

**EVENTS THAT LED TO HARASSMENT OF
K PADMAKUMAR. (Former Secretary of RIAB and Former
Managing DIRECTOR OF MALABAR CEMENTS LTD AND
SIDCO LTD) START OF RELATED EVENTS PRIOR TO THE
TENURE OF PADMAKUMAR (SHOWN IN WHITE BOXES)**

- a. CAG/ PUC/MCL identifies discrepancies in Marketing.
Others (Prior to 2011 and in 2013-14
2. initiates action against Shaji T Balan and Chandrasekhran)
 - i. Shaji T Balan files a Writ Petition to stop domestic enquiries against him with Padmakumar and MCL, among the respondents. He is supported by the Palakkad unit of VACB (2014 and 2016)
 1. SP of VACB conducted a “Discreet Enquiry” in MCL violating the directions of the Hon. Single Bench dated 7th September 2015 and illegally exonerates M. sulaiman also, who is a chronic defaulter in MCL But domestic enquiries have been permitted. There is no such ‘Discreet Enquiry’ in procedures..
(November 2016 / 2017
3. Domestic enquiry against Shaji T Balan cancelled by MCL Management and all his retirement compensation settled in retirement)
 1. Mohammed Sulaiman, a chronic delinquent teams up with former MD, Sundaramoorthy of Chettinad Cements, threatens all Department heads and teams up with Shaji T Balan and KP Unni known for creating scandals (2014
4. There are evidences about their clandestine actions)
 - i. Financial fraud noticed in transactions of Mubarak Traders and Popular agencies
 1. Abdul Rasheed,a Director of MCL and the to suppress the issue through baseless allegations against the Management continuously in Board meetings. Palakkad

unit of VACB also supports this cause (2015 and 2016)

- a. Vigorous, continuing malicious campaign in local print and visual Media against Padmakumar (2014, 2015 and 2016)**
- b. An agreement was signed in 2004 between Malabar Cements Ltd and M/s. ARK Woods & Metals of Shri. V.M. Radhakrishnan for supply of Fly Ash from TTPS of TANGEDCO, a subsidiary of TNEB in Tuticorin (2004)**
 - i. There were disputes pertaining to receipt and supply of Fly Ash from ARK Woods & Metals and also with respect to Crescent mines leased out by MCL (2006-08)**
 - 1. V.M. Radhakrishnan encases bank guarantee of Rs. 50 lakhs (2008)**
- 5. The then Manager of Canara Bank, Sulthanpet, makes Payment in spite of plea by the Legal Officer of MCL at the instance of the then MD.**
- 6. The Guarantee was conditional and the Manager of Sulthanpet Branch of Canara Bank is even now scot free)**
 - a. CAG observes loss of Rs. 14.49 crores in Fly As Contract with M/s. ARK Woods & Metals (2010)**
 - i. INTUC files a case in Vigilance Court Thrissur levelling a number of allegations against two former Managing Directors, the present GM and another Officer (QV 5/2012 was conducted by the Palakkad Unit of VACB)**
 - 1. Palakkad unit of VACB conducts QV 5/2012 and submits to the Vigilance Court that there is no substance in the allegations. They also stated that a major**

**allegation for Rs. 14.49 crores
was not enquired upon as
“the Petitioner” did not give
further details (2014**

**7. Riyas Kuttamassery, a Journalist approached the Hon. High
Court consequently. The case is still open)**

**a. The allegation for Rs.
14.49 crores which also
appears in the CAG
report of 2010 was
levelled against
Padmakumar who
joined much later and
who had filed a suit for
recovery as per Board
and Government
directions. joined much
later (July 2016)**

**i. VACB unit on
Palakkad in order
to scuttle the
Domestic Enquiry
conducts a
‘Discreet Enquiey”
against the
allegations against
Shri. Mohammed
Sulaiman
following a CAG
audit Para
violating the
stipulations in the
Lalithakumari Vs
State of UP
Judgement
without even
taking statements**

from Padmakumar and exonerates him. (Palakkad unit of VACB recommend disciplinary action against Padmakumar who was the Disciplinary authority.. There is no such 'Discreet Enquiry' in procedures..)

b. Riyas Kuttamassery filing Writ petition referring to VAG audit para of 2010 to take action against officers of MCL (2014)

i. Vadivelu, a partner in SRV Transports of V. M. Radhakrishnan has filed an IA in the case filed by Rias Kuttamassery to contest the recovery suit. (End of June 2016)

2. Consequent to the report submitted by Padmakumar on irregularities in Kerala State Cashew Development Corporation, INTUC files a Writ of Quo-Warranto to oust

him from his parent
organisation, RIAB (2014

8. Padmakumar is a witness in the case which is now being
investigated by the CBI.

9. The case is still open)

i. Industries Department in
Government asks Malabar
Cements Ltd to explore
possibilities for an amicable
settlement with M/s. ARK Woods &
Metals of Shri. V.M. Radhakrishnan
(2010)

1. Malabar Cements Ltd instead
enters into contracts for
supply of Fly Ash with
associates of M/s. ARK
Woods & Metals and
purchases Fly Ash at
exorbitant rates (January and
July 2011)

a. VACB and the
Government directs
MCL to stop all
contracts with the firms
/ Associates of Shri.
V.M. Radhakrishnan
(2012)

i. Cancellation of Fly
ash contract in
MCL with VM
Radhakrishnan'/
Associates, based
on Government
Order (Early 2012)

ii. MCL initiates
Revenue Recovery
through District

Collector as per Government directions, cancels Fly Ash Contract with V.M.

Radhakrishnan's firm and sends a legal notice through Adv. Sivaprakasam on behalf of MCL to claim Rs.14.49 crores, penalties / and excess amount levied from MCL on transportation (2013 & 2014)

iii. Joy Kaitharath states in Visual Media that he had arranged employees to steal documents from MCL to file cases (2015)

iv. Joy Kaitharath files Compliant that led to QV 29/2015/PKD to VACB (2015)

b. The then ADG - Prosecution of VACB and the then Director VACB stated that the complaint is motivated by the recovery notice against V.M. Radhakrishnan. The Government rejects the recommendation in the QV report of the Inspector that cases are to be registered, based on legal opinion that there is no cognizable

offence on the part of Padmakumar. The Government orders vigilance enquiry against V. M Radhakrishnan and others (January 2016

10. QV 1/2016/PKD)

a. Riyas Kuttamassery files PIL to close the Cherthala Unit of MCL (Mid 2016)

i. Cherthala unit of MCL was reopened after the intervention of Hon. High Court (But business has not picked up as in the case of Walayar unit of MCL now, Implementation of the Government approved expansion project in Cochin Port Trust is badly delayed and will lead to cost over run.)

b. Joy Kaitharath files W.P (C) 4932 of 2016 for registering FIRs in QV 29/2015/PKD (June 2016)

c. MCL Labour Co-operative Society embarks on agitation for regularisation of their members (2016)

d. SB Raju, a Trade Union leader files a complaint levelling allegation of more than Rs. 200 crores in Malabar Cements (He is an employee of a Central PSU and is now a Director Board member in MCL)

i. Palakkad unit of VACB suppressing the Government decision on QV 29/2015/PKD and misrepresents that FIR has been registered in allegations labelled recently (8th Hune 2016)

1. Joy Kaitharath files R.P 560 of 2016 in WP (C) 4932 of 2016 stating that VACB had misrepresented to the Hon'ble High Court (July 2016.

11. Palakkad Unit of VACB blamed the Government and superior Officers in the Court)

a. The Hon.. Single bench ordered to EITHER register FIRs OR inform the legal position. (8th July 2016)

i. Palakkad unit of VACB without telling the legal position expressed by Addl. Director (Prosecution of VACB registers FIR No. VC

**14/2016/PKD against Padmakumar
and Venugopal of MCL. (9th July
2026.**

- 12. Palakkad Unit of VACB supports v. M. Radhakrishnan
and certain suspended dealers as is evident from the FIRs.
Even the QV conducted did not have a legal validity based on
the Apex court verdict in Lalithakumari case)**

- i. Board and
Government
approval to file
recovery suit
against ARK
Woods & Metals**
- ii. MCL files recovery
suit for above Rs.
18.50 crores vide
O.S 26 of 2016 in
Tuticorin Court
against V.
MRadhakrishnan's
firm with Board
and Government
approval (June
2016)**

- b. Vigorous campaign against Padmakumar and Malabar
Cements Ltd (From 2014**

- 13. In Print, Visual and Social Media)**

- i. Filing of
complaints against
Padmakumar to
VACB by V.M
Radhakrishnan
(2012)**

- b. Sooryanarayanan files numerous petitions under RTI to
both MCL and RIAB to find ways and means to harass
(2014**

14. He is a suspect in the FIR related to Saseendran case. He was dismissed from MCL due to serious irregularities proved in a domestic enquiry)

i. Rias Kuttamassery files case in Hon.Vigilance Court, Thrissur on the appointment of Padmakumar as MD of MCL (Mid 2016)

b. This case was dismissed by the Vigilance Court, Thrissur following investigation by a Special Unit of VACB in Trivandrum. (Mid 2016

15. In parallel investigation was also conducted against Padmakumar in addition to Raids in his house and office)

i. MCL enters into Direct Contract with TANGEDCO for supply of Fly Ash from MTPS responding to an open tender (2013)

ii. Pseudonymous complaints in the name of Mr. Sasidharan of INTUC in MCL, who later passed away. Shri. Nagaraj of MCL filed a complaint through Shri. V.S. Achuthanandan. (2014

16. One Manikandan and Balamurali, a Panchayath member also filed complaints on behalf of “Pothumekhala Samrakshana Samithi”)

i. QV 47/2014/PKD conducted by VACB without taking statements from the Petitioner (2014)

ii. Director VACB and Government rejects the recommendation in the QV 47/2014/PKD report of the Inspector of the Palakkad unit of VACB (Only a Vigilance Enquiry was sought for Early June 2016)

b. Palakkad unit of VACB registered 3 more FIRs against Padmakumar and 3 more officers in MCL, again illegally violating the opinion of former Directors of VACB, Government, violating the Vigilance manual (10th July 2016)

c. Even with a prima-facie assessment it can be seen that THEREIS NO SUBSTANCE IN ALL 4 FIRs AGAINST PADMAKUMAR AS CAG REPORTS AND KEY DOCUMENTS WILL REVEAL (FIR 14/2016/PKD is to save Shaji T Balan and Chandrasekharan for the irregularities committed by them in Marketing Cement and amassment of wealth disproportionate to known sources of income.

17. **FIR 15/2016/PKD is for implementing a Board decision of grinding imported clinker in Walayar Plant which resulted in a profit of Rs. 11 crores**
18. **FIR 16/2016/PKD is on a Government to Government transaction**
19. **FIR 17/2016/PKD has three components,**
20. **The first one is for payment of interest to Government on defaulted KVAT loan in 2010 before Padmakumar took charge as the MD**
21. **The second one is by ignoring the penalty of around Rs. 7 crores charged against a supplier for supplying inferior quality coal. This party identified before the tenure of Padmakumar. Penalty levied on MSTC was also ignored.**
22. **The 3rd FIR alleging loss of Rs.14.49 crores in Fly ash purchase figured in CAG Report of 2010 prior to the period during which Padmakumar was the MD. The purpose is to scuttle a suit filed against recovery from ARK Woods & Metals of V.M. Radhakrishnan)**
 - i. **PROFITABILITY OF MCL PLUMMETED AND THE COMPANY LOST ITS MARKET TO PRIVATE SECTOR CEMENT COMPANIES. (Since October 2016, there are serious allegations on account of Coal purchase at high cost through intermediaries,, wastage of clinker, market share depletion and huge decrease profits..)**
 - b. **PADMAKUMAR IS ARRESTED BY THE PALAKKAD UNIT OF VACB AND REMOVED FROM THE POST OF MD OF MC6 (5th September 2016)**
 - i. **The then Director of VACB and ACS (Home and Vigilance) vehemently supports Arrest and suspension of Padmakumar despite objections by ACS (IND), Law Secretary and Chief Secretary (November -2017)**
 1. **Padmakumar is removed from the post of MD, MCL and is suspended from his parent organisation, RIAB (12th January 2017 with effect from 5th September 2016**

- 23. No other Officer named in these FIRs was suspended)**
- a. Padmakumar moves Hon. High Court and obtains a verdict for Reinstatement (7th December 2017)**
 - i. Padmakumar is appointed as the Managing Director of Kerala Automobiles Ltd (a sensitive post) defying VACB directions (Posting Order is not as per Rules in Circular 65 /1994/Fin) (28 December 2017)**

- 24. No charge sheet filed inspite of Directions by the Hon. Division Bench in September 2016, and Executive Directive of Director VACB in May 2016)**

- 1. Industries H Section in Government and the Officer in charge of legal matters in the Industries Minister.'s office suppresses all prior happenings with regard to cases in Malabar Cements Ltd**

- a. In spite of representations and Willingness to Join when the Hon.High Court dismissed a contempt of court Petition on account of the Statement made by Industries Department that Padmakumar was reinstated in Service and then posted as MD of KAL, the Government cancels the**

reinstatement order.

(9th February 2018)

2. Mohammed Sulaiman uses this High Court order to approach High Court and secures a reinstatement order (In spite of 2 years, the MCL Management has not completed the enquiry)

ii. Saji Basheer, Former MD of SIDCO and K.A. Ratheesh, Former MD of KSCDC quotes this High Court Order in favour of Padmakumar and his Reinstatement order as MD, KAL and stakes claim for appointment of MD (December 2017)

1. Following reports in Media, the Government objects to it after initially giving a posting order. (January 2018)

25. An audit report by Padmakumar in the capacity of Secretary, RIAB in case of SIDCO has been quoted)

a. The Industries Minister stated in Visual Media that Padmakumar is a criminal and will be punished, in response to a report in Visual Media (Mid-February 2018)

i. When another Contempt of Court Petition was filed the Hon. High Court stated that a Contempt petition

will not stand and Padmakumar can approach other Fora for addressing the grievance, This is a service matter. (13th March 2018)

- ii. Initiatives for Illegal and Irregular regularisation / appointment of Professional Support Personnel in RIAB (2018**

26. This step is to deprive Padmakumar of his post in RIAB. Huge illegal hike in compensation was given to two personnel engaged for professional work violating the guidelines issued for employees on Contract)

- i. No response from RIAB to the request from Padmakumar to release the subsistence allowance since 1st January 2018 (Consequent to cancellation of his reinstatement order on 9th February without even considering his request to rectify the anomaly,**

**Padmakumar
remains under
suspension.)**

- b. Padmakumar is still under suspension (for 20 months).
He is facing serious hardships on account of poor
health and recovery notice from SBI due to housing loan
repayment defaults (March / to April 2018)**