyce, Col. Clarke, R. E., L. L. Wickham, J. Ellis, and H. Moss the present Superintendent.

6. That your Memorialist having now given a brief history of his career in the Government service, begs leave to present his grievances for the benevolent consideration of your Excellency-in-Council.

7. That your Memorialist from the experience gained as an Apprentice, worked with the greatest diligence and assiduity to the entire satisfaction of all his superiors for about 28 years, sixteen years of which as an Apprentice and workman, and nearly for 12 years as the responsible Foreman gaining their entire approbation, as his testimonials will show, from which your Excellency-in-Council will observe, that his ability, and approved efficiency alone, won his promotion to the highest appointment that was attainable in the Workshops, in preference to others who had longer service than himself.

8. That after serving Government meritoriously and with fidelity for these many years from his youth, spending the best portion of his life, and efficiently working off an intricate arrears of three years, left by his predecessor, within six-months, your Petitioner has now been accused with supineness and carelessness, and other accusations formulated against him on which charges he has been most arbitrarily dismissed.

9. That your unfortunate Memorialist to rehabilitate himself before his superior, and to vindicate himself from the charges brought against him, submitted his explanation which he now begs to repeat *seriatim*, for the kind consideration of your Excellency-in-Council, *viz.*

1st Charge, Lazy & Careless — As to this charge, your Memorialist respectfully submitted, that he could not be found guilty, in as much as, he was never found incompetent nor did he show any inaptitude for work, but on the contrary the qualifications displayed by him in bringing up the long standing arrears of work left by Mr. Clarke his predecessor, attracted the attention of Mr. O'Connell, the then Superintendent, as well as Major Baddeley, R. E., the then Under-Secretary to Government, P. W. D., which led Memorialist to be confirmed in the appointment of Foreman, in which post he was placed on trial.

2nd Charge, Disobedience — That your Memorialist begs respectfully to state that from his long connection with the Workshops he was never known to have disobeyed any orders given him by his superiors. No particular instances have been given by the Superintendent to support this charge, but Memorialist truthfully avers, that he on no occasion whatever disobeyed orders emanating from his superiors, if such was the case much of the responsible work that had to be turned out, as a consequence, arising from this dereliction on the part of Memorialist would have been delayed. There are no records to uphold this charge.

3rd Charge, Untruthfulness — This charge your Memorialist begs humbly to submit is untenable, in as much as that your Memorialist holding a responsible position, commanding and controlling a large number of workmen would have stooped to display to his Superintendent, sacrificing the respect of his subordinates, by speaking falsehoods to cover his faults, if there were any. This charge, your Memorialist begs to state, arose from the fact and which will be borne out by Mr. Moss, that when Memorialist's child was suffering from small-pox, and when Memorialist often times mentioned it to Mr. Moss, he directly told Memorialist that he was not speaking the truth, though Memorialist was in a position to prove that his child was suffering from the infectious and dire disease.

4th Charge, Taking leave without permission — That your Memorialist having mentioned the above fact to Mr. Moss, and that officer not believing the same, and your Memorialist finding that his child was rapidly growing worse, and under the rules of the Government service, no public servants should either write, or appear personally before their superiors, while there was any infectious disease in their houses, your Memorialist was therefore compelled to stay away reporting his absence verbally through some of the workmen to be conveyed to the office. That Memorialist finding his child which was suffering from small-pox was on the point of death and past recovery, made it his duty to call at the office to see the Superintendent to explain his painful case. To Memorialist's misfortune, Mr. Moss was not then at office. Memorialist in his anxiety of mind from the office respectfully sent a memorandum to the Superintendent's house, soliciting leave, as his poor child was dying. Mr. Moss returned the memo. without sanctioning the request of Memorialist, when Memorialist waited the arrival of the Superintendent at the office. On Mr. Moss arriving at the office, he became enraged, and fined Memorialist for sending his memo. to his house asking for leave, and peremptorily made Memorialist to remain in the shop. This cruel treatment of Mr. Moss deserves the kind attention of your Excellency-in-Council. A few months previous to the death of Memorialist's child which had been suffering from small-pox, he lost his other child from fever. While Memorialist was suffering from these afflictions, his wife was also attacked with small-pox, and being in a critical condition, your Memorialist was placed in a distracted state of mind that he could not devote that attention to work as he hitherto did, and which he candidly confessed to Mr. Moss and begged his forgiveness, for having deplorably lost his good name owing to these trials and misfortune.

5th Charge, Indebtedness — This was an additional charge brought against your unfortunate Memorialist, which he begs to state was not incurred by any imprudence on his part, Memorialist's late father having incurred such debts during his life time, Memorialist to discharge the same honorably took upon himself the responsibility, and liquidated nearly half of the same, and if Memorialist had continued in service a little longer, he would have had an opportunity of discharging these debts in full.

6th Charge, Addicted to Drink — This is another charge which the Superintendent has been pleased to lay against Memorialist. In refuting the same Memorialist begs to state that if he was addicted to drink he could not for the past 28 years have efficiently discharged his arduous and onerous duties to the satisfaction of his superiors, as testified in the several testimonials given to him.

9. That in connection with this charge, your Memorialist begs respectfully to draw the kind attention of your Excellency-in-Council to G. O. No. 255W., dated 21st January 1888, referring to the manner in which a certain batch of Instruments sent to Messrs. P. Orr and Sons for repair, were returned in an unsatisfactory state, when Mr. R. G. Orr, the Senior partner of the Firm, was requested to visit the Workshops, to be shown the several defects noticed in the repairs of the instruments in question, which that gentleman did with his European Foreman, and the task of convincing them of such defects, was entrusted to your Memorialist, which he pointed out in the presence of Mr. Joyce the then Superintendent, Mr. Orr, and his Foreman, who acknowledged the defects, and accepted the

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suggestions of Memorialist for their rectification. From this fact your Excellency-in-Council will be pleased to observe that the charge of habitual drunkenness cannot be maintainable, for your Memorialist, if addicted to drink, he could not have in his career of twelve years service as the responsible Foreman of the important Instrument Department, conducted the work which is of a purely technical nature with that caution and care as he had done.

10. That your Memorialist begs very respectfully to submit that having been worried and distracted in mind in consequence of the severe domestic trials and afflictions as described above, added by other troubles of a private nature, which he was delicate to unfold to his superior, he was not able to explain himself, as he now does, and he therefore threw himself entirely on the mercy and clemency of Mr. Moss, and the Superintending Engineer and sought their forgiveness.

11. That though your Memorialist implored Mr. Moss, and sought his forgiveness, under the painful circumstances represented above, Mr. Moss for some reason or other, withheld his compassion towards your unfortunate Memorialist, a tried servant of Government, and formulated the above charges, and in doing so, was pleased to support his report to the Superintending Engineer, by submitting previous records in connection with matters that had occurred during the tenure of office of Mr. Wickham, when that officer had your Memorialist reduced from Rs. 112 to Rs. 80. Mr. Wickham, your Memorialist begs to submit was always pleased with the good work turned out by Memorialist from the department under his supervision. Mr. Wickham was then growing ill, and sometime after was necessitated going Home on special leave, and your Memorialist was therefore unable to explain himself to him, and have his order abrogated. After Mr. Wickham had left, Mr. J. Ellis, succeeded as his *locum teneus*, when this officer carefully enquired into the facts of the case of Memorialist, and arrived at the conclusion that the matter for which your Memorialist was reduced by Mr. Wickham, was more a matter of misunderstanding than culpability on his part. This decision of Mr. Ellis, was accepted by Col Pennycuik, R. E., the then Chief Engineer, who was graciously pleased to restore your unfortunate Memorialist to his former salary of Rs. 112 and to Rs. 120, the maximum salary attached to the appointment of Foreman. This incident your Memorialist trusts and craves will not prejudice his present humble prayer which he respectfully seeks at the generous and benevolent hands of your Excellency-in-Council, whose administration of justice towards injured subjects is so well renowned not to need recapitulation.

12. That your Memorialist was suspended from his duties by Mr. Moss to whom he without any fencing, gave an explanation, but Mr. Moss, persisted in reporting your Memorialist to the Chief Engineer, and Secretary to Government P. W. D., eliciting fatal order of Government, dated 11th January 1899, No. 234 C., P. W. D., detrimental to the future prospects of your unfortunate Memorialist, wherein Mr. Moss has been pleased to make the above grave charges, but the Chief Engineer in the plenitude of his mercy took a compassionate view, before ruining, your Memorialist by arbitrary dismissal as recommended by Mr. Moss and in "consideration of the good work which has been apparently done by Mr. Rosario (Memorialist) in past years the Chief" Engineer in his judgment thought that Memorialist "may not be permitted to retire on the Pension due to him," and evoked the opinion of the Superintending Engineer Vth Circle.

13. That the Superintending Engineer in accordance with the orders of the Chief Engineer, was of opinion that Memorialist "should get whatever pension was due to him." A reference was made to the Examiner of Accounts who reported that Memorialist "has only a qualifying superior service of a little over eleven years, and that he cannot retire except on production of a Medical Certificate of incapacity for further service." According to this opinion your Memorialist was sent for examination before competent Medical Officers, in view of his obtaining a certificate for an Invalid Pension. Your Memorialist appeared before Dr. Giffard, who was of opinion that Memorialist was fit for ten or more years further service, and Memorialist was sent by Dr. Giffard to the Madras General Hospital for further observation, when he placed himself under Dr. Grant in "Sir Henry Pottinger's Ward," and the opinion of Dr. Grant was similar to that expressed by Dr. Giffard.

14. That your Memorialist not being able to obtain a Certificate as desired by the Examiner of Accounts, the Chief Engineer in considering your Memorialists case considered the charges preferred by Mr. Moss against Memorialist, and having "seen no other alternative" as Memorialist was not able to obtain a Medical Certificate to secure the Invalid Pension, which the Chief Engineer thought he was entitled to, for the "good work" he had done, directed his removal from the Public Service.

15. That from the above facts, your Excellency will be graciously pleased to observe, that that your unfortunate Memorialist has been treated with the most unparalleled severity.

16. That your Memorialist without any intention to be argumentative, which is not his motive in placing this appeal before your Excellency-in-Council, begs only to seek the protection of the Government of your Excellency on his behalf. Your Memorialist has been dismissed on various accusations for dereliction of duty by his superior. These *grave charges* were submitted to the Superintending Engineer, and finally to the Chief Engineer. If the latter officer thought that such charges were grave and sustainable, he would not have recommended that your Memorialist should appear before Medical Officers to obtain a certificate, so that your Memorialist may earn at least an Invalid Pension, but on the contrary would have dismissed Memorialist at once, without giving that chance and opportunity. The charitable and dispassionate view taken by the Chief Engineer is a matter deserving the prominent attention of your Excellency-in-Council.

17. That your Memorialist is still in active age to render his faithful services to Government, but the fatal and arbitrary order of the Chief Engineer has been a blow to his future prospects, and a irretrievable stigma on his character. Your Memorialist has been dismissed for no crime involving fraud, dishonesty, or moral disgrace, and if at all your Excellency-in-Council is of opinion that he has been guilty of any dereliction of duty it lies in your august power to commute the heavy punishment of dismissal into any other lenient punishment that may be considered commensurate for such fault or faults, your unfortunate Memorialist may have committed while suffering under calamities and trials as explained above.

18. That your unfortunate Memorialist begs to state that he is a poor man, burdened with a large family, and to be reduced to penury after holding a respectable position in the Government service for 28 years, is also a circumstance,

which deserves the benign consideration of your Excellency-in-Council. All that your Memorialist now implores, is that your Excellency-in-Council will benevolently consider his unfortunate case, and be pleased to accord to him that justice, which alone rests in the hands of your Excellency-in-Council, by restoring him to his former appointment or providing Memorialist with any other post in the Department without being allowed to suffer the disgrace of a dismissed servant, a blemish which can be better imagined than described.

For which act of charity your Memorialist as in duty bound shall ever pray

T. J. Rozario

Late Foreman,

Instrument Department,

P. W. Workshops, Madras.

APPENDIX.

COPIES OF TESTIMONIALS.

Mr. T. J. ROZARIO has been appointed Foreman of Instrument Department for having done good work as a workman in that Department.

(Signed). H. H. O'CONNELL,
Superintendent, P. W. Workshops.

May 30th, 1888.

During the time I have been Superintendent, P. W. Workshops, that is from April 1887 to May 1888, Mr. T. J. ROZARIO has been Foreman in the Instrument Department, he has given me great satisfaction during that period, keeps his shop in order and does his work carefully.

(Signed). ALFRED JOYCE,
Superintendent, P. W. Workshops.

From

THE GENERAL SUPERINTENDENT,
*P. W. Workshops,
Madras.*

Sir,

Reference. Your letter No. 3183W., dated 30th March 1889, stating that all Theodolites have been returned repaired with a single exception and requesting to be informed whether the work is satisfactory.

(Signed). COL. CLARKE, R. E.,
Superintendent, P. W. Workshops.

5th April 1889.

From

MADRAS SURVEY OFFICE,
Camp Coonoor,

No. 770
M.

Sir,

I have the honour to state that the work executed at the P. W. Workshops for this department is perfectly satisfactory.

(Signed). H. CARDOZO,
Supt., Madras Survey.

"Green Villa" Pursewalkum, Madras
27th June 1899.

To
W. B. De Winton Esq.
Secretary to Government: P. W. D.
Madras. City.

Respected Sir,

It is with the greatest respect, I beg
to enclose copy of my humble Memorial
addressed to H. E. the Governor in Council,
representing my unfortunate circumstances
in connection with my dismissal from
my Appointment as Foreman of the
D. P. W. Workshops, after a tried service
of 28 years. In doing so, I beg your honor
will be generously pleased to give my
Appeal, such consideration it deserves.
I have faithfully and truthfully stated
all facts connected with my deplorable
case. No sooner after the death of my father
he left me in debt, and to discharge it
honorably as a son I was placed in the
greatest difficulties, enduring the greatest
privations, when Mrs Spring Branson, the
Lady of the late Honble Mr Spring Branson,
Advocate General, Madras, and her
daughter Mrs Yorke, the Lady of Mr A. J.
Yorke, who knew my pitiful case, took
compassion on me, and the former very
benevolently, sent my daughters, two
in number, to the Roman Catholic Con-
-vent, Madras, and the latter lady got
my boy, thro' the kindness of Brother
Austin, who is now at City, into the
Adyar Orphanage. It was the dying
request of my late ^{first} wife, that I should
see the poor motherless children well
educated. So far her dying request has
been

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been successful, but my sudden dismissal
has now left me quite helpless to give
my poor children that comfort as a father,
and it was my cherished hope, that
by a longer service in the Department, and
earning a pension in my old age, to
afford them this parental attention.
It is with this intention, I have now
asked Government, to view my un-
fortunate case dispassionately, and
have me reinstated, and as your honor
being satisfied with my abilities, appoint-
ed me as Acting Foreman, on the suc-
cession of the late Mr. Clarke. Your
generosity towards the poor and needy,
and I therefore fervently hope, that
my pitiable case will attract your
charitable attention, inducing you
as the Head of the Department, you
for me that justice which I may deserve
at your kind hands, for my services
in the service for a few more years, quali-
fying me for a pension to which I may
be entitled. I have no one to whom I may
for me, and therefore beg to throw
myself on your honor's clemency for
the sake of my poor unoffending family
who will have to share in my miseries
and sorrows, that has overtaken me.
I beg respectfully to mention that I
have been thrown out of employment
since June 1898, and the punishment
were as it is, will be deemed sufficient
for any irregularities that may be
recribed to me. I would personally
appear before your honor with my appeal,
but

but, I am so situated that I have not the
slightest means to reach Dsty. hence
I take this liberty on intruding on your
honors valuable time.

Again imploring your honor's kind
help, and awaiting your generous reply

I beg to remain

Respected Sir

Your truly Obedt Servant

T. H. Hozaire

Late Foreman.

D. P. W. Workshops & Stores,
Madras.