

Public Works (1899) Department.

G.O., No.

329

DATED

April 1899.

[Despatch Abstract.]

Sun't

The payment of the Car & Stages' fees
amounting to Rs 457-0-5 in the South bright
by Contractor P. Doraswamy Aiyar for the recovery
of certain San dues on account of work done on the
Pen at X¹ Branch (Chamel, ¹ ~~Sanche~~ ^{Sanche})
with remittance

BACK PAPERS.

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

FURTHER PAPERS.

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

Public Works (1899) Department.

CURRENT No. *24th*
1873

From
The Superintending
W. Circle

Order

No. 212. L. D.

Dated 28th February 1899

Received *3* 3-99

Registered

Enclosures *4*

Spare copies

SUBJECT.

Suit brought by P. Dorasamy
Aiyar late Contractor of
Chennambur off take
works x. for channel
forwards the judgment
in the _____.

Recd
BB
4/3

Recd
4/3/89
ms/1000

Recd
4/3/89
ms/1000
3/3

BACK PAPERS.

No.	Date.
Nm ⁹	10-2-99

FURTHER PAPERS.

No.	Date.
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From T. W. S. Smythe Esquire, Executive Engineer, Periyar Works, Madurai, to the Superintending Engineer, to Kerala, No. 200 S.P. dated 4th February 1899:—

I have the honor herewith to forward Govt. Pleaders No. ⁶⁸ 1-2-99 with the judgment of the Madurai Dist. Sess. Court on the suit brought by Contractor Ors.

CHIEF ENGINEER
FOR THE DISTRICT
17-MAR 1899
No. 1/24 M. Base.

claiming against Government for work done on the Chunnambur off take

As the Government Pleader remarks there are one or two incorrect statements but none of great importance. The chief that I notice are a misstatement regarding the quantity of work measured by myself. I measured the whole work from chain 130 (I speak without the record) to the end with the exception that on one day I was absent and Mr. Stanley measured.

2. Mr. Stanley's measurements were mostly of earthwork not requiring classification. There is also a mis-statement

regarding the jungle clearing, of course I did not see the actual jungle cleared; but it must have been very much of the same class as that alongside which Mr. Subramania Iyer also saw as well as yourself. The lowest scheduled rate should have been paid instead of the highest.

3. The subjudge as will be seen got somewhat confused regarding the nature of "dressing ground" but gave a correct decision.

4. With reference to para 51 as soon as the objection to my measuring was made, I consulted the Collector as to what was my proper course and followed his advice; this I remember mentioning in evidence.

5. So far as I see the only point discussed which I do not find in the judgment, was regarding the shrinkage of a bank. Plaintiff produced Mr. -worth's pocket book in support of this claim which they claimed for earth and gravel. To this we could oppose a counter claim on the same grounds and authority for a large overpayment for rock which would have balanced the

other; but we claimed that whatever might be the case plaintiff had no right to anything beyond net bank measurements as per sections after shrinkage had occurred. I am unaware whether any of this came out in the arguments.

6. That the case has ended as satisfactorily as it has, I must put down to the care with which the Govt. Pleader conducted it. At the outset I hardly expected that my measurements would be subjected to such scrutiny and comparison with estimates for each part of the work.

7. The labour involved in working up the case, getting together the records, measurements and preparing numerous statements for the use both of the Govt. Pleader and of the Court, to say nothing of the Plaintiff, who had none of their own, was extremely heavy. This had to be done by my small office establishment of two clerks assisted by Mr. Mr. Subramania Iyer who was placed at the disposal of the Government Pleader for the whole time the case was actually

proceeding.

8. He being young and inexperienced, though interested in the case, his work had to be carefully checked and my Head Clerk T. G. Rengaswamy Pillay had to work at times almost without inter-
^{mission} cession to cope with the extra work. This he did with great willingness and he took every possible trouble to find out all documents in any way bearing on this case or on the criminal case against Supervisor Visvanatha Iyer which is still under trial and I desire to recom-
mend him strongly for promotion to the next vacant Head Clerkship in a per-
manent division or for any other kind of reward which may be approved.

9. Clerk Dr. Subramania Iyer who is largely responsible for the exposure of all these frauds should also certainly be rewarded. He only joined as an over-
sight clerk in 1895. Had I not been put in charge he would probably have been dismissed for attempting to expose the frauds of Visvanatha Iyer and however that case may end Government has
effectively saved nearly Rs 10,000 through

the exposure besides putting a stop to further frauds and losses through the same parties. He is a good intelligent youth.

10. As a consequence of the heavy extra work my second clerk Krishna-
sawmy Iyer was also ^{over}worked & deserves recognition for keeping up to his work as he did. As

11. As a Commentary on the case I would point out the need for a revised agreement for executing work by Contract without specifying either the quantities of the work or the time for completion. There are conditions and interpretations in the pre-
sent bond which make it unsuitable for anything but the most petty works and yet it is a common practice to use it for works of magnitude lasting over months.

/ True Copy /

J. V. Braddy Lt Col. R.E.
28.2.99 Inspector, or Clerk

[Signature]
28/2/99

11

From Mr. S. Karayanaswami aija
 Col. Government Pleader, Madras,
 to the Special Executive Engineer, Periyar,
 Madras, No: 68 dated 18th February
 1899: —

CHIEF ENGINEER
 FOR IRRIGATION.
 17-MAR 1899
 2/24 m
Memo.

I have the honor to forward herewith
 Copies of the decree and judg-
 ment in O. S. No: 49 of 1897
 on the File of the Subordinate
 Court of Madras Dist, to-
 gether with the connected
 records. There are a few
 statements of facts in the
 Judgment which are not
 accurate but they do not
 affect the merits of the
 case. I have the honor to
 request you will be so good as
 to pay me Rs 457-0-5 being
 my fees and outgoes in the
 case as shown in the memo herewith sent.

R. as. P.
 Stamp on ⁴petitions — 2-0-0
 Stamp on Exhibits — 22-0-0
 Process books — 1-0-0
 Stamps on applications }
 for copies — } 6-0-0
 Copy stamp for docu- }
 ment fee — } 67-12-0
 Vakils' fee (Legal) — 363-14-5
 Total Rs 457-0-5
 Rupees Four hundred and
 fifty seven & pice five only

Three copies — 1

28-2-99.

J. V. Badley Esq. A.C.
 Engineer, Periyar

1021
 873/29

To 312. L. S.

Superintendent's office, Tiruchirappalli.
Tiruchirappalli. 28th February 1899

From

Lt Col. C. V. Boddy R.E.
Superintending Engineer
Tiruchirappalli

To

The Chief Engineer
for Irrigation

RECEIVED
CHIEF ENGINEER
FOR IRRIGATION.
1-MAR. 1899
24 m.p.

Sir,

Encls. 4.

With reference to G.O. No. 118-I dated 10th February 1898, authorising the defence of the suit brought by P. Doraswamy Aiyar, late Contractor of Chennambur offtake works, X Branch Channel in Periyar Channel, in the P.R. Judge's Court, Madurai West, for the recovery of Rs 10,695, I have the honor to inform you that of this amount the Court has only decreed the sum of Rs 336-8-10 in addition to the sum of Rs 818-11-2 which was admitted to be due to the plaintiff, and payment of which had formerly been tendered to him. The Court has also decreed the costs on the total sum of Rs 1155-4-

252
1893/88

and at the same time has decreed that
the Plaintiff shall bear the costs of the
Defendant proportionate on the sum dis.
allowed.

2. Copies of decree and judgment are herewith sent for information & return.

3. I also forward copy of Government Pleader's letter No. 68 dated 1st February 1899, to the address of the Special Executive Engineer, Periyar Works, from which it will be seen that he claims payment of Rs 457-0-5 being his fees and outgoes ^{in the case} and I request sanction to the payment of the money.

4. As regards the Government Pleaders' remarks that there are a few statements of facts in the Judgment which are not accurate, but they do not affect the merits of the case, I have the honor to enclose Copy of letter from Mr. Smyth, No: 200 S. L. dated 4th Instant on the subject.

5. The negligence of Supervisor Ex Com.
-ductor Slaney in this connection has been
disposed of in Chief Engineer's Memoran-
-dum No. 5169 C dated 18th December
1897.

I have the honor to be
Sir.

From Inst. Oct 6. Leroach.

J. V. Doolittle Esq. D.C.
Superintendent, U. S. Fish

Enclosures: 4:—

1. Copy of Indigment

1. Copy of Deere

1 copy of book. Gladwin letter.

1. Copy of letter No. 200 B. L. 7

A. 2.99 *fontana* Spl. Suedez

Handwritten signature

Public Works (1899) Department.

CURRENT No. 2603
+
18731

From The Chief Engineer for Irrigation

Order

No. 552

Dated 4-2-99

Received
Registered } 24-3-99

Enclosures

Spare copies

SUBJECT.

Suit brought by a Contractor for the work done on the Chumakar offtake - River X Branch channel - He recommends the pay of Rs 457-15 to the Phadar being his fee for defending the

D.C. I for favour of marking instructions to the Sess

W.S.
2/3
I don't see any necessity to point this at all - the note & order may be typed the proper way & returned to the
H. P. 1/2

