

PERSONAL COPY

Before the Disciplinary Authority & Chief Secretary (also named as main witness in this enquiry in Dec 2007)

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

REPRESENTATION MADE UNDER PROTEST

1. This representation is made under protest in response to letter No. DPAR 386 SAS 2007 dated 22/2/2012 from Sri U.H.Narayanaswamy, Under Secretary, DPAR (Services I) received today ie 23/2/2012. I again emphasize the fact that it is impossible to give specific written submission on the enquiry report without being given the full enquiry report and certified copies of other documents sought by me. The endorsement given by the Under Secretary implies that those who directed to give such endorsement consciously ignored AIS Rules, DoPT Guidelines and Hon'ble Supreme Court decisions. **This forces me to emphasize my points again and again each time after receiving such endorsements. The absence of reasons in the endorsement on the other hand confirms the criminal conspiracy behind prolonging the enquiry process.**

2. I want to state that in my representations dated 26/11/2011, 22/1/2012 and 2/2/2012, which have been claimed to have been examined (not clear by whom even though it is a quasi-judicial proceedings), I had made it clear that I have been forced to repeatedly request for providing the documents sought by me to give my final written submission on the enquiry report. I have written many times requesting for the withheld portion of the enquiry report(Annexure) and certified copies of other documents in many other representations/letters apart from the only three mentioned in the DPAR letter dated 22/2/2012 which I received yesterday.

3. I want to emphasize again that this representation is also a request to provide the deliberately withheld portion of the report and other documents sought by me and not a written submission on the enquiry report (which can be given only after receiving the complete enquiry report and other documents sought by me).



4. It is very obvious that with criminal intention the documents sought by me have not been given by Sri SV Ranganath, IAS, Chief Secretary/witness/DA even though AIS Rules and many Supreme Court decisions mandate to provide such documents. **This representation is made again to provide the deliberately withheld portion of the enquiry report (Annexure to the report) and certified copies of documents that have been tampered with criminal intention and also APARs. All these are needed to provide proper response to the enquiry report given by subjecting me to the most unfair enquiry (In my earlier representations, I had given the implication of not providing these documents).**

5. It is to be noted that the origin of this enquiry can be traced to a corruption report given by me to the Government which was last found in possession of Sri SV Ranganath, IAS as given in detail in my letter to the Chief Secretary dated 14/8/2006. Failure on the part of Sri SV Ranganath, IAS to protect the document and initiate action against officers whose corrupt practices I had reported is the root cause in all the problems I am facing including this unfair enquiry.

6. It is totally unheard that response can be sought without providing the complete enquiry report. **All my repeated requests made in this regard in my representations have been deliberately not replied till today.** This clearly establishes that there is criminal tampering of documents at the insistence of Sri SV Ranganath, IAS, Chief Secretary and he does not want to give the Annexure to the enquiry report as it would expose his own criminal intention behind forcing me to face the most unfair enquiry into totally baseless charges.

7. Since August 2010, I had also given to Sri SV. Ranganath, IAS, Chief Secretary, the unfair acts of Sri R Lobo who was appointed as the Presenting officer after another officer withdrew for unknown reasons. Sri R Lobo in addition to not acting as per the compilation of Government circulars relating to departmental enquiry compiled by himself also totally suppressed till today the fact that he along with another retired government servant Sri N Kshetrapal had written a Departmental Enquiry Manual which was finalized before 1/6/2010 ie even before he was



appointed as a Presenting Officer in my case. He suppressed the existence of this enquiry manual from me. But he repeatedly kept on violating each and everything he himself authored in the Manual. He also kept quiet about the existence of the Manual when I repeatedly gave memos about the unfair acts of both IA and the DA. After I was posted as Officer on Special Duty & Ex officio Principal Secretary, DPAR (Departmental enquiry Manual), Sri R.Lobo expressed in the presence of Sri MP.Chinnappa his desire to work under me to prepare the Departmental Enquiry Manual. But he never even once told about the Manual he had already co-authored with Sri . Kshetrapal. **I got a copy of the manual in January 2012 in response to an RTI application filed by me seeking materials connected with departmental enquiry.**

8. However Sri R.Lobo voluntarily revealed the unholy nexus between the Inquiry Authority, Sri MP Chinnappa and the Disciplinary Authority, Sri SV Ranganath, IAS on 17/2/2011. On 21/2/2011, I had sent an email to all the IAS officers of Karnataka Cadre titled "*the height of unfairness*" and I had mentioned in a cryptic manner the revelations made by Sri R Lobo. I had also sent a confidential letter to H.E. the President of India and the CVC about this on 4/3/2011. If examination of my wife as a witness had not been stopped abruptly on 22/6/2011, the entire voluntary revelation made by Sri R. Lobo about the unholy nexus between the IA and the DA would have been brought on record. I was mentally extremely agitated by the revelation by the Presenting Officer and I had to seek professional medical help. He also revealed about gross violation of norms by Sri SV. Ranganath, IAS, including the mode of appointment, deliberately not calling witnesses listed by me as early as in December 2007 and not providing critical documents sought by me during the enquiry (Till today they have not been provided though needed to write the Manual). On 17/2/2011 itself Sri R.Lobo voluntarily revealed that both Sri MP.Chinnappa and Sri SV. Ranganath, IAS had already decided the findings and that they had an understanding to the effect that anything which would go against the predetermined decision should not be allowed at any cost irrespective of any Law or evidence. The partial enquiry report given to me confirms this. Luckily for me the unholy nexus is confirmed by two documents given by DPAR on 20/1/2012 to me though not sought by me.



9. Further denial of certified copies sought in respect of documents not signed by anyone and documents not bearing my signature clearly show the deep rooted conspiracy hatched by Sri SV Ranganath, IAS, Chief Secretary.

10. APARs must be given without making any request both as per AIS Rules, DoPT Circulars and even Hon'ble Supreme Court decisions. I have made many written requests, even filed RTI applications. But none of the APARs sought by me have been given till today. APARs form critical part in any enquiry and not giving those in spite of many written requests (even though should have been given without making any request) clearly show that Sri SV Ranganath, IAS, Chief Secretary is acting with extreme criminal intention as it would have exposed the real intention behind posting me as Officer on Special Duty & Ex officio Principal Secretary, DPAR (Departmental Enquiry Manual) while myself am facing an enquiry. This has been given in my confidential letter to the DG & IG of Police on 11/3/2011 and in my letter to H.E. the President of India. APARs would certainly throw light on the criminal intention behind forcing me to face the most unfair enquiry into totally baseless charges to shield corrupt officers. It would have certainly revealed the fact that while Sri SV Ranganath, IAS held me as mentally ill, he forced me to face that inquiry. The APAR must contain the findings of the Medical Board before which I was forced to appear and it is relevant to mention here that I have not been informed about the findings of the Medical Board till today.

11. Not giving the requested documents confirms the fact that they have been tampered with. As the tampering of these documents are so obvious, I have filed a complaint with the police already and I have also sought permission of the Government to criminally prosecute Sri SV Ranganath, IAS, Chief Secretary who has been harassing me physically, financially and mentally by consciously repeatedly violating all Rules for refusing to accept his illegal, immoral and unethical suggestion to compromise with corruption. He has also not spared my wife. **The fact that I am not only an officer who has been facing the most unfair enquiry but also my appointment as an Officer on Special Duty & Ex officio Principal Secretary, DPAR(Departmental enquiry Manual) is signed on behalf of H.E. the Governor has been repeatedly ignored. Such things would be repeatedly ignored only by those who are highly prejudiced and have malicious intentions.**



12. In my representation dated 21/1/2012 I had given details of some of the criminal tampering done. If Sri SV Ranganath, IAS, Chief Secretary had nothing to fear he would have provided the Annexure part of the enquiry report which has been deliberately withheld from me and also would have provided certified copies of documents sought by me long back to enable me to give my written submission on the enquiry report. Because of this deliberate delay in providing the full enquiry report and the other documents, he is delaying the finalization of the enquiry. Denial of all these documents further confirm the highly malicious, criminal and prejudiced acts of the Chief Secretary who has acted as the Disciplinary Authority in spite of being named as a witness in Dec 2007 itself, in utter contempt of many decisions of the Hon'ble Supreme Court. This has been mentioned in all my letters/representations since August 2010.

13. The deliberately withheld portion (Annexure to the enquiry report) might have already been tampered. The way the enquiry was being conducted, I had feared that such a thing would happen in my memo dated 6/7/2011. The criminally tampered documents and not providing me information and facilities needed to perform my present work (for preparing the Enquiry manual) all show the deep rooted conspiracy hatched by Sri SV. Ranganath, IAS. I had clearly mentioned that Sri MP Chinnappa conducted the enquiry in the most unfair manner and that all his such acts had been documented as and when those happened since August 2010 and communicated to all concerned (including summoning of witnesses and documents). Finally Sri SV Ranganath, IAS who himself was named a witness in December 2007, to cover up his own criminal acts has denied to me a portion of the Enquiry Report(Annexure) illegally with criminal intention. This denied portion of the report could be important not just for giving response to the unfair report but also to initiate criminal action against those behind the conspiracy.

14. I am giving below extracts from the Departmental Enquiry Manual which was prepared by Sri R.Lobo and Sri Kshetrapal which the then Principal Secretary, DPAR, in his foreword wanted **all** officers and staff to make good use of. What is very odd is that when serious violation of these happened, Sri R Lobo who had authored the Manual with Sri N. Kshetrapal neither informed the IA and certainly not the DA:



10. ವಿಚಾರಣೆ ನಡೆಯುವಾಗಲೂ ನೌಕರನು ರಕ್ಷಣೆಗಾಗಿ ಹಿಂದೆ ಪಡೆಯದೇ ದಾವಿಲೆಗಳನ್ನು ಕೋರಿದಾಗ ಅವನ್ನು ಪುರಸ್ಕರಿಸದ ವಿಚಾರಣೆಯನ್ನು ಮುಂದುವರಿಸತಕ್ಕದ್ದಲ್ಲ.

ವಿಚಾರಣೆ ನಡೆಯುವಾಗ ನೌಕರನು ಅವನ ರಕ್ಷಣೆಗಾಗಿ ಹಿಂದೆ ಪಡೆಯದೇ ಇದ್ದ ದಾವಿಲೆಗಳನ್ನು ಬೇಡಿದಾಗ್ಯೂ ಅವುಗಳನ್ನು ಒದಗಿಸದೇ ವಿಚಾರಣೆಯನ್ನು ಮುಂದುವರಿಸತಕ್ಕದ್ದಲ್ಲ (Deepak Huri Vs. State of Haryana (2000-10-SCC 373).

11. ವಿಚಾರಣಾಧಿಕಾರಿ ಎರಡೂ ಪಕ್ಷಗಳನ್ನು ಒಂದೇ ರೀತಿ ಕಾಣತಕ್ಕದ್ದು.

ಶಿವು ಪ್ರಾಧಿಕಾರದ ಪ್ರತಿನಿಧಿಯಾದ ಮಂಡನಾಧಿಕಾರಿಯು ಹಾಗು ಅವರ ಸಾಕ್ಷಿಗಳು ವಿಚಾರಣೆಗಳನ್ನು ಮುಂದೂಡುವ ಬಗ್ಗೆ ಕೋರಿಕೆ ಸಲ್ಲಿಸಿದಾಗ ಅನುಸರಿಸುವ ವಿಚಾರಣಾಧಿಕಾರಿಗಳ ನೀತಿಯು ಹಾಗು ಆಪಾದಿತ ನೌಕರನು ಹಾಗೂ ಅವನ ಸಾಕ್ಷಿವರರು ಅದೇ ರೀತಿ ವಿಚಾರಣೆಯನ್ನು ಮುಂದೂಡುವ ಬಗ್ಗೆ ಕೋರಿಕೆ ಸಲ್ಲಿಸಿದಾಗ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಅನುಸರಿಸುವ ನೀತಿಯು ಒಂದೇ ತೆರನಾಗಿರತಕ್ಕದ್ದು, ಯಾವ ಕಾರಣಕ್ಕೂ ಒಪ್ಪಿಲ್ಲದಿದ್ದರೆ ಒಂದೊಂದು ನೀತಿಯನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದಲ್ಲ (Cater Piller India Ltd., Tiruvallur Vs. Presiding Officer, 2nd Additional Labour Court, Madras (2004 (107) FJR 11). ನೌಕರನು ಸಕ್ರಮ ವ್ಯವಸ್ಥಿತಿಯ ಅಧಿಕಾರಿಯಿಂದ ಅನಾರೋಗ್ಯದ ಬಗ್ಗೆಯ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿ ಆ ಕಾರಣಕ್ಕಾಗಿ ವಿಚಾರಣೆಯನ್ನು ಮುಂದೂಡಲು ಬೇಡಿದಲ್ಲಿ ವಿಚಾರಣಾಧಿಕಾರಿಯು ಅವನ್ನು ನಿರಾಕರಿಸಿ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸದಲ್ಲಿ ವಿಚಾರಣೆಯು ಹಾಳಾಗಿಹೋಗುತ್ತದೆ (Union of India Vs. I.S. Singh (1994 SUPP (2) SCC 518 ; 1994 SCC L&S 1131)

15. I have given since August 2010 the unfair acts of Sri MP Chinnappa who was appointed as Inquiry authority in spite of his occupation as an advocate post retirement (website of Hon'ble Supreme Court of India lists him as a practicing advocate since 2004 – I felt it very awkward and incorrect to address a practicing advocate or for that matter a practicing private Consultant as a Justice). Sri. SV Ranganath, IAS who was aware of the fact that Sri MP Chinnappa was not only a Consultant but also a practicing advocate deliberately throwing all norms appointed him as Enquiry Authority in my case for reasons voluntarily revealed by Sri R.Lobo, the Presenting Officer on 17/2/2011. The withheld portion of the enquiry report(Annexure to the enquiry report) would have certainly thrown additional light on the unholy nexus between Sri SV.Ranganath, IAS and Sri MP Chinnappa and not providing that portion confirms the unholy nexus of the nexus.

16. All the complaints made against Sri MP Chinnappa are based on information available on

- i. Website of Hon'ble Supreme Court of India,
- ii. Arbitrators listed in Arbitrator Council of India



- iii. Documents given by DPAR under the RTI Act
- iv. Information available from file management system on Government of Karnataka website,
- v. Email sent by Sri R.Lobo
- vi. Voluntary Revelations made by Sri R. Lobo to me and my wife on 17/2/2011,
- vii. Revelations made by Sri R. Lobo before Sri MP Chinnappa himself during the enquiry
- viii. Other information available in public domain on the internet.

17. Sri SV Ranganath, IAS when I refused to compromise as per his illegal, immoral and unethical suggestion ignored all incidents of unfair acts of the IA and the PO brought to his notice. I am giving below extracts from the Departmental Enquiry Manual which the Principal Secretary, DPAR wanted all officers and staff to make good use of:

ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ನೌಕರನ ವಿಷಯದಲ್ಲಿ ನಿಷ್ಪಕ್ಷಪಾತ ತೀರ್ಮಾನ ಕೈಗೊಳ್ಳಲಾರದು ಎಂದು ಕಂಡುಕೊಂಡಾಗ ಏನು ಮುಂದಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು?

ನೌಕರನು ವಿಚಾರಣಾಧಿಕಾರಿಯಲ್ಲಿ ನಿಷ್ಪಕ್ಷಪಾತವಾದ ವರದಿ ದೊರೆಯಲಾರದೆಂದು ಭಾವಿಸಿ ವಿಚಾರಣಾಧಿಕಾರಿಗಳ ಬದಲಾವಣೆಗೆ ಕೋರಿಕೆಯನ್ನು ಸಲ್ಲಿಸಿದಲ್ಲಿ, ಹಿನ್ನೆ ಪ್ರಾಧಿಕಾರವು ಅಂತಹ ಕೋರಿಕೆಯನ್ನು ಮಾನ್ಯ ಮಾಡಬೇಕು. ನೌಕರನು ತನ್ನ ಕೋರಿಕೆಯಲ್ಲಿ ವಿಚಾರಣಾಧಿಕಾರಿಯು ತನ್ನ ಬಗ್ಗೆ ಪೂರ್ವಾಗ್ರಹಹೊಂದಿದ್ದಾನೆ ಎಂಬುದಕ್ಕೆ ಕೆಲವು ನಿದರ್ಶನಗಳನ್ನು ಕೊಡುವುದು

18. **It is worth giving some more details about the Principal Secretary who wrote foreword to the Departmental Enquiry Manual prepared by Sri R. Lobo and Sri Kshetrapal.** It is important to mention that the then Principal Secretary, DPAR Sri. MN. Vidyashankar, IAS was present in the chamber of the Chief Secretary Sri SV. Ranganath, IAS when the latter had given me an appointment after making many requests (Sri. SV. Ranganath, IAS humiliated me in the presence of Sri. MN. Vidyashankar, IAS that he could not find two minutes time to meet me as my Reporting Officer over the last one year period clearly establishing beyond doubt his prejudice against me). I had opposed his presence as I wanted to reveal the unfair acts of the IA Sri MP. Chinnappa confidentially to the Chief Secretary. Sri SV. Ranganath, IAS ignored my request and allowed Sri. MN. Vidyashankar to stay despite my protest. At that time I did not know that Sri MN Vidyashankar, IAS, had



written a foreword to Departmental Enquiry Manual written by Sri R.Lobo and Sri. Kshetrapal. I also did not know that the same officer Sri MN. Vidyashankar, IAS , the then Principal Secretary, DPAR, was also instrumental in making me appear before a Medical Board (I learnt about it from the typed note given by Under Secretary DPAR (Services I) on 20/1/2012 along with other tampered documents though not sought by me). I also did not know that he made me appear before the same doctors who worked with him in his previous posting in spite of being aware of the fact that I had reported about their corrupt practices. If he was not part the conspiracy to criminally harass me, he should have revealed the existence of the Departmental Enquiry Manual and advised Sri SV. Ranganath, IAS to consider my complaints against the IA and the PO as per the Manual for which he had written the foreword only a few months back. He would have also advised against making me appear before the same doctors against whom I had complained. The fact that he did not do any such things confirms his involvement in the conspiracy (But another file reveals how both Sri SV Ranganath, IAS and Sri MN Vidyashankar, IAS conspired to protect another corrupt officer- the criminal case which was initially closed was reopened after an RTI application revealed tampering of documents)

19. **If the Departmental Enquiry Manual had been finalized before June 2010 itself, then, the reason for ignoring that and posting me in March 2011 as OSD & Ex officio Principal Secretary , DPAR to prepare Departmental enquiry Manual, overruling the approval given by Hon'ble Chief Minister on 16/11/2010 by Sri SV Ranganath, IAS can only confirm the malicious intention behind not just my present posting but also the manner in which he allowed Sri MP Chinnppa to act unfairly. It also further establishes beyond doubt unfair methods used by Sri SV Ranganath, IAS , Chief Secretary starting from the appointment of the enquiry Authority ignoring the decision taken not to hold enquiry in December 2007-January 2008 by the Advisors to H.E the Governor . He has gone out of the way to criminally obstruct me from performing my duties till today to protect the corrupt officers.**

20. I have been complaining to Sri SV Ranganath, IAS, Chief Secretary, Witness and DA about tampering of statements made by witnesses including those of my wife and me allowed by Sri MP Chinnappa and I had even requested Sri MP



Chinnappa to provide certified copies and I am giving below extracts from my Memo No 27 dated 6/7/2011(I had also kept both DoPT and the CVC informed about this):

If critical files though sought repeatedly not produced so far is any indication, it is quite likely that important things mentioned may also disappear shortly preventing me from criminally proceeding against all those who harassed me and humiliated me in the garb of holding inquiry (that too in the most unfair manner). Hence I request certified copies of (1) all my memos along with list of documents (2) all statements of witnesses recorded so for during examination, cross examination and re examination (3) all orders passed by the IA & Consultant (4) all email messages sent by me to the IA & Consultant with copy to the PO so for...

21. As expected Sri MP Chinnappa neither summoned witnesses nor made any effort to summon critical documents sought by me and finally did not give copies sought by me. And again as feared not only critical documents have been tampered but some have even disappeared as is evident from the partial documents given by the DPAR on 20/11/2012. I am giving below extracts from the Departmental Enquiry Manual which the Principal Secretary, DPAR wanted all officers and staff to make good use of:

27. ಆಪಾದಿತನು ಆತನ ರಕ್ಷಣೆಗೆ ಯಾವ ಸಾಕ್ಷಿಯನ್ನು ಬೇಕಾದರೂ ಕರೆಸಬಹುದು

ಆಪಾದಿತನು ಆತನ ಮೇಲಿನ ಆರೋಪವನ್ನು ಸುಳ್ಳೆಂದು ಹಾಗೂ ನಿರಾಧಾರವೆಂದು ವಾದಿಸಲು ತನ್ನ ಸಾಕ್ಷಿ ಪುರಾವೆಗಳನ್ನು ವಿಚಾರಣೆಯಲ್ಲಿ ನಿಯಮ 11 (17) ರಡಿಯಲ್ಲಿ ಪರಿಶೀಲಿಸಬಹುದಾಗಿದೆ. ವಿಚಾರಣಾಧಿಕಾರಿಯು ಇದಕ್ಕೆ ಸಮತಿಸಬೇಕು.

22. Partial documents given to me not only showed serious criminal tampering of documents related to my enquiry and some of the documents sought have not even been given to me till today (including the Annexure the enquiry report). The denial of certified copies by Sri SV Ranganath, IAS, Chief Secretary, witness and DA clearly show his criminal and malicious intentions behind initiating the enquiry. I am giving below extracts from the Departmental Enquiry Manual which the Principal Secretary, DPAR wanted all officers and staff to make good use of:



ವರದಿಯ ಪ್ರತಿಯನ್ನು ನೋಂದಿಗೆ ನೀಡಲೇಬೇಕೆ?

ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಅನೇಕವಿಧ ರುಜುವಾತಾಗಿದ್ದಲ್ಲಿ ನೋಂದಿಗೆ ಆ ವರದಿಯ ಪ್ರತಿಯನ್ನು ನೀಡಿ ಅಂತ ಆಕ್ಷೇಪಣೆ ವಿಚಾರಣಾ ಇದ್ದಲ್ಲಿ ಪಡೆಯತಕ್ಕದ್ದಾಗಿದೆ. ನೋಂದಿಗೆ ನೀಡಲೇಬೇಕೆಂದಿ ವಿಚಾರಣಾ ವರದಿಯ ಪ್ರತಿಯನ್ನು ನೋಂದಿಗೆ ಬೇರೆಯಾಗಿದ್ದು ಕೂಡ ವಿಚಾರಣಾ ವರದಿಯ ಪ್ರತಿಯನ್ನು ನೋಂದಿಗೆ ಒದಗಿಸಿಕೊಡತಕ್ಕದ್ದಾಗಿದೆ (M.D. ECIL, Hyderabad Vs. I. Karunakar (AIR 1994 SC 1074). ವರದಿ ಪ್ರತಿ ಇದ್ದರೆ ನೋಂದಿಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳ ತೀರ್ಮಾನದ ಬಗ್ಗೆ ನಿರ್ಧಾರ ಕೈಗೊಳ್ಳಲು ಸಾಧ್ಯವಿಲ್ಲ. ವಿಚಾರಣೆ ಸಂದರ್ಭದಲ್ಲಿ ನೋಂದಿಗೆ ಗದ್ದಲ ಗಲಾಟೆಗಳನ್ನು ಮಾಡಿ ವಿಚಾರಣೆ

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ಅದೇ ತೆರನನ್ನು ತಂದಿದ್ದಾಗ ವಿಚಾರಣೆ ಮುಂದುವರಿದು ವರದಿ ಸಲ್ಲಿಸಬೇಕೆಂದಾಗಿದ್ದು ಕೂಡ ವಿಚಾರಣಾ ವರದಿಯ ಪ್ರತಿಯನ್ನು ನೋಂದಿಗೆ ನೀಡತಕ್ಕದ್ದಾಗಿದೆ (Swapan Ganguly Vs. West Bengal (1995 Lab IC 235 CAL) and M.D.ECIL, Hyderabad Vs. B.Karunakar (AIR 1994 SC 1074)). ಆದುದೇ ನೋಂದಿಗೆ ನೀಡಲೇಬೇಕೆಂದೇ ಇಂತ ವಿಚಾರಣಾ ವರದಿಯನ್ನು (ವಿಚಾರಣಾ ವರದಿ ಸಹಿತ) ಬಗ್ಗೆ ಸಹಿ ನೀಡಿಯಲ್ಲಿ ಅಥವಾ ಯಾವುದೇ ವರ್ತಮಾನಗಳನ್ನು (KSRTC Vs. S.Karisiddappa (1995-(87)-FJR-541 KANT-DB).

23. **Most of what I have written above I have been reporting to the Chief Secretary, the CVC, DoPT, GOI as and when those happened.**

PRAYER MADE UNDER PROTEST

24. Under the circumstances mentioned above I am making again the following requests to Sri SV.Ranganath, IAS, Chief Secretary/Reporting Officer/Disciplinary Authority/witness to enable me to initiate criminal action against all those criminally harassing me and criminally obstructing me in the garb of departmental enquiry

i. Sri S. V. Ranganath, IAS, Chief Secretary/Reporting Officer/Disciplinary Authority/witness to refrain from handling my enquiry case as otherwise it amounts to **serious , repeated, conscious violation** of AIS Rules, GOI directions and many decisions of the Hon'ble Supreme Court. **Sri SV. Ranganath, IAS's frequently showing utter contempt to even Supreme Court directives /decisions frightens me and my family members.** Because of his such actions, we have sought police protection. Sri SV Ranganath, IAS's direct involvement in not making critical documents available and preventing important witnesses from being examined are brought out in my representation dated 27/6/2011 to which Sri SV. Ranganath, IAS never responded establishing beyond doubt his prejudice and malicious intention. This becomes all the more important when Sri R.Lobo, the Presenting Officer voluntarily revealed on 17/2/2011 about the unholy nexus between the IA , Sri MP. Chinnappa, Advocate and the DA, Sri SV. Ranganath, IAS,



prime witness in particular **about DA having purchased the IA to give predetermined findings.**

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 in all my representations. If Sri SV Ranganath, IAS, Chief Secretary and witness had nothing to fear at least those requests I have made while working as OSD & Ex officio Principal Secretary, DPAR(Departmental enquiry Manual) should have been given due weight. Ignoring my official status establishes his prejudice and malicious intention.

iii. After Sri SV. Ranganath, IAS took charge as the Chief Secretary, Karnataka rapidly got branded as the most corrupt State in the country. Almost every week a major act of corruption that has happened during his time is being exposed so also corrupt officers shielded by him. Further, the harassment and obstructions I have been subjected to by Sri SV. Ranganath, IAS since October 2009 make it clear that it is impossible to expect any fair decision from Sri. SV. Ranganath, IAS. In view of this, it is important to refer my case to the Committee suggested by Cabinet Secretary in 2004 which I have been repeatedly requesting.

iv. To provide certified copies of all documents which have been denied to me till today though repeatedly sought in my many representations- Annexure to the enquiry report, APARs to enable me to give my submission to the enquiry report at the earliest.

v. To prevent further criminal tampering of documents, I again request certified copies of all documents enclosed to the letter dated 18/1/2012 received by me on 20/1/2012. 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). To quote from the Manual for which Sri MN Vidyashankar, IAS who conspired with the Chief Secretary wrote preface, the only question that is to be asked is as to what harm would be done to the DA if documents sought are given. In my case the criminal tampering of records at the insistence of Sri SV Ranganath, IAS who was named a witness in Dec 2007 itself would become clear beyond doubt and certainly it would harm his future for ever but that is not a valid reason for withholding critical documents like portion of the enquiry report, APARs, certified copies of tampered documents. On the other hand denial only further confirms malicious and criminal intention



ನ್ಯಾಯಾಲಯವು, ಹೀಗೆ ದಾವಿಲೆಗಳನ್ನು ನೌಕರನಿಗೆ ಒದಗಿಸಿಕೊಡುವುದರಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ನಶಾರಾತ್ಯಕ್ ದೋಷಗಳನ್ನು ತಳೆಯಬಾರದೆಂದು, "ಒದಗಿಸಿಕೊಟ್ಟಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಆಗುವ ಆತಂಕವಾದರೂ ಏನು" ಎಂಬುದನ್ನು ವಿವೇಚಿಸಬೇಕು ಎಂದು ಆದೇಶವಿತ್ತಿದೆ. ಮುಂದುವರೆದು, ರಾಜ್ಯದ ಉಚ್ಚನ್ಯಾಯಾಲಯವು ತಲವಾರು ಪ್ರಕರಣಗಳಲ್ಲಿ ನೌಕರನಿಗೆ ದಾವಿಲೆಗಳನ್ನು ನೀಡುವ ವಿಚಾರದಲ್ಲಿ ಕಠಿಣವಾಗಿ ಆದೇಶಗಳನ್ನು ನೀಡಿದೆ. ಆ ಆದೇಶಗಳು ಇಂತಿವೆ.

vi. 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. If not my Manual the officers in DPAR must read at least the one finalized by the government itself before June 2010 authored by Sri R. Lobo and Sri Kshetrapal and the foreword written by Sri. MN. Vidyashankar, IAS. I would be sending tomorrow by email the unfair acts in my enquiry so far based on this Manual and requesting all Secretaries and Principal Secretaries and all other IAS officers of Karnataka cadre including the Chief Secretary to respond within 10 days as to whether they are aware of any other enquiry which has been conducted in a more unfair manner

vii. I also demand naming an officer senior to me as my Reporting Officer to seek advice against criminal harassment going on in the garb of very prolonged enquiry (I had given responses to the Charges in December 2007 itself) and to enable me to function properly in my present post

viii. Even after making this representation if Sri SV. Ranganath, IAS, Chief Secretary proceeds further without giving me the complete report and other documents sought by me, it would clearly establish beyond doubt that Sri SV Ranganath, IAS and others in DPAR deliberately criminally conspired to harass me in the garb of Departmental enquiry to protect corrupt officers. It is important to note that these officers not only showed repeatedly utter contempt to not just AIS Rules, DoPT Circulars and guidelines, Experts Views, ARC recommendations, Hon'ble Supreme Court and High Court of Karnataka decisions but most importantly the Manual brought out by the Government itself. **I once again request the concerned to provide the Annexure part of the report and all other documents sought by me immediately to enable me to give a reply within 15 days after receiving the same.**

23/02/2012


(MN Vijayakumar)

PERSONAL COPY