

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	718	Press Mis
¹⁹⁷⁻⁹⁹ Dated 16-5-1870 10		

Not to be folded or roughly handled

Read the following papers:—

No. 197. Endorsement of the Secretary to Government, Public Works Department, dated Fort Saint George, 21st January 1870.

Read the following letter from the Acting Superintending Engineer, 4th Division, to the Secretary to Government, Public Works Department, Fort Saint George, dated Madras, 17th January 1870, No. 5,085.

I HAVE the honour to report, with reference to Government Order, No. 2,718, dated 4th October 1869, authorizing the employment of the Government Pleader to prosecute the case against the Local Fund Overseer and Maistry of the Chittoor Range, North Arcot District, in the Sessions Court, that the trial of the prisoners was concluded on the 8th December last, and resulted in their acquittal.

2. I called from Lieutenant Walker, R.E., Assistant Engineer in charge of the Range, for the Statement of the costs of the Suit, before reporting the matter to Government, and I learn that a sum of Rupees 8-8-0 is due for copies of evidence which I request permission to disburse.

3. The Assistant Engineer is of opinion that the criminal charge against the prisoners broke down because great delay occurred in the trial, and the Government Pleader resigned his appointment just before the date of the Sessions at Chittoor, and left no competent person available to conduct the prosecution.

4. The Overseer, Rungasawmy Moodelliar, was charged with obtaining a blank Station Book from the Pyghust of Trunk Road No. III., with the names of coolies filled in, in their own hand-writing, and submitting this document to the Range Office, with his own fictitious entries of expenditure. Of course, the original Station Book was destroyed, and a copy of the false one and Cooly Rosters kept at the work to satisfy the Range Officer. The plea set up in favour of the prisoner, by his Advocate, was that he neglected his road-work, and did not pay the coolies himself, but left this duty to the Maistry and Pyghust to perform; so that, though guilty of gross negligence, he was not aware of any fraud having been committed.

5. The Maistry, Mr. Murray, acknowledged to Lieutenant Walker, in the presence of witnesses, that the false Station Book amounted to Rupees 130, of which sum he received Rupees 30 and the Overseer Rupees 100. This he denied before the Court, and the evidence appears to have broken down, though the Assistant Engineer and his witnesses swore to the facts. It also appears that there are two Station Books forged for this amount.

6. There is another charge against Rungasawmy for embezzling a sum of Rupees 150 on a false Station Book obtained from a Pyghust in a similar manner, but the Assistant Engineer thinks that it will be desirable to withdraw it, unless better legal assistance to prosecute the case can be obtained.

*Proceedings of the Madras Government, Revenue Department,
16th May 1870.*

7. These sums make up a loss to Government of Rupees 410. To meet this amount the following sums are held in deposit, and I request permission to appropriate them to the credit of Government:—

	RS.
Security lodged by the Overseer	100
Do. do. by the Local Maistry, formerly a Talook Overseer	200
Pay of Rungasawmy Moodelliar	119
Do. Mr. Murray	20
Total ...	439

I dismissed both the men from the 20th September last, the date on which they were suspended by Lieutenant Walker.

8. The Assistant Engineer reports that he first inspected the metalling on the Trunk Road No. III., for which work the Station Book was made out in June last, and at that time he only went over a portion of the line. He subsequently measured a portion of the material, but he states that it was not until August, when he handed over charge of the road to another Overseer, and had the whole material from one end to the other measured up, that the excess charged for material was discovered. I enclose Lieutenant Walker's Report, dated 10th December 1869, on this subject.

9. I must observe that during Mr. O'Shaughnessy's period of Executive charge irregularities crept into his Office, and this occurred with the knowledge of his Accountants. Copies, instead of originals of Station Books, were received as vouchers in the Office, accompanied by original nominal Rolls of coolies; but these latter documents even were latterly not called for. These proceedings in the case of this Overseer and his subordinates bring to light great laxity in the supervision and check over works exercised in the Range.

TRANSFERRED to the Revenue Department, with reference to the Orders in that department, dated 4th October 1869, No. 2,718.

2. The subject of paragraph 9 will be dealt with in this department.

(Signed) CHARLES A. ORR, Colonel, R.E.,
Secretary to Government, P. W.D.

No. 198. Memorandum from the Superintending Engineer, in charge 4th Division, to the Acting Under-Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 18th March 1870, No. 6,137.

THE Superintending Engineer in charge of the 4th Division has the honour to submit the copies of the Judge's remarks in the Criminal Suit against the Local Fund Overseer and Maistry of the Chittoor Range, North Arcot District, just received from the Range Officer, and called for in Memorandum, No. 27, dated 10th February 1870.

(Signed) J. BEAN, Lieut.-Colonel, R.E.,
Superintending Engineer, in charge 4th Division.

*Proceedings of the Madras Government, Revenue Department,
16th May 1870.*

No. 199.

ORDER THEREON, 16th May 1870, No. 718.

Local Funds, No. 9.

Establishment.

THE amount embezzled by the Overseer and Maistry cannot, in the face of an acquittal, be recovered either from the security lodged by them

or from the arrears of pay due to them at the time of their suspension. Their dismissal should, however, take effect from the date of their suspension.

2. The costs incurred by Government in the prosecution of the Suit are sanctioned. From Colonel Bean's letter it appears that they amount to Rupees 8-8-0.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Public Works Department.
„ the Board of Revenue.
„ the Accountant-General.

Exd. F. R. Pattleman.

No. 6137.

Memorandum

Enclosures 2.

The Superintending Engineer in charge of the 4th Division has the honor to submit the copies of the Judge's remarks in the criminal suit against the Local Fund Officer and Maistry of the Chittoor Range, North Arcot District, just received from the Range Officer and called for in Memo No. 27 dated 10th February 1870.

Mean L. Col. Sec.
Supy. Engr. in Ch. 4th Div.

Supy. Engr's Office 4th Div.
Madras 18th March 1870

To, The Asst. Under Secretary
to Government Revenue Dept.
Fort Saint George

Colt. of 1870: 311011

REVENUE.

THE PUBLIC WORKS DEPARTMENT.

Secy, Secy, Asst.

Dated May, 1868.

Recd.

Per

G. O. 10th May 1870, No. 713.

MAY.

Nos. 197-199.

Embroidered by a Local Fund Officer and Acting in Chittoor Range.—Removal to recover the amount from the security lodged by them or from the arrears of 1870 due to them at the time of their suspension, negatived. Cost incurred in the prosecution of the case, sanctioned.

Rev. Dept.

Memo. for Orders on No 2038854.

- Questions (1) - Whether the action of the Ag. Supg. Engineer, H. Division in dismissing an Overseer and Maistry for false entries and embezzlement is to be confirmed by Govt.
- (2) - Whether the amount which they are alleged to have embezzled is to be recovered ^{with} from the security deposited by them, or from their arrears of pay.

In October 1869 the Govt. at the request of the Ag. Supg. Engineer H. Division sanctioned the prosecution of a local Fund Taluq Over-seer named Rungasami Moodelhy, and a Maistry named Murray on a charge of falsifying Station-books and sending up fictitious bills.

The money cannot be recovered from the sureties - in the face of the acquittal. But I see no reason why the Division should of the men should not take account from the date of their arrest - here seen. There are some orders based on a Court decision on the mode of action. But I think

2. The Asst. Magistrate
Fried

26203/10.
No 2038854

Revenue 1870 Oct 11

To
No 854.

The Ag. Supg. Engineer H. Division

To the Ag. Under Secy.

To the Secy. to Govt.

To the Secy. to the Secy.

To the Secy. to the Secy.

To the Secy. to the Secy.

To the Secy. to the Secy.

To the Secy. to the Secy.

To the Secy. to the Secy.

26203/10.
No 2038854

198.

08-11-1930 WARDEN'S OFFICE
That some jelly less than
the amount entered in
the voucher had been
collected on it, but
he maintained that
this had been done
in April and May
by petty contractors,
for no coolies were
shewn to have been
paid, and a con-
tractor admitted
that he had collected
jelly on the road
from March to May,
but had not been
paid.

paid in full. If the evidence
of this witness had been credit-
ed, it would have been sufficient
to show that the prisoners had
made a false entry for the
work was entered as having
been done by Amani labor, and
the signatures of coolies were af-
fixed to the entries, but the
Sessions Judge did not put
entire faith in it. He likewise
declined to accept as conclu-
sive the evidence of the Asst.
Engineer, that the second pri-
soner had confessed before
him to the misappropriation
of the money when the enquiry
was first made. Col. Bean
attributes the acquittal of the
prisoners to the absence of the
Govt. pleader and the want
of a competent person to conduct
the prosecution. The

6. The Supg. Engineer in
his letter dated 7th Jan'y 1890, No. 5085,
reports that he has dismissed both
the prisoners, and requests that
the Govt. will sanction the recovery
of Rs. 410 from the amount of
security lodged by them and
from their arrears of pay. Rs. 410
appears to be a mistake for
Rs. 280, which was the amount
embigged according to the D.O.
Officers, and which is made up
of two items, viz. Rs. 130
referred to in the criminal charge
and Rs. 150, which is said to
have been besides misappropri-
ated by the Overseeer, but
this latter item has not been
subjected to the test of a criminal
inquiry. Mr. Beau reports that it
is advisable to withdraw the charge.
It is submitted that
there are ample grounds for dis-
missing the prisoners from the public
service. In spite of the decision of the
Sessions Judge, his own record

entry beyond reasonable
doubt. The work appears
to have been done after
a fashion, but it was done
by contractors and not by
Amari coolies. Moreover,
Colonel Beau reports
that the plea set up by
the 1st prisoner's advocate is
that he neglected in
his ground work and left the
duty of paying the coolies
to the Sd. Ministry and
pygmy. So that in any
case he is guilty of gross
negligence. The second
prisoner is also by his own
admission unfit for Government
employ

emp.loy. for he excused him-
self from the confession al-
luded to above at the con-
clusion of para 5, by stating
that he was drunk at
the time.

8. But it is submitted
that the amount embezzled
cannot be recovered from the
security Bonds lodged by
the prisoners, for no legal
proof of the embezzlement
has been furnished. It
is true that the Bonds
lodged provide not
only for embezzlement
but also for dereliction
of duty: but they

constitute the High Court
arbiters of what is dereliction
of duty, and for this
reason the recovery of
the money would probably
involve trouble and delay.
Moreover the Government
by G. O. dated 11th December
1869, No. 3892, abolished the
practice of demanding se-
curity deposits from
Overseers in the D.M.,
and allowed all who
wished to take back
the security already
deposited.

9. Perhaps however
the

the sum embezzled by
the Overseer and Ministry
may be partially recovered
from their pay, the amount
of which in arrears is
Rs 139, of which Rs 119 is
due to the Overseer and
Rs 20 to the Ministry.

10 Colonel Dean re-
quests sanction for the
payment of Rs 8-8, being
the costs of the suit.

Obt.

Yr.

N.

End

Memorandum

Result of Criminal
Suit against Local
Fund Recovery Maistry
of North Arcot Dist.

Case

Made by
the Maistry
under the
order of the
Court.

Recd. 26th Feb.

1871

Proceedings of the Madras Court
under date the 16th May 1870.

Read the follow-
ing papers from the Subj.
No. 4th division.

Reporting on the
result of the case brought
against Local Fund Overseers
-gaseer, Moodeali & Maistry
-Murray in the North Arcot
District of N. Arcot Dist. re-
questing permission for the
sum of Rs. 439 held in depo-
sit to be appropriated to the
credit of Court to make up
the loss of Rs. 410.

(H.L. 17th Jan. 1870,
No. 5086/-

Submitting copies
of the Judge's remarks on
the Criminal Suit against the
aforesaid individuals.

(H.L. 18th March
No. 6137/-

The amount em-
bezzled by the Overseers
-gaseer Maistry cannot, in
the face of an acquittal,
be recovered either from
the security lodged by
them, or from the arrears
of pay due to them at the
time.

It will be found in
Public Dept. among
correspondence with P.O.

time of their suspension.
Their dismissal should,
however, take effect
from the date of their
suspension.

2. The costs incurred
by Govt in the pro-
secution of the suit are
sanctioned. From Colonel
Blair's letter it appears
that they amount to Rs.
8-8-11.

Thos

11/11

21. Little Pub Works Dept with 3 Incls Despt 17.

14 ——— Post Office
6 ——— Sheet 17

J. H. Hall