

In the matter of Departmental Enquiry against Sri MN Vijayakumar, IAS, OSD
& E/O Principal Secretary , DPAR(Departmental Enquiry Manual), 21st Floor,
VV Main Towers, Bangalore

SUBMISSION MADE UNDER PROTEST

1. This submission is made under protest in response to letter enclosing certain documents from Sri U.H.Narayanaswamy, Under Secretary, DPAR(Services I) bearing No. DPAR 386 SAS 2007 dated 18/1/2012 received by me yesterday 20/1/2012. **These documents were given to my office that too in an unsealed manner and not even putting those in any envelop without even mentioning the details of the documents enclosed.** A quick glance of the criminal tampering of some of the enclosed documents further confirms the highly malicious criminal and prejudiced acts of the Chief Secretary who has acted as the Disciplinary Authority in spite of being a witness in utter contempt of many decisions of the Hon'ble Supreme Court (mentioned in my representation dated 26/11/2011 given under protest).

2. **I want to place the following criminal withholding/tampering of documents received by me from the Under Secretary yesterday (20/1/2012).**

- i. **The Annexure to the Enquiry Report which has been illegally withheld with criminal intention has not been given though it is mandated by Law and many decisions of the Hon'ble Supreme Court.** The Under Secretary in his letter dated 18/1/2012 has gone out of the way to suppress this though all my representations clearly indicate that no response to the Enquiry Report can be given when only partial Enquiry Report is given.

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- ii. The order sheet dated 22/6/2011 placed at pages 58-59 does not contain the signature of any one including the IA & C & A and is not certified by the Under Secretary also.
- iii. After page 55 containing order sheet dated 16/6/2011, pages 56-57 is missing.
- iv. Though copies of Order sheets dated 27/7/2011, 16/6/2011, 16/5/2011, 13/4/2011, 16/3/2011 mention my presence in the order sheets, copies of these order sheets given to me by the Under Secretary do not contain my signature at all. In fact after I was appointed as OSD & Principal Secretary, DPAR (Departmental Enquiry Manual), I recorded in each order sheet received by me from the IA & C & A something to the effect that received under protest. **I also remember at least on two occasions I wrote very lengthy comments highlighting the unfair and unethical acts of the IA & C & A on the Order Sheets while receiving the copies. The copies received by me from the Under Secretary yesterday do not contain any of those order sheets.**
- v. A sheet after Page 4 is missing.
- vi. An unnumbered typed page (typed on both sides) most probably written by an official in the DPAR who was pressurized to suppress and distort facts is also found among the documents given to me. I would be using it in the appropriate forum. These pages mention Chief Secretary's pressurizing DPAR officials to somehow proceed with the enquiry even after many lapses making the entire enquiry void. The official recording those things also fears that he may be criminally prosecuted for having acted illegally under pressure in spite of clear Supreme Court decisions.
- vii. None of the copies of Memos filed by the Presenting Officer given to me by the Under Secretary contain my signed acknowledgment except



the memo dated 15/10 2010. I have noticed at least two memos not given to me but now given in the documents sent by the Under Secretary yesterday. In fact in my representation dated 26/11/2011 I had stated the following: ***I am in need of certified photocopies of all order sheets signed in full by the Consultant appointed as IA, all statement of witnesses recorded by the Consultant appointed as IA and all memos filed by the Presenting Officer containing my signature as acknowledgment.***

- viii. My office also informed me that an effort was made by the Presenting Officer to give certain document in the first week of August 2011 after the Enquiry by IA & C & A was completed and was returned. A copy of that is also not given.
- ix. A sheet of paper containing hand written notes on both sides containing comments on evidences by someone who prepared the Enquiry Report on behalf of the IA & C & A is also given (page numbers not given but is found among documents given by the Under Secretary yesterday though not sought by me)
- x. Even a casual glance of copies of statement of witnesses given now show that after the IA & C & A gave me signed copy, he has later changed them in the copies given to the DA/CS/Reporting Officer/Witness.
- xi. I have not examined copies of my own documents though not sought but given to me and I would be mentioning anything missing after I receive the certified copies of all documents sought by me.
- xii. Though AIS Rules, many DoPT instructions, many Supreme Court decisions (including specific directive given to the Chief Secretary by the Hon'ble Supreme Court) mandate timely action on APARs and representations given on APARs, not even a single APAR sought by me which would expose the criminal conspiracy behind the most unfair enquiry is given. **Not showing the APARs only in my case not**



only confirm the extreme bias and malicious intention but also that the present Chief Secretary(also a witness in this enquiry) while holding me as insane forced me to face the most unfair enquiry and is continuously harassing , humiliating and obstructing me with the criminal intention to make me really insane.

IMPACT OF DENYING THE ABOVE DOCUMENTS & CRIMINAL TAMPERING OF DOCUMENTS

3. I was under the impression that in view of glaring brazen illegal, criminal and malicious intention to criminally harass me in the garb of holding enquiry at least DoPT's views would have been obtained as requested by me in my letters since 11/11/2011 and criminal action would have been initiated against all those who forced me to face this most unfair enquiry. This is extremely critical particularly when I had already given a letter to the Chief Secretary on 11/11/2011 to seek directions from the DoPT as he was named as a witness in December 2007 itself and he was prohibited from acting as the Disciplinary Authority.

4. **The most important document sought repeatedly by me is the annexure to the Enquiry Report of Sri MP Chinnappa , IA, C & A mentioned by him in the last page of the partial Enquiry Report given to me. Even now this part of the Enquiry Report has not been given.** Without providing the complete Enquiry Report, forcing the Under Secretary to sign a letter stating that further action would be taken clearly brings out Chief Secretary's criminal intention behind repeatedly denying me the full Enquiry Report in spite of being aware that both Laws and many decisions of the Hon'ble Supreme Court clearly make it mandatory to provide the full report of the Inquiry Authority. I had brought out serious lapses and illegal and unethical acts by the IA & C & A at every stage of the enquiry including those he did

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even when I was yet to appear before him. In addition to these he deliberately suppressed critical information which would have disqualified Sri MP Chinnappa from acting as Inquiry Authority. This part of the Enquiry Report denied to me till today would certainly throw light on the suppression of many critical information given to Statutory Authorities by none other than Sri MP Chinnappa which would have disqualified him from acting as Inquiry Authority. If by chance Sri MP Chinnappa had mentioned it in the part of the Enquiry Report deliberately denied to me till today, the same would confirm that Sri SV Ranganath, IAS, Chief Secretary who in spite of being named a witness in December 2007 itself though aware of such activity of Sri MP Chinnappa with criminal intention appointed him as Inquiry Authority. **As Sri MP Chinnappa has conducted the enquiry in the most unfair manner and these have all been documented as and when happened and communicated to all concerned, the portion of the Enquiry Report denied to me illegally with criminal intention must be made available to me.**

5. **I insist Sri SV Ranganath, IAS who acted himself as Disciplinary Authority in spite of being a witness himself in the case to immediately provide me that part of the Enquiry Report which he has deliberately denied with criminal intention for refusing his illegal and unethical suggestion to compromise with corruption. This would enable me to expose all those who wanted to criminally harass me in the garb of holding enquiry. An incident which happened on 11/1/2012 which the Police are aware of may even indicate that lives of all my family members are under serious threat and the portion of the Enquiry Report denied in spite of many requests would certainly throw light upon those criminally conspiring to harass me.**

6. In my submissions since 31/10/2011, I have been requesting the Disciplinary Authority & Chief Secretary (also a witness in this case) to give



the complete enquiry report and other extremely relevant documents and I had given reasons as to why these are important. I am mentioning again the most important fact that I am being forced to face this enquiry for the lapses on the part of the present Chief Secretary for not taking any action on the corruption report given by me to the Government which was last seen in his possession and in particular for refusing to compromise with corruption as per his illegal, immoral and unethical suggestion. Unfortunately the documents enclosed to the letter dated 18/1/2012 from the Under Secretary, DPAR do not contain these documents while some documents given to me now have been tampered with criminal intention as indicated earlier.

7. As I have repeatedly mentioned since August 2006 in addition to being a witness, Sri SV Ranganath, IAS, is also the last custodian of a very important file containing serious corrupt practices of many IAS officers extremely relevant to the case and he deliberately neither produced the file nor appeared as a witness. The deliberately withheld documents are very critical to give my response as I have submitted my written brief under protest on 27/7/2011 to the Consultant appointed as IA who conducted the enquiry in the most unfair manner at every stage. **Not mentioning anything about these deliberately withheld documents by the Under Secretary in his letter dated 18/1/2012 confirms that these documents have also been so tampered with that these cannot be given.**

8. **The very fact that the letter dated 18/1/2012 received from the Under Secretary does not give the list of documents enclosed particularly when I had sought certified copies clearly indicate that the same has been done with criminal intention as has been mentioned by me in this representations given under protest.** In fact the procedure prescribed requires the IA to prepare such a list while forwarding his final Report to the Disciplinary Authority. If such a list of documents had been prepared by the IA

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and denying the list also indicates that the same has been done with criminal intention.

9. **The APARs and action taken on APARs are extremely relevant to the enquiry and this has also been denied to me in spite of AIS Rules, DoPT repeated instructions and specific directions of the Hon'ble Supreme Court brought to the notice of Sri Sv Ranganath, IAS, Chief Secretary.** APARs and action taken on representations against APARs have to be mandatorily shown without making any request. **Even Hon'ble Supreme Court's own directive given to the Chief Secretaries and the GOI in a July 2010 case makes it mandatory to adhere to time frame.** From the continuous harassments, humiliations and criminal obstructions faced by me from the present Chief Secretary who appointed a practicing Consultant violating norms that too when he himself was a witness, it is clear that except to face enquiry he has held me as-mentally ill for all other purposes. Not showing the APARs since Oct 2009 and not informing action taken on representations made against APARs from Jan 2007 to Oct 2008 confirms this fact. The APARs sought by me clearly throw light on the fact that Sri SV Ranganath, IAS, Chief Secretary and Reporting Office initiated unwarranted Enquiry while holding me insane to shield the corrupt. He did not hesitate to act as Disciplinary Authority in spite of being aware of the fact that he was named as a witness in December 2007 and was also mentioned to be the last officer in possession of a highly important file extremely important to expose the criminal conspiracy behind this most unfair enquiry. As far as APARs are concerned, these are extremely relevant as the Chief Secretary who is a witness decided to hold the enquiry though such recommendation made in Dec 2007 itself was rejected by the Advisors to H.E. the Governor during President's Rule. My representations against the APAR's containing perverse remarks violating each and every APAR Rule and Guidelines of GOI covering the enquiry period are extremely relevant as these have been suppressed by the then Chief Secretary who in spite of being a



witness framed baseless charges by suppression, distortion and even destruction of records. He even assumed the role of my Reporting officer when he had not acted as one sidelining my real ROs just to record the adverse remarks. The present Chief Secretary has refused to show me these after I repeatedly refused in writing since Oct 2010 his illegal, unethical and immoral demands to compromise with corruption. Because of this he appointed a Consultant as IA adopting questionable methods (as revealed by none other than the Presenting Officer himself and this fact has been reported by me to various authorities in GOI including H.E. the President, the CVC, and also the local police since February 2011) . Further the fact that the present Chief Secretary gave his official seal to his predecessor after he had retired from Service with criminal intention to record in my APAR about my mental health has been mentioned clearly in my representation on the APAR . The previous Chief Secretary in the last APAR shown to me (period from April 2008 to October 2008) had recorded that I may be suffering from mental illness and that I should be subjected to medical examination by a Medical Board. He had also mentioned that if the Medical Board found that I was mentally distressed, I should be given proper medical treatment. The present Chief Secretary forced me to appear before a Medical Board in December 2009 even after informing him that against two of the doctors, I had given specific instances of corrupt practices in May 2009 itself. The findings of the Medical Board have not been communicated to me till today ie. 21/01/2012 (this fact is also mentioned in my APARS) clearly implying that it is done with ulterior motive. **I insist Sri SV Ranaganath, IAS, Chief Secretary/Reporting Officer/Disciplinary Authority/witness to provide me the APARs and action taken on representations given on my APARs already sought by me.**

10. What is extremely dangerous to public interest is that for acting as per the calls given by H.E. the President and the anti-corruption pledge taken during Vigilance Awareness Week, I am forced to face this enquiry. **Unfortunately, I**



have to repeatedly make representations even to get the documents which should have been given mandatorily without asking. This is because of extreme bias and vicious attitude of the Chief Secretary (also a witness in this enquiry) towards me for refusing to accept his illegal , unethical and immoral suggestion to compromise with corruption. Chief Secretaries who doubted my mental health and the Chief Secretary who forced me to face Medical Board deliberately ignored the all pervading evidences that Karnataka moved in a direction to become the most corrupt State in the country. I pointed out this trend and these officers were aware of this trend much earlier to me as they are occupying very critical posts. They did not act even though they had the authority and position to set things right. On the other hand they acted maliciously against me for telling the truth as demanded by my Service Rules.

11. In view of the peculiar and unfair enquiry conducted, I had made the following request to the Chief Secretary and DA(also a witness in this enquiry) in my representation given under protest on 26/11/2011:

Provide me a copy of the letter sent to the Secretary, DoPT, GOI seeking opinion on my letter dated 11/11/2011, as Chief Secretary who is also a witness in this enquiry is prohibited from either examining the Report of the Consultant appointed as IA or my representation to the IA's Report that would be given by me after I receive all the documents mentioned above (Please see extracts from Judgment dated 28th September 2010 of the Hon'ble Supreme Court in Annexure B at page 10). In fact he is even prohibited from handling the file. The fact that already he has withheld a portion of the Enquiry Report of the Consultant appointed as IA corroborates this. This is very important as the DA was named a witness in Dec 2007 itself and was the last officer in possession of the critical document given by me to the Government and which he never produced though being a witness resulting in this most unfair enquiry. His

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extreme bias and ill will since October 2009 is well documented and has been given to various statutory authorities in the country.

12. It is extremely unfortunate that Sri SV Ranganath, IAS, Chief Secretary/DA/Reporting Officer/Witness has not informed me anything about the views obtained from the DoPT. In all likelihood to avoid serious criminal action against himself he must not have sent any of my letters dated 11/11/2011 to GOI to seek the obvious and well known clarification as Hon'ble Supreme Court has repeatedly given clear decisions. He intends to criminally harass and obstruct me for the sole reason of refusing to accept his illegal, immoral and unethical suggestion to compromise with corruption instead of acting as per Cabinet Secretary's letter of 2004 issued as per the directive of Hon'ble Supreme Court while hearing the case of murdered whistleblower Sri Satendra Dubey.

13. All the above confirm that a very sinister conspiracy is going on in the garb of enquiry **least of its evil purpose** has been to remove me from Service as is mentioned by me in January 2007 itself. While facing this unfair enquiry myself, I have been appointed as OSD and Principal Secretary, DPAR (Departmental Enquiry Manual) to prepare the Departmental Enquiry Manual. I have studied more than 500 judgments of the Hon'ble Supreme Court and from the highly documented extreme bias and ill will shown by the Chief Secretary, I have absolutely no doubt that the present enquiry qualifies to be called as the most unfair enquiry ever held in independent India.

14. **Paradoxically, I have been asked by DPAR in its letter dated 9/1/2012 to give a presentation on the Departmental Enquiry Manual Website created by me during the Meeting of Secretaries and Principal Secretaries.** This Manual was prepared by me that too when I was denied salary, information and facilities but while facing the most unfair enquiry (The salary for the period June 2011 to August 2011 has not been till today in spite of giving the documents sought by DPAR) . The information withheld by the DPAR sought repeatedly by me since March 2011




clearly indicate the network available in the DPAR to shield the corrupt which by engaging me in this most unfair enquiry all those criminally conspired want to prevent me from exposing.

PRAYER MADE UNDER PROTEST

15. Under the circumstances mentioned above I request Sri SV.Ranganath, IAS, Chief Secretary/Reporting Officer/Disciplinary Authority/witness

- i. To refrain from handling my enquiry case as otherwise it amounts to serious violation of AIS Rules, GOI directions and many decisions of the Hon'ble Supreme Court.
- ii. To Refer my case to DoPT, GOI as already requested as Sri SV Ranganath, IAS, Chief Secretary is prohibited from taking any action on the Enquiry Report (that too partially given) for reasons mentioned above.
- iii. To provide certified copies of all documents which have been denied to me till today though repeatedly sought in my many representations.
- iv. To prevent further criminal tampering of documents, I request certified copies of all documents enclosed to the letter dated 18/1/2012 received by me yesterday. I had sought certified copies in my representation dated 26/11/2011 be given (I had not sought and I do not want the certified copies of my own memos or documents produced by me).
- v. To direct officials of DPAR to at least go through the website created by me containing the Departmental Enquiry Manual to avoid acting illegally under pressure unless want to face criminal action and instead give information sought by me to improve the Manual so that all officials who have disgraced Karnataka making it the most corrupt state in the country by their corrupt acts do not go unpunished.

21/01/2012


(MN Vijayakumar)