

Before the Disciplinary Authority & Chief Secretary (also main witness in this enquiry)

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 as no response is received till today to my representation dated 21/01/2012. My representation was made under protest in response to letter enclosing uncertified copies of certain criminally tampered documents received from Sri U.H.Narayanawamy, Under Secretary, DPAR(Services I) bearing No. DPAR 386 SAS 2007 dated 18/1/2012 received by me on 20/1/2012. These documents were given to my office in an unsealed manner and were not even put in any envelope and that too without even mentioning the details of the documents enclosed. In view of the serious criminal tampering of documents I had requested in my representation given under protest on 21/1/2012 to give certified copies. I had also requested to provide the deliberately withheld portion of the enquiry report without which no response can be given to the enquiry report prepared by a person who himself is not eligible to have acted as an Inquiry Authority. Till today, I have not received any response. A quick glance of the criminal tampering of some of the documents given to me mentioned earlier further confirm the highly malicious criminal and prejudiced acts of Sri. SV.Ranganath, IAS, 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 had informed in my representation dated 21/01/2012 that Sri SV Ranganath, IAS acted as Disciplinary Authority in spite of being a witness himself ignoring all my letters since August 2010. He was the last person found



to be in possession of the critical corruption report given by me against many IAS officers - which he never allowed to be produced along with other important documents which contained specific serious corrupt acts of senior IAS and other officers. He also prevented witnesses from giving evidence to escape himself from giving evidence as a prime witness. Even if one other witness had been allowed to appear, his criminal conspiracy would have been revealed particularly when Advisors to H.E the Governor had gone on record not to hold any enquiry but instead had asked to give a posting suitable to my expertise. On the other hand, the fact is that two immediate predecessors of Sri SV. Ranganath, IAS, had followed the advice of the Advisors to H.E. the Governor .Even his immediate predecessor who was given Chief Secretary's office seal to be misused after his retirement had not mentioned about ignoring the advisors advice and obviously did not appear as a witness.

3. It is clear that Sri SV Ranganath, IAS, who has been shielding the corrupt and immoral officers has denied me that part of the Enquiry Report with criminal intention as it would have revealed brazen suppression of facts by Sri MP Chinnappa allowed to continue to act as IA by Sri SV Ranganath, IAS in spite of innumerable serious complaints against him by me. The deliberately withheld portion might have already been tampered as feared by me in my letter dated 26/11/2011 otherwise it would have been given to me immediately at least after receiving my 21/1/2012 representation given under protest if it was just an administrative lapse. Not giving that portion in spite of many reminders and particularly after informing that it violates Hon'ble Supreme Court's many decisions only confirms that Sri MP. Chinnappa, to safeguard himself in addition to suppressing and distorting facts (given by himself to a constitutional authority) might have recorded certain facts if revealed would be dangerous to Sri SV.Ranganath, IAS. The criminally tampered documents and not providing me information needed to perform my present work (preparing the Enquiry manual) all show the deep rooted conspiracy to shield the corrupt. I had clearly



page (typed on both sides) found among the documents given to me though not sought by me?). It appears that most probably it was written by an official in the DPAR who was pressurized to suppress and distort facts. (Is it possible that the same official has given information to Vijaya Karnataka which has appeared today The fact that my APARs which should have been mandatorily shown without asking(not shown in spite of bringing clear decisions of Hon'ble Supreme Court in this regard) have been till today deliberately withheld with criminal intention becomes clear from the fact that Sri SV Ranganath, IAS while holding me mentally ill has subjected me to the most unfair and torturous enquiry that too by denying me salary by relieving me without any transfer Order. He has not till today revealed the outcome of the forced medical assessment he subjected me to in Dec 2009 after I repeatedly refused to accept his illegal, immoral and unethical suggestion to compromise with corruption. He did not want the serious looting of government land by IAS officers to be revealed which had been recorded by me in my APARs as otherwise action must have been initiated against all the officers involved including Sri SV Ranganath, IAS himself. (the way video evidence of raid conducted on my instruction in Feb 2007 was treated is further confirmed by the way the Report of Sri V Balasubramanian, retired IAS officer is being treated). The documents sought by me, if given, would have exposed all those who wanted to criminally harass me in the garb of holding enquiry to shield some of the most notorious corrupt officers in the country. I have already filed complaint with the police about the criminal tampering of documents observed by me in my representation given on 21/1/2012 to the prime witness acting illegally as a DA while not acting as my Reporting Officer but claiming to be one(repeatedly violating many specific directives of Hon'ble supreme Court, AIS Rules, etc). In fact he has committed criminal offences under almost each section of the Indian Penal code and the Prevention of Corruption Act. This is corroborated by the fact that not even a single information sought by me since March 2011 from DPAR(Services) needed to write the Manual has been given in spite of many



my Complaint to the Lokayukta and my complaints to the Police. I also learnt that at last Police have understood the criminal conspiracy behind my present posting and in particular the location my present office. It appears that the Police have written to government to change the location of my present office.

6. The following portion mentioned in the decision of Hon'ble High Court of Karnataka against Government of Karnataka in writ petition No 27062-201/2010 dated 21/12/2010 clearly show that officers like Sri SV. Ranganath, IAS just to shield the corrupt at any cost never care for serious observations made by Courts :

There is need to minimize the scope of arbitrary use of power in all walks of life. It is inadvisable to depend on the good sense of the individuals however high placed they may be... it is trite to say that individuals are not and do not become wise because they occupy high seats of power, and good sense, circumspection and fairness does not go with the posts, however high they may be. There is only a complacent presumption that those who occupy high posts have a high sense of responsibility. The presumption is neither legal nor rational. History does not support it and reality does not warrant it. In particular in a society pledged to uphold the Rule of Law, it would be both unwise and impolite to leave any aspect of its life to be governed by discretion when it can conveniently and easily be covered by the Rule of Law...Both discipline and devotion are necessary for efficiency. To ensure both, the Service conditions of those who work for them must be encouraging , certain and secured, and not vague and whimsical. With capricious Service conditions, both discipline and devotion are endangered, and efficiency is impaired...Both the society and the individual employees, therefore have an anxious interest in Service conditions being well defined and explicit to the extent possible...In the sphere of public employment, it is well settled that any action taken by the employer against as employee must be



fair, just and reasonable which are components of fair treatment...Therefore the Principle(of Natural Justice) implied a duty to act fairly ie, fairplay in action...The aim of Rules of Natural Justice is to secure Justice or to put it negatively to prevent miscarriage of Justice...This Rule cannot be sacrificed at the altar of administrative convenience or celerity...The old distinction between a judicial Act and an Administrative Act has withered away.

7. It is unfortunate that Sri SV. Ranganath, IAS, to protect his own illegal acts and to shield other corrupt officers is indulging in such brazen criminal acts since 2005 throwing all of Rules and showing utter contempt of even Hon'ble Supreme Court decisions repeatedly brought to his notice. From the day he took charge as Chief Secretary , Sri SV Ranganath, IAS has been continuously putting hurdles of all types to prevent me from performing my duties as per the anti-corruption pledge I take every year and he also prevents me from acting as per the calls given by none other than H.E. the President of India. My own discussion with reputed Justices of Hon'ble Supreme Court and Hon'ble High Court of Karnataka have revealed the fact that no person who wants to call himself as a Justice after retirement would accept to act as an IA if the DA names himself as a witness or if a person named as a witness acts as a DA. The glaring fact is that while Sri SV Ranganath, IAS himself appoints me as OSD and Principal Secretary (Departmental Enquiry Manual) while I myself was facing enquiry(malicious intention behind this is given in detail in my confidential letter to the police on 11/3/2011) , that too by creating a new post ignores each and every advice given by me and continuously obstructs me with criminal intention by denying me information, facilities, salary etc while criminally harassing not just me but also humiliating my wife. But all these insidious acts of Sri SV.Ranganath, IAS, did not prevent me from putting on internet most important portions of the Departmental Enquiry Manual prepared without any assistance but based on Hon'ble Supreme Court of India decisions



from 1951 to 2011 and Hon'ble High Court of Karnataka's decisions from 1999 to 2011 regarding departmental enquiry matters.

PRAYER MADE UNDER PROTEST

8. Under the circumstances mentioned above, I am making 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. **The following requests are made keeping the observations of Hon'ble Supreme Court of India in CIVIL APPEAL NO. 1193 OF 2012(31/1/2012).**

i. Sri MP Chinnappa got himself appointed as IA by suppressing facts given by him to one of highest constitutional authorities in the country. ^(x) This he did in collusion with Sri SV Ranganath, IAS, violating all norms of appointment of IA. Sri MP.Chinnappa, in collusion with Sri .SV.Ranganath, IAS, further resorted to the most illegal and unfair practices even before I appeared before him and continued to do so during the entire enquiry and most probably is continuing to do so even after giving the enquiry report. All unfair and illegal acts of Sri MP Chinnappa which have been brought to the notice of Sri SV. Ranganath, IAS must be sent to H.E the President of India, the Hon'ble Supreme Court of India and the Secretary, DoPT, to prevent Sri.MP Chinnappa from misusing his status as retired judge of High Court to help the corrupt to be shielded by officers like Sri SV.Ranganath, IAS.

ii. To give sanction to criminally proceed against Sri SV.Ranganath, IAS for his illegal, criminal and immoral acts documented by me and contained in my submission given under protest on 27/7/2011.

iii. Sri SV.Ranganath, IAS, Chief Secretary/Reporting Officer/Disciplinary Authority/witness 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.

(x) Revealing the ^{fact} would have made it impossible for Sri MP Chinnappa from being appointed as IA in April 2010 itself. ^{plw}

iv. 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 and in my earlier representations given under protest.

v. To provide certified copies of all documents which have been denied to me till today though repeatedly sought in my many representations - last part of the enquiry report, APARs etc.

vi. 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 on 20/1/2012. I had sought certified copies of documents mentioned in my representation dated 26/11/2011 be given and these should be given as they are needed to initiate criminal proceedings (I had not sought and I do not want the certified copies of my own memos or documents produced by me).

vii. 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.

viii. To pay illegally withheld salary for the period June 2011 to August 2011 as I have given all information sought and has even expressed my willingness to appear before any Medical board if those documents are not enough. On the other hand, it is action from the Police which is needed for this period and not anything from any doctor.

3/02/2012

sen
(MN Vijayakumar)

Copy to: Sri U.H.Narayanaswamy, Under Secretary, DPAR(Services I), Vidhana Soudha, Bangalore

2/6/2012

sen
" PERSONAL COPY "

