# Public Works (1899) Department.

27

G.O., No. 2535 & 2536

DATED 28 September 1899.

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[Despatch Abstract.]

Dpty Asst Commissary & Hony Lieut R. W. MacAlister

Root Engr.

Ordered that the Govt of India be requested to sanction the payment of Rs 6387-11-2 estimated by the Exr, P.W. Accts, as compensation to —— for losses due to his supersession.

=

Gp I ad Record.

[P. W. 2 1,000—29-2-97.]

Indexed. 29/9

## BACK PAPERS.

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## FURTHER PAPERS.

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|---|---|---|---|---|---|---|---|
| | | | | | | | |

B/

P.W. DEPARTMENT. 26

READ the following :—

Memo No. 1578 C dated 15th March 1899
Letter from Hony Lieut. & Dy. Asst. Commissary R.W. MacAlister
D 8.4.99
Office Note from the Examiner, P.W. Accts., No. 1498 B/E
D 16.5.99

Final U.O. No. 958 12.8.99.

Rec'd 16.8.99 B/C

Circulated to

(1) H.E. the Governor
(2) The Hon'ble Mr. Arundel C.S.I.

ORDER.

No: 2535 W.D. 28.9.99

The Govt. of India will be addressed.

Issue
14.9

A.E.H. 7.8.99

Exam. AEH 9.8.99 Rw

I think it will be well to have the Exam.rs statement of claim Examined Checked in Financial, to avoid any risk of error being detected by the Govt of India.

AEH
2nd 965-D 14/11.8.99

Fin. Department U.O.

CHIEF SECRETARIAT 12 AUG. 1899 OOTACAMUND

11.8.99

[P. W. 4 1,000—14-11-98.]

(His No. 2536 W.D. 28th Sept. 1899)

To

The Joint Secy to the Govt. of India
P.W. Dept.

Sir,

I am directed to place before the Govt. of India the following facts relating to the case of Deputy Assistant Commissary & Honorary Lieutenant R.W. MacAlister, Asst. Engineer, and to request that under

circumstances represented sanction may be accorded to this deserving Officer being compensated for the pecuniary losses which he has undeservedly sustained owing to a misconception of his case.

2. The history of the case is as follows. Sergeant MacAlister was entertained in the Dept as an Overseer, 2nd Grade, in June 1871 and on the 1st Feby 1876 he was promoted to Overseer, 1st Grade. In 1878 certain frauds were discovered in the Bangalore Division, in which Sergt. MacAlister was then serving. The frauds were detected by means of a book kept by Sergt. MacAlister showing the materials measured & passed by him, and a comparison of this book with bills for materials signed by Sergt. MacAlister, & by his Superior Officers, Majors Ross Thompson & Vibart, showed that the amounts in the bills had been increased so as to work up nearly to the amount of the estimate, there being savings on the estimates in all cases. According to the system then in vogue the bills were prepared by Sergt. MacAlister; were taken by him to the District Engineer's Accountant; & were then checked, passed, & signed by the District Engineer. The falsification of figures, as shown by Sergt. MacAlister's superior Officers, Col. McBerly & Major Vibart, was made after the bills had been passed by the District Engineer & thus long after the responsibility of Sergt. MacAlister for them had ceased.

3. None of Sergt. MacAlister's superior officers imputed blame to him in connection with these frauds. The Accountant was suspended, & died shortly after. Sergt. MacAlister's clerk & 2 contractors were tried criminally

criminally & convicted of
fraud and forgery, & the Sessions
Judge, Bangalde, in passing
sentence commented on (1) the
careless way the estimates were
prepared as evidenced (in
his opinion) by the savings
in them; & (2) on the absence
in the bills of the figures of
value of materials in words
as well as in figures. These
two causes, he asserted, rendered
the forgries possible, and
he attributed blame to Mr
MacAlister on both these heads.
When the result of the trial
came before this Govt, the
Chief Engineer, Col. Ford, was
directed to deal with the
"culpable laxity" shown by Sergt.
MacAlister as evidenced by
the comments of the Judge. Col.
Ford thereupon promptly
reduced Sergt. MacAlister
in

May 1878 from Overseer, 1st
Grade, to Overseer, 2nd Grade.
4. Against this reduction
Sergt. MacAlister twice appealed,
& was strongly supported by his
superior Officers, Col. Moberly
& Major Kibart, who demon-
strated the fallacy of the
Judge's comments. They pointed
out that Mr MacAlister was
merely a witness and was not
on his trial; had no opportu-
nity & given him of showing
that the Judge's remarks were
based on his ignorance of the
methods of work, supervision,
& accounts in the P.W.D; and
that he was not considered
to be to blame by any Officer
under whom he served, or
called upon for any defence
or explanation prior to his
reduction. They showed that
the

the savings on the estimates
ca so far from being discreditable
se to Mr MacAlister were a credit
t to him, & that by his close
co supervision he had been able
l to carry out work considerably
sc to carry out work considerably
= below the district rate; that
2 as regards the preparation
a of bills, he had only followed
u the course prescribed by the
, the accounts Dept. & by his superior
th officers; & that no precautions
= on his part would have
g prevented the systematic
system of forgery carried on
by a dishonest officer establish
= ment after the documents
had left his hands.

5. Col. Foord, the Chief Engr.
in acknowledging the first
representation made on Sergt.
MacAlister's behalf clearly
recognised that he had been
somewhat hasty in condemning
him, since in a Memo ~~No 3500~~
of

of 20th August 1878. he states
that he "is glad to receive
"this testimony of Sergt. Mac=
"=Alister's general efficiency &
"economy in carrying out works,
"& will, should Sergt. MacAlister
"continue to bear the high characte
"now given, take an early oppor=
"=tunity of re=instating him in
"the first grade of Overseer."
It is significant that this
conditional promise is given
within 3 months of Sergt. Mac=
Alister's reduction and no
allusion whatever is made to
his supposed delinquencies
which caused that reduction.

6. In February 1879 Sergt.
MacAlister was promoted to
Overseer, 1st Grade. He continued
to appeal against his reduction
from that grade in May 1878,
& finally in Chief Engineer's
No 2264 dated 7th November 1879

a

a definite promise was made
to him that his reduction
should be cancelled and
that he should be restored
to his old place in the Dept.
i.e. to Overseer, 1st Grade, from
February
~~March~~ 1876. This order is so
essential to a proper unde=
=standing of the case that
it is quoted in full:—
"Under the explanation furnished"
in the paper read above, the "
Chief Engineer is pleased to "
decide that the date of "
Sergt. MacAlisters' promotion"
to the 1st Grade of overseer to "
be entered in future Classified"
lists shall be the original "
date of his promotion to "
that grade, & not that of "
his restoration to that grade "
after his reduction in 1878". The
classified lists at that
time were kept alphabetically,
& Genl. Sankey, the then Chief
Engineer especially noted
that in the next list all
that would be necessary
was to antedate the date
of Sergt. MacAlister's promotion
i.e. to enter him as Overseer
1st Grade from February ~~March~~ 1876
instead of February 1879.
It is found that this correction
was not made, but that both
dates, & not only the earlier
one, were entered as the
date of Sergt. MacAlister's pro=
=motion to Overseer, 1st Grade.
To this partly must be
attributed the misunde=
=standings which followed.
7. On various occasions up
to June 1885 Sergt. MacAlister
pointed out that he was
being passed over by his juniors,
& that the Chief Engineers'
order of 7th November 1879 had
been disregarded. There super=
=cessions were made on the
initiative

initiative of the then Dy.
Chief Engineer, Col. Penny=
=cuick, who put the time was
~~[illegible]~~ Gradually laboring under the
~~[illegible]~~ records relating to
~~[illegible]~~ mistakes in preparing that
~~[illegible]~~ blame in connection with the
~~[illegible]~~ hands, attached to Sergt. MacAlister.
It is, however, needless to
trace the causes which led
to this absolute reversal
of the chief Engineer's order of
the 7th November 1879, became
Col. Pennycuick (confessed) in admitted
1892 that he had overlooked MA.
this order, & because he ~~[illegible]~~
restored Sergt. MacAlister
in that year to his proper
place in the Dept., although
he refused to compensate the
sergeant for the material
money loss he had suffered
for 14 years.

8. From 1885 to 1892 Sergt.
MacAlister continued to submit
memorials complaining that
effect

effect had not been given
to the Chief Engineer's order
of 1879, & he continued to be
met by the stereotyped reply
that the question of his pro=
=motion had been carefully
considered & that the previous
order must be upheld. Sergt.
MacAlister either from inability
to express himself clearly or
from fear of giving offence, never
pointed out this essential
feature of his case, but went on
again & again long & laboured
defences of his conduct in
1878, & instead of bringing
to notice that whatever his
conduct was in 1878, he had
been fully exonerated of all
blame by the Chief Engineer's
Memo of 7th November 1879, merely
forwarded with each memorial
a copy of that Memo. To the
fact

? & that he had been exonerated
from all blame.

that this letter were so lengthy & not clear are to be attributed in a measure the failure to recognise the justice of his case.

9. When however the case was reopened by Col. Pennycuick in 1892, that office acknowledged that General Sankey's order of 9th Nov. 1879 had not been carried out & that Sergt. MacAlister had been very badly treated. He further added that it was unfortunately too late to remedy the supersessions which Sergt. MacAlister had already suffered, but for future promotion Col Pennycuick directed that Sergt. MacAlister's position in the list of Asst Engineers, 3rd Grade, should be that which he would have held if Genl. Sankey's order of 1879 had been carried out. It will thus be clear that the

the mistaken grading of Sergt. MacAlister for so many years was an ~~grave~~ oversight of a plain order ~~partially due to the mistake mentioned in para.~~

10. From 1893 to the present time Sergt. MacAlister has submitted many appeals pointing out how heavy had been his pecuniary loss owing to the admitted oversight in delaying his promotion for 13 years, and in not, even then, grading him above men who were below him prior to his reduction in 1878. These appeals were all rejected on the grounds that as much as possible had been done to compensate ~~Sergt.~~ Mr. MacAlister for the loss he had incurred; but it is evident that it had

Why does the Secy of State say that he is an Army Asst. Engineer Genl

not been realised how great the injustice done to Mr. Mac-Alister had been, & that Col. Pennycuick's dictum that it was too late to remedy it, has been accepted as finally disposing of the case.

10. His Excy. the Governor in Council considers that it is incontestible that Mr. Mac-Alister has an equitable claim to reparation for the injustice done him owing to a misconception of his case. But there seems to be no way of compensating him except by a money grant equal to the pecuniary loss which he has incurred. This loss Mr. MacAlister puts down at Rs 6,600, but the Examiner, copy of whose Office Note is attached, estimates it at Rs 6387-0-2. I am accordingly earnestly to solicit that the Govt. of India will be pleased to sanction the payment of this amount to Hony. Lieut MacAlister.

I have &c.

Rev.
A.S.H.
7.8.99

20.7.99

28/7/99

PA

CA I have also checked the Examiner's Statement and found it correct. This note has also been checked. PS 12-9-29

Financial Department

Note

With reference to H. his note on the draft letter to Judic. it is submitted that the Examiner's statement of the honorable loss to Deputy Assistant Commissary and Honorary Lieutenant R. W. MacAlister, Assistant Engineer, has been examined and found correct.

2. On comparing the items in the Examiner's statement with those in the statement of Honorary Lt. MacAlister, it is found that except item 2. the other agree more or less, the small differences being due to that Officer having taken only approximate periods in his calculation, whereas the Examiner takes actual periods for calculation.

3. As regards item 2, Hony Lt MacAlister calculates the difference between the Salary of Overseer, 1st grade, (Rs 100) and that of Supervisor, 2nd grade (Rs 150)

(Rs 150) at Rs 50. But from the pay abstracts it appears that as overseer 1st Grade, Conductor Mac Alister, then Conductor Mac Alister was drawing Rs 100 plus a military pay of 2 shillings a day or, about Rs 45 per month. When he became Superintendent 2nd Grade, he drew Rs 100 plus a military pay of about Rs 45 plus about Rs 5 to make up the consolidated salary of Rs 150 of a Superintendent 2nd Grade. The difference was thus only about Rs 5 and not Rs 50 as made out by Mr Mac Alister.

Mr Rubbers
Mr Rees

Mr to CS.

The Exr's statement of claim has been checked here by two clerks independently & found correct

CwS
12 9 99

D P.W. 11-5.

Public Works (1899) Department.

CURRENT No. 3948

From H.M. Examiner, P.W. Accts
Madras & Coorg

Order

No. 1498 B/E

Dated 16 May 1899

Received

Registered

Enclosures 2 & 1 File

Spare copies.

SUBJECT.

Conductor Mac Alister
— Examiner's opinion in connection with the pecuniary loss incurred by — owing to the omission from the years 1879 to 1892

## BACK PAPERS.

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| 943 C | 18-2-96 |
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| 4461 C | 17-10-92 |
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| 599 | 10-2-79 |
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| 3526 W | 8-12-96 |
| 1226 W | 24-4-90 th |

## FURTHER PAPERS.

| No. | Date. |
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EXECUTIVE ENGINEER
Regr. No. 780
12 APR 1899
P. W. D.
VIZAGAPATAM DIVISION

P. W. ACCOUNTS
1 MAY 1899
No.

No 2678/4/1. Vizianagram 8th April 1899

From Hony Lieut: and Dy Asst Commissary
K. W. mac Alister
Asst Engineer P.W.D.

To The Chief Engineer and
Secretary to Govt P.W.D
Madras.

Through The Superintending Engineer
First Circle

Through The Executive Engineer
Vizagapatam Division

Sir With reference to Govt of Madras P.W.D.
memorandum No 1578 C. dated 15th March 189
I beg to state that the pecuniary loss sustain
-ed by me, owing to the omission, from the
years 1879 to 1892, to restore me to my original
grading in the Department, in accordance
with Col Sankey's letter No 3364 dated 7th Nov 187
is as follows—

× vide flag-D.

Civil Grading

| | |
|---|---|
| Period of reduction from 1st to 2nd Grade Overseer - ten months @ Rs 20 per month | Rs 200 |
| Supercession to the rank of Supervisor 2nd Grade by Overseer Abdul Kareem Khan Sahib, from April to July 1880, three months @ Rs 50 per month | 150 |
| Supercession to the rank of Sub Engr 3rd Grade, by Supervisor Abdul Kareem Khan Sahib, from June 1884 to June 1885 and from December 1887 to March 1888, ~~fifteen~~ sixteen months @ Rs 50 per month | 800 |
| Carried over Rs | 1150 |

Brought over Rs 1150

Military Grading

| | |
|---|---|
| Supercession by Sergeant R.A. Bragg (my junior by two years) to the rank of Sub Conductor, from 15th May 1880 to October 1881 (after which date, though not promoted to Sub Conductor, I was on Consolidated pay as Supervisor 1st Grade) seventeen months @ Rs 30 per month | 510 |
| Supercession to Hony Lieut and Dy Asst Commissary, by Conductor R.A. Bragg from 4th October 1893 to October 1897 (while in the Civil Grades of Sub Engineer 3rd and 2nd Grade) or 49 months @ Rs 80 per month | 3920 |
| The same supercession from Nov. 1897 to September 1898 (while Sub Engineer 1st Grade ten months @ Rs 30 per month | 300 |
| Total Rs | 5880 |

In addition to the above, in the ordinary course, Hony Lieut and Asst Commissary J. Kelly, will be compulsorily retired on 6th February 1900, and Hony Lieut and Dy Assistant Commissary A.C. Lord, who also superceeded me from Sergeant to Sub Conductor (next after Sergeant Bragg in 1880) will obtain the step of promotion, and as Hony Lieut: A.C. Lord will not be compulsorily retired until 31st May 1901, I will sustain a further loss of Rs 45 per month for sixteen months — Rs 720

In all Rs 6600

I am aware that I cannot now obtain seniority over Lieut Lord, neither do I wish to do so (as he will retire 2 years and eight months before me, and therefore will not bar my further Military promotion) unless, under the above circumstances, and as a special case, it would be possible to promote both Lieut Lord and myself to Asst Commissary, on Lieut J. Kelly's retirement. This would prevent the loss of the last item, Rs 720; but would temporarily, alter the sanctioned scale of Hony Commissioned Officers from

* since retired

from

1 Captain & Dy Commissary
1 Lt and Asst Commissary
2 Lieuts & Dys Asst Commissary

to

1 Capt & Dy Commissary
2 Lieutenants Asst Commissary
1 Lieutenant Dy Asst Commissary

but this could be readjusted on the retirement of Lieut Lord in 1901.

Cannot be considered at present under Art 995 C.S.R.

I further beg to point out that owing to my supercession to the Warrant rank by Sergeants Bragg and Lord in May and June 1880 respectively, I have lost in prospective pension. I was not promoted 3rd Conductor until 20th November 1887 or seven years after my two Juniors for want of a vacancy, and in the interval the pensions of Hony Commissioned and Warrant Officers were altered and reduced. I therefore beg that a recommendation may be made to grant me the old rate of pension on retirement

I beg to remain
Sir
Your most Obdt Servant
Robt. Mac Alister
Lieut.
Asst Engineer P.W.D.

SUPERINTENDING ENGINEER
No. 24
15 APR. 1899
FIRST CIRCLE.

12 S.E of 10/13 4-99

Forwarded C

The Supdg. Engineer
I Circle

E W Hardcastle
Ex. Engr.
10.4.99.

No. 473V3 dt. 17/18.4.99.

Forwarded to the
Chief Engineer Public Works
Department.

H. Brown
17.4.99. Assistant Engineer
for Exec. Engineer in charge
I Circle

EXAMINED
P. W. ACCOUNTS
1-MAY.1899

# Public Works (1899) Department.

9.2

CURRENT No. ~~3220~~ 3900/99

Vol @ 1/5 B

C

No 2180 C dy 27-4-99

From The Supg: Engineer
First Circle.

~~Order~~

To.

C

No. 473V3.

For favour of check of the statement submitted by Lieut. MacAlister with reference to Memo No 1578 C dy 15.3.99 which is forwarded in original for reference and return. The note, drawn up for book, or Board? MacAlister's case is also forwarded, in order to enable the matter to be understood.

E.W.

Rec. A.C.K 20.4.99.

Dated 17/18.4.99.
Received
Registered 20.4.99
Enclosures
Spare copies

SUBJECT.

Contractor MacAlister — forwarded letter No 26 dy. 8/4/99 from — explaining the pecuniary loss incurred by — owing to the omission from the years 1879 to 1892.

Cent 21/4/99

E A

O.L.S.34 1227/11

3900/99

BACK PAPERS.

| No. | Date. |
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| 4462 C | 17-10-92 |
| 4461 C | 17-10-92 |
| 3020 C | 14-7-90 |
| 1689 C | 28-3-90 |
| 215 C | 17-1-88 |
| 4477 C | 6-12-87 |
| 342 E | 9-7-86 |
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E- No. 27.
1,000—16-5-98

KEEP-WITH CURRENT No.

dated 189 .

GOVT. OF MADRAS. } 1898.9 { P.W. DEPT.

EXAMINER, P. W. ACCOUNTS.

*Madras,* 16th May 1898.9

OFFICE NOTE No. 1498 B/E

To

W.

Your O.N.No.2180 C dated 20th: —
April 1899

I regret that I have no means of knowingor verifying at this distance of time, the exact dates on which but - for the reduction in rank from Overseer Ist: to Overseer 2nd: grade from 7th: - May 1878, of Hony: Lieutenant and Deputy Assistant Commissary R.W.Mac Alister - now sub Engineer Ist: grade temporary rank, he would have received the -- several steps of promotion. Assuming however that he would have obtained — Civil promotion on the dates on which Abdul Kareem Khan late Sub Engineer — was promoted and Military promotions -- on the dates on which Hony: Lieut: and Deputy Commissary R.A. Bragg-now retired, received them, the extra pay that would have been admissible to Lieut: Mac - Alister will be as follows:-

This assumption is now proved to be correct - Ed 26.1.00.

Civil

Civil.

1 Difference of pay between Overseer 2nd: and Overseer Ist: -- grade from 7th: May I878 to I7th February I879 @ Rs: 20/- per - mensem .....Rs: I88-4-3

2 Difference of pay -- between Overseer Ist: and Supervisor 2nd: grade from Ist: April I880 to I9th: July I880 @ Rs: 5/- per mensem .....Rs: I8-I-0

3 Difference of pay - between Supervisor Ist: grade and Sub Engineer 3rd: grade @ Rs: 50/- for 4th: June I884 to 3rd: June I885 .....Rs: 600-0-0

4 Difference of pay - between Sub Engineer 3rd: and Supervisor Ist: grade from 5th: December I887 to IIth March I888 @ Rs: 50/- .....Rs: I6I-4-8

Total 967-9-11

Military

5 Additional pay admissible from I5th: May I880 to 30th: September I88I @ Rs: 30/- (assuming that he would have been promoted to Sub Conductor from I5th: May I880, to the date on which Lieutt: Bragg got it ) .....Rs: 496-7-2

Rs:967-9-II

6 Additional pay from 4th: October 1893 to 3Ist October I897 ( assuming that he would -- have been promoted to Deputy Assistant Commissary on 4th: October I893 ) @ Rs: 80/- per mensem .....Rs:3,9I2-4-I

7 Do.. from Ist: November I897 to 3Ist: August I898 @ Rs: 30/- ....Rs: 300-0-0

Total Rs:5,678-5-2

8 2. Lieutenant Mac Alister states -- that but for the above reduction, he - would succeed Lieutenant and Assistant Commissary Kelly who is to retire on 6th: February I900, as Lieutenant Assistant Commissary. The grading as at -- present, admits of Lieutenant Lord's - promotion on the above date and Lieutt: Mac Alister can attain the rank only on Lieutenant Lords retirement from Ist: June I90I . Assuming that Lieutt: Mac Alister would succeed Lieutenant - Kelly on 7th: February I900, the ad-- ditional pay admissible up to 3Ist: -- May I90I @ Rs: 45/- per mensem will - amount to .....Rs: 7I0-II-0

Total Rs: 6,387-0-2

If Kelly has already retired but this does not affect the question.

H. R

Offg: C.

R 16/5/97

A

Statement Showing the respective dates of promotion of Abdul Karim Khan and Conductor MacAlister since April 1880

| Abdul Karim Khan | | Conductor R.W. MacAlister | |
|---|---|---|---|
| Departmental rank | Date | Departmental Rank | Date |
| Superviser 2ⁿᵈ grade, permanent | 1st April 1880 | Superviser, 2ⁿᵈ grade, temporary rank | 28th July 1880 |
| Superviser, 1ⁱ " " | 1st Oct. 1881 | — do — Permanent | 1st Nov 1880 |
| SubEngineer, 3ⁱ grade, temporary rank | 4th June 1884 | Superviser, 1ⁱ grade. — do — | 1st Oct. 1881 |
| SubEngineer, 3ⁱ " Sub pro. tem | 16th Augt. 1885 | SubEngineer, 3ⁱ " temp. rank | 4th June 1885 |
| " " - Temporary | 8th October 1885 | — do — Sub. pro. tem | 11th Decr. 1885 |
| " " Sub. pro. tem | 19th October 1885 | — do — temp. rank | 14th Janr. 1886 |
| Superviser. 1ⁱ (Reversia) | 1st March 1887 | — do — Sub pro. tem | 1st March 1886 |
| SubEngineer, 3ⁱ grade, Sub. pro. tem | 5th Decr. 1887 | Superviser, 1ⁱ grade (Reversia) | 1st March 1887 |
| — do — permanent | 18th May 1888 | SubEngineer, 3ʳᵈ. temp. rank | 12th March 1888 |
| SubEngineer, 2ⁿᵈ. — do — | 29th Janr. 1895 | — do — Sub pro. tem | 15th July 1888 |
| Retired | 1st April 1898 | — do — temp. rank | 12th Sep. 1889 |
| | | — do — Permanent | 5th Apr. 1890 |
| | | SubEngr. 2ⁿᵈ. Permanent | 15th Feby. 1894 |
| | | SubEngr. 1ˢᵗ. temp. rank | 1st Nov. 1897 |

No. 98

B

EXAMINED
P. W. ACCOUNTS

Statement showing the respective date of Military promotion of Staff Lieut. A.C. Lord, and Condr. Rld. MacAlister

| Lord | | MacAlister | |
|---|---|---|---|
| Military rank | Date | Military rank | Date |
| Serjeant | 14th Augt 1873 | Serjeant | 25th June 1872 |
| Sub Conductor | 3rd June 1880 | Sub Conductor | 26th Novr. 1887 |
| Conductor | 6th March 1891 | Conductor | 3rd Sep. 1893 |
| Deputy Asst. Commissary | 15th Feby. 1894 | | |

N
3-10-98

C

P.T.O

EX...
P. W. ACCOUNTS
1- MAY. 1895
RE...

C

Statement Showing how much Condr. R.O. MacAlister has lost in pay in Consequence of his Supersession by Abdul Karim Khan on the departmental list, and by Storey-Lieut-Col on the Warrant list.

N.B. { 'D' denotes the Salary which Condr. MacAlister would have drawn but for his supersession.
'E' denotes the Salary actually drawn by Condr. MacAlister.

| Item | Period with Salary | Loss Rs: | As. | P. | Remarks |
|---|---|---|---|---|---|
| 1. | From 1st April 80(a) to 2nd June 80<br>D as Supervisor 2nd grade and Serjeant, @ Rs: 170 per mensem<br>E as overseer 1st " " — do — " " 155 "<br>Loss | 31 (b) | 0 | 0 | (a) Abdul Karim Khan was promoted to Supervisor, 2nd grade, in Supersession of Condr. (then Serjt.) MacAlister, in April 1880. The precise day upon which the promotion took effect is not known in this office. 1st has been taken as the date for the purposes of this Statement. |
| 2. | From 3rd June 80 to 30th June 80<br>D as Supervisor 2nd grade and Sub Conductor @ Rs: 180 "<br>E as overseer 1st " " Serjeant, " " 155 "<br>Loss | 23 (b) | 5 | 4 | (b) These figures are approximate only. A Serjeant's Military pay and allowances (viz per 3 Shillings per diem and ration money, Rs: 8-9-3 per mensem) being, for the purposes of this Statement, roughly taken at Rs: 70 per mensem |
| 3. | From 1st July 80 to 30 Sep. 81<br>D as Supervisor 2nd grade and Subconductor, @ Rs: 180 "<br>E as Supervisor 2nd (Temporary or permanent) and Serjeant, " " 170 "<br>Loss | 150 (b) | 0 | 0 | |
| 4. | From 1st Oct. 81 to 3rd June 84<br>D as Supervisor, 1st grade, and Subconductor, @ Rs: 200 "<br>E as — do — and Serjeant, " " 200 "<br>Loss | 0 | 0 | 0 | |
| 5. | From 4th June 84 to 3rd June 85<br>D as Sub Engr. 3rd Temporary and Subcondr. @ Rs: 250 "<br>E as Supervisor, 1st and Serjeant, " " 200 "<br>Loss | 600 | 0 | 0 | |
| 6 | From 4th June 85 to 28th Feby. 87<br>D as Sub Engr. 3rd Temporary or Subpermanent and Subcondr. @ Rs: 250 "<br>E as — do — and Serjt. " " 250 "<br>Loss | 0 | 0 | 0 | |
| 7. | From 1st March 87 to 19th Nov. 87<br>D as Supervisor 1st and Subconductor, @ Rs: 200 "<br>E as — do — and Serjeant, " " 200 "<br>Loss | 0 | 0 | 0 | |
| 8. | From 20th Nov. 87 to 4th Dec. 87<br>D as Supervisor 1st and Subcondr. @ Rs: 200 "<br>E as — do — and — do — " " 200 "<br>Loss | 0 | 0 | 0 | |
| 9. | From 5th Dec. 87 to 11th March 88<br>D as Sub Engr. 3rd Subpermanent and Subcondr. @ Rs: 250 "<br>E as Supervisor 1st and — do — " " 200 "<br>Loss | 0 | 0 | 0 | |
| 10 | From 12th March 88 to 5th March 91<br>D as Sub Engr. 3rd Subpermanent and Subcondr. @ Rs: 250 "<br>E as Sub Engr. 3rd Temp. Subpermanent and — do — " " 250 "<br>Loss | 161 | 4 | 7 | |
| 11 | From 6th March 91 to 2nd Sep. 93<br>D as Sub Engr. 3rd and Conductor @ Rs: 250 "<br>E as — do — and Subcondr. " " 250 "<br>Loss | 0 | 0 | 0 | |
| 12 | From 3rd Sep. 93 to 14th Feby. 94<br>D as Sub Engineer, 3rd and Conductor, @ Rs: 250 "<br>E as — do — and do — " " 250 "<br>Loss | 0 | 0 | 0 | |
| 13 | From 15th Feby. 94 to 31st Oct. 97<br>D as Sub Engineer, 2nd and Deputy Asst. Commissary, @ Rs: 380 "<br>E as — do — and Conductor " " 300 "<br>Loss | 3580 | 0 | 0 | |
| 14 | From 1st Nov. 97 to 31st Augt. 98 (c)<br>D as Sub Engr. 1st Temporary and Deputy Asst. Commy. @ Rs: 430 "<br>E as — do — and Conductor, " " 400 "<br>Loss | 300 | 0 | 0 | (c) Condr. MacAlister is to be recommended for promotion to Deputy Asst. Commissary with effect from the 1st September 1898. On the preceding day, therefore, the effects of Supersession ceased. |
| | Total Loss (subject to remarks (b) above) | 4825 | 9 | 11 | |

N 3.10.98

No: 1578C d/15-3-99

Encl:

Capt. Mac Aleese
Mno' 58 I Circle

---

Under orders from Govt. the Cey. C. S expects that Capt. Mac Aleese will submit a complete statement of the pecuniary loss incurred by him owing to the mission, from the years 1896 to 1892, transmitting the original reading in the Dept. as mentioned in Col. Sankey's letter No 3364, dated 3 Nov. 1898.

ACR

When rec'd. return the checked by C.

14/2/99

16/3/99

EXAMINED
P. W. ARCHIVES
1 MAY 1933

INDEXED
16/3

EXAMINED
P. W. ACCOUNTS
1 MAY 1899
No

DW

Cmdr. MacAlister's case which skimmed from Circulation late last evening is submitted.

H
14.3.99

The statement of claims has not yet been called for from Cmdr. Mac Alister & the order cannot be done. Draft put up

A.K
14.3.99.

No: 943C & 18.2.96
3951C & 12.12.95
5398 & 14.7.93
4462C & 17.10.92
4461C & 17.10.92
3020C & 14.7.90
1684C & 28.3.90
215C & 17.1.88
4477C & 6.12.87
3422 & 9.7.85
+papers

Bottom file

3370C & 28.7.98
1878W & 25.7.98
3130C & 11.7.98
1789C & 23.3.98
1321C & 4.3.98
+papers

Public Works DEPARTMENT.

2

EXAMINED
P. W. ACCOUNTS
1 MAY 1899
No

READ the following:--

Sub Engineer Mac Alister's case

Circulated to

FOR ORDERS.

His Excellency the Governor ✓
The Hon'ble Mr. Arundel C.S.I. ✓

H. Think we must adopt W. de Winton's proposal, and make a representation to the Govt. of India.
A.H
9.3.99

I have been through the records on the file. The supersession of Mac A. after his restoration by ~~extra b.p.~~ mem. 3364 of 7th Nov. 1879 arose from the fact that correction in the classified list was not made as directed. ~~Considering~~ Col. Pennycuick's admission in 1892 that Mac A. had been "very badly treated" I think a case

With reference to His Excellency's remark on Mr. Macalister's case, I put up an office note which shows that there is no possible way of readjusting the wrong that has been done to him save by reference to higher authority.

2. The only alternative to the lump sum money payment proposed by Mr. de Winton I can suggest is that the Secretary of State through India should be asked to grant Mr. Mac Alister a personal allowance of Rs 100 per month. He has still 5 years' service to run and this compensation in the five years, if he lives as

remains in the service
will amount to Rs 6000. In
reporting to India we can
only express our regret that
the case was not fully dealt
with by previous Secretaries
owing in all probability to its
complex nature.

Asst
28/2/99
W

has been made out for
giving pecuniary compensa
to Mac a. for the losses
due to his supersession.
I do not see on the file
Mac A's statement of claims
wh. it was decided to call
for, and the statemt. at
Flag T seems to have been
prepared in the office.
I should like to see Mac A's
own claims with the Offices
Secy's comments on it —
to have it checked in Financial
before it is ~~sent~~ approved.
& applic.n made to India.
BA 11.3.99

P. W. DEPARTMENT.

EXAMINED
P. W. ACCOUNTS
1 MAY 1899
No.

C. No.

SUBJECT. Arrears of pay due to Lieut. Mac Alister, owing to mistake made in his leading from 1893 to 1897

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

## FOR ORDERS.

I think Mr. Alister's case is a hard one. But, to deal with it in the manner proposed by the Sec. is not easy. We cannot send the case to India without discussing the Department and members. Perhaps Col. Smart could think of some way of giving satisfaction by promotion or otherwise. I should be obliged if he will try to suggest something of this kind.
H.C.K
17.2.99

W The case before
by H.E was the selection Surg-
geted originally, but Mr. de
Winton thought many com-
plications did happen, as any
other cases wd. Lieut. Mac
Alister could not be benefited
without hurting other men.
AGK
21.2.99 ~~It should be noted~~

Owing to some mistakes
remarks of the Bangalore judge
who tried a criminal case in
which Lieut. Mac Alister appe-
peared as a witness in 1893 &
it was ordered in GO Flag E,
para 2, that Lieut. Mac Alister's
culpable neglect of duty should
be dealt with by the Chief Jy.

2. As shown in the first
4 paras of the note Flag A,
the Chief Jy. presently ordered
Lieut. Mac Alister from the 1st
to the 2nd grade of Assessor, but
within 2 months of that date
of the decision, the Chief Jy. saw
grounds for taking away the
functions of emolument Lieut.
Mac Alister in the 1st grade of Asst
for years 1893

[P. W. 45. 400—27-1-98.]
HS 2.2.99 20.2.99

ller.

3. After various representations had been made on Lieut. MacMeiken's behalf by officers under whom he was serving, a free pardon was awarded to him by the Chief Jus. in Flag D & the Office Note accompanying it, and it was ordered that the date of his passing as Interpreter I grade, should be the original date (March, 1876) that he reached this rank before his reduction in 1878. In other words, he was restored to his original position in the Dept. Owing to a series of misunderstandings, & to the entire overlooking of this order (Flag D A) from the years 1879 to 1892, Lieut. MacMeiken was not restored to this original position in the Dept, & he continued to appeal again & again on the matter. Paras 3 to 7 inclusive of Note Flag H deal with the history of the case during the period from 1879 to 1892.

4. In 1892 the Chief Jus. decided plainly & summarily that the note flagged H in the file is not the note referred to by me in this (Judicial) paper, but a precising one, which was not put up by Mr. de Winton

A.C.H
21.2.99.

5

DEPARTMENT.

C. No.

SUBJECT.

EXAMINED
P. W. ACCOUNTS
1 MAY 1899
No.

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

FOR ORDERS.

D
knowledged that the order Flag A had not been given effect to; that Lieut. MacMeiken had been very badly treated; & that reparation was due to him. He accordingly ordered that Lieut. MacMeiken should be restored to his proper position in the Dept from 1892, but did not see his way to do anything further for him. The facts regarding this part of the case are set forth in para 8 of Flag H and in the accompanying Memo Flag E. M.

5. Since 1892 further appeals have been put in by Lieut. MacMeiken regarding the losses he sustained from 1879

to 1892. owing to the failure to restore him to his original position in the Dept. during that period of 12 years. The matter never came before Govt., and the original decision of Lt. Pennycuick arrived at in 1892, viz that it was not practicable to grant compensation Lund. Mac Alister for past losses, has been upheld up to date. As a question of abstract justice, it is incontestible that Lund. Mac Alister has an equitable claim to the compensation for losses which he incurred owing to a misconception of his case. & as it has now been ascertained that he has lost no less a sum than Rs 4825, as shown in the Statement Flag TB, ~~it is say~~ I recommend that he be granted ~~that~~ ~~clemency be made~~ to the India & pensioned to pay him the arrears due to him

A.K
2-1-99.

to submit a statement of his Claims. A

D44
9399

31-1-99

EXAMINED
P. W. ACCOUNTS
1 MAY 1899

P. W. D.

Note on Conductor Mac Alister's case

In 1878 some frauds were discovered in the Bangalore Division, in which Mr. Mac Alister was then serving as an overseer 1st grade. The frauds were detected by means of a book kept by Mr. Mac Alister showing the materials measured and passed by him, and a comparison of this book with the bills for materials signed by Mr. Mac Alister, and by his superior officers, Major Ross Thompson and Major Vibard, showed that the amounts in the bills had been increased so as to work up nearly to the amount of the estimate, there being savings on the Estimates in all cases. According to the system then in vogue, the bills were prepared by Mr Mac Alister,

were

taken by him to the District Engineer's Accountant; and were then checked passed and signed by the District Engineer. The falsification of figures was, as shewn by both Col. Moberly and Major Vibard, made after the bills had been passed by the District Engineer, and thus long after the responsibility of Mr. Mac Alister for them had ceased.

2. None of Mr. Mac Alister's superior officers imputed blame to him in connection with these frauds, but the Accountant was suspended and died shortly afterwards. A clerk and 2 contractors were tried criminally and convicted of fraud and forgery, and the judge, in passing sentence, commented on (1) the careless way the Estimates were prepared, as evidenced (in his opinion) by the savings on them; and (2) on the absence in the bills

bills of the figures of value of materials in words as well as in figures. These two causes, he asserted, rendered the forgeries possible, and he attributed blame to Mr. Mac Alister on both these heads. When the case came before Government, the Governor, His Grace the Duke of Buckingham and Chandos, directed Col. Foord, the Chief Engineer, to deal with the "culpable laxity" of Mr. Mac Alister, as evidenced by the comments of the judge. Col. Foord thereupon promptly reduced Mr. Mac Alister in May, 1878, from Overseer 1st grade to Overseer 2nd grade.

3. Against this reduction, Mr. Mac Alister twice appealed, and was strongly supported throughout by his superior officers, Col. Moberly and Major Vibard, who demonstrated the fallacy of the Judge's comments. They pointed

to [illegible] found out that Mr. Mac-
-Alister was merely a witness
and was not on his trial;
had no opportunity given
him of shewing that the
Judge's remarks were based
on his ignorance of the
methods of work, supervision,
and accounts in the P.W.D.;
and was not considered to be
to blame by any officer under
whom he served, or called
upon for any defence or
explanation prior to his
reduction. They shewed that
the savings on the Estimates,
so far from being discreditable
to Mr. Mac Alister, were a
credit to him, and that by
his close supervision he had
been able to carry out work
considerably below the district
rates; that, as regards the
preparation of bills, he had
only followed the course
prescribed by the Accounts
Department and by his
Superior officers; and that no
precautions

Flag C

precautions on his part would
have prevented the systematic
system of forgery carried on
by a dishonest office establish-
ment after the documents
had left his hands.

4. Col. Foord, in acknowledg-
ing the first representation
made on Mr. Mac Alister's behalf,
clearly recognised that he
had been somewhat hasty
in condemning him, since in
his 3680 of 20th August, 1878,
he states that he "is glad
"to receive this testimony of
"Sergeant Mac Alister's general
"efficiency and economy in
"carrying out works, and
"will, should Sergt. Mac Alister
"continue to bear the high
"character now given, take
"an early opportunity of
"reinstating him in the
"first grade of overseer"
It is significant that this
conditional promise is
given within 3 months of
Sergt. Mac Alister's reduction;
and

to [illegible] and that no allusion whatever
[illegible] made to his supposed
[illegible]elinquencies which caused
that reduction.

5. In February, 1879, Sergt.
Mac Alister was promoted
to overseer 1st grade. He
continued to appeal against
his reduction from that grade
in May, 1878, and finally,
in Chief Engineer's No 3364
dated 7th November, 1879, a
definite promise was made
to him that his reduction
should be cancelled, and
that he should be restored
to his old place in the
Department, i.e. to overseer
1st grade from March 1876.
This order is Mr. MacAlister's
Magna Charta, and is so
essential to a proper understand-
ing of his case that it is
quoted in full.

"under the explanation fur-
"nished in the paper read
"above, the Chief Engineer
"is pleased to decide that
the

"the date of Sergt. Mac Alister's
"promotion to the 1st grade
"of overseer to be entered in
"future classified Lists
"shall be the original date
"of his promotion to that
"grade, and not that of his
"restoration to that grade
"after his reduction in 1878."
The office notes on which
this order is based will be
found next to Flag D and
shew clearly that the Deputy
Chief Engineer (Col. Pennycuick)
and the Chief Engineer (Genl.
Sankey) accorded full and
free forgiveness to Sergt.
Mac Alister and ordered
him to be restored to his
old grading. The classified
Lists at that time were kept
alphabetically, and Colonal
Sankey especially noted that
in the next list all that would
be necessary was to antedate
the date of Sergt MacAlister's promotion,
i.e. to enter him as overseer
1st grade from March 1876,
instead

6 instead of February 1879. On
working into this classified
list, viz, that for the period
ending 1st April 1880, it is
found that this correction
was not made, but that
both dates, and not only
the earlier one, were entered
as the date of Sergt. Mac
Alister's promotion to overseer
1st grade.

This was the form at origo of all that followed.
H.A. 11.8.99.

On various occasions
6. up to June, 1885, Sergt.
Mac Alister pointed out ~~on occasions~~ that he
was being passed over by
his juniors, and that the
Chief Engineer's order Flag D
~~had~~ have been disregarded.
These supersessions were
made on the initiative
of Col. Pennycuick, then Deputy
Chief Engineer, and there is no
~~only~~ document in the file
to indicate on what ground
he based them, ~~is an incorrect~~
statement that Sergt. Mac
Alister's grading as overseer
1st grade was 1st February,
1879,

Flag D B,

~~1879, while Sergt Sandes~~
~~December 1877.~~ It is useless to
to endeavour to trace the
causes which led to this
absolute reversal of Chief Engineer's
orders Flag D, because Colonel
Pennycuick confessed in 1892
that he had overlooked this
order, and because he restored
Sergt. Mac Alister in that year
to his proper place in the
Department, although he refused
to compensate the Sergeant for
the material money loss he
had suffered for 14 years.
7. In 1885 Col. Pennycuick
gave up the post of Dy. Chief
Engineer and was succeeded
by Major Baddeley, who was in
turn succeeded by Major Boddy.
From 1885 to 1892 Sergt. Mac
Alister continued to submit
memorials, complaining that
effect had not been given
to Chief Engineer's order, Flag
D, and was continued to be
met by the stereotyped reply
that the question of his
promotion

to Convention had been carefully considered and that the previous orders must be upheld. It was also imputed to him as a matter requiring explanation that he continued to recur to the old order, Flag D, and made no mention of the subsequent orders, the fact being that these subsequent orders were in direct violation of order Flag D, and that nobody until 1892 was able to see this very clear point. Sergeant Mac Alister, either from inability to express himself clearly or from fear of giving offence, never pointed out this essential feature of his case; but went on, again and again, long and laboured defences of his conduct in 1878, and instead of bringing to notice that, whatever his conduct was in 1878, he had been fully exonerated of all blame by Chief Engineer's

Memo

D

Memo Flag A, merely forwarding with each memorial a copy of that memo, and trusting that it would work. To the Department his letters were so lengthy and not clear, is to be attributed the failure of this office to recognise the justice of his case, and there is abundant evidence that he was thought to be a mono-maniac on the subject of his wrongs, and was treated for years as a nuisance who deserved no further enquiry being made into the matter of each of his memorials, stereotyped replies answering them all.

8. In 1892. Col. Pennycuick then Chief Engineer, ordered the case to be reopened, although no memorial from Sergt. Mac Alister was then under consideration, and it is probable that he was influenced by some oral

representations

presentations. On these, and on the office note flagged M, Col. Pennycuick acknowledged that General Sankey's order Flag A, had not been carried out; that Sergeant MacAlister "had been very badly treated, and as some compensation "we must move him from the "Cumbum valley at almost "any inconvenience"; and adds, in his memo. 4462 dated 17th October 1892, attached to Flag M, that "It is un- "fortunately too late now "to remedy the supersession "which Mr. MacAlister has "already suffered, but for "future promotion his "position in the list of "Sub Engineers 3rd grade, "will be that which he "would have held if the "order above quoted had "been carried out." This is clear enough, and indicates that the mistaken grading of Sergt. MacAlister for

× Flag N

for so many years was a gross oversight of a plain order, ~~but~~ probably due to the mistake mentioned above in para 5.

9. From 1893 to the present time Mr. MacAlister has submitted many appeals, pointing out how heavy had been his pecuniary loss owing to the admitted oversight of the Chief Engineer's office in delaying his promotion for 13 years, and in not, even then, grading him above men who were below him prior to his reduction in 1878. These appeals were all rejected on the grounds that as much as possible had been done to compensate Mr. MacAlister for the loss he had incurred; but it is evident from a perusal of the file that no one in the office has

as ever realised how
great the injustice done
Mr. Mac Alister has been;
it is plain
and that Col. Pennycuick's
dictum, that it was too
late to remedy it, has
been accepted as finally
disposing of the case.

10. ~~In the list put up~~ A statement
has been
~~recently~~ prepared ~~by the~~
in this office
~~Establishment Clerk on~~
~~my open table~~, showing
what money loss Mr. Mac
Alister has incurred by
the failure to give him
his proper promotion from
1878 to 1892, and by the
refusal in 1892 to give him
any compensation in lieu
thereof. It amounts to
nearly Rs 5000. He may
have incurred other
losses, and if reparation
is now to be made to
him he might be
asked to briefly formulate
his
grading

× Flag I

his claims to compensation. It is recommended that
should now be done.

A.H.K
1.2.99.

1.2.99