

**Representation to the Competent Authority under AIS Rules from  
M N Vijayakumar, IAS, 1981 Batch, Karnataka Cadre, presently working  
as Officer on Special Duty and Ex Officio Principal Secretary, DPAR  
(Departmental Enquiry Manual) in response to UPSC advice contained in  
the confidential letter F No. 3/398/2014-S.I dated 11<sup>th</sup> March 2015  
addressed by the UPSC to the Secretary, DoPT, GOI  
(74 PAGES)**

1. As already informed in my letter dated 25<sup>th</sup> March 2015 (**Annexure II – pages 21 to 48**), I received on the evening of 19<sup>th</sup> March 2015, the letter dated 12<sup>th</sup> March 2015 sent by RPAD, by the Under Secretary, DPAR(Services I) enclosing the Confidential letter dated 11<sup>th</sup> March 2015 addressed by Shri T Thiagarajan, Deputy Secretary(S.I), UPSC to the Secretary, DoPT. As informed in my letter dated 25<sup>th</sup> March 2015, I have time till 3<sup>rd</sup> April 2015 to give my representation. Till today, I have not received any letter either from the Chief Secretary or from any officer in the DPAR contradicting this understanding of mine. As both 2<sup>nd</sup> April 2015 and 3<sup>rd</sup> April 2015 are not only Government Holidays but also postal holidays, I have sent this representation by RPAD from the Post Office near to my residence on 1<sup>st</sup> April 2015. I will send a scanned copy of RPAD receipt by email on 3<sup>rd</sup> April to the Offices of the Chief Secretary and Principal Secretary, DPAR to inform me in case if my representation is not delivered on 4<sup>th</sup> April 2015.

2. **I survived many attempts on my life by keeping secret the identity of well-wishers who gave timely information (sometimes I received information from totally unknown well-wishers who left messages, sent information by post etc). When during the inquiry I had the option of revealing the identity of those well-wishers or keep their identities secret, I chose to keep the identities secret and continue to fight corruption by being alive by receiving tips (In fact, in 2008 my wife had received an email from the Chief Secretary's office to the effect that even honest officials supporting me would be harmed and it made no sense to put those officials also under harm). My wife and I were informed midway through the inquiry on 17<sup>th</sup> Feb 2011 by none other than the PO Sri R, Lobo in my case about the criminal nexus between the DA and the IA and that the DA had bribed**

the IA so much that he would ignore all evidences and would never call witnesses. When on 8<sup>th</sup> March 2011, I learnt while waiting in the Chief Secretary's office that the criminal nexus between the DA and the IA extended beyond the departmental inquiry, I gave a complaint to the police on 11<sup>th</sup> March 2011 about the criminal conspiracy to eliminate me as hatched by the DA and the IA. Since life is more precious than the worst punishment that may be given to me under the Conduct Rules because of such an unfair inquiry, I made the priceless decision to be alive and continue my fight against the corrupt whose activities I have documented extensively. However in my letter dated 17<sup>th</sup> March 2015 (Annexure I – pages 13 to 20), I have given names of many police officers who in spite of having direct information about threats to my life did not act. I have also given names of few police officers who tried to do their best in spite of not having any support from their seniors.

3. The details I am mentioning in the next para are very important because it shows the criminal nexus between the IA and the DA on the pretext of holding the inquiry as revealed to me on 8<sup>th</sup> March 2011 (inquiry concluded more than 4 months later) by none other than by someone in the Chief Secretary's office itself. My complaint to the Police given on 11<sup>th</sup> March 2011 is based on the information which confirmed what was revealed to me on 8<sup>th</sup> March 2011

4. It is both an irony and travesty of Justice that my transfer order approved by the Chief Minister on 21<sup>st</sup> December 2010 in File No DPAR 604 SAS 10(P) was not given effect just to deny me salary during inquiry till 7<sup>th</sup> March 2011 by Shri SV Ranganath, Chief Secretary. The transfer order approved earlier by the Chief Minister was unilaterally modified on 7<sup>th</sup> March 2011 and communicated to me by email at 6:38 pm on the same day and my job was to write the Departmental Enquiry Manual, though I myself was facing a totally unfair inquiry into baseless charges. The Order was issued that I was to write a DE Manual when a DE Manual was already finalized a few months earlier and the PO in my case was one of the co-authors of that Manual. Shri SV Ranganath suppressed all these facts and modified the transfer order on his own

with criminal intention. This Order was issued as I had earlier sent a letter by email at 9:34 am on the same day on 7th March 2011 to the Secretary, DoPT to place my email before the Hon'ble Supreme Court to impress upon the Hon'ble Supreme Court how I am being harassed by corrupt senior IAS officers for my whistleblowing activities and for refusing to compromise with corruption as demanded by them (Former Cabinet Secretary Sri TSR Subramanian and 82 other retired bureaucrats had filed a petition before the Hon'ble Supreme Court mentioning the following: *"There is an urgent need to depoliticize management of transfers, postings, inquiries, the process of promotion, reward, punishment, and disciplinary matters relating to civil servants need"*)

5. In my letter dated 7<sup>th</sup> March 2011 to the Secretary, DoPT, I had also requested the Secretary to place my letter dated 4<sup>th</sup> March 2011 before the Hon'ble Supreme Court (addressed to H.E. the President of India). In that letter dated 4<sup>th</sup> March 2011, I had informed H.E. the President of India how I have been continuously harassed and humiliated for refusing to compromise with corruption as demanded by the Chief Secretary. It is very relevant to mention here the fact that I had refused on 26<sup>th</sup> Oct 2009 to compromise with corruption as demanded by Shri SV Ranganath, Chief Secretary to be given any posting (I had been kept waiting without any posting since August 2009 after I reported serious corrupt practices by the Registry in KAT). Shri SV Ranganath ignoring the fact that he was already named a witness in Dec 2007 in my case as the last officer in possession of corruption report given by me to the Chief Secretary Shri KK Misra on 15<sup>th</sup> June 2005, appointed a Consultant as IA in April 2010 by paying hefty fee after negotiation (DPAR Order No 386 SAS 2007 dated 24<sup>th</sup> June 2010) - 40 times more fees given to another IA in the case of another IAS officer only a few months earlier (DPAR Order No 111 SAS 2005 dated 21<sup>st</sup> Jan 2010). On 17<sup>th</sup> Feb 2011, my wife and I were given another highly obnoxious information about the criminal nexus between the DA and the IA voluntarily by none other than by Shri R lobo, the PO in my case that Shri SV Ranganath had bribed the IA and that I cannot expect fair hearing as he is not going to call any of the witnesses and not going to get critical documents requested by me as all the findings had been pre-determined. On 21<sup>st</sup> Feb 2011 mentioning the above criminal nexus in a coded form I sent an email to all IAS officers

of Karnataka under the caption *The height of unfairness*. On 8<sup>th</sup> March 2011, when I had gone to the Chief Secretary's office , I was informed about the bigger criminal conspiracy hatched to finish me off and show it as suicide and that there was absolutely no intention to get any manual prepared(the observations made by the IA was to be used to prove that my murder was suicide)

**6. The action proposed to financially penalize me by reducing my pension by compulsorily retiring me when only a few days are there for me to attain the age of *superannuation* that too for my fight against the corrupt will forever remain a blot in the history of IAS unless the concerned take corrective measures at least now.** Such a punishment to me ignoring unimpeachable evidences show that charge after charge were framed in retaliation either for demanding action against those whose corrupt activities I have been reporting since 2005 or for exposing the corrupt activities of senior IAS officers. **Further such charges were framed by resorting to extreme distortion and suppression of facts that too when my life was under serious threats from the very officers involved in framing charges speaks extremely bad about the few who could have prevented such harassment but chose not to act.** Any punishment to me in any manner certainly would demoralize whistleblowers and the action now proposed to say the least is totally against the Whistleblowers Protection Act which is in force since 12<sup>th</sup> May 2014.

**7. In fact, for no fault of mine, though GOI was in possession of all the needed materials since 18/9/ 2012 (as per UPSC letter dated 11<sup>th</sup> March 2015), DoPT did not find it important till 19<sup>th</sup> Feb 2015 to refer my case to the UPSC. The situation is now so created that either on the day I will be superannuating or later, I may be compulsorily retired from Service if false interpretations are accepted in spite of evidences available in Government itself which contradicts them! Such an action is nothing but vengeance and cannot even remotely be treated as disciplinary action. Though I have already highlighted some major lapses in handling my case at all levels in my letter dated 25<sup>th</sup> March 2015(Ann II), I have produced in the Annexures I to VII, evidences which reveal extreme distortion and suppression**

of facts to arrive at pre-determined findings illegally agreed between the DA and the IA.

8. **In my letter dated 27<sup>th</sup> Jan 2007, I had anticipated how I would be ill-treated for refusing to keep quiet about the corrupt activities of my seniors and this is what I had written:** I am a government Servant and not a slave, and I have to uphold the Constitution without any fear and keeping quiet about corrupt practices is against the Constitution. In one of my letters dated 22/11/06, I had reported to the Chief Secretary the fate of whistle blowers: *Various studies have shown 1. Isolation and humiliation, 2. Formation of an "anti-you" group. 3. Organizational stonewalling, 4. Questioning of one's mental health, 5. unusually close observation of what one does and says. 6. Vindictive tactics to make one's work more difficult or insignificant, 7. Talk about so-called generous severance packages, 8. assassination of one's character, 9. Disciplinary hearings before one has had a chance to address one's concerns and 10. Possible suspension.* Out of these I have directly experienced 3, 6 and 9 and I have indirect knowledge about variations of 7 and 10.

9. **I have been subjected to each one of the above ill-treatments not once but many times (I was kept without posting that too by not issuing any transfer order just to deny me salary from Nov 2010 to March 2011 that too while being subjected to the most brutal, barbaric, unfair inquiry).**In my letter dated 17<sup>th</sup> March 2015, I have revealed that not satisfied with the above ten ill-treatments, many efforts were made to murder me and two of those happened while under police protection. The worst murder was planned between March 2011 and July 2011 in the pretext of inquiry. I have given complaints to the Police in respect of each such incident. The UPSC has totally remained silent on this serious issue also.

10. **In fact, in my letter dated 27<sup>th</sup> Jan 2007, I had also stated the following:** *I was also informed by some persons in the DPAR, that corrupt officers in the Department joined together and made sure that my request for leave was rejected again and again and that no decision would be taken till March 2007. By doing this, they planned to initiate action to dismiss me from service on the ground of absence from duty for more*

*than six months. With this, they thought that I would be kept busy in defending myself and I would be distracted from pursuing the serious corrupt practices of senior officers.*

**Things are no different after more than 8 years but this time the players are spread across the national level also. Under such circumstances, reduction of my pension after retirement is being planned to reduce my financial capacity to protect myself and my wife would be stating the too obvious thing. But for all the players playing a game ignoring not just massive suppression and distortion of facts but by criminally tampering the depositions and evidences as indicated in my representation dated 21<sup>st</sup> Feb 2012 (which either was not placed before the UPSC or has been ignored by the UPSC only time will reveal- just like my representation dated 6<sup>th</sup> March 2012 requesting the DA to await for clarification from DoPT to my letter dated 1<sup>st</sup> March 2012. What has been worse becomes clear from the advice given by the UPSC is that, my representation dated 27<sup>th</sup> June 2011, documenting the brutal, barbaric and unfair inquiry by the Consultant who was paid hefty fee/bribe has been suppressed by both the DA and the DoPT from the UPSC. It is equally strange that UPSC is also totally silent on my addressing the IA as Consultant – UPSC has never commented as to why I was addressing the IA as Consultant throughout the enquiry. But those now with authority will have the choice to recognize the deliberate suppression, distortion and tampering of facts given in this letter and my letter dated 25<sup>th</sup> March 2015 and take a decision to not to take away the little security I would be able to afford to protect myself and my wife after retirement. The same authorities also have a choice to ignore everything given here and take a decision to help those who have been making unsuccessful attempts on my life to succeed.**

**11. For those who want to decide whether to make my life more vulnerable to attacks or not, I want to briefly mention what I have given in my letters dated 17<sup>th</sup> March 2015 (Annexure I pages 13 to 20). I wrote the letter dated 17<sup>th</sup> March 2015, after I received information from a Secretary to GOI indicating plans to make my survival difficult after I retire from Service. When I had almost finished the letter on 16<sup>th</sup> March 2015, in the evening I heard about the death of Shri DK Ravi, IAS.**

**This made me to reveal in that letter the names of all police officers since March 2007 who either helped me survive or deliberately chose to ignore threats to my life.**

12. **For those who care for my life after retirement, they must read what I have given in my letter dated 25<sup>th</sup> March 2015 which is available at Annexure II from pages 21 to 48 in this representation.** To briefly mention, in my letter dated 25<sup>th</sup> March 2015, on internal pages 3 to 6, I have given the damages that would be caused when facts are suppressed from the UPSC, punishing an officer for his honesty that too when no complaints are there against him, punishing an officer for reporting corrupt practices of his senior would make citizens lose faith in those who punish an officer like me, revenge masked as disciplinary action that too by brazen violation of law should never be allowed to succeed, punishing an officer for fearlessly and fairly expressing views as demanded by the oath he had taken at the time of Joining the Service sends wrong signals to citizens and terrorizes the minority honest officers left in the Service, acting as per calls given by constitutional authorities like H.E. the President etc would amount to disrespecting such Constitutional Authorities, ignoring all these if I am punished all suppressed truth would explode destroying the credibility of many institutions. What is even worse is punishing me in spite of knowing the fact that charges were framed based on explanation obtained while holding me mentally ill shows the extreme barbaric mind and finally the fact that a Consultant had to be bribed to give predetermined findings ignoring all norms of fair inquiry laid down by DoPT itself (UPSC is stoically silent on this and even worse is the fact the DOPT made absolutely no efforts to give innumerable information it had to UPSC about unfair methods used by the IA at every stage). In the enclosure at internal pages 7 to 11 of Annexure II , I have with evidences elaborated the criminal nexus between the DA and the consultant appointed as IA including their criminal conspiracy which I reported to the Police on 11<sup>th</sup> March 2011 midway through my inquiry. I have touched upon UPSC not being bothered about the real cause of delay of more than 800 days in appointing the IA in April 2010 after I had given my reply in Dec 2007 itself, DoPT referring to UPSC for advice more than two years after it was in possession of all the materials in my case and seeking advice

just 70 days before my retirement, evidences to show how DA purchased IA, criminal conspiracy masked as a departmental inquiry, extreme barbaric behavior of the IA to please the DA. In internal pages 11 to 13 of Annexure II, I have given evidences from Government itself to show that I never made any baseless allegations. The evidences also show that no action was taken on any of my reports but even the files containing the reports were not produced during inquiry to facilitate predetermined findings agreed upon between the DA and the Consultant appointed as IA. In internal pages 14 to 25 of Annexure II, I have given 25 instances of extreme distortion/misinterpretation of easily verifiable facts by the Consultant appointed as IA that too in the partial inquiry report given to me. What is extremely horrible is the fact that these extreme distortion and misinterpretation of facts are not exhaustive. In internal pages 26 and 28 of Annexure II, I have listed (again not exhaustive) 15 serious facts ignored by the UPSC while giving its advice. It is important to mention here that UPSC has ignored its own directive to the departments regarding timely submission of cases for advice (vide DoPT OM dated 10<sup>th</sup> May 2010 ). It is also pertinent to mention here what the Hon'ble Supreme Court has said about Compulsory retirement (in the case of State of Gujarat v Umedbhai M.Patel). Compulsorily retiring me in the last month of my Service that too after I cross the age of superannuation cannot be termed as being done in public interest as all my case papers were with concerned authorities who could have compulsorily retired me from Service nearly 8 years back. For the last nearly 8 years, I was continuously harassed and humiliated and criminally obstructed to prevent me from performing my official duties hoping that at last I would certainly succumb and compromise with corruption as demanded by my seniors. Extensive documentation by me during this period show how I withstood the criminal harassments and humiliation and continued to expose corrupt officers and report their activities to concerned authorities. Having failed in all their efforts, in February 2015, all involved hurriedly sent my case to the UPSC for advice and got the advice with lightning speed which again must be a record in the history of UPSC, particularly in case of an officer against whom there are no complaints or corruption/illegality charges.



13. I have also given at Annexure III ( pages 49 to 54 )some more instances of deliberate absurd interpretation of facts to give pre-determined findings by the Consultant appointed as IA along with my observation (though some are repeated, they are worth repeating). I have also given at Annexure IV (pages 55 to 64) some other instances of my observation on deliberate wrong interpretation of facts to give pre-determined findings by the Consultant appointed as IA which have been definitely not been brought to the notice of the UPSC by the DoPT as obviously the DA did not bring those to the notice of DoPT.

14. I am also enclosing at Annexure V (pages 65 to 68 )and VI (pages 69-70) , copies of my letter addressed to the Secretary, DoPT on 28<sup>th</sup> March 2015 and 30<sup>th</sup> March 2015.

15. Assuming that at least one person involved in handling this representation would go through what I have stated in paras 1 to 14 above, I am making the following

#### **DEMANDS/PRAYER**

1. I request all those involved in taking any decision on this representation to keep the ground realities in mind so that the real reasons behind charges framed against me becomes clear.
2. All charges have been framed against me in retaliation to the complaint I filed against Shri PB Mahishi with the Lokayukta in June 2007. Shri PB Mahishi not only framed all charges but also made himself a witness which is totally against law. By forcefully transferring me to Belgaum against the decision of the State Cabinet and frequent letters from the Water Resources Department, not only attempts were made to get me killed in Belgaum, even I was prevented from pursuing the case I had filed against Shri PB Mahishi with the Lokayukta. Charges against me (and my wife) that

I fought against corruption was a serious misconduct. Corruption being a criminal activity and protecting the corrupt is not at all the policy of any Government, speaking up against corruption or fighting against corruption can never be a misconduct. Shri PB Mahishi whose extreme corrupt activities were suppressed to make him Chief Secretary (DPAR even lied to the Public Accounts Committee that action was initiated against Shri PB Mahishi for allowing swindling of crores of rupees while working in KHB.) was removed from the post of Chief Secretary after many more of his corrupt activities got exposed after I filed complaint against him. TO PUNISH ME BASED ON THE DEPOSITION OF SUCH A CORRUPT OFFICER THAT TOO BY ENGAGING CONSULTANT WHO WAS PAID HEFTY FEE (AND ALSO OTHER THINGS AS PER THE VOLUNTARY REVELATIONS MADE ON 17<sup>TH</sup> FEB 2011 MIDWAY DURING THE INQUIRY BY SHRI R LOBO) TO CONDUCT THE INQUIRY IN THE MOST BRUTAL AND UNFAIR MANNER DISALLOWING ALL EVIDENCES AND WITNESSES AND NOT CALLING FOR FILES MAKES A TOTAL MOCKERY OF THE INQUIRY. THE ABSURD LOGIC USED BY THE CONSULTANT APPOINTED AS IA ARE GIVEN IN ANNEXURE II, III and IV. While files are deliberately lost, I am being punished for protecting the photocopy of a file (original was with the police). While no response has been given for years together in many cases, I, not taking action for a week has been made a very big misconduct (while in reality I was waiting for clarification from the WRD and also because my mother had expired.). The most absurd charges are for not attending meetings which were not called and those I could not attend because of threat to my life which I had informed in advance to the Principal Secretary, WRD. Even seeking legal clarifications have been made serious misconducts.

3. Anyone who is involved in taking any decision on this representation is requested to first go through the Note I had attached to my letter dated 10<sup>th</sup> April 2010 (Annexure VII – pages 71 to 74) given to the Cabinet Secretary which was also sent to various authorities by email which gives a picture of me starting from the time when I was yet to join the IAS. It also describes the incident involving Sri PS. Appu's resignation, who was the Director at LBSNNA, Mussourie and impact of his resignation on my mode of functioning throughout my 34 years of Service. It also clearly brings out the fact that reaction to my stubborn honesty became vicious only after 2005.

4. My letters to the Hon'ble Chief Minister from June 2013 to November 2014 bring out how corrupt officers always gang up and criminally conspire against me for doing my duties as per my Service Rules and the Anti-corruption pledge I take every year on the first day of the Vigilance Awareness week. Anyone who is involved in taking any decision in any manner should go through my letters written to the Hon'ble Chief Minister and in particular my letter dated 22<sup>nd</sup> November 2014.
5. I had sent by email to all IAS officers of Karnataka on 21<sup>st</sup> Feb 2011 a letter captioned *The height of unfairness* and another letter on 25<sup>th</sup> Feb 2012 requesting the Chief Secretary to bring that letter along with its enclosures to the notice of the State Cabinet as it exposes the criminal conspiracy behind my present posting and the unfair enquiry I was subjected to. In fact, this 25<sup>th</sup> Feb 2012 letter shows how Shri R Lobo, the Presenting Officer who had co-authored a Guide to hold Departmental Inquiries for the Government allowed the Consultant appointed as IA to break each and every guideline of his own handbook. Hard copies of both emails were given to the Chief Secretary and other officers in the State Government and DoPT. This letter has been deliberately withheld from the UPSC as it contains some of what I have given in Annexures II to IV now (Though I did not have access to many of the information then). I demand that the contents of these two letters should be considered before taking any decision on this representation.
6. It is unfortunate that I have been asked to respond to the UPSC advice ignoring the fact that since 1991, I have been making all types of efforts to get protection to whistleblowers. I was the only IAS officer in the country (both serving and retired) to appear before the Parliamentary Standing Committee examining the Whistleblower's Protection Bill in Feb 2011 and to give written as well as oral evidence . Most of my suggestions including renaming the Law was accepted by the Committee. The AIS Rules is totally silent when it comes to what an official should do when his own seniors indulge in illegal and corrupt activities. The Whistleblowers Protection Act provides answer to this. It is unfortunate that DoPT failed to impress upon the UPSC the relevance of Whistleblower's Act in cases involving an officer like me.

7. I was perhaps the first IAS officer in the entire country to voluntarily make both my movable and immovable assets public in August 2006. Officers who had too many things to hide are totally against that decision of mine. Punishing an officer who made every effort to promote transparency, not just in his official duties but also in his personal life is an extreme act which should not have been even thought of. The very fact that UPSC was asked to hurriedly give its advice when I had less than 70 days of Service left though the DoPT was in possession of all relevant materials for nearly more than 2 years requires thorough scrutiny. Anyone who is going through this representation should not ignore this serious aspect.
8. As already given in my 25<sup>th</sup> March 2015 letter (at internal page 8 of Annexure II), the Consultant appointed as the IA in my case has been paid 40 times more fees than what was paid to another IA in the case of another IAS officer against whom corruption charges were there. Payment of such exorbitant fees to the IA should not be ignored. If the voluntary revelations made by Sri R. Lobo on 17/2/2011 is any indication, what the IA got was not limited to the hefty fees only.
9. IN VIEW OF WHAT HAS BEEN STATED ABOVE AND VERY LARGE SCALE DISTORTION/MISINTERPRETATION OF FACTS (WHICH I HAVE EXPOSED BASED ON THE PARTIAL INQUIRY REPORT GIVEN TO ME) BY THE CONSULTANT APPOINTED AS IA WHO CONDUCTED THE INQUIRY IN THE MOST UNFAIR MANNER IGNORED BY BOTH THE DOPT AND THE UPSC (CONTAINED IN ANNEXURES I TO VII). IT IS UNFORTUNATE THAT TILL TODAY I HAVE NOT BEEN PROVIDED WITH THE COMPLETE INQUIRY REPORT OF THE IA. THE DOPT AND UPSC ARE BOTH SILENT ON THIS ILLEGAL ACT ON THE PART OF THE DA. I DEMAND THAT I SHOULD BE FIRST GIVEN THE DELIBERATELY WITHHELD PORTION OF THE INQUIRY REPORT AT LEAST NOW AND AFTER OBTAINING MY COMMENTS, THE CASE SHOULD BE REFERRED BACK TO THE UPSC FOR FRESH ADVICE.
10. I ALSO DEMAND THAT THE GOVERNMENT IN THE LIGHT OF WHAT I HAVE GIVEN IN MY LETTER DATED 17<sup>TH</sup> MARCH 2015(Annexure I) TAKE MEASURES TO REFER THE CRIMINAL HARASSMENT I AM BEING SUBJECTED TO SINCE 2006 TO THE CBI AS I HAVE DEMONSTRATED REPEATED FAILURE ON THE PART OF LOCAL POLICE.

If I am punished ignoring all the above, then when the truth comes out, it is not that I suffer in any manner but the credibility of the UPSC and the DoPT and all those involved

in GOK that would be severely damaged. Punishing an officer for being stubbornly honest certainly will not go unnoticed by the public at large and the media in the near future. I once again stress the point that any move to reduce my pension for being honest throughout my 34 years of Service only weakens my capacity to protect myself and my wife after I retire from service. I HOPE THAT THOSE INVOLVED IN TAKING THE DECISION ON MY REPRESENTATION ARE NOT SO CRUEL IN PARTICULAR WHEN A LARGE NUMBER OF OFFICERS WHO HAVE AMASSED WEALTH ILLEGALLY, THOSE INVOLVED IN MAJOR SCAMS ETC ARE NOT ONLY PROMOTED BUT ARE ENJOYING ALL TYPES OF BENEFITS. I know that if I had not refused repeatedly in writing the suggestion made to me on 26<sup>th</sup> Oct 2009 by the then Chief Secretary to compromise with corruption, then not only I would have got promotion but also amassed illegal wealth and the amount of pension would not have mattered and certainly I would never have faced the brutal unfair enquiry I am being subjected to.

Finally, I call upon all those involved in taking decision in any manner on this representation to act as per the conscience expected to be possessed by those holding such positions.

1<sup>st</sup> April 2015

M. N. VIJAYAKUMAR

Bengaluru

### ANNEXURE III

#### ABSURD INTERPRETATIONS BY IA TO ARRIVE AT PREDETERMINED FINDINGS


Page No	Extracts as it is from THE PARTIAL REPORT of IA given to me	My remarks
27	<i>His wife with his approval requested H.E.Governor to suspend him from Service if government was unable to provide them protection</i>	The IA records with his approval etc., which have absolutely no basis, to infer that there was misconduct on my part so that he could prove the charges as pre-determined. I was in Belgaum and my wife was in Bangalore. The IA lacks sensitivity and fails to recognize the genuine concern of a wife expressed with regard to threat to life of her husband. The IA who disallowed statements given by my wife and discorded en masse all evidences produced by her has no hesitation to come to such wild conclusions if it helps him to arrive at predetermined conclusions

36	<b>Admittedly, MOS through his wife had lodged a complaint with the Lokayukta of Karnataka.</b>	<b>Factually incorrect. Innumerable evidences were produced to the effect that it was I who had lodged a complaint against the Chief Secretary PB Mahishi with the Lokayukta on 12<sup>th</sup> June 2006 and not my wife. All he had to do was verify the website of Lokayukta as I had given case number. The fact that as a retaliation to this PBM framed the baseless charges were ignored by the IA. This clearly shows deliberate distortion of facts to arrive at predetermined findings by the IA. I have given below what I had produced before IA</b>																		
<p><b>Status of the complaint:</b> COMPT/LOK/BCD/238/2007</p> <table border="1"> <thead> <tr> <th>Regn. date</th> <th>First complainant</th> <th>First Respondent</th> <th>Enquiry officer* stage</th> <th>Latest stage</th> <th>Stage date</th> <th>Next Called On</th> <th>Remarks</th> <th>Allegation in brief</th> </tr> </thead> <tbody> <tr> <td>12/6/2007</td> <td>M.N.Vijayakumar, No.96, First Floor, RBH Road, K G Nagar, Bangalore-560019.</td> <td>P.B.Mahishi, Chief Secretary to Government, Vidhana Soudha, Bangalore.</td> <td>DRE-1</td> <td>Final Note</td> <td>25/8/2007</td> <td>11/11/2010</td> <td>11/11/2010, 28-10-10 4-10-2010, 15-9-10, 7-8-2010, 05-07-2010, This complaint was transferred from ARE-1 on 27/05/2010 10:55:32 AM</td> <td>Mal-administration and corrupt practices resulting in harassment, humiliation and causing loss to public.</td> </tr> </tbody> </table>			Regn. date	First complainant	First Respondent	Enquiry officer* stage	Latest stage	Stage date	Next Called On	Remarks	Allegation in brief	12/6/2007	M.N.Vijayakumar, No.96, First Floor, RBH Road, K G Nagar, Bangalore-560019.	P.B.Mahishi, Chief Secretary to Government, Vidhana Soudha, Bangalore.	DRE-1	Final Note	25/8/2007	11/11/2010	11/11/2010, 28-10-10 4-10-2010, 15-9-10, 7-8-2010, 05-07-2010, This complaint was transferred from ARE-1 on 27/05/2010 10:55:32 AM	Mal-administration and corrupt practices resulting in harassment, humiliation and causing loss to public.
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12/6/2007	M.N.Vijayakumar, No.96, First Floor, RBH Road, K G Nagar, Bangalore-560019.	P.B.Mahishi, Chief Secretary to Government, Vidhana Soudha, Bangalore.	DRE-1	Final Note	25/8/2007	11/11/2010	11/11/2010, 28-10-10 4-10-2010, 15-9-10, 7-8-2010, 05-07-2010, This complaint was transferred from ARE-1 on 27/05/2010 10:55:32 AM	Mal-administration and corrupt practices resulting in harassment, humiliation and causing loss to public.												
36	<i>Merely observing Vigilance week will not eliminate corruption, which is a deep-rooted malaise and needs reformation at the grass root level. Lecturing and going to the media, publishing books and articles will make a mere superficial impact. But MOS cannot justify his mistakes of venting his frustrations by leveling unsubstantiated allegations against his superiors and the Government.</i>	The IA makes a mockery of the effort of GOI to create awareness about corruption. I am certain the best brains in the country came out with the idea of observing the Vigilance Awareness Week every year starting with the Head of the office administering anti-corruption pledge to all those in his office. The IA holds that an officer needs prior permission to talk against the evils of corruption. IA totally forgets any fight against any evil first starts with the recognition of the existence of the evil. His comments are such that the CVC and the Expert Committees reports should be ignored by one and all.																		
	<i>He cannot defend his actions by glorifying them and by quoting from various expert committee reports.</i>	In fact the IA makes mockery of me for acting as per the calls given by Authorities like H.E. the president of India, Hon'ble Prime Minister etc.The IA does not hesitate to interpret statements bringing out the ground reality of corruption as philosophical.																		
39	<i>Hence he wants us to believe that he is the wronged one who is humiliated and tossed about for raising his voice against corruption.</i>	The IA ignores facts and he records that I wanted them to believe that I was transferred 6 times in 9 months between September 2006 and June 2007. The transfers have not been refuted by the Government. Is transferring 6 times in 9 months not tossing around? My transfers were issued after I reported serious irregularities in June 2005(Energy), June 2006(DPE), Nov 2006(DPAR), Feb 2007(Revenue Dept), May 2007(Mysore Lamps)																		
48	<b>Can it be believed that his wife being a practicing Chartered Accountant ...</b>	<b>My wife has been a housewife since our marriage. Instead of speculating, the IA without abruptly terminating the deposition my wife as witness (along with numerous information she had taken</b>																		

		under the RTI Act which were bound to show the criminal conspiracy behind framing baseless charges against me), he could have himself found out that she has been an housewife since our marriage in 1984
49	<i>Therefore it has to be held that MOS or his wife must have recorded the conversation with PW1 on 23/5/2011 clandestinely to frame him up and settle scores.</i>	<b>In 2009 itself PW1 had retired from Service. Neither my wife nor I ever met the PW1 after his deposition as a witness was forcefully concluded by IA in Feb 2011 itself. So the question of me or my wife clandestinely recording the conversation anytime including on 23/5/2011 did not arise. None of the charges framed against me for which the Consultant was appointed as IA pertained to the period beyond 2007 at all. Further, the IA proceeds to record that PW1 was being framed to settle scores. As I had already lodged a complaint with the Lokayukta against PW1, the question of settling scores never arose. On the other hand PW1 always feared that more skeleton from his cupboard would fall resorted to framing more and more baseless charges. The harsh fact ignored by the IA was that PW1 was removed from the Post of Chief Secretary subsequent to my filing a compliant against him with the Lokkayukta. This has been ignored by the UPSC also</b>
57	<i>EX R 223 is the email sent to Jamadar enclosing copies of EX R222 for his perusal.</i>	<b>Factually incorrect. R 222 is a newspaper report pertaining to the period I was working as Administrator, CADA after August 2007. 223 is an email sent to Jamadar on 28th January 2007, when in fact I did not even know that I would be posted as Administrator, CADA on 25/6/2007. How can 222 be enclosed to 223? How can one send as attachment to letter written in February 2007 something that is going to happen after August 2007? How could the IA record such absurd things?</b>
59	<i>Any common man would infer that he was trying to gain sympathy to get a transfer back to Bangalore by feigning sickness and threat to his life.</i>	Only those who are part of criminal conspiracy can infer that sickness and threat to life can be feigned by ignoring Medical reports recorded when I was not even conscious and admitted to the hospital by the District Surgeon. If the police had investigated the real cause behind why I was left in an unconscious state for hours together while under police protection, the identity of the person who made me unconscious would have been exposed long back. Since it involved very senior IAS officers, the police did not investigate and filed case against them.  If there was no threat, why did the Intelligence Police kept continuously visiting my wife in Bangalore and provided escort whenever she went out. Why did the SP, Intelligence put pressure on Belgaum police to

		give proper protection to me in Belgaum? When already the Minister for WRD had in July 2007 itself directed DPAR to transfer me, where was the need to feign sickness and threat ? Just because the IA had been paid heftily to arrive at predetermined findings cannot make threats go away.
60	<i>He deposed that when he was working in Mysore Power Corporation, ....</i>	<b>I never worked in Mysore Power Corporation or any other power corporation for that matter. Just because he had been paid hefty fee/bribe does not give IA any license to fabricate any falsity that comes to his mind at the spur of the moment to give the predetermined finding he had agreed with the DA even before the inquiry started</b>
60	<i>Admittedly he was not happy to report for duty in Mysore Power Corporation, Gulbarga.</i>	Repeating a lie twice does not make it a truth. When I was never given a posting in Mysore Power Corporation or any other power Corporation, the IA concluding that I was not happy is the worst type of speculation.
61 & 64	<b><i>Thereafter, Mr. Nayak, Chief Secretary to Government, WRD submitted a note on 30.8.2007. Mr. KS. Eswarappa, the Hon'ble Minister endorsed on 04.09.2007 that MoS should be taken back on or before 10.09.2007. The Chief Secretary of Karnataka has sent a letter dated 06.08.2007, EX C10 to the Chief Secretary to the Government of India ...</i></b>	<b><i>The IA creates posts such as Chief Secretary to Government, WRD, and Chief Secretary to the Government of India which are non-existent. The IA who is a consultant did not know the hierarchy in IAS and could have at least verified before recording such things. Naturally, the charge that I being a Principal Secretary grade officer wrote to the government for legal clarification when another Principal Secretary grade officer was my reporting officer would be of no importance to him.</i></b>
62	<i>Besides that, there was no leave at his credit as indicated above and probably because of that he did not send a leave application</i>	Factually incorrect. In fact as per the letter No. DPAR 61 SAS 2011 dated 15/6/2011 enclosing Accountant General's letter No. GM/IAS I/111 dated 2/5/2011, I had 294 days of earned leave and 317 days of half pay leave as date calculated to the end of 30th June 2011. Considering that 30 days of EL and 15 days of HPL get credited every year, I had at least nearly 150 days of EL and nearly 220 days of HPL to my credit at the end of December 2007. It is extremely absurd that instead of getting proper details from DPAR, the consultant appointed as IA resorted to total speculation to arrive at pre-determined findings.



		<p>Sub: Furnishing Leave tile in respect of Sri. M.N. Vijayakumar IAS reg. Ref: DPAR 61/SIS 2011 dated 2/5/2011.</p> <p>I am to invite a reference to Government Karnataka letter dated 2/5/2011 received through Fax and to state that Sri. M.N. Vijayakumar IAS is having <u>294 days of Earned Leave</u> and <u>317 days of Half Pay Leave</u> as on date, calculated to the end of 30.6.2011.</p> <p>Yours faithfully,  Sr. Accounts officer</p>
69	<p><b>EX R1(C) is the copy of the gazette publication dated 08/09/2005 wherein four offices of regional commissioners were abolished</b></p>	<p><b>The IA surely never cared to read the notification properly which states:</b> ವಿಷಯ: ಕರ್ನಾಟಕ ರಾಜ್ಯದಲ್ಲಿ ಪ್ರಾದೇಶಿಕ ಆಯುಕ್ತರ ಕಛೇರಿಯನ್ನು ಸ್ಥಾಪಿಸುವುದು</p> <p><b>The IA concludes that the notification is issued to abolish the posts of Regional Commissioners when the fact is it was issued to create offices of Regional Commissioners. This absurdity of the IA is too glaring to be ignored.</b></p>
75	<p><i>But in actual fact he is just a frustrated man who spits venom to get back at his colleagues and other officers to whom he has taken a dislike for reasons best known to him and uses the issue of corruption and threat to his life as a weapon to blackmail everybody.</i></p>	<p>IA is not supposed to draw conclusions about my state of mind. He has to only confine his report to whether there was misconduct or not. Only by recording such absurd things, he could have given the pre-determined findings for which he was purchased by the DA. Blackmailing is resorted to when the information is kept secret but I had already submitted reports to the government along with evidences. Does demanding to take action on the corruption reports I had already submitted amount to blackmailing?</p>
89	<p><i>MoS had requested his colleagues to give evidence but as they had failed to support him, he could not place proper evidence in his defence</i></p>	<p>The IA with pervert mind can only conclude that giving evidence by officers in enquiries is to support the charged officer. The fact is that all the so called colleagues should have been made official witnesses and it would have been their bounden duty to appear as witnesses. The following is what I had written to each officer whom I wanted to appear as witness: <b><i>I am writing this letter to you to appear as a witness in a baseless inquiry case against me. Unfortunately the DPAR while framing charges deliberately omitted your name. I have been forced to make you appear as a witness, knowing fully well that you may not be giving evidence in my favor. I request you to appear and give evidence in the larger interest of whistleblowers keeping in mind that since 2006 Karnataka has moved from being the fourth most corrupt state to the most corrupt state today. Your evidence would also help me to bring out the conspiracy behind the harassment I am being subjected to for my stand and action against the corrupt.</i></b></p>

		<p><i>I would also like to inform you that since the day the present Inquiry Authority sent me the notice in August 2010 to appear before him, I have given many reasons with evidences to the Chief Secretary to clearly bring out the fact that a fair inquiry is not possible with the people who have been appointed as the Inquiry authority and the presenting Officer.</i></p>
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## ANNEXURE IV

**DELIBERATE WRONG INTERPRETATION OF FACTS BY THE CONSULTANT  
APPOINTED AS IA**

Page No	Extracts as it is from THE PARTIAL REPORT of IA given to me	My remarks
25	<i>For the foregoing reasons he states that the framers of the charges with ulterior motive to get him out of the way wanted to make him available to the corrupt who wanted to kill him ... He has given a list of police complaints lodged from 12/3/2007 to 17/12/2007</i>	In spite of evidence produced before the IA, he concludes that I was feigning threats to my life. I had given the names of SP(Intelligence) in the documents produced before the IA, nothing prevented the IA from making verifications to find out whether those police officers also came out with non-existing threats. The fact finally remains that it was my wife and I who faced threats squarely and just because the IA who was heftily paid to arrive at predetermined findings says those threats were not there , does not make the actual threats faced by us to disappear . Instead of speculating all he had to do was summon Shri AKM Nayak as witness and he would have even learnt the identity of the person who was engaged by PW1 to finish me off in Belgaum
25	<i>It is averred that he submitted detailed report with evidence to Mr. KK Misra, the then Chief Secretary about corrupt practices in Energy section as desired by him and later he learnt that Mr. Mishra at the time of retirement handed over the letter and evidence to one of the officers against whom he had complained about indulging in corrupt practices.</i>	The part that I submitted a detailed corruption report to KK. Mishra is correct as there is proof of delivery. The second part that Mishra handed it over report to one of the officers against whom I had complained in indulging in corrupt practices suppresses the fact that Shri KK Misra had handed over the file to Shri SV Ranganath,. The IA suppresses facts to protect the DA and makes sure that his name does not surface. Truth about why no action was taken on my report would have come out if Ranganath had been examined as a witness as requested by me in Dec 2007 itself. When I sent letter to Shri SV Ranganath to appear as witness during inquiry after the IA failed to call Shri SV Ranganath as witness, this is what I had written to Shri SV Ranganath who was DA: <b>IN FACT IN RESPECT OF ONE OF THE BASELESS CHARGES THE INFORMATION MADE AVAILABLE TO ME INDICATES THAT AN IMPORTANT FILE ABOUT THE SERIOUS CORRUPT PRACTICES OF MANY IAS OFFICERS GIVEN BY ME TO THE CHIEF SECRETARY WAS LAST FOUND WITH YOU, WHEN YOU WERE PRINCIPAL SECRETARY TO CM. IT BECAME UNTRACEABLE LATER.</b> It is relevant to mention that till today Sri SV. Ranganath has not sent me any letter refuting the above.
28	<i>These documents pertain to the correspondence in connection with the Mysore Lamps Charge No.3. Charge No 3 has been dropped. Therefore these documents need no consideration.</i>	The reason why I produced those documents was to prove that I was being subjected to physical, financial and mental harassments by PW1. The IA conveniently ignores all these evidences in spite of marking them. He could have disallowed them when I produced them itself. But he chose to mark it to make it appear that he is considering the harassments meted out to me and as an afterthought ignores all those documents. The source of the Lokayukta

		complaint filed by me were evident in these letters. The IA resorted to such tactics because once he recognized the harassments, he was bound to recognize the fact that charges were framed in retaliation to the Lokayukta complaint filed by me to harass me further.
28	<i>PW1 has categorically stated that he does not remember to have seen the following letters. EX R42,...to EX R 162</i>	<p>These large number of documents were submitted so that I could get it examined by the witnesses I had named in 2007. But the IA, who had the responsibility of taking steps to summon those witnesses chose not to do so. As a result PW1 who was the sole witness denied seeing all these documents which would enable the IA to ignore wholesale all the evidences to give his pre-determined findings.</p> <p>Similarly, in regard to the above documents, PW1 further added that in the DPAR there are 16 secretaries working and the secretaries of the concerned departments would scrutinize the letters addressed to the Chief Secretary. ... Therefore, the Secretaries in DPAR who are Principal Secretaries would attend to such correspondence pertaining to the respective departments. If that were the case there was more reason for the IA to call all those who handled my letters as witnesses. <b>JUST BECAUSE LETTER GIVEN TO THE PW1 OFFICE BY ME WAS NOT SHOWN TO HIM CANNOT BE AN EXCUSE FOR THE IA TO IGNORE THEM</b></p> <p>When such was the case and the Secretaries could exercise discretion, the concerned Secretaries should have been made witnesses. As only PW1 was made the sole official witness, that too only for Charge 2, the motive behind framing the charges without basis should have become important. Even though I had named many as witnesses, the IA never took any action to summon them. The PO never objected to summoning those witnesses. But the IA who did not want the truth to come out never recorded all this. However, I have documented all such deliberate lapses by the IA and reported to various authorities including DoPT</p>
29	<i>These documents were not produced prior to examination of PW1 or at least when he was in the witness box so as to enable him to either repudiate or admit the same. He could not speak anything about these documents. Therefore these documents though came to be exhibited still cannot be relied for not having given an opportunity to PW1 to admit or repudiate.</i>	<i>When all these documents were not meant to be related to PW1, the question of he admitting or denying those did not arise. The framers of the charges deliberately did not make them official witnesses. The IA did not take any steps to enable me to produce them as my witnesses also. PW1 had been made official witness only for Charge NO2. The IA deliberately wrongly assumed that it is only PW1 who should either admit or deny all the documents produced by me. By not considering the documents marked as EX R 165 to EX R 234, the IA has been totally unfair to me.</i>
29	<i>MOS examined his wife in part as RW2. As the evidence of RW2 was incomplete as</i>	Again the IA by abruptly closing the evidence of my wife has been totally unfair. The IA who had all the documents submitted on which my wife was to be examined knew that

	<i>per the proceedings dated 22/6/2011 and she was not subjected to cross examination, her evidence is no evidence in the eye of law .So also the documents marked as EX R 235 to EX R 242 through her.</i>	the large number of documents collected by her under RTI Act would have made it impossible for him to give his pre-determined findings. He exploited my over stressed mental status to cunningly close her evidence. In the proceedings of 22/6/2011 the IA had recorded that it is impossible for any authority to continue with the enquiry. Having recorded that, he should have suspended the enquiry and awaited for the decision of the DA. Instead he chose to continue and posted the case for final arguments. In fact this is what I had recorded on the order sheet dated 22 <sup>nd</sup> June 2011: <b>RECEIVED A COPY UNDER PROTEST. MY REQUEST TO CALM MYSELF WAS NOT ALLOWED BY IA AND EVEN THE PO ASKING THE IA TO ALLOW ALL DOCUMENTS ATTACHED TO MEMO 25 DISALLOWED. EXAMINATION OF MY WIFE AS WITNESS ABRUPTLY STOPPED.MANY THINGS THAT HAPPENED NOT RECORDED</b>
38	<i>Transfer of an officer is the power of the employer and in so far as IAS officers are concerned, the Chief Minister of the State exercises these powers. But MOS has alleged that Chief Secretary was responsible for the frequent transfers.</i>	The IA conveniently brings in the Chief Minister whenever PW1 has to be protected. The documents produced by me which proved that PW1 over ruled even the Chief Minister's and Cabinet decision with regard to my transfers are not considered.
38-39	<i>MOS has further contented that there is no forum for the IAS officers to redress their grievances and in that connection he refers to a letter of a Secretary to the Central Government. It cannot be ascertained in what connection such a circular came to be issued.</i>	The IA ignores the information contained in the documents produced by me stating that the Cabinet Secretary had issued a Circular in July 2004 directing the Chief Secretaries of all States to set up a standing Committee as there was no forum for grievance redressal for officers who take principled stands. The Circular was issued as per the directions of the Supreme Court while hearing the case of murdered whistleblower Sri. Satyendra Dubey. The IA could have easily ascertained this if he had at least glanced through the documents produced by me. He chose not to do so because it would have meant the I was deliberately denied opportunity which the Cabinet Secretaries had expected Chief Secretaries to provide to officers being harassed .Even the DoPT has suppressed this from the UPSC
49	<i>Another CD produced in this case clearly shows the photographs of MOS with the press clipping.</i>	It is not clear which CD the IA is mentioning. No CD was produced during the enquiry as evidence by the PO.
54	<i>In this connection when police complaint was lodged,</i>	The IA is highly inconsistent with regard to threats to my life and police complaints. He records this here and also records elsewhere that I feign threats.

	<i>security arrangements were duly made.</i>	
<b>55</b>	<i>Mr Nayak was unable to do anything as he was working in Bangalore.</i>	The IA has recorded the above statement on his own when no such statement came from AKM Nayak. Why should the IA assume that Nayak could not do anything in Belgaum as he was in Bangalore when the fact was that Nayak could have taken all possible steps to protect me, an officer whose deputation he had accepted and for that he need not had to be physically present in Belgaum. By deliberately not summoning Shri AKM Nayak as witness, the IA has resorted to putting himself in his shoes which he could have easily avoided. But he was sure that any witness however he might have disliked me for having reported his corrupt activities would have thrown light on matters related to my life and death. The IA was afraid that Shri AKM Nayak would reveal the identity of the person engaged by PW1 to finish me off in Belgaum and went out of the way not to summon him a witness though I requested him repeatedly in writing. In fact I had named Sri AKM Nayak as a witness in Dec 2007 itself.
<b>56</b>	<i>The Chairman of CADA must have had the welfare of the institution in mind when he reported to the Government about the absence of MOS as per EX C 43.</i>	The IA tries to defend the actions of persons who were not made official witnesses without obtaining their statements. If the Chairman CADA was so much concerned about the welfare of the institution as early as on 16/8/2007, why did he not meet me even once after that to discuss the issues with me as I was continued as the Administrator of CADA for the next 14 months? The intention was not welfare of the institution but the fact was that the Chairman, CADA was used by PW1 as he needed something to frame the charge against me when I was in Belgaum. This has been corroborated from the deposition of PW1 himself when he stated that the Chairman, CADA sat in his chamber and wrote the letter dated 16/8/2007. Further Chairman, CADA as per the evidences produced by the PW1 himself, had not taken any action on cases pending in the office of CADA itself since six months before I reported for duty in Belgaum. On the other hand inspection of nearly 100 works by the Chief Engineer on my instructions, revealed that the former Chairman, CADA was getting funds released from my predecessor without any work executed and that too with abnormally inflated estimates. The CADA Board in its Meeting held on 18 <sup>th</sup> Jan 2008 even resolved to entrust all such cases involving payments made without any work executed for investigation by Lokayukta. All these though brought to the notice of the IA by producing necessary documentary evidences (including annual report for 2007-08 tabled by the Water Resources Department before both the State Legislatures ) were deliberately ignored by the IA to stick to his predetermined findings he had agreed with the DA . These would have become very clear if Shri AKM

		Nayak whom I had insisting the IA to summon as witness had been examined. But the IA ignored my request.
<b>58</b>	<i>However, the Hon'ble Chief Minister was pleased to post him as Regional Commissioner, Bangalore. my posting two months back.</i>	<i>The IA takes only what is convenient for him to arrive at the pre-determined findings. The reason why these note sheets were produced was to establish that even though the Chief Minister approved my posting on 5/12/2006 itself, the posting order was not issued till 2/2/2007 which amounts to dis-obedience on the part of officers in DPAR, particularly PW1. The IA mentions that before the posting orders were issued, I wrote two letters EX R17 and 18 requesting to modify my transfer. I came to know of the order of the Chief Minister much later when my wife got the note sheets under RTI Act. The officers in DPAR were playing mischief even though the Chief Minister had approved my posting</i>
<b>59</b>	<i>Another letter EX R 140 dated 27.12.2007 was sent informing that MOS has lost consciousness and a doctor is attending on him. ... Any common man would infer that he was trying to gain sympathy to get a transfer back to Bangalore by feigning sickness and threat to his life.</i>	<i>When there is evidence produced that I was sick and unconscious, the IA brutally records that I was feigning sickness. He could have easily verified it from DPAR which had the information that I was admitted to KLE hospital. The question of I feigning sickness and threats just to get a transfer to Bangalore is absurd because as early as in July 2007 itself, the concerned Minister had written to DPAR to take back my Services. It was the deliberate inaction of the DPAR on the Minister's order which should have been considered seriously.</i>
<b>68</b>	<i>A special report is appended to this report.</i>	All evidences produced to prove that all APAR Rules were grossly violated in my case not considered. The IA who is a consultant is ignorant of the significance of APARs and has dealt with the issue in a casual manner even when PW1 has recorded serious things about me in the APAR. The question was why PW1 did not act as per his own report and this was totally ignored by the IA. DoPT though informed about the total mockery of my APARs also did not take any action. Even this fact has been suppressed from the UPSC
<b>69</b>	<i>To confront these adverse remarks, MoS produced EX R1(b), ACR recorded by KK. Mishra, the then Chief Secretary which reads "Shri Vijaya Kumar is a very honest and hardworking officer. He has contributed substantially to design the process of power sector reforms in Karnataka. He should be continued in this sector and allowed to specialize in this very important area" On the basis of this report PW1 was cross-examined pertaining to EX R 1 for the</i>	The IA who considers the adverse remarks made by PW1 in my ACR for the period 1/1/2007 to 31/3/2007 very seriously totally ignored remarks by Sri KK. Mishra in my ACR for the year 2004-05. The least the IA should have pondered is why an officer who had such excellent remarks till 2004-05 had been remarked as to be suffering from mental illness from 2006 onwards as mentioned in the special report of PW1 (PW1 who never performed duty as my Reporting Officer prior to Jan 2007 had no authority to use the APAR to make such observations). This conspiracy to brand me as mentally ill started after I gave a report to the government about corrupt practices of senior IAS officers in Energy sector and after I filed a complaint against PW1 with the Lokayukta. The IA deliberately chose to not to connect the evidences produced as it would have exposed the criminal harassments and obstructions I was facing from 2006 onwards and it would have difficult for him to give the



	<p><i>period from 01/01/2007 to 31/03/2007. He has referred to the fact that the said report was not communicated to him. EX 6 answers his argument. EX R7 and R8 are in regard to defying the order of the Court. PW1 has specifically deposed that the order in question is pertaining to this private property transaction after his retirement. As rightly pointed out it has no bearing on this inquiry..</i></p>	<p>pre-determined findings for which he would be heftily paid as agreed upon in April 2010 itself.</p> <p><b>In R1, my post is mentioned as Principal Secretary, DPE, by PW1 which I never held at any point of time in my career.</b></p> <p>R6 is an RTI information given by DPAR itself that adverse remarks in ACR are communicated as and when they are recorded for the relevant year. Having seen this evidence on record, the IA accepts the statement made by PW1 that he never communicated the adverse remarks to me and finds it satisfying. The IA does not even recognize the fact that PW1 issued notices to me and got my explanations during the period when he held me mentally ill. R7 and R8 were produced to throw light on the credibility of PW1 , who was the sole official witness, which the IA conveniently ignored to arrive at the pre-determined findings for which he was paid hefty fees/bribe by the DA</p>
70	<p><i>When once the Chief Minister accepts it, it cannot be said that it is the report of the Chief Secretary as it has merged with the order of the superior officer, the Chief Minister who is the accepting authority. As long as no action was taken against MOS on the basis of the ACR, he cannot voice any grievance</i></p>	<p>PW1 records in the APAR that I worked as Principal Secretary, DPE from 1<sup>st</sup> Jan 2007 to 31<sup>st</sup> March 2007 which is totally wrong. Even this wrong thing was accepted by CM. This is important to recognize the revengeful acts of PW1. The IA selectively recognizes the superiority of the Chief Minister. Where had the same superiority gone when there was a Cabinet decision on 5/7/2007 to give me a posting where I felt safe and PW1 over-ruled it and forced me to report at Belgaum?</p>
70	<p><i>As long as no action was taken against MoS on the basis of the ACR, he cannot voice any grievance. It is the personal opinion of the reporting officer and accepting authorities. Even after recording adverse remarks, MOS was not denied any promotional opportunities in his Service.</i></p>	<p>The IA makes this absurd statement to the effect that the reporting officer, reviewing authority and the accepting authority can record just anything in the ACR of an officer without any valid basis and the IA infers that it is the personal opinion of the authorities. He further states that unless action is initiated based on those remarks, the officer cannot voice any grievance. The IA is completely ignorant of APAR Rules which prescribe that the officer reported upon should be given a copy of the APAR and comments should be obtained from that officer before sending it to Government of India. The officer cannot keep quiet when baseless things are recorded in the APAR to spoil his career and harass him physically, financially and mentally. The question the IA should have posed to himself is "what was the motive behind recording such adverse remarks in my ACR by PW1 that too after I filed complaint against him with the Lokayukta, when later he did not act on it but continued with framing charge after charge"? He never asked that question though posed by me because it would make it difficult to give predetermined findings he had agreed with the DA for a hefty fee/bribe</p>

71	<i>An honest man leads by example. Merely writing and talking against corruption will not make one a torch bearer. Actions speak louder than words and in this case the actions of MoS are ridiculous to say the least</i>	IA has tried to paint an ugly picture of me ignoring the actions I had taken which was produced as evidence. Is giving a report about corrupt practices of senior IAS officers in energy sector a ridiculous act? Is filing a complaint against the Chief Secretary with the Lokayukta a ridiculous act? Is reporting with video evidence running of a parallel revenue office in a private house a ridiculous act?
71	<i>Whenever things did not go as per his bidding ...</i>	The IA concludes that I used to bid with the government for my postings etc., when there were plenty of evidences to show that except when my life was under threat, under no other circumstance I refused to go to the place where I was posted. It is a reflection of the mind of the IA as it was he who was bidding with the DA for the fees he has to be paid even before the enquiry began to give predetermined findings.
82	<i>From the examination of documentary evidence and oral evidence of the parties, it is abundantly clear that there was inordinate delay in handing over the enquiry file to Sri. Abhijit Das Gupta by MoS. ... He ostensibly created for himself alibi by sending emails and letters continuously but in actual fact he had not made any real effort to see that the files reached his successor. He must have had a hidden agenda to hold on to the files as he was putting forth weird conditions to send them.</i>	Again the IA has relied only on the evidence given by PW1. If the enquiry had to be fair, Sri Abhijit Das Gupta should have been made the official witness in this charge and DPAR deliberately did not do so. He ignores the fact that I responded at the earliest on 27 <sup>th</sup> Dec 2006 itself at the first opportunity to hand over the file. The IA fails to give credence to this and my genuine efforts to hand over the file and is silent on the fact that Sri Abhijit Das Gupta never responded for nearly 9 months to receive the file. Only the criminal mind such as the IA's could think of sending emails as creating alibi which is most disgusting. Both PW1 and Shri Abhijit Dasgupta could have responded to show that I was creating alibi. Both did not do so . On the other hand, IA concludes that letters written by me to PW1 office , if not brought to PW1's notice by his subordinates , then I am at fault. What hidden agenda could I have had when the original file was with the COD and Sri AK Monnappa himself had certified copies of all the documents? By recording all these, the IA deliberately wants to drive home the point that it was he who had hidden agenda for becoming IA in my case by accepting huge fee/bribe
83	<i>He must have had a hidden agenda to hold on to the files as he was putting forth weird conditions to send them.</i>	IA ignores the fact that what I was given was photocopy of documents whose originals were with the Police. In fact most of what I had recorded were given to Shri AK Monnappa and also to the Chief Secretary. The DA instead of issuing notice after notice could have suggested me to hand over photocopies. As I was under tremendous stress it did not occur to me. What prevented the DA to not give such a suggestion? The IA who is totally ignorant of how honest officers will be set up ignores the fact that I had made innumerable efforts to hand over the file and it was Shri Abhijit Das Gupta who had not responded for almost nine months. ADG should have been made the official witness. Without his statement, how the IA can come to such absurd conclusions. The IA has resorted to making baseless allegations and comes up

		with his own reasons which is not even remotely expressed by the PO.
83	<i>If at all he found it difficult to protect and hand over the file to his successor, he could have handed over the file in a sealed cover to the Regional Commissioner, Belagavi as suggested in EX C 39 or at least to the Superintendent of Police, Lokayukta, Belagavi at the earliest point without waste of time.</i>	The IA has failed to recognize that after all my efforts to hand over the file failed, I thought of handing it over to the Regional Commissioner or the SP, Lokayukta, Belgaum. I took the initiative to hand over the files to the SP Lokayukta and it was not suggested by any other person. As far as handing over to Smt Amita Prasad, Regional Commissioner is considered, I had reported how she released an officer against my written directions who had come on his own and revealed how estimates were inflated as per my predecessor's direction. I had recorded on file that till that officer gave all details of estimates inflated by him at the behest of my predecessor, he should not be relieved. I had no faith that she would protect the documents (In fact Smt V Rashmi has now exposed how Smt Amita Prasad had swindled hundreds of crores of rupees, for which she was even brutally attacked). I had also reported Smt Amita Prasad's corrupt activities as Regional Commissioner. I did not know that Sri. Abhijit Das Gupta who was holding the post of Principal Secretary, Forest department at that time would not respond for such a long time just because he had written to the government to give the case to the Lokayukta. It is clear that it is Sri Abhijit Das Gupta who did not want to take the file as he wanted the case to be dealt by the Lokayukta. I was kept totally dark about these developments as I continued to make efforts to hand over the file. If Sri. Abhijit Das Gupta was produced as an official witness, truth would have certainly come out. Instead, the IA without even trying to find out the motive behind not naming Sri. Abhijit Das Gupta as official witness though directly connected with the charge, again relies on the evidence of PW1 who was examined as the sole official witness for all charges in spite of being named as witness only for Charge 2. The IA even ignored my request to summon Shri Abhijit Dasgupta as a witness.
87	<i>It is not known as to what prevented him from attending such an important meeting being the Administrator of CADA.... That was the reason for which he declined to attend those two meetings.</i>	The IA's statements are contradictory. When he could not ascertain why I did not attend those two meetings, how could he write something and conclude that, that was the reason. Here again, the IA has relied on the letter written by Chairman CADA sitting in the chamber of the Chief Secretary and the deposition of PW1. Shri AKM Nayak, who was Principal Secretary, Water Resources Department, should have been made the official witness. Sri AKM Nayak knew fully well why I did not attend these two meetings and that would have been established in his examination. But the IA who had to somehow prove all the charges as he had been bought by the DA to do so did not attach any importance to the failure of DPAR in not naming Sri AKM Nayak as the official witness. To give predetermined finding he ignored my repeated request in writing to summon Shri AKM Nayak whom I had named a witness in Dec 2007 itself.

90	<i>Instead of that , an office note was up and Hon'ble Chief Minister was pleased to order to post MoS as Regional Commissioner , Bangalore subject to the condition MoS should not continue his behavior as per note 83</i>	This is factually wrong as I was never posted as Regional Commissioner, Bangalore, subject to any conditions. I was not communicated of any conditions and I do not know from where the IA got such information.
91	In this page, he has mentioned that my case was the most unenviable assignment of his career.	It happens because when somebody accepts huge fee/bribe to give pre-determined findings and the evidences are against the pre-determined findings agreed upon, it certainly becomes an unenviable task as at every stage extreme distortion of facts, suppression of facts and evidences, using extremely absurd logic certainly taxes any person and it is not surprising that my case has taxed him a lot even though I was opposing his continuation as IA from the very beginning. He took it personally because of the hefty fee/bribe he would get in my case which was agreed upon even before ascertaining whether I had faith in him or not. At the very first opportunity, I had clearly given in writing my total lack of faith in him giving reasons. His extreme unfair and barbaric acts have been documented and reported to all authorities including the DA who never took any action because no other person except the IA was willing to enter into a criminal conspiracy to give pre-determined findings. My letters dated 24/8/2010 and 28/8/2010 addressed to the DA confirms this. I had anticipated this even before I appeared before the IA based on some abnormal efforts of the IA to contact me personally even before the enquiry began.