

16.12.2017

From,
Mohammed Sulaiman.I
Asst.Manager P&A (u/s)
MCL, Walayar.

To,
The Enquiry Officer
Malabar Cements Ltd.

Sir,

Sub: Marking of Documents reg:-

Ref: 1) Charge Sheet cum Notice of Enquiry Dated: 12.08.2016
No.PA-1/PF-492/2016 Dated : 12.08.2016.

Please permit me to mark the following documents in the above enquiry.

1. E-mail dated: 06.08.2016 - 1 page
2. Discreet enquiry report dated 15.04.2017 - 18 pages
3. Govt. Letter No.E23-3619/17 /MCL letter from Director VACB to Additional Chief Secretary Vigilance Department dated 02.07.2017 - 2 pages
4. Vigilance letter No.B1-189/2017 from Additional Chief Secretary vigilance to Additional Chief Secretary Industries dated 18.08.2017 - 1 page

The DE may permitted to produce more documents during the course of enquiry.

Thanking you,

Yours faithfully


Mohammed Sulaiman.I

CC to: Presenting Officer.

No. 1008/DE/VACB/PKD.

Vigilance & Anti-Corruption Bureau,
Palakkad, Dated: 15.04.2017.

From

R.M.Praveen Kumar,
Inspector of Police-I,
VACB, Palakkad.

To

The Deputy Supdt. of Police,
Vigilance & Anti-Corruption Bureau,
Palakkad.

Sir,

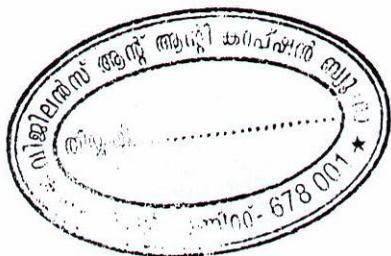
Sub:- Discreet Enquiry Report on the petition filed by Sri. Mohammed Sulaiman Asst. Manager (P&A) Malabar Cements Ltd., charge of delay in filing case against the transporters of limestone from TAMIN – report submission of – reg.

Ref:- 1) No. E-23 /3619/PTN/MCL dated 06.03.2017 of the Director,
VACB, TVPM.

Para I: Introduction

A representation dated 31.01.2017 has filed by Sri.Mohammed Sulaiman, Asst. Manager (P&A), Malabar Cemented Ltd.,Walayar before the Director, Vigilance & Anti-Corruption Bureau, Thiruvananthapuram in which he made a plea to order a Vigilance investigation against the Management consisting Mr. Padmakumar former MD, Mr. Sreenivasan, former DGM, Mr. Prakash Joseph, Legal Officer, Mr. G.Venugopal, DMM, Mr. Namasivayam, DMM, and Mr. Abdu Rahim, Asst. Manager (P&A) of Malabar Cements for entering into a criminal conspiracy under various sections of law governing the issue and the officers responsible for making a loss of RS.1.77 Crores is to be thoroughly probed.

As instructed vide ref. 1st cited above, I am entrusted with direction to conduct a discreet enquiry on the allegation against Sri. I. Mohammed Sulaiman, Asst. Manager (P&A), Malabar Cements Ltd., Walayar, who had failed to obtain legal opinion for filing case against the transporters by which company sustained a loss of Rs.1.77 Crores etc.,.



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VACB, PALAKKAD

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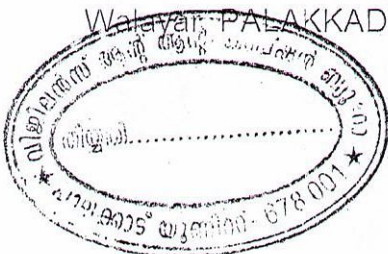
Para II. Allegation in brief:

Sri. Mohammed Sulaiman, Asst. Manager (P&A) was suspended from the service with effect from 6.8.2016 on the charges of lapses in filing cases against the limestone transporters M/s. Raja Transporters and M/s. Vijayalakshmi Transports. The transporters has failed to transports limestone from Ariyallur to MCL Walayar as per the contracts due to which Company has said to be sustained a loss of Rs.1.77 Crores. The C & AG has pointed out that legal action was badly delayed and the files that being purposefully delayed by Mohammed Sulaiman etc., facts.

It is alleged by Sri.I Mohammed Sulaiman that he was suspended by former Managing Director K.Padmakumar alleging transgressing Board's decision and making loss to Malabar Cements. Actually the DGM (P&A) is the officer who heads the Legal Wing MCL and Sri.Padmakumar reluctant to take action against him found to be suspicious. The former DGM was resigned and allowed to relieve from the Company since he was the legal head of Malabar Cements from 2012 to 2016. Former Managing Director K.Padmakumar safeguarded the Legal Officer Prakash Joseph, even though the charges against him were undoubtedly proved on the Bank Guarantee case. The petitioner also alleges that there was a conspiracy behind the suspension against him and the former MD, DGM, Legal Officer, Marketing Manager, Material Manager, Asst. Manager (P&A) also took part in the conspiracy. The management had victimized the petitioner due to the deposition of statement to the Quick Verification on Bank Guarantee Case and subsequent to the summoning as witness to the on going Vigilance Cases etc.,

Para III: Witnesses questioned/examined

1. Sri. I. Muhammed Sulaiman, Asst. Manager (P&A), Malabar Cements Ltd., Walayar, Palakkad (Under Suspension).
2. Sri. N.Sreenivasan, former Deputy General Manager (P&A), Malabar Cements Ltd., Walayar, Palakkad.
3. Sri. Krishnakumar, Stores Officer, Material Department, Malabar Cements Ltd., Walayar, Palakkad.
4. Sri. G.Namasivayam, Deputy Manager Materials, Malabar Cements Ltd., Walayar, Palakkad.
5. Sri.Ramesh Balagopal, Deputy Finance Manager, Malabar Cements Ltd., Walayar, PALAKKAD.

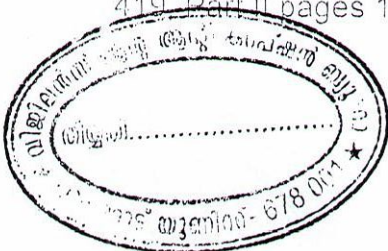


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Para IV: Documents Perused and returned.

1. Exhibit - A: Copy of Enquiry file related to Sri. I. Mohammed Sulaiman, AMPA in the above case with MD Note file having sheets 1 to 79.
2. Exhibit A1: Copy of Enquiry file related to Sri. I. Mohammed Sulaiman, AM (PA) in the above case with MD Note file having sheets 1 to 85.
3. Exhibit A2: MDs Note file regarding the disciplinary action initiated against Asst. Manager (P&A) having 19 sheets.
4. Exhibit A-3 Copies of Board Agenda and approved Minutes of 194 and 194th Board Meeting held on 29.6.2013 and the copy of Show Cuase Notice issue to K Prakash Joseph, Legal Officer, MCL
5. Exhibit B: File containing copy of letter correspondence from Materials & Finance Department of MCL to DGM (P&A) for initiating legal action M/s. Raja Transports, M/s. Vijayalakshmi transports, M/s. Radha Limestone having sheets 1 to 145.
6. Exhibit B1: Tender File for the transportation of limestone through M/s. Raja Transports from TAMIN, Ariyallur vide Tender No. MT/02/PRT/686/2013 dated 30.12.2013 part I having pages 1 to 489 and Part II having pages 1 to 369.
7. --do-- Note file pages 1 to 17.
8. Exhibit B2: Tender File for the transportation of limestone through M/s. Vijayalakshmi Transports from TAMIN, Ariyallur vide Tender No. MT/02/PRT/691/2014/585 dated 30.01.2014 part I having pages 1 to 719 and Part II 1 to 261.
9. --do-- Note file pages 1 to 25.
10. Exhibit B3: Tender File No. MCL/02/PRT/698/2014 Collection and transportation of limestone from TAMIN to MCL Walayar. Pertaining to M/s. Muthaiya Transport and M/s.SK Transport having pages Part I – 1 to 419. Part II pages 1 to 489



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11. -do- Note file 1 to 43.
12. Exhibit C : Copies of plaintiff filed in OS 247/2013 and OS 207/2011 filed by M/s. Bright Packaging, New Mangalore and M/s. Malabar Cements Ltd., Walayar regarding filing of suit for claiming dues for the supply of LPP bags to Malabar Cements Ltd., having 10 sheets
13. Exhibit D : Copy of letter received from Adv. Sri.V.Kumar dated 18.4.2016, Copy of legal Opinion received from M/s. Menon & Pai Advocates, Eranakulam dated 19.8.2016 and the copy of Notice sent to M/s. Vijayalakshmi Transports etc. containing 10 sheets.

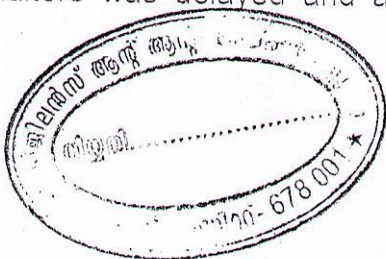
Para V: Discussion of Evidence

Sri. I. Mohammed Sulaiman, Asst. Manager (P&A), Malabar Cements Ltd., was one of the witness in Vigilance Case 13/16/PKD being investigated at VACB, Palakkad, who summoned before the Investigation Officer vide letter of even No. dated 6.8.2016 on 10.08.2016 for interrogation in connection with the investigation of above said case. On the same day, after receiving the letter from the Deputy Supdt. of Police, VACB, Palakkad, the 1st Accused K.Padmakumar, former Managing Director, Malabar Cements Ltd., had Suspended Sri. Mohammed Sulaiman from the service of Asst. Manager (P&A) vide PA-1/PF 492/2016 dated 6th August 2016.

The Suspension Order dated 6.8.2016 begins as :

"1. Malabar Cements Ltd., for the collection and transportation of limestone, from Ariyallur to MCL Walayar awarded a contract to M/s.Raja Transports, which failed to honor the contract. Subsequently, the contract was awarded to M/s.Vijayalakshmi Transports as Raja Transports failed to transport the limestone as per the Work Order conditions. M/s. Vijayalakshmi Transport also failed to honor the contract conditions and M/s. Muthaia Transport completed the work a higher rate. As per the Contract terms, the penalty to be levied against M/s. Raja Transports and M/s. Vijayalakshmi Transports, as seen from the file was totaling to Rs.59,51,201/- and Rs.1,19,64,389/- respectively".

"Filing of case against M/s.Raja Transports was delayed considerably. From the files it is also seen that, without adhering to the advice received from M/s.Menon Pai, Advocates in MCL panel and without adhering to the direction from the Dy. General Manager (P&A) on 29.3.2014, the legal action against the defaulters was delayed and a wrong legal advice was given to the Finance



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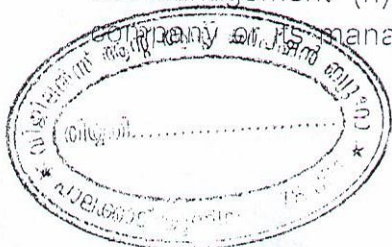
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 27/8/2017
 PUBLIC INFORMATION OFFICER
 VACB, PALAKKAD

Department on 19.08.2014 to recover liquidated damages also from defaulting party. On 22.8.2014, you also advised Dy. Manager Materials to issue a letter to M/s. Vijayalakshmi Transport and accordingly Dy. Manager Materials issued a letter to M/s. Vijayalakshmi Transports dt. 10.09.2014 stating that LD amounting to Rs.4,25,924/- has been recovered".

"Subsequently legal advisor in the panel of MCL vide letter dated 18.4.2016 has given his opinion in this matter as " Having allowed to run the contract for the whole period without terminating it on the ground of breach of contract committed by M/s. Vijayalkshmi Transports and having levied liquidated damages, for the undelivered quantity, I think you may not be able to realize extra cost incurred for the same undelivered quantity. It is further opined that once you have already penalized the contractor for non-delivery of a certain quantity of limestone as per the terms of the contract, then you cannot against claim extra cost for the said quantity of limestone".

During the course of discrete enquiry on petition filed by Sri.I. Mohammed Sulaiman, AM (PA), MCL, Walayar, I questioned the following witnesses and perused the documents mentioned hereunder and the discrete enquiry reveals the followings.

1. Sri. I. Mohammed Sulaiman, has entered into the service of Malabar Cements Ltd., Walayar, Palakkad as Mazdoor during 1984. Later he was promoted as Machinery Attendant. (Exhibit A) . During 1993, he was posted as the Welfare officer (Trainee) in the M-7 Grade. During 2011, he was posted as Personnel Officer in Mines and later shifted to Plant. He was assigned the duties of Asst. Public Information Officer and re-designated as the Asst. Manager (P&A) in 2013. During 2015 he was transferred out from the post of APIO on the charges of transgress Board decision to include an open ended Resolution to trap officers in Criminal cases. He was suspended on 20.5.2015 on the above charges. One month after he was re-instated and again posted at the MCL Mines, Walayar. Lastly on 6.8.2016, he was placed under Suspension pending enquiry on the charges of misconducts as per the Staff Regulations Clause 12 (a) Willful negligence of duty (e) Exhorting other employees to act in a manner that is not to the best interest of the Company (g) disobeying the orders issued by the employees immediate superior or by the Management (h) Acting in a manner intended to bring discredit to the Company or (n) habitual negligence of work or gross or

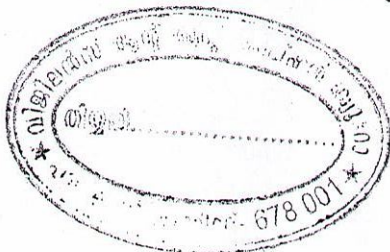


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habitual negligence (s) pursuance of a conduct unbecoming of an employee of your status (ad) Pursuance of a conduct against the interest of the company (Exhibit A proves).

2. A Domestic Enquiry was ordered against the above charges on Sri. I. Mohammed Sulaiman, Asst. Manager P&A by the former Managing Director, K.Padmakumar vide Letter No. PA-1/PF-492/2016/3861 dated 12th August 2016 when Sri. K.Padmakumar was arrayed as 1st Accused in 4 Vigilance Cases registered at VACB, Palakkad on 09.07.2016 and 10.07.2016.
3. Quick Verifications were conducted at VACB, Palakkad based on the complaint received through public activist and trade unions of MCL regarding the large scale corruption by the top level officials of MCL. The QVs 47/14/PKD, 25/15/PKD and 29/15/PKD were conducted at VACB, Palakkad and which prima facie reveals the commission of offences by the officials of MCL in the invoking of Bank Guarantee Rs. 50 Lakhs, allotment of cements to a particular dealers of Malappuram, Kozhikkode, Thrissur and Eranakulam Districts by which large amount of commission released, Clinker was imported from abroad on a higher prices, Cement handling and storage was done by violating the Legislative Assembly's 15th PUC Report by which 2.5 Crores of rupees expended etc.,
4. Prior to this an agenda item No. 194-33 under the heading of "Note on serious deficiencies in legal matters and changes of charges" was placed at the Director Board of MCL in which the MD MCL had informed the Board that the Govt. vide GO No. 13365/H2/2010/ID dated 27.12.2011 to take action against certain officers citing irregularities. The Managing Director stated the role of Prakash Joseph, Legal officer dealing with commercial matters was not at all satisfactory. The legal matters were entrusted to a committee consisting of Senior Officers. Prakash Joseph was posted at Sales office, Thrissur. On further enquiry, serious lapses committed by Prakash Joseph in matters relating to M/s. ARK Wood and Metal (P) Ltd., M/s. Maria Cements, M/s. Crescent Mines and Minerals were noted. Sri. Prakash Joseph tried to settle cases in favour of M/s. Crescent Mines and Minerals. It is also informed before the Board that certain confidential information has been passed on to M/s. Crescent Mines and Minerals under RTI Act 2005 by Mohammed Asharaf, Manager Marketing and this was against the interest of MCL. Later citing this, a

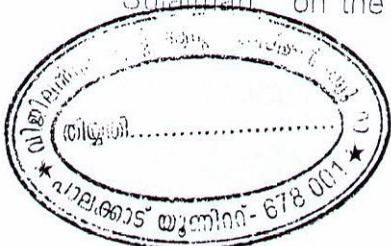


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Prakash Joseph
PUBLIC INFORMATION OFFICER
VACB, PALAKKAD

proposal was moved for an out of court settlement". The Board authorized the Managing Director to take stringent disciplinary action against the lapses by officers in litigations for and against MCL. It is also accord sanction to entrust all legal matters of the company to Sri.N.Srinivasan, Dy.General Manager (P & A) who is Law Graduate, in place of Sri.Prakash Joseph, Legal Officer. It is also resolved as Sri.I.Mohammed Sulaiman, Personnel Officer will assist Sri.N.Srinivasan, DGM (P & A) for works in connection with all legal matters of the Company with immediate effect" vide 194th Board Resolution No. 2707 held on 29.6.2013.

5. Sri. Prakash Joseph, the legal officer of Malabar Cements Ltd., has placed under suspension on the charges of misconducts. An enquiry was conducted by the High Court Adv. Sri. Mohammed Hashim against the Legal Officer, Prakash Joseph as per the Board Decision. The Enquiry Officer submits his Enquiry Report with the findings as "on the basis of my aforesaid finding I have no hesitation to hold that management is succeeded in establishing their allegations against the delinquent employee beyond doubt and thus delinquent employee is found guilty of all the misconducts leveled against him vide charge sheet dated 25.7.2013 and I hold the said charge". Incidentally Sri. I Mohammed Sulaiman was appointed as the Presenting Officer on behalf of Management for the conduct of Domestic Enquiry against K.Prakash Joseph.
6. But the Managing Director K.Padmakumar has exonerated Sri. Prakash Joseph, Legal Officer, MCL by rejecting all the findings of Domestic Enquiry Report filed by the Enquiry Officer. At the same time, he has placed I. Mohammed Sulaiman under suspension with effect from 20.5.2015 with the charges of "transgressing Board decision to pursue the interests and also to create fear amongst employees of Malabar Cements". The Agenda Note prepared by the DGM (P&A) and Asst. Manager (P&A) was not placed, instead the then MD had placed new agenda item before the Board and resolved as above.
7. Sri. I. Mohammed Sulaiman was re-instated into service on 10.06.2015 based on the explanation given on 23.5.2015 and posted at Mines, Walayar. Meanwhile a Show Cause notice was issued to the I.Mohammed Sulaiman on the above matter and he sought the documents from the

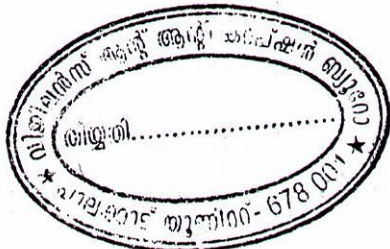


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Management against the show cause but the Management did not provided the required documents. He was re-instated without prejudices to the outcome of the enquiry being conducted and separate charge sheet in this matter will be issued against him.

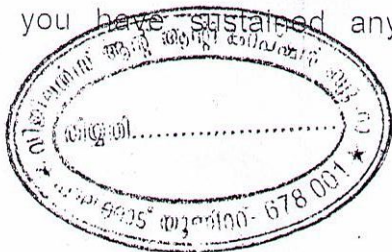
8. Thereafter two vigilance cases were registered at VACB, Palakkad on the direction of Hon'ble High Court of Kerala in RP No. 560/2016 of WPC 4932/2016 filed by Sri. Joy Kaitharath, General Secretary, Human Rights Protection Centre, Thrissur. VCs 13/16/PKD and 14/16/PKD were registered on 09.07.2016 against Sri. Prakash Joseph and others on the invoking of Bank Guarantee worth Rs.50 Lakhs by M/s. ARK Wood and metals (p) Ltd., and K.Padmakumar and others on the allegation of irregularities in the awarding of cements and commissions to a particulars dealers within the district of MPM, KKD, TSR and EKM.
9. During the course of investigation of the VC 13/16/PKD, on 6.8.2016, a letter No. VC 13,14,15,16/16/PKD addressed to the Deputy General Manager (P&A) of the Company, the petitioner and other 13 officials of the Company were asked to report before the investigation officer for questioning the newly registered Vigilance Cases No. 13/16/PKD, 14/16/PKD, 15/16/PKD and 16/16/PKD from 9.8.2016 to 20.09.2016 and the petitioner turn fix as on 10.8.2016 to depose about the invoke of Bank Guarantee worth Rs.50 Lakhs from the Canara Bank, Palakkad by M/s. ARK Wood & Metals Pvt., Ltd., Coimbatore by cheating Malabar Cements Ltd., Walayar, Palakkad.
10. On 06.08.2016, Sri. I.Mohammed Sulaiman was placed under suspension on the charges of lapses for not getting the legal opinion from M/s. Menon & Pai, Advocates before expiry of the Contract period to facilitate sending of recovery notices before the contract expiry date itself, after taking necessary legal recourse. The reason for advising Dy. Manager Materials for issuing letter demanding LD from M/s. Vijayalakshmi Transports in contravention to the opinion of M/s. Menon & Pai, Advocates. So it is very clear that the allegations raised against the petitioner in the Show cause with Suspension order were not substantiated into evidence and the action taken by the Managing Director was with *malafide* intention tried to victimize the petitioner in unwarranted charges.
11. The former Managing Director, Malabar Cements Ltd., immediately after issuing the Suspension orders to the Petitioner and another official Sri.



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PUBLIC INFORMATION OFFICER
VACB, PALAKKAD
07/04/17

- PMT and the final rate was Rs.720/-. The LOI/WO was issued to them on 22.2.2014 and 24.2.2014 respectively. They had transported 17,000 MT (approx.) of limestone from Ariyallur to MCL Walayar. As per the WO issued to them the quantity that have supplied by the contractor was 10,000 MT per month. But they also failed to transports the required quantity in time (Exhibit B to B3 and Statements of W-3 and 4)
14. As per the agreement signed between TAMIN, the quantity of limestone that to be lifted by MCL from TAMIN, Ariyallur was fixed to 10,000 MT. Hence the transporting contractor fails once again, MCL decided to go for another tender on 29.5.2014. Accordingly the tender notice published on 11.6.2014 and MCL have received 5 offers, M/s. Vuthaiah transports were technically qualified and M/s.Muttaiah Transports was the lowest 1 bidder and they quoted Rs.1041/ PMT. After negotiation, the rates comes down to Rs. 995/- PMT. The LOI and WO has been issued to them on 4.08.2014 and 6.8.2014 respectively (Exhibit B1 to B3 and Statements of W-3 and 4).
 15. For the failure of M/s. Raja Transports and M/s. Vijayalakshmi Transports in the transportation of limestone from Ariyallur to MCL Walayar, MCL had decided to take legal action against them (pages 65 to 72 of Exhibit.....B) . The files and documents perused during the course of enquiry proves that the materials department head Sri. G.Namasivayam had made letter correspondence to the party and it was instructed to sought Legal Opinion from the company legal Counsel M/s. Menon & Pai (page 65 of Exhibit B)
 16. In this connection, the Deputy Manager (Materials) had given a note to the Deputy General Manager (P&A) on 29.3.2014 and provided necessary documents/files regarding the tender notice, work order on the transportation contract issued during 2013 end and early 2014. The then DGM (P&A), who heads the Legal Wing of Malabar Cements Ltd., writes to M/s. Menon & Pai vide letter No. PA-2/GE-10/2014 dated 29.3.2014 and asked to give the Legal Opinion whether there is any possible to the contractual obligations. For which deputed a person who is well versed in this matter along with the relevant documents (Statement of W-2, 3 and 4 proves).
 17. Later the Advocate of Legal Counsel M/s. Menon & Pai, has directed the MCL that " if the Contractor have violated the terms of the contract and if you have sustained any loss on account of that, definitely legal

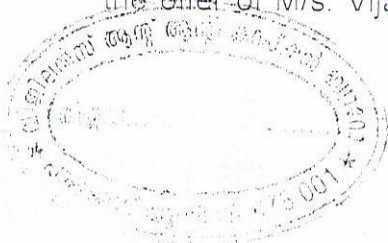


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 PUBLIC INFORMATION OFFICER
 VACB, PALAKKAD

Shaji T.Balan, the then Marketing Officer of MCL, gave wide publicity in the Print Media about the two suspensions.

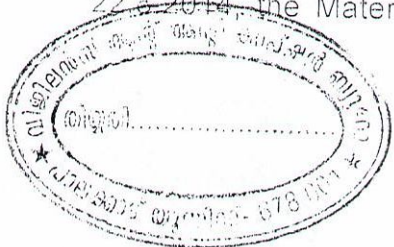
12. When Sri. Muhammed Sulaiman was questioned, he stated that as per the Board resolution, he was only assigned the duty of assisting the then Deputy General Manager (P&A) for all the legal matters of the Company. Hence the charges leveled against had not substantiated in to evidence, it was only to restraining the officials giving statements before the Investigation Officer. Sri. Muhammed Sulaiman also stated that the Managing Director had suspended him for protecting Prakash Joseph in the Vigilance Case No. 13/16/PKD. It is also pertinent to note that, the former Managing Director K.Padmakumar himself initiated Domestic Enquiry against the Legal Officer Prakash Joseph. The charges against the legal Officer was un-doubtedly proven in the Domestic Enquiry conducted by the High Court Advocate Sri. Muhammed Hashim. Hence, before exonerating Prakash Joseph from the charges, the former MD have to obtain either a Legal Opinion on the Enquiry Report filed by the Enquiry Officer or the matter shall be placed before the Director Board of MCL. No such business was done in this matter and the former Managing Director had abused the Board's Delegation of Power of Managing Director. Those matters were looked into the ongoing investigation of Vigilance Case No. 13/16/PKD.
13. It is revealed from the discreet enquiry, Malabar Cements Ltd., used to procure Limestone from TAMIN, Ariyallur Mines through sale agreements with the TAMIN for monthly off-take of 10000 MT Cement Grade Limestone. MCL has to be arranged the transportation of CGLS from TAMINs mines at Ariyallur. For which Public Tender was invited during October 2013 and 4 parties were participated in the tender. M/s. Raja Transports and M/s. Sivasakthy Transports were qualified in the Public Tender. The lowest bidder was M/s. Raja Transports, Trichy Main Road, Ariyallur who quotes Rs.626/- for the transportation of 1 MT CGLS from Ariyallur to MCL Walayar. After negotiation, the rate come down to Rs. 622/- PMT. Subsequently the WO was issued to them on 18.01.2014. But the party has failed to perform the contract and had only transported 391 MT (approx.) of CGLS. Since the contractor failed to perform the transportation of Limestone from TAMIN, MCL has decided to invite fresh E-tender through NIC portal. Two offers were received in the re-tender, the offer of M/s. Vijayalakshmi was considered and they quote Rs. 734/-



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Rajitha
 24/8/12/17
 PUBLIC RELATIONS OFFICER
 MCL, WALAYAR

- proceedings can be initiated against the contractor. But before initiating legal proceedings, you have to issue notice to the Contractor clarifying the entire loss after adjusting forfeiting of Security Deposit or EMD. So you may provide us with the exact facts and figures for preparing the notice. Also you may give the details as to at which rate you have re-rendered the work with the aforesaid details we can initiate the proceeding" (pages 71 of Exhibit B).
18. On receiving the direction of Legal Counsel, a draft letter addressed to M/s Raja Transports was prepared by the Materials Department of MCL which was also approved by the Legal Counsel M/s. Menon & Pai and the same was marked to the Materials Department of MCL with the note as "please proceed and we will decide future cause of action after getting their reply" (page No. 68, Exhibit – B).
 19. As per the Notice, MCL had intimated the party for the remittance of Rs. 59,51,201/- being the SD, LD for delay in delivery of materials, Extra Cost incurred for the failure of contract. As per the Clause No. 8 of the Tender, Commercial Condition, there was a provision to LD @ Rs. 10/- per MT on the un-delivered quantity.
 20. On 09.08.2014, the petitioner I. Mohammed Sulaiman along with R.Krishnakumar, Stores Officer, Materials Department went to the Legal Counsel M/s. Menon and Pai. Sri. R.Krishnakumar explained the facts of the tender, order placement for the transportation of limestone through M/s. Raja Transports and M/s. Vijayalakshmi Transports. On the same day, the Legal Counsel had mentioned their view on the back side of the letter dated 29.3.2014 issued by the then DGM (P&A). Sri. Krishnakumar, stated that the letter was not handed over to him and he had no idea about who brought the letter to the legal counsel (Statement of W-3 proves) . The letter was brought back by Sri.I. Mohammed Sulaiman on 9.8.2014 from Kochi. Thereafter, two occasions Sri R. Krishnakumar, Stores Officer went to Sri. V.Kumar, Advocates and had explained the tender proceedings of limestone transportation through TAMIN.
 21. Subsequently on 19.8.2014, directions were seen given by the Asst. Manager (P&A) to forfeit the Security Deposit and Liquidated Damages from the transporters to the Finance Department since Malabar Cements Ltd., has decided to proceed legally against the default transporters. On 22.8.2014, the Materials Department has asked to proceed and we will



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 PUBLIC INFORMATION OFFICER
 VACB, PALAKKAD

decide the further course of action after getting the reply. Based on this Notices have been issued to M/s. Raja Transports and M/s. Vijayalakshmi Transports on 09.09.2014 and 10.09.2014 respectively by which total claim of Rs. 1.77 Crores for the failure of contractual obligations by the above two parties.

22. Later on the dates of 05.12.2014 and 27.01.2015, the petitioner Sri.Mohammed Sulaiman, Asst. Manager P&A had handed over to Sri. V.Kumar Associates, Advocate, Lavanya, Manchery, the files relating to M/s. Raja & Vijayalakshmi Transports for filing suit against them before the limitation period.
23. From March 2015 to March 2016, No follow up action was seen initiated in the above legal proceedings against the transporters by the Legal Wing of Malabar Cements, which was headed by the former DGM (P&A) Sri. N.Srinivasan. Sri. I. Mohammed Sulaiman was replaced from charge of assisting Legal Matters to the DGM (P&A) on 20.5.2015 and directed to "give all files handed by him to Sri. Abdul Rahim, AMPA in the presence of R.Nandakumar AO, MCL with due acknowledgement. This is for handing over the files pertaining to legal matters of Malabar Cements Ltd., to an officer who will be decided by the Board assisting DGM (P&A)". (page 83 and 84 of Exhibit A1)
24. On 03.03.2016, the Legal Head Sri.N.Srinivasan and the Legal Officer Prakash Joseph jointly writes to the Advocate Sri.V.Kumar with the revised calculation statements of loss sustained to MCL for the violation of contractual obligations of the transporters M/s.Raja Transports and M/s. Vijayalakshmi Transports. As per the this letter MCL had made a total claim of Rs.1.77 Crores being the LD and risk and cost incurred due to the award of contract to M/s. Muthaiah Transports. As per the calculation statement of Finance Department, MCL the net loss arrived as Rs. 13,23,150/- and Rs. 53,68,253/- totaling Rs. 66,91,403/- (Pages 84 to 91 of Exhibit B).
25. In response to the above letter Sri. V.Kumar, Advocates has given an opinion with a letter dated 16.04.2016 which was received by the then DGM (P&A) on 21.4.2016 and forwarded to the Legal Officer, Prakash Joseph for taking the needful. The Advocate V.Kumar has also given his opinion in this letter under the para 3 and a few points of importance. He opined that how MCL claim LD (Liquidated Damages) for delay in delivery and at the same time extra cost incurred. That would be



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Rajidharan K A
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 VACB, PALAKKAD
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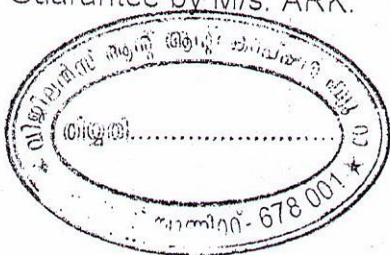
- penalizing the party twice (Page 99 TO 100 OF Exhibit B). Along with this opinion, a draft legal Notice also seen prepared and enclosed along with the opinion by the Advocate in which he made a claim of Rs. 13,23,150/- with interest @ 12% per annum within one week from the date of receipt of this notice. Similarly in the case of M/s. Vijayalakshmi Transports too, the legal claims made only Rs. 53,68,253/- only.
26. Prior to the above, during 2014-15 itself, the Finance Department of Malabar Cements had recovered an amount of Rs. 15,64,570/- and Rs. 3,82,772/- from M/s. Vijayalakshmi Transports and M/s. Raja Transports being Liquidated Damage for the failure of Contractual obligations by the above party in the Limestone transports from TAMILNADU, Ariyallur. When Sri. Ramesh Balagopal, DFM of MCL (W-5) was questioned he admitted that the recovery of LD was made as per provision in the Work Order issued to the party and in the Tender Notice too.
27. It is revealed in the discrete enquiry that, while preparing the Work Order to the transporter/supplier, the risk and cost clause has to be incorporated by enhancing the rate of LD from Rs. 10/- Per MT to Rs. 100/- PMT. Moreover, the EMD, Security Deposit fixed in the tender conditions are seems to be very meager when comparing the amount involved in the Contract. Before issuing the Letter of Intent/Work Order to the party, it should be legally scrutinized by the Internal Audit Wing of MCL or the Legal Counsel of MCL.
28. Hence the charge leveled against I. Mohammed Sulaiman, Asst. Manager (P&A) only to prevent him deposing statements on the Bank Guarantee case against the Legal Officer Prakash Joseph, who was found guilty in the Domestic Enquiry Conducted and subsequent to the Quick Verification, a Vigilance Case was registered against the Legal Officer and others.
29. Moreover the Legal Wing was headed by the former Deputy General Manager (P&A) as per the Board Resolution No. 2707 and Sri. I. Mohammed Sulaiman had assigned the duties of assisting the DGM (P&A). The enquiry also proves, Sri. I. Mohammed Sulaiman had replaced from the above duty on 20.5.2015 and handed over all the files pertaining to the Legal Matters to another Asst. manager (P&A) during May 2015. Thereafter, I. Mohammed Sulaiman would not be responsible for the delay in filing suit against the transport contractors for their failure



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Rajitha K A
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VACB, PALAKKAD

- of contractual obligation. If any delay happened in this matter, definitely the DGM (P&A) and the Legal Officer, who assigned the duty from 20.05.2015 were only responsible.
30. It is further revealed that, the Legal Counsel M/s. Menon and Pai Advocates in their Legal Opinion No. JoM/101/Opn dated 19th August 2016 has opined that "It is also understood that you have levied liquidated damages as per the Clauses in the work orders. Since you have engaged new contractor without terminating the work orders and without invoking the risk and costs clauses, we are of the opinion that even if you initiate legal proceedings before a court of law for realizing additional costs incurred, there is no likelihood of you getting any favourable verdict". The Company Advocate also opined as "how MCL claim LD (Liquidated Damages) for delay in delivery and at the same time extra cost incurred. That would be penalizing the party twice". (Exhibit D proves)
31. It is interesting to the note that, the OS No. 207/2011 was filed by Prakash Joseph, the then Legal Officer, Malabar Cements Ltd., against M/s. Bright Packaging Pvt. Ltd., New Mangalore for their failure of contract in the supply of LPP bags to MCL during 2010-11. During that time, Sri. I. Mohammed Sulaiman was not given any duties at the Legal Wing of MCL and he posted under the Legal Wing during 2013 only.
32. No pecuniary/financial loss incurred by Malabar Cements Ltd., Walayar on the allegation of delay in filing suit against the transporters of limestone. There was a provision in the Tender and Work Order pertaining to the Limestone Transportation Contract issued to M/s. Raja Transports and M/s. Vijayalakshmi Transports. Delay in obtaining proper legal opinion from the Legal Counsel by the Legal wing Malabar Cements Ltd., was noticed during the course of Discrete Enquiry but the officer responsible was the then Deputy General Manager and the Legal Officer as per the Board Resolutions No. 2044 and 2707. The Petitioner Sri. I. Mohammed Sulaiman, Asst. Manager (P&A) has been victimized by the former Managing Director, K. Padmakumar (Accused in VC 14, 15, 16 and 17/16/PKD of VACB, Palakkad.) by placing him under suspension with the mal intention of coming out of the Vigilance Case registered against the Legal Officer K. Prakash Joseph and others for the irregularity committed by them involving a loss of Rs.50 lakhs in the invoke of Bank Guarantee by M/s. ARK.



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Prakash Joseph
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04/08/2017

It is revealed in the discreet enquiry, the show cause notice issued by the Managing Director on 28.5.2016, there were two allegations were raised against Sri. I. Mohammed Sulaiman but in the Suspension order dated 6.8.2016, an extra charge also seen incorporated by the Managing Director, which was not relevant with the his period of Legal assistance to the DGM (P&A). Moreover, according to the Advocate of Company, Sri. V.Kumar, on the filing of suit against the transporters, MCL cannot claim LD (Liquidated Damages) for delay in delivery and at the same time extra cost incurred. That would be penalizing the party twice. Moreover the Company Legal Counsel also opined that "Even if Malabar Cements Ltd., initiate legal proceedings before a court of law for realizing additional costs incurred, there is no likelihood of MCL getting any favourable verdict". In the Suspension Order dated 6.8.2016, the Managing Director's charge against Sri. I. Mohammed Sulaiman was "lapses in filing cases against the limestone transporters M/s. Raja Transporters and M/s. Vijayalakshmi Transports by which MCL sustained a loss of Rs.1.77 Crores". The Legal opinion of M/s. Menon and Pai and the letter of Advocate V.Kumar clearly indicates as MCL can impose LD on the Contractor. Hence the charges are baseless and having no merits.

No pecuniary loss sustained to Malabar Cements Ltd., due to the delay in filing suit against the transport contractors since there was a provision in the Work Order itself for the recovery of Liquidated Damages and failure of contractual obligation. Hence the Suspension Order issued on 6.8.2016 against the Asst. Manager (P&A) was unwarranted.

Sri. I. Mohammed Sulaiman, has alleged a criminal conspiracy between the former Managing Director, K.Padmakumar, Legal Officer Prakash Joseph and Deputy Marketing Manager G.Venugopal which was finally resulted in the Suspension of the petitioner Sri. I. Mohammed Sulaiman and the Marketing Officer Sri. Shaji.T.Balan. The documents perused and the deposition of witness clearly proves that the commission of Criminal Conspiracy from the part of above officers who were arrayed as Accused in Vigilance Cases registered recently. Those matters has to be investigated in the ongoing Vigilance cases No. 13/16/PKD and 14/16/PKD being investigated at VACB, Palakkad.



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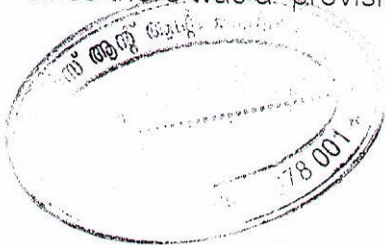
Sasidharan
PUBLIC INFORMATION OFFICER
VACB, PALAKKAD
2016/12/17

33. The two Suspension order dated 20.5.2015 and 6.8.2016, issued against Sri. I.Mohammed Sulaiman, AM PA by the former Managing Director, K.Padmakumar was with mal-intention and ulterior motive to safe guard the alleged Legal Officer Prakash Joseph. Even though the Bank Guarantee amount Rs.50 Lakhs + interest Rs.2.45 lakhs was irrecoverably lost by Malabar Cements Ltd., due to the failure of Legal Officer in filing cases at the proper Court, he was exonerated from the charge of guilty by ignoring the Domestic Enquiry Report of Adv. Sri. Mohammed Hashim.

Para V Conclusion:

The Discrete Enquiry conducted clearly reveals that the petitioner Sri. I.Mohammed Sulaiman, Asst. Manager (P&A) does not have any role in failure of filing suit against the Transport Contractors M/s. Raja & Vijayalakshmi Transports, who were failed to comply the contractual obligation in the limestone transportation contract. The petitioner is only an Officer assisting the Deputy General Manager (P&A) on legal matters during 2013 to 2015, who is the head of Legal Wing as per the Board Resolution No. 2707 of 194th Board meeting of Malabar Cements Ltd.,. It is true that the petitioner has been summoned by the Vigilance as a Witness in VC 13/16/PKD, Malabar Cements Ltd., had sustained a monetary loss of nearly Rs. 50 lakhs of rupees, being the Bank Guarantee provided by Malabar Cements Ltd., which was invoked by the Contractor M/s.ARK Wood & Metal Pvt Ltd., by cheating the Company in which the Legal Officer, former Managing Director and Managing Director of M/s. ARK and others has been arrayed as Accused 1 to 4.

For the charge alleged against the Petitioner in the Suspension Order, No delay has been happened in filing suit against the Transporters and no loss sustained to the Company in this matter. If any loss incurred by MCL in this deal, the actual officers who are liable to be suspended are the Deputy General Manager (P&A) and the Legal Officer Prakash Joseph, who were authorized by the Board and Company for conducting the cases of MCL. The petitioner is only assigned the duty of assisting the DGM(P&A) from 2013 to 2015. The Liquidated Damages was recovered from the Transporters during 2014-15 by the Finance Department of MCL since there was a provision in the Work Order vide Clause No.....

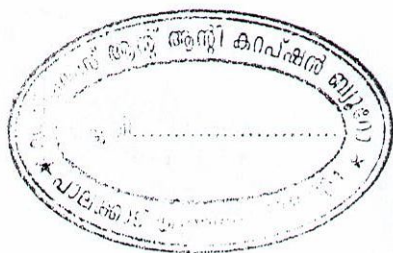


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Prakash Joseph
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VACB, PALAKKAD

The Petitioner Sri. I. Mohammed Sulaiman, Asst. Manager (P&A) has been victimized by the Managing Director by placing him under suspension with the mal intention of coming out of the Vigilance Case registered against the Legal Officer K.Prakash Joseph and others for the irregularity committed by them involving a loss of Rs.50 lakhs in the invoke of Bank Guarantee by M/s.ARK. So also Sri. I. Muhammed Sulaiman, Asst. Manager (P&A) also victimized by the Managing Director restraining him deposing statement against Prakash Joseph, Legal Officer of the Company who is also arrayed as an accused in VC 13/16/PKD. The two Suspension order dated 20.5.2015 and 6.8.2016, issued against Sri. I.Mohammed Sulaiman, Asst. Manager (P&A) by the former Managing Director, K.Padmakumar was with a mal-intention and ulterior motive to safe guard the alleged Legal Officer, Prakash Joseph. Even though the Bank Guarantee amount Rs.50 Lakhs + interest Rs.2.45 lakhs was irrecoverably lost by Malabar Cements Ltd., due to the failure of Legal Officer in filing cases at the proper Court and he was exonerated from the charge of guilty by ignoring the Domestic Enquiry Report of Adv. Sri. Mohammed Hashim.

On verification of the records as Exhibits A to C and questioning of official witnesses 1 to 5, it is concluded that the allegations raised in the Show Cause Notice dated 28.5.2016 and the Suspension Order dated 6.8.2016 against the petitioner are found to be quite un-wanted and made out with an ulterior motive. The facts is that Sri. I. Mohammed Sulaiman, Asst. Manager (P&A) has no role in the process of Tender preparation, issue of Letter of Intent/Work Order to the contractors and the responsibility to file suit against the transport contractors etc., Hence the charges made in the Show cause and the Suspension Order against Sri. I. Mohammed Sulaiman, Asst. Manager (P&A) of Malabar Cements Ltd., found to be false and which was brought against him to protect the Accused-1 of VC 13/16/PKD and other accused officials, who were arrayed as accused in other VCs 14/16/PKD, 15/16/PKD and 16/16/PKD registered at VACB, Palakkad. Naturally the allegations raised by the petitioner found to be true and correct.



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Rajeshwaran
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4/12/17

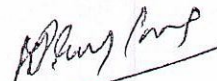
Para VI : Recommendation:

1. Appropriate Departmental action may be initiated against Sri. K.Padmakumar, the former Managing Director, Malabar Cements Ltd., (Under Suspension, Secretary, RIAB) for his failure in taking action against the following officers of Malabar Cements Ltd., Walayar, Palakkad.

a) Sri. N.Srinivasan, former Deputy General Manager (P&A) of Malabar Cements Ltd., for the delay in obtaining Legal Opinion from the Legal Counsel of Malabar Cements Ltd., for filing suit against the transporters and victimizing Sri. I. Mohammed Sulaiman, the Asst. Manager (P&A) with the mal intention of coming out of the Vigilance Cases registered against the Legal Officer, Prakash Joseph and others.

b) Sri. Prakash Joseph, Legal Officer, of Malabar Cements Ltd., who found guilty on the charges of negligence of duty in the invoke of Bank Guarantee through the Domestic Enquiry conducted by High Court Adv. Sri. Mohammed Hashim.

Yours faithfully,

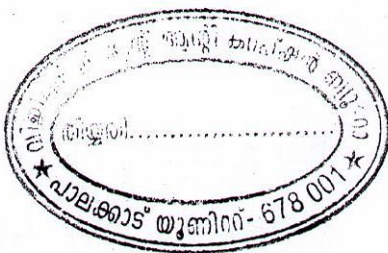


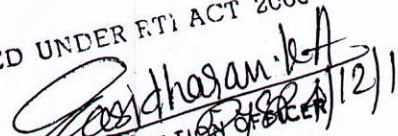
K.M.Praveen Kumar,
Inspector of Police,
VACB, Palakkad.

15.04.2017.

Enclosures

1. Reference in Original
2. Statements of Witnesses 1 to 5
3. Relevant pages of Exhibits A, A1, A2, A3, B, B1, B2, B3, C and D.



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 VACB, PALAKKAD
 15/04/2017



'CORRUPTION, A CRIME AGAINST NATION'

വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ,
വികാസ് ഭവൻ, തിരുവനന്തപുരം-695033.

ഇ-മെയിൽ: vig.vacb@kerala.gov.in

ഫോൺ നമ്പർ: 0471 2305393.

തീയതി 2.08.2017.

നമ്പർ. ഇ23 - 3619/17/എം.സി.എൽ

ഡയറക്ടർ,
വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ.

അഡീഷണൽ ചീഫ് സെക്രട്ടറി,
വിജിലൻസ് വകുപ്പ്,
കേരള സർക്കാർ,
തിരുവനന്തപുരം.

സർ,

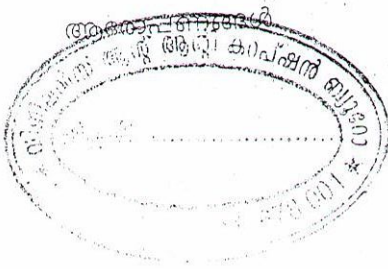
വിഷയം: ശ്രീ ഐ. മുഹമ്മദ് സുലൈമാൻ, അസിസ്റ്റന്റ് മാനേജർ, (പി.& എ) മലബാർ സിമന്റ്സ് 31/01/2017-ൽ സമർപ്പിച്ച പരാതിയിന്മേലുള്ള ഡിസ്ക്രീറ്റ് എൻക്വയറി റിപ്പോർട്ടും ശുപാർശയും അയയ്ക്കുന്നത് സംബന്ധിച്ച്.

സൂചന: 12/05/2017 - തീയതിയിലെ വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ മധ്യമേഖല എറണാകുളം പോലീസ് സൂപ്രണ്ടിന്റെ ഡി.ഇ. 1008/17/പി.കെ.ഡി. നമ്പർ കത്ത്.

>>>><<<<

സൂചന ശ്രദ്ധിച്ചാലും.

ശ്രീ മുഹമ്മദ് സുലൈമാൻ, അസിസ്റ്റന്റ് മാനേജർ (പി.&എ.) മലബാർ സിമന്റ്സ് വാളയാർ സമർപ്പിച്ച 31/01/2017-ലെ പരാതിയിന്മേൽ ഒരു ഡിസ്ക്രീറ്റ് എൻക്വയറി ഈ ബ്യൂറോയുടെ പാലക്കാട് യൂണിറ്റിൽ നടത്തി സമർപ്പിച്ച റിപ്പോർട്ടിന്മേലുള്ള ശുപാർശ അംഗീകരിച്ച് കൊണ്ട് വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ മധ്യമേഖല പോലീസ് സൂപ്രണ്ട് മേൽ സൂചന പ്രകാരം അയച്ചുതന്നു. മലബാർ സിമന്റ്സ് ലിമിറ്റഡിന് 1.77 ലക്ഷം രൂപയുടെ നഷ്ടമുണ്ടാക്കിയ ഉദ്യോഗസ്ഥർക്കെതിരെ നടപടി സ്വീകരിക്കണമെന്നും പരാതിക്കാരന്റെ സബ്മിഷൻ ദുരുദ്ദേശപരമായിരുന്നുവെന്നും മറ്റുമായിരുന്നു



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Residharan
PUBLIC INFORMATION OFFICER
VACB, PALAKKAD

(തുടർച്ച.....2)

അന്വേഷണത്തിൽ മലബാർ സിമന്റ്സ് ലിമിറ്റഡിന്റെ മുൻ മാനേജിംഗ് ഡയറക്ടർ ശ്രീ.കെ.പത്മകുമാർ ഡെപ്യൂട്ടി ജനറൽ മാനേജർ (ഡി&എ) ശ്രീ എൻ. ശ്രീനിവാസൻ നിയമോപദേശാവ് ശ്രീ.പ്രകാശ് ജോസഫ് എന്നിവർ കുറ്റക്കാരാണെന്നും ശ്രീ മുഹമ്മദ് സുലൈമാന് ലൈംസ്റ്റോൺ ട്രാൻസ്പോർട്ടേഴ്സിന്റെ ടെണ്ടർ നടപടികളിൽ പങ്കില്ലെന്നും ടിഡാന്റെ സപ്ലൈഷൻ ദുരുദ്ദേശത്തോടുകൂടി ആയിരുന്നു എന്നും വ്യക്തമായി.

അന്വേഷണ ഉദ്യോഗസ്ഥന്റെ ശുപാർശകൾ

ശ്രീ. എൻ. ശ്രീനിവാസൻ, ശ്രീ. പ്രകാശ് ജോസഫ് എന്നിവർക്കെതിരെ നടപടി സ്വീകരിക്കാതിരുന്ന മുൻ എം.ഡി. ശ്രീ പത്മകുമാറിനെതിരെ വകുപ്പ് തലത്തിൽ നടപടി സ്വീകരിക്കുക, ശ്രീ ശ്രീനിവാസൻ, ശ്രീ പ്രകാശ് ജോസഫ് എന്നിവർ ക്രമക്കേടിന് ഉത്തരവാദികളാണ്.

അന്വേഷണ ഉദ്യോഗസ്ഥൻ, പോലീസ് സൂപ്രണ്ട് എന്നിവരുടെ അഭിപ്രായത്തോട് യോജിച്ചുകൊണ്ട് റിപ്പോർട്ടും അനുബന്ധരേഖകളും അനന്തര നടപടിക്കായി അയയ്ക്കുന്നു.

വിശ്വസ്തയോടെ

എം.എൻ. വിജയകുമാരൻ
പോലീസ് സൂപ്രണ്ട് (ഇൻ്റലിജൻസ്)
ഡയറക്ടർക്കുവേണ്ടി.

2908/12/16cd
7/8/12

പകർപ്പ്: പോലീസ് സൂപ്രണ്ട്, വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ,
മധ്യമേഖല, എറണാകുളം.

ഡെപ്യൂട്ടി പോലീസ് സൂപ്രണ്ട്, വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ,
പാലക്കാട് യൂണിറ്റ്.

എ.എൻ.എസ്/1565/01..08

10P I for information X m/a.



04/08/17

ISSUED UNDER RTI ACT 2005

4/12/17
PUBLIC INFORMATION OFFICER



'CORRUPTION, A CRIME AGAINST NATION'

വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ,
വികാസ് ഭവൻ, തിരുവനന്തപുരം-695033.

ഇ-മെയിൽ: vig.vacb@kerala.gov.in

ഫോൺ നമ്പർ: 0471 2305393.

തീയതി 2.08.2017.

നമ്പർ. ഇ23 - 3619/17/എം.സി.എൽ

ഡയറക്ടർ,
വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ.

അഡീഷണൽ ചീഫ് സെക്രട്ടറി,
വിജിലൻസ് വകുപ്പ്,
കേരള സർക്കാർ,
തിരുവനന്തപുരം.

സർ,

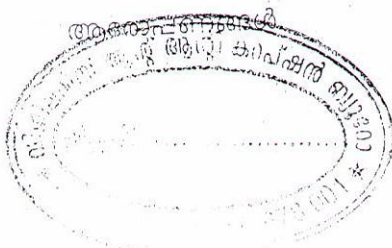
വിഷയം: ശ്രീ ഐ. മുഹമ്മദ് സുലൈമാൻ, അസിസ്റ്റന്റ് മാനേജർ, (പി.& എ) മലബാർ സിമന്റ്സ് 31/01/2017-ൽ സമർപ്പിച്ച പരാതിയിന്മേലുള്ള ഡിസ്ക്രീറ്റ് എൻക്വയറി റിപ്പോർട്ടും ശുപാർശയും അയയ്ക്കുന്നത് സംബന്ധിച്ച്.

സൂചന: 12/05/2017 - തീയതിയിലെ വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ മധ്യമേഖല എറണാകുളം പോലീസ് സൂപ്രണ്ടിന്റെ ഡി.ഇ. 1008/17/ പി.കെ.ഡി. നമ്പർ കത്ത്.

>>>><<<<

സൂചന ശ്രദ്ധിച്ചാലും.

ശ്രീ മുഹമ്മദ് സുലൈമാൻ, അസിസ്റ്റന്റ് മാനേജർ (പി.&എ.) മലബാർ സിമന്റ്സ് വാളയാർ സമർപ്പിച്ച 31/01/2017- ലെ പരാതിയിന്മേൽ ഒരു ഡിസ്ക്രീറ്റ് എൻക്വയറി ഈ ബ്യൂറോയുടെ പാലക്കാട് യൂണിറ്റിൽ നടത്തി സമർപ്പിച്ച റിപ്പോർട്ടിന്മേലുള്ള ശുപാർശ അംഗീകരിച്ച് കൊണ്ട് വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ മധ്യമേഖല പോലീസ് സൂപ്രണ്ട് മേൽ സൂചന പ്രകാരം അയച്ചുതന്നു. മലബാർ സിമന്റ്സ് ലിമിറ്റഡിന് 1.77 ലക്ഷം രൂപയുടെ നഷ്ടമുണ്ടാക്കിയ ഉദ്യോഗസ്ഥർക്കെതിരെ നടപടി സ്വീകരിക്കണമെന്നും പരാതിക്കാരന്റെ സബ്മിഷൻ ദൃഢപ്രകാരമായിത്തന്നെ വെന്നും മറ്റുമായിത്തന്നെ



ISSUED UNDER RTI ACT 2008

Reshmi
PUBLIC INFORMATION OFFICER
VACB, PALAKKAD

(തുടർച്ച.....2)

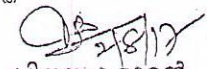
അന്വേഷണത്തിൽ മലബാർ സിമന്റ്സ് ലിമിറ്റഡിന്റെ മുൻ മാനേജിംഗ് ഡയറക്ടർ ശ്രീ.കെ.പത്മകുമാർ ഡെപ്യൂട്ടി ജനറൽ മാനേജർ (ഡി&എ) ശ്രീ എൻ. ശ്രീനിവാസൻ നിരുപദ്രവ്യത്വം ശ്രീ.പ്രകാശ് ജോസഫ് എന്നിവർ കുറ്റക്കാരാണെന്നും ശ്രീ മുഹമ്മദ് സുലൈമാൻ ലൈംസ്റ്റോൺ ട്രാൻസ്ഫർട്ടേഴ്സിന്റെ ടെണ്ടർ നടപടികളിൽ പങ്കില്ലെന്നും ടിയാന്റെ സമ്പന്നൻ ദുരുദ്ദേശത്തോടുകൂടി ആയിരുന്നു എന്നും വ്യക്തമായി.

അന്വേഷണ ഉദ്യോഗസ്ഥന്റെ ശിപാർശകൾ

ശ്രീ. എൻ. ശ്രീനിവാസൻ, ശ്രീ. പ്രകാശ് ജോസഫ് എന്നിവർക്കെതിരെ നടപടി സ്വീകരിക്കാതിരുന്ന മുൻ എം.ഡി. ശ്രീ പത്മകുമാറിനെതിരെ വകുപ്പ് തലത്തിൽ നടപടി സ്വീകരിക്കുക, ശ്രീ ശ്രീനിവാസൻ, ശ്രീ പ്രകാശ് ജോസഫ് എന്നിവർ ക്രമക്കേടിന് ഉത്തരവാദികളാണ്.

അന്വേഷണ ഉദ്യോഗസ്ഥൻ, പോലീസ് സൂപ്രണ്ട് എന്നിവരുടെ അഭിപ്രായത്തോട് യോജിച്ചുകൊണ്ട് റിപ്പോർട്ടും അനുബന്ധരേഖകളും അനന്തര നടപടിക്കായി അയയ്ക്കുന്നു.

വിശ്വസ്തതയോടെ

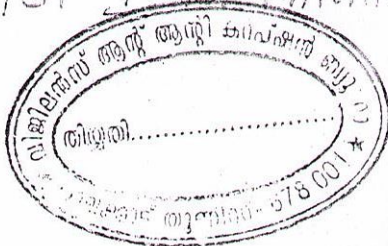

എം.എൻ. വിജയകുമാർ
പോലീസ് സൂപ്രണ്ട് (ഇൻ്റലിജൻസ്)
ഡയറക്ടർക്കുവേണ്ടി.

പകർപ്പ്: പോലീസ് സൂപ്രണ്ട്, വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ,
മധ്യമേഖല, എറണാകുളം.

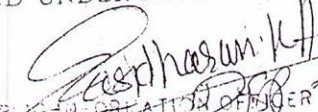
ഡെപ്യൂട്ടി പോലീസ് സൂപ്രണ്ട്, വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ,
പാലക്കാട് യൂണിറ്റ്.

ജെ.എൻ.എസ്. 71565/01-08

10P I for information X m/a.



ISSUED UNDER RTI ACT 2005


RESHMAN K
4/12/17



കേരള സർക്കാർ

നമ്പർ.വിജി-ബി1/189/2017-വിജി

വിജിലൻസ് (ബി) വകുപ്പ്
തിരുവനന്തപുരം
തീയതി: 18/08/2017

അഡീഷണൽ ചീഫ് സെക്രട്ടറി

അഡീഷണൽ ചീഫ് സെക്രട്ടറി, വ്യാവസായിക വകുപ്പ്
സർ,

വിഷയം:- വിജിലൻസ് വകുപ്പ് - ശ്രീ.എ.മുഹമ്മദ് സുലൈമാൻ, അസിസ്റ്റന്റ് മാനേജർ (പി&എ); മലബാർ സിമന്റ്സ് സമർപ്പിച്ച പരാതിയിന്മേലുള്ള ഡിസ്ക്വീറ്റ് എൻക്വയറി റിപ്പോർട്ടും ശുപാർശയും - സംബന്ധിച്ച്

സൂചന:- വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ ഡയറക്ടറുടെ 02.08.2017 ലെ ഇ23-3619/17/എം.സി.എൽ നം.കുത്ത്

വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ പാലക്കാട് യൂണിറ്റ് നടത്തിയ ഡിസ്ക്വീറ്റ് എൻക്വയറി റിപ്പോർട്ട് വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ ഡയറക്ടർ മേൽ സൂചന പ്രകാരം ലഭ്യമാക്കിയിട്ടുണ്ട്. ഈ വകുപ്പ് പ്രസ്തുത റിപ്പോർട്ട് വിശദമായി പരിശോധിക്കുകയും, അയതിന്റെ അടിസ്ഥാനത്തിൽ വിജിലൻസ് ഡയറക്ടറുടെ ശുപാർശ അംഗീകരിക്കുകയും ചെയ്യും. ശുപാർശയിന്മേൽ തുടർ നടപടി സ്വീകരിക്കുന്നതിനായി റിപ്പോർട്ടിന്റെയും അനുബന്ധ രേഖകളുടെയും പകർപ്പ്, ഡയറക്ടറുടെ കത്ത് എന്നിവ ഇതോടൊന്നിച്ച് അയയ്ക്കുന്നു.

ശുപാർശ സംബന്ധിച്ച് സ്വീകരിച്ച നടപടി വിവരം ഈ വകുപ്പിനേയും, വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോയെയും അനന്തരം അറിയിക്കേണ്ടതാണ്.

വിശ്വസ്തതയോടെ,
പ്രകാശ് സി വി
അടൻ സെക്രട്ടറി
അഡീഷണൽ ചീഫ് സെക്രട്ടറിയുടെേണ്ടി

അംഗീകാരത്തോടെ

സെക്ഷൻ ഓഫീസർ

വകുപ്പ് ഡയറക്ടർ, വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ (അറിവിലേയ്ക്കായി)

Date : 09.12.2017

From

Mohamed Sulaiman.I
Assistant Manager (P&A)
M/s Malabar Cements Ltd.

To,

**Enquiry Officer,
MCL.**

Respected Sir,

Sub: Request for documents reg:-

**Ref: Charge Sheet cum Notice of Enquiry Dated: 12.08.2016
No.PA-1/PF-492/2016 Dated : 06.08.2016.**

I request furnish the following documents for my reference.

1. Letter issued to M/s. Menon & Pai Advocates on 29.03.2014 and their legal opinion dated 09.08.2014 (Original copy ~~or Carbon copy~~ requested).
2. Notice issued to Raja Transports and Vijayalakshmy Transports dtd.09.09.2014 and 10.09.2014. (Office copy original)
3. Letter directing to issue M/s. Raja Transports and Vijayalakshmy Transports by Sulaiman dtd. 22.08.2014 (Produce original)
4. C & AG report up to 2015 related to the limestone transports stated in the showcause notice and suspension order. (Produce a legible copy)
5. Duties and responsibilities given to Assistant Manager P & A (Sri.Mohammed Sulaiman) from 29.06.2013 to 21.05.2015 by the company

The DE may be permitted to produce more documents during the course of enquiry.

Thanking you,

Yours faithfully

Mohammed Sulaiman.I

CC to: Presenting Officer. ✓

Date : 09.12.2017

From

Mohamed Sulaiman.I
Assistant Manager (P&A)
M/s Malabar Cements Ltd.

To,

**Enquiry Officer,
MCL.**

Respected Sir,

Sub: Request for marking documents in the domestic enquiry reg:-

**Ref: Charge Sheet cum Notice of Enquiry Dated: 12.08.2016
No.PA-1/PF-492/2016 Dated : 06.08.2016.**

With reference to the above i may be permitted to mark the following documents in the enquiry.

1. E-mail Dtd.28.04.2016 received from DGM, P & A 2 pages.
2. Email Dtd.06.08.2016 and letter dtd.06.08.2016 3 pages.

The DE may be permitted to produce more documents during the course of enquiry.

Thanking you,

Yours faithfully


Mohammed Sulaiman.I

CC to: Presenting Officer.

Fwd: Request for appearance - reg.

2 messages

Srinivasan Iyer <nsrinivasaniyer@gmail.com>

Thu, Apr 28, 2016 at 1:23 PM

To: "K. Narendranadhan" <narekrish@gmail.com>, Suleiman M C L <mcltandd@gmail.com>

N Srinivasan
Dy General Manager (P & A)
Malabar Cements Ltd
Walayar. Palakkad

Sent from my iPhone


Begin forwarded message:

From: "Malabar cements Ltd" <ro@malabarcements.com>
Date: 28 April 2016 at 13:16:11 IST
To: "Srinivasan" <nsrinivasaniyer@gmail.com>
Cc: "Abdul Samad" <dcmplant@gmail.com>
Subject: Fw: Request for appearance - reg.

— Original Message —

From: loP3PKD PalakkadUnit
To: ro@malabarcements.com
Sent: Thursday, April 28, 2016 12:26 PM
Subject: Request for appearance - reg.

Sir,
Pls find attachment.

 **Letter to MD, MCL.docx**
15K

Vigilance & Anti-Corruption Bureau,
Erumakkara Street, GB Road, Palakkad,
Date:28.04.16, Ph: 0491- 2548510,
2548417. Fax: 0491-2548510.

From

Deputy Supdt. of Police
Vigilance and Anti-Corruption Bureau
Palakkad.

To

The Managing Director,
Malabar Cements Ltd.
Walayar, Palakkad.

Sir,

Sub:- Vigilance Enquiry – Appearance in Vigilance & Anti-Corruption
Bureau, Palakkad. – reg.

Ref:- VE 01/16/PKD of Vigilance and Anti-Corruption Bureau,
Palakkad

=====

You are requested to depute Sri. K. Narendranathan, Finance
Manager, MCL, Walayar and Sri. Muhammed Sulaiman, Asst. Manager
(Personal and Administration), MCL, Walayar with direction to report before
the office of the Deputy Supdt. of Police, Vigilance & Anti-Corruption
Bureau, Palakkad on 29.04.2016 at 10.00 hrs. for a hearing in connection
with Vigilance Enquiry No.01/16/PKD of the Vigilance and Anti-Corruption
Bureau, Palakkad.

Sd/-

Deputy Supdt. of Police,
Vigilance & Anti-corruption Bureau,
Palakkad,

Subject: **directing officials of MCL for witness examination**

To: nsrinivasaniyer@gmail.com

Date: 08/06/16 04:50 PM

From: "IoP1PKD PalakkadUnit" <iop1pkd.vacb@kerala.gov.in>

letter to DGM (P&A) summon witnesses.docx (19kB)

Dear Sir,
please find the attached file vide subject referred above.

sd/-

For Dy.Suptd. of Police, VACB, Palakkad.

IOP1 VACB, Palakkad.

06.08.2016

Confidential

No.VC-13,14,15,16/16/PKD.

Vigilance & Anti-Corruption Bureau,
Palakkad, Date:/08/2016.

From

Deputy Superintendent of Police,
Vigilance & Anti-Corruption Bureau,
Palakkad.

To

The Deputy General Manager (P&A)
Malabar Cements Ltd., Walayar Dam PO
Palakkad.

Sir,

Sub:- Vigilance cases registered against the Officials of Malabar Cements Ltd., Walayar regarding the irregularities in invoking of Bank Guarantee, irregularities in the allotment of cements to dealers, import of clinker from Abroad, Engaging KSWC for cement handling and others – directing officials for witness examination - request forwarding of - reg.

Ref:- 1) VCs 14/16/PKD, 15/16/PKD, 16/16/PKD and 17/16/PKD of VACB, Palakkad.

Attention is invited to the subject and ref. cited above.

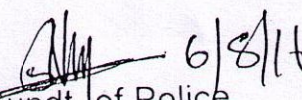
The Vigilance & Anti-Corruption Bureau, Palakkad has registered 5 vigilance cases on various allegations of irregularities against the officials of Malabar Cements Ltd., Walayar, Palakkad and the cases are being investigated by the Inspector of Police, Sri. K.M.Praveen Kumar of VACB, Palakkad.

In connection with the investigation of the above vigilance cases, you are requested to direct the following officials of Malabar Cements Ltd., to report before the Investigation officer Sri. K.M.Praveen Kumar, Inspector of Police of VACB, Palakkad for witness examination/evidence collection of the respective cases noted against each.

Sl. No.	Name & designation	Date & time on which report before the IO	Case No.
1.	Sri. I. Mohammed Sulaiman, Asst. Manager (P&A)	09.08.2016 & 10.08.2016 2 days	VC 13/16/PKD
2.	Sri. Chandrasekharan, Marketing Officer	11.08.2016 at 1000 hrs	VC 14/16/PKD & 16/16/PKD
3.	Sri. Shaji.T.Balan, Marketing Officer	16.08.2016 at 1030 hrs	VC 14/16/PKD & 16/16/PKD
4.	Sri. Pradheep Kumar, QQC	25.08.2016 at 1000 hrs	VC 15/16/PKD
5.	Sri. Premkumar, DM PQC	26.08.2016 at 1000 hrs	VC 15/16/PKD
6.	Sri. Mohammed Asharaf, Manager, CGU Cherthala plant	30.08.2016 at 1000 hrs.	VC 15/16/PKD
7.	Sri. Subash Chandrabose, Dy. Manager, Process	30.08.2016 at 1400 hrs.	VC 15/16/PKD
8.	Sri. Srinivasa Saravanan, CS	31.08.2016 at 1400 hrs.	VC 13/16/PKD
9.	Sri. E.K.Moideen Kutty, Sales Officer	06.09.2016 at 1000 hrs	VC 14/16/PKD
10.	Sri. C.P. Saneer, Sales Officer	06.09.2016 at 1400 hrs	VC 14/16/PKD
11.	Sri. K.T.Aboobacker Koya, Asst. Sales Officer	08.09.2016 at 1000 hrs	VC 14/16/PKD
12.	Sri. K.Abdul Majeed, JMO	08.09.2016 at 1400 hrs	VC 14/16/PKD
13.	Sri. Agash P Abraham, Asst. Sales Officer	20.09.2016 at 1000 hrs	VC 14/16/PKD
14.	Sri. Antochan Antony, JMO	20.09.2016 at 1400 hrs	VC 14/16/PKD

Please acknowledge receipt of this letter.

Yours faithfully,

 6/8/16
Deputy Supdt. of Police,
Vigilance & Anti-Corruption Bureau,
Palakkad.