

TOTALLY 27 PAGES *PERSONAL COPY*

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

REPRESENTATION MADE UNDER PROTEST

A. This submission is made under protest as complete enquiry report, certified copies of documents mentioned therein in my representation given under protest on 21/1/2012 and APARs have not been given till date. I was appointed as OSD & Principal Secretary, DPAR (Departmental Enquiry Manual) with ulterior motive has been established from the fact that all my requests to officers of DPAR (Services) and to you to provide me with minimum information have been ignored for almost one year. In my capacity as Principal Secretary, DPAR, I have addressed letters to DOPT, the CVC, the CBI, the UPSC and the LBSNAA not only seeking certain clarifications on certain issues to finalize the Enquiry Manual but also have given suggestion after seeing deliberate tampering of files. I have given a copy of the covering letter addressed to these offices to the Chief Secretary also. I am giving a copy of a letter addressed to H.E. the President of India requesting her to direct the DOPT to take certain actions. I am enclosing pages 1 to 21 to this representation given under protest. If officers like Chief Secretary who should be helping those appointed to prepare the Departmental Enquiry Manual deliberately obstruct to shield corrupt officers who have allowed looting of thousands of Crores of rupees and show utter disrespect to AIS Rules and to directives/decisions of the Hon'ble Supreme Court, the only course left is to establish beyond doubt that all these have been happening with extreme criminal intention. I am reproducing requests made to the Chief Secretary and to H.E. the President of India below from my letter No. PER/110/OSD/DPAR/DEM/2012 dated 6/3/2012

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1. I am requesting the Chief Secretary to bring this letter to the notice of the State Cabinet as I am continuing in the Services just to protect myself and my family members for reasons given in my letter dated 6/2/2011 at Ref 1 after sending this letter along with the sealed enclosure to Your Excellency. I am also requesting the Chief Secretary to send the following to Your Excellency:

1. My representations given to the Chief Secretary from 31/10/2011 to 03/02/2012 requesting the Chief Secretary to provide complete enquiry report and certified copies of enquiry related documents which are visibly tampered to give my response to the findings. (including my own signature missing from many order sheets etc)
2. All letters shown under reference addressed to the Chief Secretary or given to the Chief Secretary for forwarding to the authority named in those letters
3. My 172 pages representation dated 27/6/2011 to replace the IA bringing out the unfair acts of the IA (spiral bound)
4. My 289 pages replies dated 27/7/2011 to baseless charges (also spiral bound)

2. I humbly request Your Excellency to direct the concerned in the DoPT to take following action as the Chief Secretary Sri SV Ranganath, IAS thinks that acting as per calls given by Your Excellency as misconduct and that he can treat Hon'ble Supreme Court directives and decisions with utter contempt (the IA appointed by him further has stated about calls given by Your Excellency which I use to motivate people to fight corruption as philosophical as per the partial report given to me!!)

i. Request to direct the DOPT to take action to give clarification sought immediately by me on points raised in my letter No PER/108/OSD/DPAR/DEM/2012 dated 01/03/2012 in my capacity as Principal Secretary responsible for preparing Departmental Enquiry Manual as more than Rs. 2.5 lakh crores of rupees have been allowed to be looted by corrupt officials in Kamataka (Guidance value Rs. 1.9 lakh crores as per Sri V. Balasubramanian's report in land scam and thousand of crores in mining



scams as per Lokayukta's report)— this prevents brazen misuse of authority by officers like Sri SV Ranganath, IAS to shield the corrupt and protect the honest.

ii. To send an officer/officers from, DoPT to more details from me and report to Your Excellency in the larger interest (the fact that Karnataka galloped to become the most corrupt State in the country after Sri SV Ranganath, IAS became Chief Secretary is not just coincidental but enough evidences are there to show that he is directly responsible for most of the things which has shamed Karnataka and some of his actions are bound to have a negative impact on the nation as a whole.

or Request to direct the DoPT to give me an opportunity to personally explain to an officer selected by the Cabinet Secretary , the frequent mockery of Rules/ Hon'ble Supreme Court's directives/decisions by Sri SV Ranganath, IAS to harass me with the sole intention of shielding the corrupt (Please see Pages 12 to 21 containing my views in my official capacity on the enquiry so far based on more than 600 SC/HC Judgments, information received under RTI Act from more than 125 departments, institutions, boards, corporations from all across Karnataka).

iii. *To direct the Cabinet Secretary to monitor the action taken by Chief Secretaries on the Cabinet Secretary's DO letter No. 502/2/3/04 CAV dated 22/7/2004 (This letter itself was issued in pursuance to Hon'ble Supreme Court's directive given to GOI while hearing the case of murdered whistleblower Sri Satyendra Dubey. My written and oral evidence given before the Parliamentary Standing Committee in February 2011 which examined the Whistle Blower's Bill contains many other details- I was the only serving/retired IAS officer to appear before the Committee)*

iv. *Call for a report from the DG & IGP, Karnataka regarding action taken on my confidential letter dated 11/3/2011 since recently I was informed about more threats to my life as revealed by a person who was formerly associated with Transparency International.*

B. Even a cursory reading of pages 12 to 21 should clearly throw light on the conspiracy behind forcing me to face the most unfair enquiry into totally baseless charges. Further, these extremely serious



observations must be treated as my expert opinion as Officer on Special Duty appointed specially by Government to prepare Departmental Enquiry Manual on the charges and the unprofessional, unfair and inhuman manner in which the enquiry was conducted. As per my expert opinion and responses received for my letter No. PER/106/OSD/DPAR/DEM/2012 dated 25/2/2012 addressed to all IAS officers of Karnataka requesting them to give cases worse than my case referred to in that letter, this has turned out to be undoubtedly by far the worst case of unfair enquiry ever conducted. Further criminal action must be initiated against all those involved in framing the baseless charges and for not preventing the IA from continuing the enquiry in most the unfair and inhuman manner. Criminal Sanction should be given immediately to prosecute all those officers for harassing an officer in the garb of departmental enquiry. Further, my own analysis of all Hon'ble Supreme Court decisions since 1951 confirms that this is the most unfair enquiry ever held in the history of independent India. No other enquiry had large number of serious violations like the ones observed in my own case. In all other cases one or two violations only had been observed in majority of the cases. If Chief Secretary was aware of a case of enquiry conducted in a more unfair manner than mine, he would have certainly made use of it.

PRAYER MADE UNDER PROTEST

C. 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



i. To act on the Opinion given by OSD & Ex Officio Principal Secretary, DPAR(Departmental Enquiry Manual) in B above as the same has been given after seeking information from all IAS officers of Karnataka Cadre, based on more than 500 Judgments of Hon'ble Supreme Court (1951 to 2011)and High Court of Karnataka(1999 to 2011). The views have also been given keeping information obtained under the RTI Act from more than 125 Departments, Institutions, Boards , Corporation etc from all across Karnataka.

ii. 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.

iii. To await for clarification sought from DoPT, GOI. As already requested Sri SV Ranganath, IAS, Chief Secretary being a prime witness is prohibited from taking any action on the Enquiry Report (that too partially given) for reasons mentioned in my representations.

iv. 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 to enable me to give my comments on the Enquiry Report.

v. 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 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).

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.

ENCL: Copy of Pages 1 to 21 of Letter No. PER/110/OSD/DPAR/DEM/2012 dated 6/3/2012 given to Sri SV Ranganath IAS, Chief Secretary by MN Vijayakumar, IAS to forward it to H.E. the President of India

6/03/2012


(MN Vijayakumar)

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