M.R.O. 1—77,006—8-6-37.

(1) Number of pages__________

(2) Date of repair__________

(3) Initials of the Referencer__________

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 583 Press ~~Mis.~~

Dated 2 7 1884.

Not to be folded or roughly handled

[P. 25]
1,000—29-7-00.

Pension ~~Financial~~ (1884 ~~180~~) Department.

ORDINARY PRINTED.

G.O., No. 583

DATED 2nd July 1884.

[Despatch Abstract.]

C. NAGIAH

Informing -------, late Sub-Overseer, Rajahmundry, that the question of his eligibility for pension cannot be taken into consideration so long as he remains in the public service.

BACK. PAPERS.

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

FURTHER PAPERS.

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

2nd July 1884, No. 583, Pension.

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

Read—the following paper :—

From the Public Works department, dated 29th May 1884, No. 611.

Abstract.—Transferring petition from C. Nagiah, late sub-overseer, Rajahmundry, praying that he may be granted a pension for his past services under Government.

Endorsement—dated 2nd July 1884, No. 583, Pension.

The petitioner is informed that the question of his eligibility for pension cannot be taken into consideration so long as he remains in the public service.

(True Extract.)

E. S. LAFFAN,
Ag. Under Secy. to Govt.

To the Public Works department.
„ Petitioner by endorsement.

Exd. T. O'Connor.

GO 583 Pw
2.7.84

15.7.84

To

Colonel J. Shaw Stewart. R.E.
Secretary to Government, P.W. Deptt
Madras

The humble petition of Chundana Nagiah, late 1st Grade Sub Overseer, Rajahmundry Taluq, Cocanada Circle, Godaveri District
Most Respectfully Sheweth.

Enclosures.
(1) Copy of Service Register
(2) Original copy of President's Order
(3) President's Endorsement.

1. That your petitioner respectfully begs to lay his case before your Honor in the firm belief that it will receive a fair and favourable consideration.

2. That your petitioner having passed the prescribed test, entered the D.P.W. in 1860, in the capacity of an apprentice for the post of Sub Overseer under the old System, and on the expiration of the prescribed term of 4 years, on the abolition of the said grade, he was appointed a Surveyor, for a period of one year, and draftsman for a period of nearly 7 years, passing the necessary Civil Engineering College Test, as well as the test in Surveying, and levelling in the Superintending Engineer's Office, and was promoted to the post of Local Fund. Overseer in the Godaveri District and had the honor of serving under such distinguished. Engineers as. Colonels Husted, Beatty, Mead, Smalley, Makgill & Messrs J.W. Rundall and . T. Simon who one and all, have favorably recorded

recorded of your petitioner's, work and character.

3. In 1880, when Local Fund Works which were hitherto under D.P.W. Supervision were transferred Petitioner was unfortunately transferred to the Local Fund Department, the effect of which petitioner failed to realise, till he himself recently suffered by it: he thought that the change was only in name and that it would in no way affect petitioner's rights as a public servant - Pay, Pension, Promotion and prominently Security of Situation. He now finds himself entirely deceived.

4. Petitioner was posted as Local Fund Overseer in the Cocanada Circle, and as such, he had to work in the Rajahmundry Talug under Mr. J. H. Brown, who came from the Central Provinces as the Local Fund Engineer of the Circle of which he took charge in February 1880.

5. Petitioner had to repair the roads* marginally noted and for that purpose, he had to store materials. The petty contractors on Petitioners request carted gravel &c to the roads on being promised to be paid at the rates in vogue in the D.P.W. of the District. The Petitioner had a table or list of rates in his office left by his predecessor for guidance according to which he had been calculating all charges for work done or materials stored, but he had not received any intimation written or verbal that these rates have been superseded or modified by the L. F. Engineer. Petitioner in the usual course of things, submitted to the L. F. Engineer in October 1880 for sanction 5 bills* for the sums below noted for materials stored on the roads abovementioned. The Engineer instead of sanctioning the bills, forwarded them to the President, on the supposition that the rates are high. The President had coolly dismissed the Petitioner from the Local Fund Service by his order No 607, dated 7th December 1880 (enclosed) for no fault other than that the petitioner charged rates according to D.P.W. usage, and he unjustly refused to grant copy of Local Fund Engineer's report &c in his case. The endorsement of the President is herewith enclosed. Petitioner respectfully begs to state that he had only submitted bills, but had not drawn money and spent it in any way contrary to the wishes and orders of either the L. F. Engineer or the President. It was open to the Engineer to lower the rates existing, or to prescribe them newly for Local Fund Works, if in his judgement they appeared too high, or to pass that sum only which to him might appear proper & reasonable or he might have returned the bills to the Petitioner for revision. It need not be said that the Engineer was quite new to the usages & rules of the D.P.W. of this Presidency, and that he was hardly nine months in the district, before he found fault with petitioner.

* Road from Rajahmundry to Gokaram. Great Northern Trunk Road, between Rajahmundry and Toonee.

(2)* Repairing road from Rajahmundry to Gokaram Rs 275-11-10
(1) Repairing Great Northern Trunk Road, between Rajahmundry & Toonee 345-11-9
(1) Do Do Do 88-7-3
(1) Do Do Do 281-8-4

6. President's action in the Petitioner's case is most arbitrary, and without a precedent in point of severity or injustice, and the punishment he

he inflicted upon the petitioner is not a thing looked for even by the Local Fund Engineer as the remotest contingency. The President had not taken into consideration the length of service of the petitioner, or the excellent testimonials from the several officers under whom he had served.

7 It would be apparent to your honor how Local Fund Servants are often innocent victims to the caprice and whims of Presidents whose decisions the law makes unfortunately almost final. This gentleman, himself no professional Engineer, cannot it is submitted possibly bestow amidst his multifarious duties any attention upon the L. F. service, and the result is as evidenced in the petitioner's case, an arbitrary use of power, and failure of justice. This unfortunate state of things it need not be said is owing to the absence of wholesome advice and check over the action of the President by superior officers of D. P. W.

8. The petitioner has put in 20 years service and during this long period he has not been charged with any neglect of duty in capacity for work, or dishonest motives, and not a single suspicion was attached to his character. After 20 years service to the State, and with good testimonials from high officers, the petitioner has been thrown out of employ, for no fault either of commission or omission.

9. Your petitioner proceeded to Madras

and

+ Cannot be traced — D.P.

and personally represented matters by petition + to the Dy Chief Engineer, Col. Ross Thompson R.E. who was in charge of the Chief Engineer's Office, who after a calm enquiry into the facts of petitioner's case, evidently came to the conclusion that his dismissal was very unjust, and appointed him a draftsman in the P. W. Deptt, on a salary of Rs 40 per mensem under Major Pennycuick R.E. Superintending Engineer on Special duty at Bangalore, which post he filled for the period of 3 months, after which your petitioner was recommended* and succeeded in obtaining the post of Head Draftsman in the L. F. Engineer's office at Calicut in the Malabar District on Rs 60, that while there owing to the continual indisposition of his family your petitioner applied for and obtained the post of Draftsman in the Local Fund Engineer's Office at Vizagapatam on a salary of Rs 50 per mensem, which post he now

* by the said Major Pennycuick

10 Vide G. O. dated 27th Sept/83, No 2170, Financial

Your petitioner most respectfully prays that your Honor will be pleased to take into consideration his long service in the D. P. W., and lay his case before the Rt. Hon'ble the Governor in Council with the kind recommendation that he be granted a pension for his past services.

For which act of justice, your petitioner shall as in duty bound ever pray.

Vizagapatam
7th ~~March~~ 1884.
17th April

C. Nagiah
Late Suboverseer
1st Grade Gody Dist
At present Draftsman
L. F. Engr's Office V
patam

Nos 1133 & 1134 C. d/ 25-5-82
3 No 3039 W, . " 26-10.83

G.O. Financial No 2170 d/ 27.9.83.

P.W.S. 74/5

30 APR 84
EXAMINER, P. W. ACCOUNT.

4245
~~Mis. 2582~~

(10)

Rec 19/5/84 ~~28/4/84~~
Ex ~~5~~ 4

G.O. Ms 58 3 Feb

In No 64

Jo

13

Order

It was Sub Overseer C. Nagayya's duty to charge correct rates for correct distances & shortest routes, I will not admit his plea that he charged according to D. P. W. rules. Those rules never sanctioned improper charges & distances & if the practice was otherwise I will not recognize it in Local Funds.

C. Nagayya is dismissed and the Local Fund Engineer will nominate his successor for my sanction.

Dec 7/80. (sd) W. D. Horsley
President.

(True Copy)

Godavari District
Local Funds Office
3d March 1881

W. S. Foste
President

ENCLOSURE
30 APR 84
EXAMINER P.W. ACCOUNT.

4/20/18
~~4132~~
3582/84
4245

In No 611

No 477 Endorsement 15

The petitioner is informed that copies of documents referred to cannot be given.

Godavery District
Local Fund Office
6th January 1882

W L Foster
President

ENCLOSURE
30 APR 84
EXAMINER, P. W. ACCOUNT.

Public Works Deptt.
Chepâk 25th May 1882

No: 1133 C.

To

Major J. Pennycuick R. E
Supg. Engr. III Circle

Sir,

With reference to G. O. No: 1164 W dated 8th May 1882 and to your demi official letter of the 16th idem, I have the honor to inform you that Draughtsman N. Cooprosawmy Achari of the D. Project Division has been warned to report himself to you at Bangalore on the 2nd June 1882.

2. This man did good work under Col. Hasted on the Godavari completion estimates and is thought to be well qualified to be the leading draughtsman you require. One of the temporary draughtsman sanctioned in the G. O. above quoted will take Coopoosawmy's place in the D. Project Division on the latter's salary.

3. For your second temporary draughtsman I have engaged C. Nagiah, who is well spoken of as a good draughtsman and one who understands estimating and project work. He is at present unemployed.

4. With regard to a clerk, Mahomed Abdul Aziz of this office will be sent to you for three months on Rs 40 per mensem. He is an intelligent young man and a very good copyist. A temporary hand will be found to take his place here as clerk IV Class 3rd grade.

I have the honor to be,
Sir,
Your most obedient servant
(sd) Ross Thompson Lt Col R.E.
Dy Chief Engr P.W.D.

No: 1134C - dated 25th May 1882

Copy forwarded to the Examiner P.W. Accounts for information.

(By Order)
(sd) Ross Thompson Lt Col R.E.
Dy Chief Engr. P.W.D.

(True Copy)

Second Assistant
P.W. Secretariat

Exd

Name of officer		Chundana Nagiah
Cast or Race		Davangulu or Siva Sect
Residence		Rajahmundry
Father	Name	Chundana Veeranna
	Residence	Rajahmundry
Date of birth		14th May 1846
Age	Years	31
	Months	8
	Days	17
Exact Height	Feet	5
	Inches	6
Personal marks for identification		Dark man with small pox lips have white marks on them
Date of Entry		31st January 1878
Signature of officer		C. Nagiah
Signature and designation of the head of the Office		(signed) J. W. Ellis Executive Officer

The entries in these columns are to be reattested every five years, each attestation should be carefully ruled off: the date may be clearly shown

12

Name of appointment	Nature i.e. whether Substantive or acting permanent or temporary	Substantive appointment, if the new appointment be acting only	Pay	Acting allowance	Date of appointment	Signature of Officer	Character of Officer No entry need be made in this column except when there is anything either good or bad to be recorded. Suspensions should be noted here when the order of suspension is passed.	Signature & designation of immediate head of office	Date of termination of appointment	Reason of termination i.e. transfer, promotion retirement of permanent incumbent	Signature & designation of immediate head of the office
Paſsed apprentice under Mr. J.W. Rundall 1st Aſst Dist. Engineer.	"	"	Rs 7 to 13		15th Novr 1860.	C. Nagiah					
Temporary Surveyor.	Temporary	"	15 to 20.		15th Novr 1864	C. Nagiah					
Ag. Draftsman in No 2 Range, Gunnavaram.	Permanent	"	40.		17th November 1865	C. Nagiah					
Draftsman in the No 2 Range	Do	"	40.	"	23d Novr 1866.	C. Nagiah					

ENCLOS
30 APR 84
EXAMINER P. W. ACCOUNT

G. Ltr ~~No~~
15-3-84

G. Ltr No 4726
26-3-84
255
19-3-84

C.W. 47/3
35-8-84
4245

Service Book of
Name. C. Nagiah
Caste or Race. Naranyalu or Brahmin Caste
Residence. Rajahmundry

Fathers
Name. Veeranah.
Residence. Rajahmundry.

Date of birth 14th May 1836.

In No 54

Character of officer. No entry need be made in this column, except when there is anything either good or bad to be recorded. Suspensions should be noted here when the order of suspension is passed	Signature & designation of immediate head of the Office	Date of termination of appointment	Reason of termination, i.e. transfer, promotion, return of permanent incumbent	Signature and designation of immediate head of office
Remarks in the Half Yearly Return ending 30th January 1864. Learning Plan-drawing, Surveying, Levelling and construction of works. (Signed) J. W. Rundall Ag Exec. Engineer 8th July 1864. Gunnaram.		16th Novr. 1865.	do.	
Acting Draftsman C. Nagiah has not obtained a certificate, but is able to draw fairly and can survey and level. Is rather slow in drawing, but is diligent and attentive. (Sd.) J. W. Rundall Executive Engr. 6th April 1866. Gunnaram.	(Sd.) J. W. Ellis Executive Officer	22nd Novr. 1866	do.	(Signed) J. W. Ellis Executive Officer
Draftsman C. Nagiah has passed the Civil Engineering College Examination as 2nd class Draftsman and Estimator. Possesses also a fair knowledge of Surveying & levelling is hardworking and well conducted (Signed) H. Smalley, Captn. R.E. Executive Engineer 17th April 1867 Gunnaram				

ENCLOS

Name of appointment

Nature i.e. whether substantive or acting permanent or temporary

Substantive appointment if the new appointment be acting

Pay

Acting allowance

Date of appointment

Nagiah Naidu, Draftsman
Range draws neatly, and
some knowledge of estimate
king. He also understands
se of the Levelling instrument
can survey with the Prismatic
pass. With more and accu-
cy, he might soon become an
erage draftsman and a pretty
ir surveyor for ordinary Range
rks. His want of theoretical
owledge must hinder his at-
ning to anything higher.
d. (Signed) J. Makgill
Late Captn R.E.
by 1868.

agiah, Draftsman a very use-
nd competent assistant, an
llent English Scholar draws
ly, and is correct in Estimates
e good knowledge of Surveying
in levelling, and can set out
tion sonry works. I believe him
honest and trustworthy.
(Signed) J. Simon
Executive Engineer
il 1871.
harawu
Apr.

(Signed) J. W. Ellis
Executive Officer

(Signed) J. W. Ellis
Executive Officer

14 & Clerk

ery good draftsman and
iare maker, has done a great
l of work in the Central
tta Project, and rendered
at satisfaction.
(Signed) J. W. Ellis Supr
In Ch: No 2. Range Godavery

ry fair draftsman, and very
dy at his work.
(Signed) J. O. Hasted Captn R.E.
Executive Engr.
(Signed) H. B. Mead. Captn R.E.
Executive Engr.

2d May 1873 Promotion

(Signed) J. W. Ellis
Executive Officer

Local Fund Overseer
No1. Golgonda Range
Vizagapatam District
Permanent " 60. " 3d May

Local Fund Overseer
in No2. Range Godavery
District
Do " 60. " 7th Septr 1873

On Privilege leave [illegible] 1st October 1877 [illegible] January 1878 Returned on 1st June [illegible]

And 16 days availed himself of it from 10th October 1877 to 31st March 1878, both days inclusive "

(Signed) J. W. Ellis
Executive Officer "

6th Septr 1878 Transfer

(Signed) J. Beatty Lieut Col. R.E.
Supg Engr Godavari Distt

To Head Clerk

[illegible]

[illegible] understand that Nagiah is
[illegible] man who could do his work
[illegible] if he would; but he shirks
[illegible] and Mr Ellis has represented
[illegible] to me as extremely troublesome
[illegible] is said that he suffers from
[illegible]hts' disease, which would
[illegible] account for his not working
[illegible]ly. If Mr Ellis continues
[illegible] discontented with him, he
[illegible] send him to the Zillah
[illegible]on for certificate of physic-
[illegible]tness for the active duties
[illegible] Department.

(Signed) J. Beatty Lt Col. RE.
Supg. Engineer.
Godaveri Dist.

[illegible]ferred to the L. Fund Deptt.
[illegible] January 1880.
[illegible]ismissed from the Local
[illegible] Department, according to
[illegible] No 607, dated 7th Decr 1880
[illegible]sident L. F. Board.

(Signed) J. H. Brown
Local Fund Engineer.

(True copy)
(Signed) J. H. Brown C.E.
Local Fund Engineer.

(True Copy)
C. Shore
L. F. Engineer
Vizagapatam Dist.
15. 3. 84.

5/7

No 614 of 84

To Head Clerk
Pension Dept.

Copy of P.W. Nos
1183-84 d/ 25.5.82,
forwarded herewith.

P.W. No 3039 dated
26.10.83. merely communicates to certain officers,
G.O. Financial Dept No
2170 d/ 27.9.83. No
transcripts are available
here.

C. Simpson
2d Auditor
10/6/84

C.A.W.

The two C papers
asked for appear to be
at Ooty.

The W paper quoted
is only a P.W. endt on
a Financial Dept. G.O.

Cu
5/6/84

S.A.W.

Herewith the
papers.

R.S.
7.6.84

P.T.O

C. 5.6.84

PENSION DEPARTMENT.

For C. No. 611 of 84 Pensn.

MEMORANDUM.

REQUESTED that copies of the undermentioned papers may be furnished to this Department for reference.

Go. No 1133 & 1134 C d/ 25th May 1882.

Bh. 3039 Rr. d/ 26th October 1883.

+ with B.O. 2058
of 29-6-83

FORT ST. GEORGE,
4th June 1884.

J. Mahomed Ghouse
Head Clerk, Pension Department.

To
The Second Assistant
P. W. Secretariat

3-6-82

Pension/1884/Departt.

No. 611

Tabstract

Fi.-1627

From
The P. W. Departt.

No. 205 E.

Dated 29th May } 1884.
Received 2nd June }
Enclosures
One 5.

Abstract.

SUBJECT.

Transferring petition from C. Nagiah, late Sub. Overseer, Rajahmundry, praying that he may be granted a pension for his past Services under Govt.

With order in the For Orders stated

For

O. V.-583

121

No. 825 D 30th April/84

To
C

For report as to petitioners qualifying service

CJ

Dy W

18.4.84

No. 115 of 17th May/84
Encs: 4

To W.

Herewith a Statement of the verified Services of C. Nagiah late Sub. Overseer Godavari District.

2. From the statement it will be seen that he has rendered in P.W. Deptt: a qualifying Superior Service of 13 years, 9 months and 20 days from the 20th Novr. 1865 to 29th Feby: 1880, and will be entitled to a Compensation gratuity not exceeding Rs. 720 Equal to 12 months' emoluments at Rs. 60 per mensem. Vide Section 113 (a) Civil Pension Code (6th Edition). Petitioner states that he has been reentertained as Draftsman in Local Fund Engineer's Office at Vizagapatam on Rs. 50 per mensem. Under the

Circumstances

Statement of verified services of C. Naigiah Sub Overseer Godaveri District. Born 14th May 1846.

Establishment	Appointment	Pay	Acting Allowance	From	To	Remarks
Godaveri District No III range	Apprentice	7	..	1st Decr 1860	15th Novr 1861	Promotion
Do Do	Do	9	— .. —	16th Novr 1861	15th Novr 1862	do
Do Do	Do	11	— .. —	16th Novr 1862	15th Novr 1863	do
Do Do	Do	13	— .. —	16th Novr 1863	15th Novr 1864	Transfer.
Temporary	Surveyor	15	to 20.	*16th Novr 1864	19th Novr 1865	* Cannot be verified
Godaveri District No II Range	Draftsman	40	— .. —	20th Novr 1865	2nd May 1873.	Promotion and transfer.
Golconda range Vizagapatam District	Local Fund Overseer	60	— .. —	3rd May 1873.	6th Septr 1873	Resigned.
			× × ×	From	7th Septr 1873	Pay not drawn any where
Godaveri No II range	Do	60	— .. —	8th Septr 1873	28th Feby 1875	
Do Central Delta	Sub Overseer	60	— .. —	1st March 1875	31st Octr 1878	
Do Eastern Delta	Do	60	— .. —	1st Novr 1878	31st Decr 1879	Transfer.
Local Fund Department Godaveri Cocanada	Do	60	— .. —	1st Jany 1880	29th Feby 1880	

Memo of Leave &c.

Sick leave on half pay from 13th October 1877 to 31st March 1878. Returned to duty on 1st April 1878.

D. C. [illegible]

Examiner P. W. Accounts
Madras.

Madras.
17th May 1884

Cmd
17/5

CH
17/5

In No 64

REVENUE DEPARTMENT.

C No. 611.

From P.W.D.

Dated 29 May. 1884.

FOR ORDERS.

Transferring a petition for pension.

* on Rs. 60.

The petitioner was a Local Fd. overseer in the D.P.W.* prior to the creation of L.F. Engineering Establishment, and was transferred on the 1st January 1880 to the L.F. Dept. Godavari Dt. – On the 7th Decr. of the same year he was dismissed by the L.F. Presdt. for charging what the Presdt. considered improper contract rates in his bills. The petitioner urged that he charged according to D.P.W rates but the Presdt. declined to admit this plea.

* on Rs. 40.

* on Rs. 60.

Petitioner has since served under Major Pennycuick.* Supt. Engr. on Special duty, Bangalore, and under the Malabar Local Fund Board.* This last post he quitted "owing to the continual indisposition of his family;" and he is now a draughtsman* in the L.F. Office Vizag.

Setting aside the fact of his dismissal (which appears to have been due to causes which with reference to G.O. Mil. 27th Sept. 1853 No 2170. should not be held to prejudice his pensionary claims), it is submitted that he is not at present entitled to any pension under the terms of the Code. The only kind of pension he could possibly claim is a compensation pension for loss of D.P.W. employment. But it will be seen that he was transferred at the time to an appointment under the L.F. Bd. carrying apparently the same pay (Rs. 60), and that being so, he is not entitled to any ~~pension~~ compensation pension under the terms of sec 104. Rule 5 and sec 182. It is true that he only draws Rs. 50 a month now, but it is submitted that this does not affect the question which is whether the appointment to which he was transferred on the abolition of his one in the P.W.D. was one on equal pay or not. It may be remarked that he has voluntarily given up Rs. 60 which he was drawing in Walaja. Submitted that he should be

informed that the question of his eligibility for pension cannot be taken into consideration so long as he remains in the ~~serv~~ public service.

E.C.L.
16/6.

*on Rs. 50.—

28

Endt. 2nd July/84 No. 583.
The petitioner is

This is rule. sec 139
Civ. Pens. Code.
W.S.

To The P.W.D.
—do— Petitioner by Endt.
W.F.D. 2-7-84

[illegible]

FOR ORDERS.

No. 583

[illegible] from [illegible]

[illegible]

[illegible]

Fund [illegible]

[illegible] apply [illegible]

[illegible] for the [illegible]

[illegible]

[illegible] 23/6

1/7

First copy sent to Press.

Returned for signature.

Despatched in print.

ead again G.O. No.
189

rrent No.

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Ak. 19/6

31-7.03