

URGENT

**Before the Disciplinary Authority & Chief Secretary in the matter of  
Departmental Enquiry against Sri MN Vijayakumar, IAS, OSD & E/O  
Principal Secretary , DPAR(Departmental Enquiry Manual)**

**Request for giving entire Enquiry Report to enable Sri MN Vijayakumar,  
IAS to give representation as only part of the enquiry report of the Inquiry  
Authority & Consultant Justice Sri MP Chinnappa has been given on  
29/10/2011**

The DPAR letter No 386 SAS 2007 dated 21/10/2011 has been dispatched on 24/10/2011 as per the postal seal on the envelope and was received by me on 29/10/2011. This letter encloses an incomplete copy of the enquiry report given by the IA & Consultant Justice Sri MP Chinnappa. The report mentions at internal page number 92 an Annexure 'A' and the same has not been enclosed to the copy received by me. As any annexure to the enquiry report is part of the report, I request you to make arrangements to send it to me immediately to enable me to give my representation against the Enquiry Report prepared by the Consultant & IA.

I also require certain other documents as serious omissions and commissions noticed during the cursory examination of the partial report itself give an impression that

- A. Part of the enquiry report could have been written by a person other than IA & Consultant Justice Sri MP Chinnappa.
- B. The report is based on documents and materials not shown to me during the enquiry
- C. The report is based on inputs from people not involved with enquiry given outside the enquiry period
- D. As observed by the Hon'ble Supreme Court of India in its directive given to the Chief Secretary in its Judgment dated 8/7/2010 while hearing a disciplinary case against Government of Karnataka in Writ Appeal No.

*deu*

596 of 2007 the timely writing of ACR (now APAR) so that every officer is not denied what is due to him in accordance with Law and on the basis of his performance. **In fact the Chief Secretary as per this Judgment should have even issued Guidelines regarding writing ACR/APAR within 8 weeks from the date of Judgment ie before 2/9/2010.** The APAR's since Oct 2008 and action taken against APARs for the period 1/1/2007 to 31/3/2007, 1/4/2007 to 31/3/2007 were extremely relevant to the present enquiry and these should have been made available by the Chief Secretary on his own as per APAR Rules and several guidelines issued by the GOI. But even after filing RTI applications and filing complaint against the Chief Secretary's office with the Information commission, the same have not been made available till today. These were also sought during the hearing. Many letters have and reminders have been written to the Chief Secretary quoting the Hon'ble Supreme Court's directive to the Chief Secretaries and GOI. **But even after repeatedly informing in writing to the Chief Secretary that deliberately ignoring Hon'ble Supreme Court's decision would amount to utter contempt of the Hon'ble Supreme Court, the APARs have not been made available till today**

In view of the above I request the following to be given to me immediately

1. Certified photocopies of all orders passed by IA & Consultant Justice Sri MP Chinnppa- needed as it appears certain orders are passed without showing to me
2. Certified photocopies of all memos submitted during the enquiry by the Presenting Officer Sri Richard Lobo – needed as it appears even documents and materials not given to me have been given only to the IA & Consultant

3. Certified photocopies of all depositions made by all the witnesses
4. A copy of my APAR for the period October 2008 to March 2009 (which should have been shown to me before 30/9/2009)– needed to show that APAR was criminally tampered and information obtained during the period in which I was held to be mentally ill was deliberately used to hold the enquiry not recommended by the office of H.E. the Governor
5. A copy of my APAR for the period April 2009 to March 2010 (which should have been shown to me before 30/9/2010) – needed to show that I was forced to face the most unfair enquiry for not compromising with corruption as demanded by the Chief Secretary in Oct 2009(elaborated in my letter dated 27/1/2010 given to the Chief Secretary and various other authorities)
6. A copy of my APAR for the period April 2010 to March 2011 (which should have been shown to me before 30/9/2011) - needed to show the criminal conspiracy in the conduct of enquiry which clearly establishes that findings had been decided as early as in April 2010 as revealed by the Presenting Officer on 17/2/2011(My complaint to the Police dated 11/3/2011 and confidential documents given to the DG & IG of Karnataka Police has more details about the criminal conspiracy)
7. Action taken on my representations on APARs for
  - i. the period Jan 2007 to March 2007(about holding me mentally ill),
  - ii. April 2007 to March 2008(about holding me mentally ill and initiating Disciplinary Proceedings after H.E. the governor has not agreed) and
  - iii. April 2008 to March 2009 (needed to show what action was taken against those criminally conspired to write the APAR) –this is needed to show criminal tampering of records to subject me to enquiry




8. Annexure 'A' mentioned at internal page 92 of the enclosed partial report enclosed to DPAR letter dated 21/10/2011- without giving complete report , representation cannot be given particularly when practicing Consultant was allowed to act as IA in spite of many objections

It is very unfortunate that without even trying to understand the importance and significance of the Vigilance Awareness Week and the Pledge taken against corruption, the Chief Secretary has sought response to the enquiry conducted in the most unfair manners for acting against corruption. However I would be submitting my representation within 15 days from the date of receipt of all the documents mentioned above.


31/10/2011

  
(MN Vijayakumar)

Copy to Sri N. Srinivasamurthy, Under Secretary, DPAR (Services I) for necessary immediate action

  
Office of the Chief Secretary  
to Government of Karnataka  
Bangalore-560 001  
31/10/11

PERSONAL COPY

  
31/10/11