

18th June 2018

Confirmation Copy sent by hand delivery

From

K. Padmakumar
11 F, Samrudhi Thampurans,
Thampuranmukku, Trivandrum – 605035.
(Email – padmariab@gmail.com)

To

The Principal Secretary to Government, Industries &
Commerce (H) Department, Government Secretariat,
Trivandrum.

Respected Sir,

Sub: My Reinstatement in service

- Ref**
- 1, Judgment of the Hon'ble High Court in W.P (C) 15103 of 2018 dated 6/6/2018
 2. Letter to the Additional Chief Secretary Industries & Commerce dated 3/1/2018 (**Exhibit P30 representation in W.P (C) 15103 of 2018.**)
 3. G.O (Rt) No. 1727/H1/2017/ID dated 28.12/2017 reinstating me as the Managing Director of Kerala Automobiles Ltd
 4. Judgment of the Hon'ble High Court in W.P (C) 23665 of 2017 dated 7/12/2017

Kindly see the Judgment under reference (1) above **facilitating hearing of Exhibit P30 representation** under reference (2) in the connected I.A No. 9038/2018. This representation was given following issue of Reinstatement Order under reference (3) above following the Judgement under reference (4) above. **A gist of the Exhibit P30 representation showing the supporting documents is also attached along with.**

1. My service in RIAB citing background of holding a permanent post from 1/5/1998 to 11/5/2011 on Deputation and since then on regular basis.
2. Lacunae in my aforesaid Reinstatement order with reference to the attached Circular No. 65/94/Fin. Dated 26/11/1994 and the conventions for posting of Managing Directors by the Government.
3. Regarding the Quo Warranto Petition WP (C) 16846/2014 filed by INTUC to oust me from RIAB after a preliminary enquiry by RIAB in KSCDC, which is now being investigated by the CBI.

Kindly note that, as such, my employment status may have to be "On the Job" through a legitimate posting protecting my 30 year Service as per Circular No. 65/94/Fin. Dated 26/11/1994 on modalities for reinstatement after suspension. I request your good selves to facilitate my posting and release of subsistence allowance from RIAB pending since 1st January 2018. for no fault from my side. I humbly request you give a date for the Hearing.

Thanking you
Yours faithfully
Sd/-
K. Padmakumar

GIST OF THE EXHIBIT P30 REPRESENTATION IN
WP (C)15103 OF 2018 INDICATING SUPPORTING DOCUMENTS

(Government Orders on my posting in RIAB since 1996 are sent only by e-mail)

1. My service in RIAB citing background of holding a permanent post on Deputation from 1/5/1998 to 11/5/2011 and since then on Regular basis

- a. The Government vide G.O (MS) No. 90/90/ID dated 25/6/1990 issued by the Industries (J) Department had formed the Internal Audit Board as a body created by an Executive Order. Two permanent posts of Accounts Officer were created. The Internal Audit Board was reconstituted as the Public Sector Restructuring & Internal Audit Board vide G.O (MS) 172/93/ID dated 31/12/1993 issued by the Industries (J) Department and technical support was availed from the Centre for Management Development (CMD). I started working in RIAB as a member of the team of professionals from CMD.
- b. Vide G.O (MS) No. 21/95/ID dated 21/2/1995 issued by the Industries (H) Department, one post of Assistant Director (Technical) was shifted from the Bureau of Public Enterprises (BPE) to RIAB and Shri. M. Sivasankar, Assistant Secretary in the Board of Revenue was appointed and then made by Secretary of RIAB converting the permanent post of Accounts Officer.
- c. Then the post of Business Analyst was created vide G.O (Rt) No. 90/96/ID dated 25/01/1996 issued by the Industries (H) Department. My posting in RIAB was in this post of Business Analyst with effect from 1/5/1998 vide G.O (Rt) No. 934/98/ID dated 8/10/1998 issued from Industries (H) Department. This posting was on deputation from the Centre for Management Development (CMD) Trivandrum. I had joined CMD through a transparent selection process in 1988.
- d. Later vide G.O (Rt) No. 313/99/ID dated 30/3/1999 issued by the Industries (H) Department, I discharged the duties of Secretary, RIAB on deputation from CMD, though my basic posting in RIAB was against the post of Business Analyst.
- e. Vide G.O (MS) 71/2000/ID dated 16/5/2000 issued by the Industries (H) Department, the permanent post of Assistant Director (Technical) shifted from BPE to RIAB was converted to make the post of Business Analyst in RIAB, a permanent one. The other permanent post of Accounts Officer was converted to Financial Analyst. **RIAB thus has only three permanent posts viz., Secretary, Business Analyst and Financial Analyst.**
- f. I was then trained by the Government as a Business Analyst through Study Visits to Civil Services College, National Audit Commission in United Kingdom, University of Manchester, University of Birmingham, Government of Malta, International Centre for Promotion of Enterprises, Slovenia, University of Ljubljana and through an UNDP Fellowship in the Commonwealth Secretariat, London in 2001 and 2002. I continued on Deputation in the permanent post of Business Analyst also serving as Secretary of RIAB, Fund Manager of KIRFB and Director of various PSUs. I was also the Associate National Project Co-ordinator of this UNDP Project which led to substantial reforms in PSUs.
- g. Vide G.O (Rt) No. 664/2011/ID dated 11/5/2011 issued by the Industries (H) Department, the Government promoted and regularized me to the post of Secretary, RIAB (as also a Board member) after discharging the duties of this post for 12 years. My connection with the Centre for Management Development (CMD), my former parent organization was thus severed.

h. In October 2011 vide G.O (Rt) No. 1225/2011/ID dated 1/10/2011 issued by the Industries (H) Department, I was given full additional charge of the Managing Director of Malabar Cements Ltd (MCL) from my substantive post Secretary, RIAB. My ouster from MCL on 5th September 2016 and suspension from RIAB since then followed the illegal arrest after registering 4 FIRs with false charges defying Government orders and the recommendation of two former Directors of VACB. . File No. 322/H1/2016 of Industries (H) Department, File No. 11014/B1/2015/Vig and File No. 1321/B1/2016/ID have the details. I had an unblemished career record till the aforesaid illegal actions by the Palakkad Unit of VACB.

2. Lacunae in the Reinstatement order with reference to Circular No. 65/94/Fin. Dated 26/11/1994 and the conventions followed for posting of Managing Directors in PSUs by the Government

- a. In the Writ Petition that led to the Judgment for hearing, I had stated that to function as Managing Director of Kerala Automobiles Ltd OR any such Company. the incumbent Officer had to be made a Director of the Company as per relevant clauses in the Articles of Association. This error was corrected when Shri. Shajahan was posted as the Managing Director of KAL cancelling my reinstatement order on 9/2/2018. Even if my posting is outside RIAB it should have been on “Deputation” OR on “Working arrangement” OR on “Full additional charge” maintaining lien in my permanent substantive post in RIAB. Such conventions are followed by the Government while appointing an Officer of one organization to another organization. The CVC guidelines and the relevant Circular No. 65/94/1994 dated 26/11/1994 stipulate the contents of a reinstatement order after suspension. While reinstatement is done by the authority who had suspended the employee, posting is the responsibility of the Principal Employer in the parent organization of the employee.
- b. Please also note that Paragraph 1 of the reinstatement order referred as (3) above mentioned about a Communication viz., VIG-B2/537/2017-VIG(i)7th December 2017. This communication was not conveyed to the Hon’ble Court before or after the Judgment referred to as (4) above in **W.P (C) 23665 of 2017 on 7/12/2017**. The order of the Hon’ble Vigilance Court, Thrissur, prohibits only my presence in Malabar Cements Ltd premises in Walayar without getting prior permission from the investigating Officer. **There are no proven charges OR charge sheets against me.** The allegations leveled by VACB are without even taking Statements from me. In fact, in the Legal Opinion of VACB on the Quick Verification QV 29/2015/PKD, it is clearly stated that the allegations are due to stringent action taken by me to recover huge sums from a Private supplier.

3. Regarding the Quo-Warranto Petition WP (C) 16846/2014 filed by INTUC to oust me from RIAB after a preliminary enquiry by RIAB in KSCDC which is being investigated by the CBI

I had also appraised that after I filed a report on irregularities in Kerala State Cashew Development Corporation (KSCDC), the Treasurer of the Kerala State Unit of the INTUC had filed a Quo Warranto Petition viz., W.P (C) 16846/2014 to oust me from the post of Secretary, RIAB. This case along with the case in SIDCO and MCL are under the purview of CBI and I was called as an Official Witness “By Name” in such cases including others. W.P(C)16846 of 2014 is sub-judice.

My reinstatement order dated 28/12/2017 as the Managing Director of KAL issued by the Industries (H) Department was cancelled by G.O 160/2018/ Ind issued by the Industries (D) Department on 9/2/2017 with out giving any consideration to my representation dated 3/1/2018 on the aforesaid lacunae in the reinstatement order. In addition to the terrible wounds inflicted on me through the illegal actions of the Palakkad Unit of VACB from July 2016, delay in investigation violating even High Court and Supreme Court Judgement, I am suffering for want of salary OR subsistence allowance to meet even my basic needs and cost of medicines. I am managing each day with great difficulty taking personal loans from my relatives and friends.

I humbly request your good selves for a kind consideration of the above matters to facilitate my posting and release of subsistence allowance from RIAB pending since 1st January 2018, for no fault from my side.



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 6TH DAY OF JUNE 2018 / 16TH JYAISHTA, 1940

WP(C).No. 15103 of 2018

PETITIONER

PADMAKUMAR.K,
AGED 53 YEARS, S/O.DR.P KRISHNAN NAIR, 11F,
SAMRUDHITHAMPURANS, THAMPURANMUKKU,
TRIVANDRUM - 695035.

BY ADV.SMT.S.SUJINI

RESPONDENT(S) :

1. THE SECRETARY,
PUBLIC SECTOR RESTRUCTURING & INTERNAL AUDIT BOARD,
(RIAB),USRA -54,UDARASIROMANI ROAD, VELLAYAMBALAM,
TRIVANDRUM - 695 010.
2. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES & COMMERCE DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM - 695 001.
3. PUBLIC SECTOR RESTRUCTURING & INTERNAL AUDIT BOARD (RIAB)
REPRESENTED BY ITS CHAIRMAN (FULL TIME), USRA - 54,
UDARASIROMANI ROAD,VELLAYAMBALAM, TRIVANDRUM - 695 010.

R1 BY ADVS. SRI.T.A.SHAJI (SR.)

SRI.ATHUL SHAJI

R2 BY SRI.K.V.SOHAN, STATE ATTORNEY

BY ADV.SRI.M.GOPIKRISHNAN NAMBIAR,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-06-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.V.



2

P.V.ASHA J.

W.P.(C).No.15103 of 2018

Dated this the 6th day of June, 2018

JUDGMENT

Petitioner claims re-instatement and payment of subsistence allowance.

2. For this purpose, he has submitted Ext.P29 representation before the 1st respondent. Along with I.A. No.9038/2018, petitioner has produced Ext.P30 representation stated to have been submitted before the Additional Chief Secretary to Government.

3. The learned counsel for petitioner submits that petitioner would be satisfied with a direction to the 2nd respondent to consider Ext.P30 representation.

4. I heard the learned counsel for the 1st respondent as well as the learned State Attorney,

also.

In view of the limited relief sought, this writ petition is disposed of with a direction to the 2nd respondent to consider Ext.P30 representation after affording an opportunity of hearing to petitioner, and pass orders on it, in accordance with law, within a period of 'two months' from the date of receipt of a copy of this judgment.

Sd/-

P.V.ASHA, JUDGE.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1	PROFILE OF THE PETITIONER SHOWING THE ACADEMIC AND HIS PROFESSIONAL CREDENTIALS.
EXHIBIT P2	TRUE COPY OF THIS REQUEST FROM THE 2ND RESPONDENT TO THE DIRECTOR CENTRE FOR MANAGEMENT DEVELOPMENT (CMD) VIDE LETTER NO. 12281/H1/1998/ID DATED 02.05.1998.
EXHIBIT P3	TRUE COPY OF G.O(RT) NO.934/98/ID DATED 08.10.1998 SANCTIONING OF THE DEPUTATION OF THE PETITIONER AS BUSINESS ANALYST IN RIAB.
EXHIBIT P4	TRUE COPY OF G.O(RT) NO. 313/99/ID DATED 30.03.1999 APPOINTING THE PETITIONER AS SECRETARY, RIAB CONTINUING THE DEPUTATION FROM CMD.
EXHIBIT P5	TRUE COPY OF THE G.O(RT) NO.664/2011/ID DATED 11.05.2011 REGULARISING THE PETITIONER AS SECRETARY OF RIAB.
EXHIBIT P6	TRUE COPY G.O(RT)NO. 1225/2011/ID DATED 01.10.2011 ENTRUSTING THE PETITIONER WITH FULL ADDITIONAL CHARGE OF THE MANAGING DIRECTOR OF MALABAR CEMENTS LTD.
EXHIBIT P7	SNAPSHOT OF THE PERFORMANCE OF MALABAR CEMENTS LTD DURING THE TENURE OF THE PETITIONER AS MANAGING DIRECTOR.
EXHIBIT P8	TRUE COPY OF THE GOVERNMENT DECISION AND THE LEGAL POSITION OF QV 47/2014 /PKD.
EXHIBIT P9	TRUE COPY OF THE GOVERNMENT DECISION AND THE LEGAL POSITION OF QV 29/2015/PKD.
EXHIBIT P10	TRUE COPY OF THE INTERIM ORDER DATED 8TH JULY 2016 IN R.P NO.560/2016 IN WP(C) NO.4932/2-016 FILED BY JOY KATHARATH.
EXHIBIT P11	TRUE COPY OF G.O(RT) NO.71/2017/ID DATED 12.01.2017 SUSPENDING THE PETITIONER FROM THE POST OF SECRETARY, RIAB.
EXHIBIT P12	TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.1513/2016 FILED BY THE PETITIONER.
EXHIBIT P13	TRUE COPY OF G.O(P) NO. 9/2017/VIG DATED 29/03/2017 FOR CASE INVESTIGATION CONSEQUENT TO EROSION OF CENTRALISED COMMAND AND RESPONSIBILITY, DECISION MAKING AT INAPPROPRIATE LEVELS AND CONTRADICTIONS.
EXHIBIT P14	TRUE COPY OF THE EXECUTIVE DIRECTIVE NO.1/2017 DATED 26/05/2017 ISSUED BY DIRECTOR OF VACB DIRECTING THAT INVESTIGATION OF ALL CASES UNDER SECTION 13(1) (D) OF THE PC ACT SHOULD BE COMPLETED IN 6 MONTHS.

- EXHIBIT P15 TRUE COPY OF THE CIRCULAR NO.17/2017 DATED 10/11/2017 DISCONTINUED THE QV SYSTEM IN LINE WITH THE APEX COURT JUDGMENT IN LALITHAKUMARI VS STATE OF UTTAR PRADESH.
- EXHIBIT P16 TRUE COPY OF THE EXECUTIVE DIRECTIVE NO.16/2017 DATED 6/12/2017.
- EXHIBIT P17 TRUE COPY OF THE ORDER IN WP(C) NO.23665 OF 2017 DATED 7TH DECEMBER 2017 ORDERING TO RE-INSTATE THE PETITIONER IN SERVICE.
- EXHIBIT P18 TRUE COPY OF THE REQUEST TO THE GOVERNMENT FOR REINSTATEMENT BY THE PETITIONER, SIX MONTHS AFTER THIS SUSPENSION ON 5TH SEPTEMBER 2016.
- EXHIBIT P19 TRUE COPY OF G.O(RT) NO.1727/2017/ID ON 28TH DECEMBER 2017 REINSTATING THE PETITIONER AS THE MANAGING DIRECTOR OF KERALA AUTOMOBILES LTD. (KAL)
- EXHIBIT P20 TRUE COPY OF CIRCULAR NO.65/94/FIN DATED 29.11.1994 FOR REINSTATEMENT OF AN OFFICER AFTER SUSPENSION.
- EXHIBIT P21 TRUE COPY OF THIS REQUEST TO THE GOVERNMENT CITING THE ANOMALIES IN THE REINSTATEMENT ORDER.
- EXHIBIT P22 TRUE COPY OF LETTER NO. IND-H1/50/2018/ID DATED 2/2/2018 GIVEN A DEADLINE TO JOIN KAL AS ITS MANAGING DIRECTOR.
- EXHIBIT P23 TRUE COPY OF THE JUDGMENT IN THE CONTEMPT OF COURT PETITION NO.273 OF 2018.
- EXHIBIT P24 TRUE COPY OF THE E-MAIL SENT TO THE 2ND RESPONDENT BY THE PETITIONER THAT HE WILL TAKE CHARGE AS THE MANAGING DIRECTOR OF KERALA AUTOMOBILES LTD.
- EXHIBIT P25 TRUE COPY OF THE GOVERNMENT ORDER GO(RT) NO.160/2018/IND(D) DATED 09/02/2018 STATING CANCELLATION OF REINSTATEMENT ORDER.
- EXHIBIT P26 TRUE COPY OF THE ORDER IN THE CONTEMPT OF COURT PETITIONER NO.519 OF 2018 IN WP(C) 23665 OF 2017.
- EXHIBIT P27 TRUE COPY OF THE G.O(P) NO. 28/2016/FIN. DATED 26TH FEBRUARY 2016 SPECIFYING THE REVISED TERMS AND REMUNERISATION OF CONTRACT EMPLOYEES.
- EXHIBIT P28 TRUE COPY OF THE HOUSING LOAN DEMAND NOTICE RECEIVED BY THE PETITIONER FROM THE STATE BANK OF INDIA.
- EXHIBIT P28(A) TRUE COPY OF THE TREATMENT AND MEDICATION DETAILS OF THE PETITIONER ISSUED BY KIMS HOSPITAL, TRIVANDRUM.

WP(C).No. 15103 of 2018 (K)

EXHIBIT P29 TRUE COPY OF THE REQUEST EXPLAINING THE PLIGHT
 OF THE PETITIONER TO THE 1ST RESPONDENT AND
 OTHERS CONCERNED DATED 28 MARCH 2018.

EXHIBIT P30 : TRUE COPY OF THE LETTER DATED 3.1.2018 PLACED
 BEFORE THE 2ND RESPONDENT.

EXHIBIT P31 : TRUE COPY OF THE COVERING LETTER PLACED BEFORE
 THE 1ST RESPONDENT ON 29.1.2018.

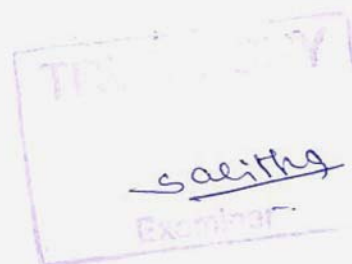
EXHIBIT P32: TRUE COPY OF THE COMMUNICATION ISSUED BY THE
 2ND RESPONDENT DATED 28.3.2018 UNDER RTI ACT.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

K.V.
7.06.2018

P.S.TO JUDGE





**HIGH COURT OF KERALA
AT ERNAKULAM**

**Year and Number of Suit or
other Proceedings** : WPC 15103 / 2018

Name of Applicant/Advocate : SMT.S.SUJINI

Application Number : A 42064/2018

Application Date : 06-06-2018

Date of Calling for Stamp : 11-06-2018

Date of Production of Stamp : 11-06-2018

Date When copy was Ready : 11-06-2018

**Date Notified for appearance to
receive the copy** : 19-06-2018

Date when copy was delivered : 12/06/18

salith
Examiner



കേരള സർക്കാർ

സംഗ്രഹം

വ്യവസായ വകുപ്പ് - കേരള ആട്ടോമൊബൈൽസ് ലിമിറ്റഡ് - ഡയറക്ടർ ബോർഡ് അംഗവും മാനേജിങ് ഡയറക്ടറുമായി ശ്രീ. എ. ഷാജഹാൻ നിയമിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

വ്യവസായ (ഡി) വകുപ്പ്

സ.ഉ.(സാധാ) നം. 160/2018/വ്യവ. തീയതി, തിരുവനന്തപുരം 09/02/2018

പരാമർശം - 1. 28.12.2017 ലെ സർക്കാർ ഉത്തരവ് (സാധാ) നം. 1727/2017/വ്യവ.

2. 31.01.2018 ലെ സർക്കാർ ഉത്തരവ് (സാധാ) നം. 116/2018/വ്യവ.

ഉത്തരവ്

പരാമർശം ഒന്നിലെ സർക്കാർ ഉത്തരവ് പ്രകാരം കേരള ആട്ടോമൊബൈൽസ് മാനേജിങ് ഡയറക്ടറായി നിയമിതനായ ശ്രീ. കെ. പത്മകുമാർ ഇതുവരെ ചുമതല ഏറ്റെടുക്കാത്ത സാഹചര്യത്തിൽ, പരാമർശം ഒന്നും രണ്ടും സർക്കാർ ഉത്തരവുകൾ റദ്ദുചെയ്യുകൊണ്ട് കേരള ആട്ടോമൊബൈൽസ് ലിമിറ്റഡിന്റെ ആർട്ടിക്ലിക്ട് ഓഫ് അസോസിയേഷനിലെ ആർട്ടിക്ലിക്ട് 71 ഉം 76 ഉം പ്രകാരം ശ്രീ. എ. ഷാജഹാൻ കമ്പനിയുടെ ഡയറക്ടർ ബോർഡ് അംഗവും മാനേജിങ് ഡയറക്ടറുമായി നിയമിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

(ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം)

വിജയകുമാർ ആർ
ജോയിന്റ് സെക്രട്ടറി

ചെയർമാൻ, കേരള ആട്ടോമൊബൈൽസ് ലിമിറ്റഡ്, ആറാലുപുഴ, നെയ്യാറ്റിൻകര
മാനേജിങ് ഡയറക്ടർ, കേരള ആട്ടോമൊബൈൽസ് ലിമിറ്റഡ്, ആറാലുപുഴ, നെയ്യാറ്റിൻകര
ശ്രീ. എ. ഷാജഹാൻ, C-15, ജി.ഒ. ക്വാർട്ടേഴ്സ്, തേവള്ളി, കൊല്ലം.

ശ്രീ. കെ. പത്മകുമാർ, 11 എഫ്, സമൃദ്ധി, തമ്പുരാൻമുക്ക്, കുന്നുകുഴി, തിരുവനന്തപുരം.

ഡയറക്ടർ ബോർഡ് അംഗങ്ങൾ (മാനേജിങ് ഡയറക്ടർ മൂഖാന്തിരം)

അക്കൗണ്ടന്റ് ജനറൽ(എ&ഇ)(ഇ & ആർഎസ്എ), കേരള, തിരുവനന്തപുരം.

സെക്രട്ടറി, റിയാബ്, തിരുവനന്തപുരം.

ഐ & പിആർഡി(വെബ് & ന്യൂ മീഡിയ)

സ്റ്റോക്ക് ഫയൽ / ഓഫീസ് കോപ്പി.

പകർപ്പ് -

ബഹു. വ്യവസായ വകുപ്പ് മന്ത്രിയുടെ പ്രൈവറ്റ് സെക്രട്ടറിയ്ക്ക്.

വ്യവസായ വകുപ്പ് പ്രിൻസിപ്പൽ സെക്രട്ടറിയുടെ സിഎച്ച്

വ്യവസായ വകുപ്പ് സെക്രട്ടറിയുടെ സിഎച്ച്

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ.

E- Mail with Confirmation copy by Registered Post & Ack. Due (14 pages)

3rd January 2018

From

K. Padmakumar,
11-F, Samrudhi Thampurans,
Thampuranmukku,
Near General Hospital,
Trivandrum – 695035.

To

The Additional Chief Secretary to Government,
Industries & Commerce (H) Department,
Government of Kerala,
Government Secretariat,
Trivandrum.

Sir,

Sub: Reinstatement of K. Padmakumar as Secretary, Public Sector Restructuring & Internal Audit Board (RIAB) in service complying with the judgment of the Hon'ble High Court of Kerala in W.P (C) 23665 of 2017 dated 07.12. 2017

Ref: 1. Judgment of the Hon'ble High Court in W.P (C) 23665 of 2017 dated 7thDecember 2017 ordering my reinstatement in line with Exhibit P22 of the Writ Petition in my substantive post which is Secretary of RIAB (my parent organisation), by the Additional Chief Secretary (Industries & Commerce Department).

2. Government order (Rt) No. 1727 / 2017 / ID dated 28th December 2017 posting me as the Managing Director of Kerala Automobiles Ltd signed by Shri. R. Vijayakumar, Joint Secretary of Industries & Commerce Department in Government and received by Registered Post on 1st January 2018.

Kindly note that this submission has become necessary in the context of violation of the Judgment referred as (1) above while issuing posting orders referred as (2) above. **The below stated points explaining the lacunae in the posting order may kindly be seen to facilitate implementation of the the High Court Judgement referred to as (1) above.**

1. Paragraph 1 of the posting order referred as (2) above mentions about a communication viz., VIG - B2 / 537/2017 - VIG (i) dated 7th December 2017. This communication was not conveyed to the Hon'ble Court at the time of Final hearing **in W.P (C) 23665 of 2017 on 7th December**

2017, on which date the judgment was passed or even later. It is also brought to your kind notice that the orders of the Hon'ble Vigilance Court, Thrissur consequent to my arrest only states that I should not enter the premises of Malabar Cements Ltd without the previous permission from the Investigating Officer. There is no decision to post in a non-sensitive post in a district other than Palakkad and Alappuzha as cited in the aforesaid communication dated 7th December 2017 from Vigilance Department in Government. My unlawful arrest by the Palakkad Unit of VACB while holding additional charge of Managing Director of MCL from my substantive post as Secretary, RIAB was consequent to unlawful registration of 4 FIRs in rapid succession violating the Government decisions in Files viz., 11014/b1/2015/Vig and 1321/b1/2014/Vig which may kindly be perused along with 322/H1/2016/ ID to ascertain the facts. The raid conducted in my Office and residences did not reveal anything illegal. **A snap shot of the atrocities against me and the fallacies in the illegally registered 4 FIRs pertaining to Malabar Cements Ltd, against me, may kindly be seen in Annexure 1.**

Moreover, after I filed a report on irregularities in Kerala State Cashew Development Corporation (KSCDC), the Treasurer of the Kerala State Unit of the INTUC had filed a Quo-Warranto petition viz., W.P (C) 16846 of 2014 to oust me from the post of Secretary, RIAB citing that I am not qualified to hold the post. The President of the Kerala State Unit of INTUC was the Chairman of KSCDC. I challenged the Petition with facts of the matter. The Petitioner did not get favourable orders till now. This case is sub-judice. In the capacity of Secretary, RIAB, I had filed a report on the irregularities in SIDCO which is under Vigilance investigation. While holding full additional charge as the Managing Director of SIDCO from my substantive post in RIAB, I had cancelled unlawful contracts of more than Rs. 900 crores. While CBI investigation is going on in Malabar Cements Ltd and KSCDC, the Government had issued orders for facilitating CBI investigation in the allegations pertaining to SIDCO. Consequently, I am being chased for the past four years. Records are available as proof of this harassment.

The decision vide the Government order referred (2) above to shift me from my substantive post of Secretary, RIAB violating the Judgment of the Hon'ble High Court, based on the aforesaid communication from Vigilance Department in Government, is unlawful. I am now being harassed and punished again for discharging the duties as Secretary, RIAB and for ensuring transparency and growth of PSUs in which I was posted as the Managing Director on full additional charge from my substantive position as Secretary, RIAB. The Hon'ble High Court had even pointed out that though Suspension is not a punishment, prolonged suspension amounts to punishment.

2. Paragraph 2 of the Posting order referred (2) above ignores the meaning of the word “re-instate” and the contents of Exhibit P22 of my Writ Petition. As per the Judgement, my posting order is to facilitate “restoration to the former substantive position” and not elsewhere. The posting order is silent about the fact that my substantive post is as Secretary, RIAB and that I was suspended from this post. **The posting order does not also disclose that I am not part of the Government Service in Kerala (Secretariat or Various Departments) or a Managing Director appointed directly by the Government in PSUs.** Earlier a case challenging my posting in Malabar Cements Ltd was dismissed by the Hon’ble Vigilance Court, Thrissur only because I was holding this position on Full additional charge from my substantive post as Secretary, RIAB.

Kindly note that other officers named in the illegally registered FIRs have not even been suspended from their substantive posts and are continuing to discharge their duties in Malabar Cements, till date. It may also be noted that in the Judgement in WP (C) 35579 of 2016 dated 27th February 2017, the Hon’ble High Court had dismissed the plea to suspend the Officers with stringent remarks.

3. **Paragraph 3 of the Government Order referred (2) above states that the Judgment of the Hon’ble High Court in W.P (C) No. 23665 of 2017 has been complied. This is not correct.**

It is brought to your kind notice that Government order had issued G.O (P) 9/2017/VIG dated 29th March 2017 to prevent contradictions and decisions at inappropriate levels which led to erosion of centralised command and responsibility in VACB. **Vide Executive Directive No. P-01/2017 dated 6th December 2017 (just a day before the Judgement referred to as (1) above,** the Director VACB has ordered that officers accused as guilty by the informants need not be named in FIRs till investigation is complete. This practice is followed by the CBI. Though such actions will prevent victimisation and harassment of Officers till the real offenders are identified through a detailed investigation and filing of Charge sheet before the designated Court, the **unlawful actions against me are continuing even now.**

4. Regarding the apprehension on the sensitivity of my role in my substantive post, kindly note that RIAB has only the mandate of performing an advisory function and internal audits. RIAB has only a budget allocation just sufficient to meet the employee costs and administrative expenses. It is not mandatory that an advice sought for by the Government from RIAB may be implemented by the Government. Moreover, there is a full time Government appointed Chairman in RIAB from the professional domain to which Secretary, RIAB must report to. There is also a Governing Board for RIAB with senior officers from the Indian Administrative service as members. **Let me gently remind, that I am the only employee on regular rolls with 24 years’**

experience in RIAB. I was trained in the UNDP Project on Public Sector Reforms in the Commonwealth Secretariat, London and by the Civil Services College, Sunningdale. ***My Professional Credentials may kindly be seen in Annexure 2.*** Other personnel working in RIAB are on ***“an extended contract until further orders”***. I had cautioned against the illegal regularisation and continuance / elevation of certain personnel engaged just for short term works. ***What has happened through the posting order referred (2) above violating the Judgement of the Hon’ble High Court referred (1) above is the ouster of the only employee with professional credentials who held the legitimate substantive post as Secretary, RIAB.***

On the other hand, the post of Managing Director of Kerala Automobiles Ltd is a sensitive post that involves managerial decisions and financial transactions involving huge sums of money. ***Without completion of a fair investigation on the 4 illegally registered FIRs or its quashing by a designated court, I am not inclined to head a State PSU having routine commercial functions either on deputation or on additional charge. This posting order would perhaps trigger legal complications as those who were implicated through FIRs were denied the post of Managing Directors in PSUs because of having to take decisions in commercial transactions.***

After a logical conclusion on the FIRs registered against me and if at all the Government plans to entrust the role of Managing Director of a State PSU, I request that the Company may not be below the status of Malabar Cements Ltd going by the BPE classification in the State Public Sector. Or else, it will be a degradation and an indirect punishment for no fault from my side.

5. The Posting order referred (2) above violating the Judgement of the Hon’ble High Court has been signed by a Joint Secretary to the Government just after the outer time limit stipulated in the judgement. In all probability and seeing the nature of the communication from the Vigilance Department viz., VIG - B2 /537/2017 - VIG (i) dated 7/12/2017 referred to as item no. (2) in the Government order related to my posting, the Learned Counsel of VACB might have given the Judgement to the Vigilance Department in Government and not to the Additional Chief Secretary (Industries & Commerce) who was the only Officer with the mandate of the Hon’ble Court to issue my posting orders in line with my Exhibit P22 application in the Writ Petition.

In the above context, I humbly bring to your kind notice the Judgement of the Hon’ble Supreme Court in Civil Appeal No. 5600 of 2006 in which it is observed that “.... We see no reason why the executive authorities will not comply with the orders of the Court”. “....The system functions on the mutual respect between the judiciary and the executive...”.

“.... it sometimes happens that senior official may not even know the order of the High Court...”. “....For example, if the High Court stays the order of the Collector of suspension..... certified copy of that order is left with the Clerk in the office of the Collector, it often happens that the Collector is not even aware of the order...”. Imbibing the spirit of this order that the Hon’ble Supreme Court had directed to communicate to all States in India, this request is submitted.

Considering the above submissions, I humbly request your good selves to review the posting order referred as (2) above and issue orders for my reinstatement as Secretary, RIAB in line with Exhibit P22 application urgently as cited in the Judgement of the Hon’ble High Court in WP (C) 23665 of 2017 on 7th December 2017. Kindly note that the time limit has already elapsed.

*If sensitivities are still involved in my work relating to Performance Analytics and Internal Audit in RIAB and as there is a Full Time Chairman to attend to these roles in RIAB, **I humbly request you to kindly reinstate me in my substantive post as Secretary, RIAB and change my job description.** My work may be limited to General administration within RIAB and Managing implementation of Development Projects of PSUs as the Chief Executive of the Kerala Industrial Revitalisation Fund Board (KIRFB), a statutory body of which Secretary RIAB holds Additional charge.*

Kindly note that posts were not created in KIRFB in 1999 to save administrative expenses. The Principal Secretary of Industries & Commerce Department in Government was the Chairman of KIRFB. Funds are to be sanctioned for project implementation by the Working Groups in Government OR Kerala Infrastructure Investment Fund Board (KIIFB), as the case may be. I would not have any role in Commercial transactions as KIRFB no longer manages money. Accounting of fund flow for projects is the responsibility of the respective companies.

My Oversight role in routine operations of companies would thus get changed to a Project Management function. The Judgement of the Hon’ble High Court will be complied with.

Thanking you

Yours faithfully

Sd/-

K. Padmakumar

Copy to: The Chief Secretary to Government, Government of Kerala.

Annexures: -

1. Note on the atrocities against me and the fallacies in the illegally registered 4 FIRs pertaining to Malabar Cements Ltd
2. My Professional Credentials.

**NOTE ON THE ATROCITIES AGAINST ME AND THE FALLACIES IN THE
ILLEGALLY REGISTERED 4 FIRs PERTAINING TO
MALABAR CEMENTS LTD**

1. Right from the QV stage itself there are **violations of Apex Court Judgements** by the Investigating Officer and his Team in the Palakkad Unit of VACB. The same ranges from not taking statements from me **as stipulated in Apex Court judgement in Lalithakumari (Supra) case**, suppression of **Government decisions on the QVs**, mis-representation to register 4 cases against me, **Fraud on Court as cited in Apex Court Judgement in N S.P. Chengalvaraya Naidu (Supra) case**, without impleading/arraying me as a respondent, thereby violating the Apex Court Judgement in **Divine Centre (Supra) case**, violation of **Apex Court Judgement in Arnesh Kumar (Supra) case** by arresting me and justifying the same violating the Interim Judgement of this Hon'ble Court in W.P (C) 27365 Of 2016 and violation of the High Court Judgement while issuing posting orders. Even now, despite directions by the Hon'ble Division Bench in W.A 1513 of 2016 on 27th September 2016, it is stated by the Investigating Team that the investigation is still going on. The fallacy behind the illegally registered FIRs are given below.
2. **In the statement filed by an Inspector (I.O) of the Palakkad Unit of VACB it is stated that VACB did not mis-represent before the Hon'ble High Court Single Bench. These are contradictory to the statements made by the Learned Public Prosecutor as recorded in Para 2, Para 3, Para 5 and the actions based on Para 12 of the Judgement in R.P. 560 of 2016 in W.P (C) 4932 of 2016.** Those mainly accused without any basis before the Hon'ble Single Bench in the averments on behalf of the I.O were the then Additional Chief Secretary (Home & Vigilance), the then Chairman of MCL and the then Directors of VACB. This is Fraud on Court and a grave instance of indiscipline to deflect a judgement to harm me.

The links between Shri. Jacob Thomas, the investigation team in the Palakkad Unit of VACB, Joy Kaitharath and those who are facing disciplinary action in MCL may be investigated to unearth the conspiracy against me.

3. **FIR VC 14 / 2016/ PKD** is against the legal opinion of VACB Head Quarters to the then Additional Chief Secretary (Home & Vigilance) that there is no cognizable Offence and consequent Government decisions in File No. 11014/b1/2015/Vig and File No. 1321/b1/2014/Vig. **It is stated in the legal opinion that the complaint by Joy Kaitharath was following a recovery notice sent to M/s. ARK Woods & Metals of Shri. V.M. Radhakrishnan.** Moreover, Cement despatches in Malabar Cements Ltd (MCL) are scheduled at Operational levels based in the priority of receipt of advance from dealers. Payment of Incentives

to dealers monthly are decided by the Head of Finance Department after Due Diligence by Finance Department of MCL. The proposals come to the Finance Department from the Marketing Department drawing data from computerised systems. I had no role in either routine despatch of Cement or any payment to the dealers.

The Minutes of 194th, 199th, 200th and 206th Board Meetings of MCL, the Minutes of the Pricing Committee and the financial statements for 2014-15 and 2015-16 are authentic records of Reforms in the Marketing function and its gains. The Reforms introduced with Empirical Pricing Methodologies, strategies to increase sales and reduce the Sales & distribution overheads were consequent to irregularities noted on the part of certain officers in undercutting prices, during 2013-14. The decisions in the 194th, 199th, 200th and 206th Board meetings resulted in the New Marketing Policy which was approved in the 213th Board Meeting. **Cumulative Profit during 2014-15 & 2015-16 is Rs. 58 crores as against the allegation of loss of Rs. 2.70 crores in the FIR.** The results from Reforms in the Marketing function has itself been around Rs. 16 crores.

Disciplinary actions were initiated against certain officers in the Marketing Department of MCL for defying the norms in 2013-14 and providing room for corruption to certain dealers. Now even the Board Approved Pricing policies are violated. After my ouster, the Company is made a huge loss of around Rs. 17 crores during the second half of 2016-17. The deteriorating quality of an excess stock of more than 55000 MT Clinker will push up losses manifold during the current year. The Company has lost its market share considerably and the implementation of the Government approved Bulk Cement Unit ProJet in Cochin Port Trust premises is delayed by more than one year. There are allegations in an unsuccessful sale of scarp. The value of assets of delinquent officers in the Company vis-à-vis their disclosed income may be investigated upon.

4. **FIR VC 15/2016/PKD** is challenging a board decision to use imported clinker during the replacement of KILN Shell in 2015-16. This resulted in a gain is Rs. 11 crores as against an allegation for loss of Rs. 5.50 crores. There is no Vigilance angle. The Board Approved Revenue Budget of 2015-16 is the key document to substantiate this operational decision.
5. **FIR VC 16/2016/PKD** is on a transaction with Kerala State Warehousing Corporation, which is a PSU, for using their godowns for stocking just 1% of cement produced during the tenure of the Petitioner. This collective Management decision do not have a Vigilance angle.
6. In **FIR VC 17/2016/PKD** the extra interest payment to the Government that too during the period of the previous Managing Director. The True Copy of the Extracts of the final report of the CAG

for the year ended 31st March 2015 (Commercial) – Transaction Audit observations on Malabar Cements Ltd, will explain this payment to the Government from another undertaking owned by the Government does not have a Vigilance angle.

Cost of Coal came down during my tenure in MCL. Inferior quality coal for Rs. 5.50 crores was rejected and sent back. Penalties for Rs. 120 lakhs together with, deductions for moisture were charged on the private supplier contrary to the allegations. There are no adverse remarks from CAG in their final report. The Penalties were charged despite the Private Supplier Filing W.P (C) 20246 in 2012 which was disposed of by the Hon'ble High Court on 9th October 2014. **The penalties also included Rs. 12 lakhs suggested by the C&AG.** After my ouster, an order in File to purchase Coal at very low cost (after e-tendering) was cancelled and Coal was contracted at a price of around Rs. 2000/MT higher than what was decided in file by misinforming the Managing Director who was given charge only for a very short time and also the Board of Directors of MCL stating that the purchase is from the Public Sector. State Trading Corporation of the Government of India has only been an intermediary to purchase Coal from a Private trader at a very high cost.

In the FIR Viz., VC17/2016/PKD, the allegation of Rs. 14.49 crores on Fly Ash related subject, pertains to the period 2007-10. These incidents happened long before I was posted as the Managing Director of MCL on Full Additional Charge in October 2011 by the Government.

The charges on Fly Ash Contract that figures in **VC 17/2016/PKD**, is to be investigated along with **VC 13/2016/PKD** which is on the same matter. **Instead, I who had cancelled all the Contracts with M/s ARK Woods & Metals of Shri. V. M. Radhakrishnan by entering into Direct contract with TANGEDCO of TNEB, thereby reducing the costs by around Rs. 7 crores per year has been arrayed as an accused. I had also filed a recovery suit as O.S 26/2016 before the Hon'ble Tuticorin Court for recovering around Rs. 18.50 crores against the Private firm with Board and Government approval.**

In the case filed by one Riyas Kuttamassery viz., **W.P (C) 23563 of 2014**, wherein the Government is also a respondent, there is a reference to the C & AG Audit Report for the year ended 31st March 2010, on the loss suffered in the Fly Ash Contract with the private supplier during 2007-10. Two former Managing Directors, who served in the company during the period 2007-10, the present General Manager – in Charge in MCL and the then Head of Purchase Department were implicated earlier. A member of INTUC in MCL had filed a Crl.MP 10/2012 in the Hon'ble Vigilance Court, Thrissur, pursuant to which QV/5/2012 /PKD was carried out by the Palakkad unit of the 3rd respondent, the report of which was submitted before the Hon'ble Vigilance Court, Thrissur. The Hon'ble Vigilance Court had

closed the same by making stringent observations. Rias Kuttamassery had filed a PIL to stop operations of the Cherthala Unit which was reopened in 2016 after 7 years. The operations commenced after MCL won the case.

The irony is that the allegations in CMP 10/2012 pertaining to loss in the Fly Ash Contract with the firm belonging to Shri. V. M. Radhakrishnan during the 2007-10, which was investigated as QV 5/2012/PKD and closed by the Hon'ble Vigilance Court, Thrissur is now being levelled against me in VC 17/2016/PKD. I was not the Managing Director of MCL during that period.

7. The present General Manager- In -charge in MCL had shared his apprehension and anxiety over the issue citing unfortunate incidents in the past immediately after the illegal registration of FIRs and had requested by e-mail on 12th July 2016 for taking up the matter to prevent this kind of harassment. I had intimated this fear to Shri. Radhakrishnan Nair, Additional Private Secretary to the Hon'ble Minister (Industries) for an urgent intervention. The Government decision on the QVs could have been highlighted when the case was again taken up during July 2016 itself. During the investigations in the case pertaining to the unnatural death of Shri. Saseendran, former Company Secretary in MCL and his two sons, the CBI had questioned officers in the Palakkad Unit of VACB for not acting on a request to save him from threats to his job from the company. The silence of the aforesaid Additional Private Secretary to the Minister (Industries) is inspired by the fact that threats to Officers discharging their lawful duties honestly to destroy their career must be taken serious note of by the Regulators and Law Enforcement / Investigating agencies, to prevent catastrophes to officers at the receiving end like me and those named in the unlawfully registered FIRs.

MY PROFESSIONAL CREDENTIALS

Personal Information

Name	:	K. Padmakumar
Date of Birth	:	16 th June 1964
Residential Address	:	11F, Samrudhi Thampurans, Thampuramukku, Trivandrum - 695035 Kerala, India
Permanent Address	:	Sree Rekha, Temple Junction, Sasthamangalam, Trivandrum - 695 010
Languages Known	:	English, Hindi and Malayalam
Marital Status	:	Married
No. of Dependants	:	No Issues
Nationality	:	India
Passport Details	:	Holder of Indian Passport No. B300502
Driving License	:	Holds an Indian Light Motor Vehicle Licence
Mobile	:	+91 - 98950 55535
E-Mail	:	<u>padmariab@gmail.com</u>

Substantive Post

- Substantive Post is the Secretary of the Public-Sector Restructuring & Internal Audit Board (RIAB) a premier monitoring agency of a State Government for 18 years. As a Principal Executive 'Point of contact' for around 45 companies that employ around 40000 personnel and is accountable for ensuring that appropriate business strategies are in place and are acted upon according to the priorities and policies of the Government.

Also held the following positions as full Additional Charge

- Served as the Managing Director of Malabar Cements Ltd, an integrated cement manufacturing company with a turnover of INR 450 crores, Net profit of INR 40 crores and Net worth more than 10 times the Share Capital. During a five-year tenure, the company earned a profit of INR 190 crores from operations (before tax and prior period expenses). Managed a comprehensive Corporate Governance Reform Programme and Supply Chain logistics that handles around 4000 MT of bulk material per day through and Road involving 1000 factory personnel and supplier / dealer networks. Conceived a INR 160 crores Port based Bulk Cement and Allied Materials Handling unit.

- Associate National Project Co-ordinator of the UNDP Project on Public Sector Reforms
- Chief Executive of Kerala Industrial Revitalisation Fund Board - An SPV set up for managing the transition phase of Public Sector Reforms that included One Time Settlements, Closure of unviable units after effecting Retirement Schemes, Transfer of Assets for Development purposes
- Project Management Specialist, Tsunami Emergency Assistance Project (TEAP) funded by Asian Development Bank (ADB).
- Managing Director of Kerala Small Industries Development Corporation during September 2015 to June 2016. Was posted to study and cancel illegal contracts when malpractices were spotted.

Short term Professional Engagements

- Member in consultative meetings of the OECD and the Commonwealth Secretariat on Corporate Governance of SOEs
- Director / Observer in various Public-Sector Enterprises under the State Government.
- Convenor - Departmental Committee (Industries) for implementing a Modernising Government Programme funded by the Government of Netherlands.
- Convenor - Social Safety Net Programme (SSNP) Steering Committee & Committee of Secretaries that advises the Council of Ministers on Public Sector Management / Reform Policies.
- Member of the Committee constituted for Rejuvenation of Cashew Sector.
- Served as the representative of India in a Programme on 'Impact of Corporate Governance on Productivity' at Seoul Republic of Korea, Asian Productivity Organisation, Tokyo in 2003.
- Acted as the International Resource Person for Corporate Governance Week at Bangladesh Enterprise Institute, Dhaka in 2008.
- Delivered speeches at various International Conferences on Public Sector Enterprises and Corporate Governance.
- Offered consultation on preparation of Corporate Governance Codes for State Owned Enterprises at OECD Conference, Paris in 2008.
- Served as a member of OECD Network on Public Sector Units
- Served as the Associate National Project Co-ordinator of the UNDP Project on Public Sector Reforms implemented by the Government of India; worked with Commonwealth Secretariat.
- Served as the Chairman of the Indo-American Chamber of Commerce, Kerala Branch
- Functioned as the member of:
 - Commonwealth Association for Corporate Governance, New Zealand.
 - Involved in International Workshops conducted at Colombo, Christchurch, Mauritius in 2002, 2003 and 2004 respectively.
 - Various Expert Committees & Task Forces constituted by the Government & State Planning Board, Kerala.

Areas of Expertise

Strategic Planning & Implementation

- Conceptualising strategies & policies for Enterprise development and management to Projects related to comprehensive enterprise specific Restructuring Programmes.
- Structuring the reform projects in coordination with National Banks and International Donors like ADB, etc.
- Designing of IT based Integrated Planning & Performance Management Systems (including overseas projects)
- Handling legal aspects & negotiations with financial institutions and Central Trade Unions during the implementation; carrying out legal due diligence on behalf of various organisation.

Management Audits & Performance Management

- Analysing the strengths and weaknesses of an organisation's internal control, keeping in view, the governance, risks and opportunities for improvement for achieving the organisational goals.
- Overseeing proper risks management functions for identifying risks & effectuating proper control system to manage public funds in an effective & efficient manner.
- Performed Information Systems Audit for Power Sector
- Coordination with the Board & Senior Management to ensure implementation of proper internal control systems.
- Macro level fund management ensuring proper use of 200M USD on behalf of the Government
- Carried out the systems studies for the implementation of ERPs
- Popularisation of SAP / ORACLE based Business Intelligence Systems and performance Analytics
- Brought in high level of transparency in procurement Systems

Project Management

- Assessing techno-commercial viability of the projects for Industrial development, etc. and preparing RFQ & RFP documents and conducting bid process management, etc.
- Has experience in ensuring sufficient human, financial, technological, and material resources are available to carry out large development projects.
- Monitoring project progress in coordination with Government Agencies & Project Partners; mapping business requirements, conducting profitability analysis of projects and rendering sustained advisory services.
- Spearheading business process re-engineering initiatives; conducting benchmarking study and using various business tools to assist the critical decision-making process.

- Demonstrated ability to work in a multitasked and fast-paced environment. Strong exposure in conducting research and writing articles & publications.

Human Resource Development

- Developing & integrating new workers, retaining current workers and attracting highly skilled workers to work for the organisation.
- Conceptualising & developing training & development initiatives for improved productivity, building capability and quality enhancement.
- Mentored a core team of professionals for framing and implementing the Public-Sector Reform / Performance Management Initiatives and Electronic Governance of Parastatals.
- Trained and accredited around 100 Company Directors

Publications

- Prepared & presented a paper on 'Expert Systems: Applicability in Business Decisions' at a National Seminar on Software Engineering organised by IEEE.
- Paper on "Improving the quality of Enterprise Governance through Business Analytics" presented in an International Conference on SOE Reforms held at Trivandrum in 2010.
- Co-authored the following papers:
 1. Co-authored Paper on 'Public Enterprise Reforms' published in Commonwealth Public Administration Reform in 2004. (Along with (Late) Mr. Michael Gillibrand, Former Special Advisor, Commonwealth Secretariat, London)
 2. Paper on "Innovations in Entrepreneurship and Small Business Development Training" presented at an International Conference held by EDII and published by the FNF. (co-authored with Dr. M. Sivaraman)
 3. Paper on "Developing Entrepreneurial Industrialists - An Alternate Approach" published in the 'Productivity' published by the National Productivity Council. (co-authored with Dr. Thomas T Thomas)
 4. Paper on "SOE Governance: International Trends and Uniqueness of Kerala Experiences presented in an International Conference on SOE Reforms held at Trivandrum in 2010. (co-authored with Dr. YRK Reddy).
 5. Paper on "Systems approach for Integrated Care of the Aged" presented in an International Conference on Elderly care in Trivandrum in 2014. (Co-authored with Sr. Tessin Mynatty, SABS).

Education & Other Academic Credentials

- **B.Tech. (Mechanical Engineering)** from the College of Engineering, Trivandrum, University of Kerala in 1986. Secured first class.
- **Master's Degree in Futures Studies (M.Phil.)** from the Department of Computer Science, Faculty of Applied Sciences, University of Kerala in 1992. Secured A Grade with distinction and has been the topper. [Modules – Management, Systems Engineering Methodologies, Research, Modelling, Design of Decision Support / Business Intelligence Systems and Technology Assessment]
- **Fellowship Training** under UNDP Project IND/96/004 from Commonwealth Secretariat, London (Governance & Institution Development Division – GIDD) in 2001. Gained international (Europe & Africa) exposure on Enterprise Reform Policies, Project Appraisal & Structuring, Public- Private Partnerships, Competitiveness Policy and SME development.
- **Short term International Training** on Strategic Management, Performance Benchmarking, Performance Contracts / MoUs at Civil Service College, Sunning dale, United Kingdom under the UNDP Project.
- **Company Director Course** specialising in Corporate Governance best practices) from Commonwealth Association for Corporate Governance, New Zealand in 2002.

Sd/-
K. Padmakumar



GOVERNMENT OF KERALA

Finance (Rules) Department

CIRCULAR

No. 65/94/Fin.

Dated, Thiruvananthapuram, 26th November, 1994.

Sub.—Kerala Service Rules—Reinstatement of officers after Suspension—Period of suspension—Treatment of—Procedure to be followed—Instructions issued.

The procedure to be followed in fixing the pay and allowances of a suspended officer on reinstatement is laid down in Rule 56B, Part I, Kerala Service Rules. When an officer under suspension is reinstated the authority competent to order such reinstatement has to issue a specific order, after the disciplinary proceedings are over, regarding—

- (i) the pay and allowances to be paid during the suspended period, and
- (ii) whether or not the period will be treated as duty.

2. The period can be treated as duty for all purposes, including pay and allowances, only when the officer is wholly exonerated of all the charges. In all other cases, except those covered by Rule 56B (2) *ibid* (where an officer under suspension dies before the disciplinary or court proceedings initiated against him are completed), the Competent Authority has to first give a notice to the officer of the quantum of pay and allowances proposed to be given and whether or not the period of suspension will count for any specified purpose like increment, leave, pension or grade in accordance with Rule 56B(5) and (7) *ibid*. The final orders should be issued only after considering the representation, if any, submitted by the officer within the stipulated period.

3. The Competent Authorities are empowered to fix the quantum of pay and allowances for the period as any amount not less than the subsistence allowance but not amounting to the full salary—Rule 56B (9) *ibid*. This should be done after taking into consideration the gravity of the offence, the punishment awarded and the circumstances of the particular case. Similarly the Competent Authorities have discretionary powers to

GPT. 4/4573/99/MC.

reckon the period of suspension for all service benefits or for any specified purpose like increment, leave, pension etc., depending upon the merit in each case.

4. If no orders are passed directing that the period will be reckoned for any specified purpose the period of suspension should be treated as non-duty without forfeiture of past service.

5. The Competent Authorities are not however empowered to treat periods of suspension as leave, *suo-motu*. Therefore such periods should not in any case be ordered to be treated as leave without the consent of the officer. It is for the officer concerned to apply for leave if he so desires. Such a request to convert a period of suspension into leave may be considered in accordance with rules and ordinary leave, due and admissible, may be sanctioned for the period. The kinds of ordinary leave that can be granted in this respect are earned leave, half-pay leave, commuted leave and leave without allowances. In short, the option to convert a period of suspension into leave as well as the choice of the kind of leave rests with the officer concerned. But once a period of suspension is converted into leave with or without allowances, recovery of the subsistence allowance already paid is inescapable because the conversion of the period into leave will have the effect of vacating the order of suspension.

6. Another point to be borne in mind, when an officer under suspension is reinstated, is that orders revoking the suspension should also contain directions as to where the officer is to report for duty. As far as possible, posting orders should be issued along with the orders revoking the suspension. This is essential to avoid abnormal time lag between the date of issue of revocation of suspension and the date of joining duty by the officer. Cases of abnormal time lag in this connection will be dealt with in accordance with Note 2 below Rule 56 B, Part I, Kerala Service Rules. But if the delay is due to failure in issuing posting orders in time and the period is eventually treated as duty, the amount paid as salary to the officer during the period will be recovered from those responsible for the delay in terms of Note 4 below Rule 12 (7) *ibid*.

7. All Competent Authorities are directed to adhere to the rules in Rule 56B, Part I, Kerala Service Rules scrupulously and to follow the above procedure strictly while dealing with disciplinary cases involving suspension of officers.

K. M. CHANDRASEKHAR,

Finance Secretary.

- The Accountant General (A&E/Audit), Kerala, Thiruvananthapuram.
- All Heads of Departments and Offices.
- All Departments (All Sections) of the Secretariat.
- The Secretary, Kerala Public Service Commission, Thiruvananthapuram (with C.L.).
- The Registrar, University of Kerala/Cochin/Calicut/Mahatma Gandhi (with C.L.)
- The Registrar, Kerala Agricultural University, Thrissur (with C.L.).
- The General Manager, Kerala State Road Transport Corporation, Thiruvananthapuram (with C.L.)
- The Registrar of High Court, Ernakulam (with C.L.).
- All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government.
- The Secretary to Governor.
- The Private Secretaries to the Chief Minister and other Ministers.
- The Private Secretaries to the Leader of Opposition and Government Chief Whip.
- The Under Secretary to the Chief Secretary.
- The Director of Public Relations Department, Thiruvananthapuram.
-



GOVERNMENT OF KERALA

Abstract

Industries Department - Sri.K.Padmakumar, Former Secretary, RIAB - Reinstated into service as the Managing Director, Kerala Automobiles Ltd - Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O. (Rt) No. 1727/2017/ID Dated, Thiruvananthapuram, 28/12/2017

- Read:- 1. G.O.(Rt)No.71/2017/ID dated 12/01/2017
2. Letter No. VIG-B2/537/2017-VIG (i) dated 07.12.2017
3. Judgement of Hon'ble High Court in WP(C) No. 23665 of 2017(G) dated 07.12.2017

ORDER

Government had reviewed the suspension of Sri.K.Padmakumar, former Secretary, Public sector restructuring and Internal Audit Board (RIAB) who had been suspended from service vide Government Order read as 1st paper above and decided to reinstate him into a non sensitive post in a district other than Palakkád & Alappuzha vide letter read as second paper above.

2. Hon'ble High Court in its Judgement read as third paper above have directed Government to pass affirmative orders on Ext. P22 as expeditiously as possible, and at any rate, within a period of 20 days from the date of order. Ext P22 is the application dated 16.03.2017 submitted by Sri.K.Padmakumar seeking reinstatement in service.

3. In compliance of the judgment, Government hereby order to reinstate Sri.K.Padmakumar into service as the Managing Director, Kerala Automobiles Limited, Aralummod, Thiruvananthapuram and thus the Judgment of the Hon'ble High Court dated 7.12.2017 in WP(C) No.23665 of 2017 (G) is complied with.

(By order of the Governor)

VIJAYAKUMAR.R
JOINT SECRETARY

To

The Advocate General, Ernakulam (with covering letter)
Sri.K.Padmakumar, 11F, Samruthi, Thampuramukku, Kunnukuzhi,
Thiruvananthapuram.
The Managing Director I/c, Kerala Automobiles Limited, Aralummod,
Thiruvananthapuram
Chairman/Secretary, RIAB, Thiruvananthapuram.
The Accountant General (A&E)/(Audit), Thiruvananthapuram.
Stock file/ Office Copy.

Forwarded / by Order


Section Officer

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 7TH DAY OF DECEMBER 2017/16TH AGRAHAYANA, 1939

WP(C).No. 23665 of 2017 (G)

PETITIONER(S):

K.PADMAKUMAR
S/O. LATE DR.P.KRISHNAN NAIR, AGED 53 YEARS,
RESIDING AT 11 F, SAMRUDHI THAMPURANS,
THAMPURANMUKKU,
TRIVANDRUM - 695 035.

RESPONDENT(S):

BY ADV. SMT.S.SUJINI

1. STATE OF KERALA
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
HOME & VIGILANCE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE ADDITIONAL CHIEF SECRETARY,
INDUSTRIES & COMMERCE DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695 001.
3. THE DIRECTOR,
VIGILANCE & ANTI-CORRUPTION BUREAU,
NEAR VIKAS BHAVAN,
TRIVANDRUM - 695 001.
4. MALABAR CEMENTS LTD.,
REPRESENTED BY MANAGING DIRECTOR,
MALABAR CEMENTS LTD., WAYALAR,
PALAKKAD - 680 699.

R4 BY ADV. SMT.LATHA ANAND, SC, MALABAR CEMENTS LIMITED
R1-R3 BY SPL.GOVERNMENT PLEADER SRI.A.RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07-12-2017, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



B. SUDHEENDRA KUMAR, J.

.....
W.P. C. No. 23665 of 2017
.....

Dated this the 7th day of December, 2017

JUDGMENT

When this matter has been taken up for hearing, the learned counsel for the petitioner has submitted that the petitioner is not pressing the first prayer in the Writ Petition. However, the petitioner is pressing the 2nd prayer, which is extracted hereunder:-

“Issue a writ of mandamus, order or direction, directing the 2nd respondent to re-instate the petitioner in service and quash Ext. P20 suspension order”.

2. As per Ext. P20 order, the petitioner was placed under suspension from service with effect from 5-9-2016

under Rule 10 (3) of Kerala Civil Services (Classification, control & Appeal) Rules, 1960 on the reason that the petitioner was detained under custody for more than 48 hours in connection with Crime No. VC/14/2016/PKD. The suspension of the petitioner is not yet revoked. The petitioner submitted Ext. P22 request to re-instate the petitioner in his parent Department revoking the order of suspension. However, the petitioner is still under suspension. The petitioner has been under suspension for more than 15 months.

3. It appears that the investigation is not yet complete. The learned Special Public Prosecutor is not in a position to state as to when the investigation will be complete.

4. Suspension cannot be said to be a punishment. However, prolonged suspension amounts to punishment. In view of the above reason, this Court is of the view that the continued suspension of the petitioner will not be justified in this case. In the said circumstances, the petitioner is entitled to be re-instated in service immediately. For the said reason, the 2nd respondent is directed to pass affirmative orders on Ext. P22 as expeditiously as possible, and at any rate, within a period of 20 days from today. The learned Special Public Prosecutor will transmit a copy of this order to the 2nd respondent.

This Writ Petition stands disposed of as above.

Investigation in this matter has been pending for the

last nearly two years. Needless to state that the Investigating Agency shall take all endeavour to complete the investigation without much delay as directed by the Division Bench of this Court in Annexure R3 (a) judgment.

**Sd/-B. SUDHEENDRA KUMAR,
JUDGE.**

ani/

/true copy/

✓

P.S. to Judge

Copy shall be issued today itself

8/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE
PETITIONER'S CAREER PROFILE.

EXHIBIT P2 SNAPSHOT OF MCL'S GROWTH
SINCE 2011-12.

EXHIBIT P3 TRUE COPY OF THE NOTES IN
GOVERNMENT FILE NO. 11014/B1/2015/VIG. IN
RESPECT OF GOVERNMENT DECISION DATED
18.01.2016 IN QV/29/2015/PKD RECEIVED
BASED ON ORDER OF THE CHIEF INFORMATION
COMMISSIONER.

EXHIBIT P4 TRUE COPY OF THE NOTES IN
GOVERNMENT FILE NO. 1321/B1/2016/VIG. IN
RESPECT OF GOVERNMENT DECISION DATED
06.06.2016 IN QV/47/2014/PKD RECEIVED
BASED ON ORDER OF THE CHIEF INFORMATION
COMMISSIONER.

EXHIBIT P5 TRUE COPY OF JUDGMENT IN
W.P.(C)NO. 4932/2016 DATED 08.06.2016.

EXHIBIT P6 TRUE COPY OF THE INTERIM
ORDER DATED 08.07.2016 IN R.P.560 OF
2016 IN W.P.(C) 4932/2016.

EXHIBIT P7 TRUE COPY OF THE FIR IN
VC 14/2016/PKD DATED 09.07.2016.

EXHIBIT P8 TRUE COPY OF THE FIR IN
VC 15/2016/PKD DATED 10.07.2016.

EXHIBIT P9 TRUE COPY OF THE FIR IN
VC 16/2016/PKD DATED 10.07.2016.

EXHIBIT P10 TRUE COPY OF THE FIR IN
VC 17/2016/PKD DATED 10.07.2016.

EXHIBIT P11 TRUE COPY OF CUSTODY
APPLICATION WITH REFERENCE TO FIR NO. VC
14/2016/PKD DATED 06.09.2016.

WP(C).No. 23665 of 2017 (G)

EXHIBIT P12 TRUE COPY OF THE ORDER
DATED 27.09.2016 IN W.A. 1513/2016.

EXHIBIT P13 TRUE COPY OF GOVERNMENT
ORDER DATED 05.09.2016 REMOVING THE
PETITIONER FROM THE POST OF MANAGING
DIRECTOR OF THE 4TH RESPONDENT COMPANY.

EXHIBIT P14 TRUE COPY OF G.O.(RT)NO.
993/2016/ID DATED 21.09.2016 ORDERING
THE PETITIONER TO ENTER INTO COMPULSORY
LEAVE.

EXHIBIT P15 TRUE COPY OF THE
CORRESPONDENCE NO. VC-14/2016/PKD DATED
12.07.2016 FROM THE PALAKKAD UNIT OF THE
3RD RESPONDENT ADDRESSED TO THE 3RD
RESPONDENT.

EXHIBIT P16 TRUE COPY OF THE
CORRESPONDENCE NO. VC-17/2016/PKD DATED
12.07.2016 FROM PALAKKAD UNIT OF THE 3RD
RESPONDENT ADDRESSED TO THE 3RD
RESPONDENT.

EXHIBIT P17 TRUE COPY OF THE
GOVERNMENT FILE NO. 322/H1/2016/ID
PERTAINING TO THE ARREST OF THE
PETITIONER RECEIVED UNDER RTI ACT.

EXHIBIT P18 TRUE COPY OF THE LETTER
NO. 9938/B1/16/VIG.DTD:05.12.2016 FROM
THE 1ST RESPONDENT TO THE 2ND
RESPONDENT.

EXHIBIT P19 TRUE COPY OF THE LETTER NO.
1321/B1/16/VIG. OF 17.12.2016 FROM THE 1ST
RESPONDENT TO THE 2ND RESPONDENT.

WP(C).No. 23665 of 2017 (G)

EXHIBIT P20 TRUE COPY OF G.O.(RT)NO. 71/2017/ID DATED 12.01.2017 SUSPENDING THE PETITIONER WITH RETROSPECTIVE EFFECT FROM 05.09.2016 FROM HIS PARENT ORGANIZATION.

EXHIBIT P21 TRUE COPY OF THE JUDGMENT IN W.P.(C) 35579/2016 DATED 27.02.2017.

EXHIBIT P22 TRUE COPY OF THE APPLICATION DATED 16.03.2017 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT FOR REINSTATEMENT IN SERVICE.

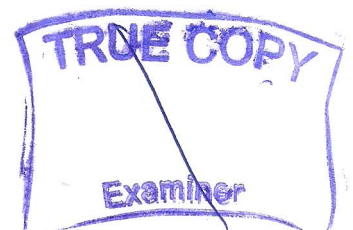
EXHIBIT P23 TRUE COPY OF THE DEATH CERTIFICATE OF THE PETITIONER'S MOTHER DATED 17.01.2017.

EXHIBIT P24 TRUE COPY OF MEDICAL RECORDS OF THE PETITIONER DATED 04.12.2016 AND 29.03.2017.

EXT.P25: TRUE COPY OF EXTRACTS OF BOARD MEETING CONSTITUTED BY THE BOARD OF 4TH RESPONDENT COMPANY TO REVIEW MARKETING AND PRICING STRATEGIES OF THE PRICING POLICY AND SUGGESTIONS FOR DRAFTING A NEW POLICY

EXT.P26: TRUE COPY OF OVERALL PROFITABILITY STATEMENT FOR THREE YEARS FROM 2013-16 TO 2015-16 AND SALES IN PALAKKAD, MALAPPURAM AND KOZHIKODE DISTRICTS

EXT. P27: THE BOARD APPROVED REVENUE BUDGET PERMITTING USE OF UP TO 55000 MT OF IMPORTED CLINKER IN THE WALAYAR PLANT



WP(C).No. 23665 of 2017 (G)

EXT. P29: TRENDS IN **COST** OF FLY ASH AND SLAG
IN 50 KG BAG OF CEMENT

EXT.P30: TRUE COPY OF THE STATEMENT ON
PERFORMANCE OF **MANUFACTURING** PUBLIC
SECTOR UNITS

EXT.P31: TRUE COPY OF THE COUNTER AFFIDAVIT
FILED BY THE 2ND RESPONDENT IN COMPLAINT
NO. 638/17D OF 2017, BEFORE THE HON'BLE LOK
AYUKTA

EXT.P32: TRUE COPY OF THE GOVERNMENT
ORDER NO. GOP9/2017/VIG. DATED 29-3-2017

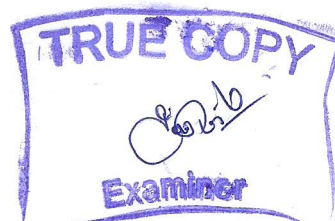
RESPONDENT(S)' EXHIBITS

ANNEXURE R3 (A): TRUE COPY OF THE
ORDER OF THIS DIVISION BENCH OF THIS
HONOURABLE COURT 27-09-2016

/TRUE COPY/

✓

P.S. TO JUDGE



**HIGH COURT OF KERALA
AT ERNAKULAM**



**Year and Number of Suit or
other Proceedings** : WPC 23665 / 2017

Name of Applicant/Advocate : SMT.S.SUJINI

Application Number : A 89670/2017

Application Date : 08-12-2017

Date of Calling for Stamp : 11-12-2017

Date of Production of Stamp : 11-12-2017

Date When copy was Ready : 11-12-2017

**Date Notified for appearance to
receive the copy** : 18-12-2017

Date when copy was delivered : 12/12/17


Examiner

K. Padmakumar
11F, Samrudhi Thampurans
Thampuramukku
Near General Hospital
Trivandrum - 695035

EXHIBIT P22 APPLICATION in
WP (C) 23665 of 2017

To,

The Additional Chief Secretary,
Industries & Commerce Department,
Government Secretariat,
Thiruvananthapuram.

Sir,

I was suspended from service from the post of Member Secretary, RIAB consequent to orders in File No.322/H1/2016/ID. The suspension is with effect from 5th September 2016 which is the date of my arrest by VACB. This arrest was without any notice after calling me to the Office of Dy. SP, VACB, Palakkad for seeking clarifications related to the FIRs registered by VACB pertaining to Malabar Cements Ltd (MCL).

Registration of these FIRs in July 2016 itself is in violation of the decisions of the VACB earlier in Government file no.111014/B1/2015/Vig and no.1321/B1/2016/Vig. In these files, only a Vigilance Enquiry (VE-1/2016/PKD) where allegations are there against Sri. V M Radhakrishnan was ordered by the Government. This Vigilance enquiry had commenced.

Later, a litigant, Sri. Joy Kaitharath filed a petition WP(C).4932 of 2016 and connected R.P 560 of 2016 picturising me and senior officers of MCL as allies of Sri. V M Radhakrishnan. This was to mislead the Hon. High Court. MCL or I were not made respondents. Consequently, FIRs were registered without submission of any affidavit by the respondents in Government or the VACB regarding the decisions in Government files no.111014/b1/2015/Vig and no.1321/b1/2016/Vig, though the Hon. High Court gave an opportunity.

Together, in all FIRs, there are six suspect officers from MCL viz. Sri. Muralidharan, Sri. Namasivayam, Sri. Narenradranathan, Sri. G Venugopal, Sri. Prakash Joseph and the undersigned. I am the only suspect officer who is under suspension after arrest and detention for more than 48 hours, citing VC.14/2016/PKD. Kindly note that Sri. G Venugopal, Deputy Manager (Marketing) who is another suspect officer in the same case and Sri. Prakash Joseph, Legal Officer of MCL, a suspect officer in VC.13/2016/PKD were given bail immediately after their arrest by the VACB office itself. Sri. V M Radhakrishnan, a suspect in VC.13/2016/PKD was granted bail after arrest without any detention. No other suspect officer in MCL was arrested.

-156-

P22/2

Seeing a fertile ground for his clandestine actions, Sri. Joy Kaitharath in WP. (C) 35579 of 2016 approached the Hon. High Court for suspending all the suspect officers. However, the Hon. Court dismissed this petition with strictures against Sri. Joy Kaitharath. He has now approached the Lok Ayuktha for taking action against Senior Government Officials.

It is clear that my arrest and detention for more than 48 hours was to keep me out of the post of Managing Director in Malabar Cements Ltd and from the post of Member Secretary in RIAB. The motive of Sri. Joy Kaitharath and the detractors is to derail the transparent processes, internal disciplinary actions, sales growth, increasing profitability of MCL and the development plans not only in MCL, but also in other PSUs.

Kindly note that I have completed six months under suspension by 4th March 2017. I may kindly be reinstated in my parent organisation as Member Secretary of RIAB.

Thanking you

Yours faithfully



K Padmakumar

This

is the

true

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Excp 22

Annexure E



GOVERNMENT OF KERALA

Abstract

Industries Department – Public Sector Restructuring & Internal Audit Board (RIAB) –
Sri.K.Padmakumar, Secretary, RIAB – Suspended from service – Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O. (Rt) No. 71/2017/ID

Dated, Thiruvananthapuram, 12/01/17

Read:- 1. Letter No. 14/VC/2016/PKD dated 06/09/2016 from Vigilance &
Anti Corruption Bureau.

ORDER

As per the letter read above it was reported that Sri.K.Padmakumar, Secretary , RIAB had been arrested on 05.09.2016 by Palakkad Unit of Vigilance & Anti Corruption Bureau and was detained under the custody for a period exceeding forty eight hours. In this circumstances, he is suspended from service with effect from 05/09/2016 vide Rule 10(3) of Kerala Civil Services (Classification, Control & Appeal) Rules, 1960.

(By order of the Governor)

VIJAYAKUMARAN NAIR K G

Additional Secretary to Government

To

1. Sri.K.Padmakumar, 11F, Samruthi, Thampuranmukku, Kunnukuzhi, Thiruvananthapuram.
2. ✓ Chairman, RIAB, Thiruvananthapuram.
3. The Accountant General (A&E)/(Audit) Kerala, Thiruvananthapuram.
4. Stock file/ Office Copy.

Forwarded/By Order

Baidamal.K.N

Section Officer



GOVERNMENT OF KERALA
Abstract

Industries Department - Public Sector Restructuring & Internal Audit Board (RIAB)-
Full Additional Charge of Secretary RIAB- Charge arrangement made - Orders
issued.

INDUSTRIES (H) DEPARTMENT

G.O. (Rt) No.993/2016/ID. Dated, Thiruvananthapuram, 29/09/2016

Read:- Letter Number 14/VC/2016/PKD dated 6/9/2016 from Vigilance and
Anti corruption Bureau.

ORDER

In the circumstances reported by the Vigilance and Anti Corruption Bureau
vide letter read above, Government here by direct Sri.K.Padmakumar, Secretary,
RIAB to enter on compulsory leave with immediate effect.

Sri.Vijayakumaran Nair K.G., Additional Secretary Industries Department is
put in Full Additional Charge of Secretary, RIAB until further orders.

(By order of the Governor)


PAUL ANTONY

Additional Chief Secretary to Government

To

Sri.Vijayakumaran Nair K.G., Additional Secretary, Industries Department.
Sri K.Padmakumar, 11F Samruthi Thampuram, Kunnikuzhi, Thiruvananthapuram
Chairman, RIAB, Thiruvananthapuram.
The Accountant General, Kerala (Audit & A&E), Thiruvananthapuram.
Stock File / Office Copy

Forwarded / by Order


Section Officer

Copy to:

P.S to Minister (Industries & Sports)
P.S to ACS (Industries)
P.S to Special Secretary (Industries)

1. **Violation of Judgement of Lalithakumari Vs State of UP case** by not taking statements from K.Padmakumar during the QVs in MCL. **(Para 111 (vii) of the citation of Judgement in India Kanoon).**
2. **Violation of Judgement in Divine Centre Vs State of Kerala case** by not impleading K.Padmakumar who was the MD of MCL OR the Company as a respondent in WP © 4932 of 2016 and related R.P 560 of 2016 filed by Joy Kaitharath. **(Para 44 on Principles of Natural Justice in the citation of Judgement in India Kanoon). The Legal Opinion of VACB Headquarters had itself stated that the complaint by Joy Kaitharath was consequent to serving of a Recovery Notice on V.M. Radhakrishnan.**
3. **Fraud on Court as cited in Judgement of N S.P. Chengalvaraya Naidu Vs Jagannath case** through Suppression of the legal opinion and the Government decisions on the QVs and mis-representation to register 4 cases against K.Padmakumar **(Para 5 in the Cition of the Judgement in India Kannon).**
4. **Violation of Arnesh Kumar Vs State of Bihar case** through arrest of K.Padmakumar **(Cited by the Law Secretary in notes forming part of Exhibit P17 - Page 129 of the Petition)** and justifying the same violating the directions in **(Para 9, 11 and 12 of the Interim Judgement of the Hon'ble Court in W.P (C) 27365 Of 2016.** filed by Shri. Shaji T Balan, an employee in MCL to avoid domestic enquiries against him.
5. **Violation of the Apex Court Judgement in Ajay Kumar Choudhury Vs Union of India** case by prolonging the suspension period of K.Padmakumar (though on illegal grounds) for 18 months in place of 3 months stipulated in the Judgement. **(Para 14 in the Cition of the Judgement in India Kannon). In spite of High Court Orders a posting has not been given adhering to the Rules specified in Circular No. 65/94/Fin**

The direction of the Division Bench in Writ Appeal 1513 of 2016 on 27th Septeber 2018 was to “.....complete the investigation impartially without being influenced by any of the observations made by learned Single Judge in WP (C) 4932 of 2016 and R.P No. 560 of 2016, vigilantly and intelligently.... The investigation shall be completed as expeditiously as possible”. This has not been done even after 18 months.

In the case viz., N S.P. Chengalvaraya Naidu (dead) Vs Jagannath (dead) in which the Apex Court in 1993 had, among other remarks, had observed that, “.....“*Fraud avoids all judicial acts, ecclesiastical or temporal*” observed Chief Justice Edward Coke of England about three centuries ago.It is the settled proposition of law that a judgment or decree obtained by playing fraud on the Court is a nullity Such a judgment/decrece by the first Court or by the highest Court-has to be treated as a nullity by every Court, whether superior or inferior.....”.



GOVERNMENT OF KERALA

No. 11014/B1 2015 Vig.

Vigilance (B) Department
Thiruvananthapuram
Dated: 18.01.2016.

From

The Addl. Chief Secretary to Govt.

To

The Director,
Vigilance & Anti-corruption Bureau,
Thiruvananthapuram.

Sir,

Sub:-Vigilance Department - Allegations against Sri.Prakash Joseph,
Legal Officer, MCL and others-Request for sanction of Vigilance
Enquiry - Reg.

Ref: Your letter No.E9(QV.29/2015/PKD)13301/2015 dated 08/15.

I am directed to invite your attention to the reference cited and to inform you that a Vigilance Enquiry may be conducted on the alleged invocation of Bank guarantee of Rs 50 lakhs from Canara Bank, Palakkad by M/s. ARK Woods & Metals Pvt Ltd. As regards the allegation of fixation of price/allowing discount for the sale of cement, a transparent procedure is being followed and Comptroller & Auditor General will anyway will auditing that part. Hence, Vigilance enquiry is not required in this regard.

Yours faithfully
Joe.C.Karthilankal
Under Secretary

For Addl. Chief Secretary to Govt.

Approved for issue

Section Officer.

Issued under RTI Act

18.01.16
PRAKASH. C.V
Under Secretary & SPIO
Vigilance Dept
Government Secretariat
Thiruvananthapuram

OPINION IN EO (QV 29/15/PK1) 13301/15

This QV was ordered on the allegation raised by one B. Kautharathil based on the contents of a lawyer notice received on behalf of MCL, by Adv. T. Sivakasan to M/s ARK Wood and Metal Private Ltd Company and reply notice received from Advocate Binoy Veevanathan. The Complainant has also supplied copies of sec. 164 statement of Sri M. Sundaramoorthy, former MD and P. Suresh Narayanan, former Executive Secretary of the Malabar Cements Ltd recorded by the 1st Class Magistrate of JFMC, ERM in connection with the investigation by CBI regarding the unnatural death of Sri. Saseendran, former Secretary of MCL.

On verification of the documents, the EO has recommended to register two Vigilance cases in respect of two allegations.

The first allegation relates to inaction on the part of legal Officer of MCL to file suits prohibiting M/s ARK Company to invoke the Bank guarantee furnished by Canara Bank. The facts gathered in the enquiry show that the legal Officer as per the direction of the then MD and on the advice of Advocate Sri M. Damodaran, filed a Civil Suit before Munsiff Court, Palakkad to restrain the Canara Bank from encashing the Bank guarantee for 5 lakhs. The said suit was returned by the Court to file the same before the Court having jurisdiction to entertain the suit. However, the order of the Munsiff Court was challenged before the Dist. Court, Palakkad but the same was dismissed by the Dist. Court on ground of lack of jurisdiction as per judgment dtd. 30.10.2011. Again the MD filed a petition before the Banking Ombudsman against Canara Bank, Palakkad which was also not succeeded. As seen from Annexure I of the complaint, the MD has initiated action to recover the amount payable by M/s ARK Wood and Metals Pvt Company and lawyer notice dtd. 31.07.2014 was issued to

the Company demanding ₹ 18,32,0349 - together with interest per annum. The said amount include recovery of the Bank guarantee of ₹ 50 lakhs which was encashed by the Company during the agreement. Annexure II is a reply notice received by the Company. The MCL has an option to file appropriate suit against the Company before the Court having jurisdiction. In the circumstances, the conclusion of the Enquiry Officer that SO1 had willfully neglected to file suits against the Company to restrain invocation of Bank guarantee cannot be sustained. Moreover, the legal Officer of the Company is only a Liaison Officer to execute the order of the MD in the matter of filing suits in consultation with the Counsels. Obviously SO1 is not a final authority to determine course of action to be taken in legal matters. However, it is emerged from the facts that MCL has taken action to restrain the Canara Bank from encashment of Bank guarantee though such actions were not materialized.

It is clear from Annexure I and II that the MCL has initiated action to recover the loss sustained to the Company from the ARK Wood and Metals Pvt. Ltd. So it cannot be said that the said Company has ultimately obtained wrongful gain and corresponding loss to MCL. In this view of the matter, the recommendation to register a case against SO1 and SO4 for their failure or neglect to effectively file suits for retrieving the Bank guarantee is not desirable.

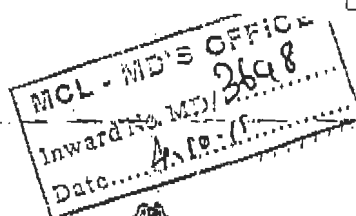
The subject matter of allegation No.3 relates to fixation of price of Cement manufactured by the MCL and discount schemes extended to the dealers. The Complainant has alleged that the MD and Marketing Officer are acting hand in glove with each other and supply Cement at low price to dealers who are dear to them. The Complainant has no direct knowledge or information as to deviation in the existing pricing mechanism of the Company. In this connection, the MD of MCL in his letter dtd 04.06.2015 addressed to the Director, VACB, has explained the circumstances under which Cement at low price was supplied to the

7 -

dealers of Palakkad. According to the MD, the average price of even same brand of Cement varies across districts owing to the demand and supply which is determined by connectivity by road, through rail and sea route. The MD has further explained the change in the earlier pricing policy mooted by the officials and the pricing methodology and discount scheme extended to the dealers. According to him, the newly introduced methodology has been intimated to the C&AG for their approval. Similarly, in a meeting convened by Chief Minister on 02.02.2015, a decision was taken to explore the possibility of supplying cement less costly to the consumers. When we analyze the reasons for the deviation in pricing policy and discount schemes, it can be seen that the MCL was employing a pricing model and a logical framework for deciding prices periodically. The High Level Committee did not find fault with the marketing policy. It would show that the MCL was very much transparent in fixing price of Cement for the benefit of consumers. In the circumstance, error in the pricing policy and resultant decrease in the profit in the marketing of cement needs to be examined by C&AG while auditing the accounts of the Company. Therefore, it is premature to enter into a logical conclusion that various discounts to certain dealers were given for their pecuniary benefit. Therefore considering the nature of the allegation, we had better seek orders of Govt. to conduct a Vigilance enquiry into this allegation. Hence I recommend accordingly.

23.07.2015

Additional Director of Prosecution
(Vigilance)
Kerala State



GOVERNMENT OF KERALA

Abstract

Industries Department - Public Sector Undertakings - Travancore Cements Limited & Malabar Cements Limited - Appointment of Managing Directors - Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O. (Rt) No.1225/2011/ID.

Dated, Thiruvananthapuram, 01.10.2011.

ORDER

Under Article 131A of the Articles of Association of Travancore Cements Limited Sri.M.Sundaramoorthy, Managing Director, Malabar Cements Limited is appointed as Managing Director of Travancore Cements Limited, Kottayam terminating the additional charge of Sri.S.Somanathan Pillai. He is also appointed as a Director in the Board of Directors of Travancore Cements Limited under Article 103 of the Articles of Association.

Under Article 102 (a) of the Articles of Association of Malabar Cements Limited, Walayar, Palakkad, Government are pleased to appoint Sri.K.Padmakumar, Secretary, Public Sector Restructuring & Internal Audit Board as Managing Director in full additional charge of the company until further orders. He is also appointed as a Director in the Board of Directors of Malabar Cements Limited.

By order of the Governor,
Sd/-

Japabalan Oliver
Additional Secretary to Government

To

Sri.M.Sundaramoorthy, Managing Director, Malabar Cements Limited, Walayar, Palakkad.

Sri.S.Somanathan Pillai, Managing Director, Travancore Cements Limited, Nattakom, Kottayam.

All Directors of the TCL (through MD, TCL)

Sri.K.Padmakumar, Secretary, Public Sector Restructuring & Internal Audit Board, Thycad, Thiruvananthapuram.

All Directors of the MCL (through MD, MCL)

The Accountant General, (A&E)/(Audit), Kerala, Thiruvananthapuram

The Director, Information & Public Relations Department

Stock file/Office copy

Forwarded/By order

Section Officer

044 - 205 22852

Orders related to

My Job in RIAB

GOVERNMENT OF KERALA

Abstract

Industries - Public Sector Undertakings - Scrutiny of the Working of Public Sector Undertakings - Internal Audit Board - Constitution of - Order Issued.

INDUSTRIES (J) DEPARTMENT

G.O. (MS) No. 90/90/ID

Dated, Thiruvananthapuram 25.6.90.

O R D E R

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There is no machinery at present to scrutinise the accounts of the Public Sector Undertakings by Government, although Government invest Crores of Rupees in Government Companies/Corporations. Government feel that they should keep a watch on the working of the Public Sector Undertakings and should exercise proper control over them to see that they run properly. Government therefore order the formation of an Internal Audit Board with Shri C. Sankara Menon, formerly Deputy Comptroller and Auditor General of India and member, Expenditure Commission as Chairman and the Commissioner & Secretary (Finance) and Commissioner & Secretary (Industries). The Board will take up the Audit of the Public Sector Undertakings under Industries Department. When a particular undertaking is subjected to study by the Internal Audit Board, the Chairman and Managing Director of the Company as well as the Secretary to Government of the concerned department will be co-opted as members of the board. The Board will examine the cases of Public Sector undertakings under the Industries Department only.

The Board will have the following functions:

1. Will act as a watchdog over Public Sector in respect of audit matters and will ensure quick clearance of backlog in audit.

(Contd....2/-)

2. Will immediately tone up the system of accounting in Public Sector Undertakings and see that the accounts of all Public Sector Undertakings are made up-to-date within as short a time as possible.
3. Will ensure timely realisation of full income tax benefits and other benefits that accrue to the company.
4. Advise Public Sector Undertakings on corrective measures needed in the areas of audit, accounts and related matters.
5. Will act as an independent source of information for Government.
6. Will formulate and implement with the involvement of the Units themselves whatever measures that ~~are~~ are needed for improving the working of Public Sector Units. Board will advise the Government whenever there are special problems in companies like suspected wrong accounting, wrong calculation of profit or loss, improper system of account maintenance to cover up the actual state of affairs, need for expenditure control in certain Public Sector Undertakings, extravagant expenditure which are not justified.
7. Will conduct a special audit of companies wherever necessary.
8. Will formulate guidelines for conducting internal audit as an effective instrument of management control and management accounting.

15

- 3 -

The Board will have only a skeleton staff of its own. Sanction is accorded for the creation of two Accounts Officers on deputation from the Accountant General's Office. One Accounts officer will co-ordinate the functioning of the study team to be constituted and another Accounts officer to function as the Secretary of the Board.

Sanction is also accorded for creation of the temporary post of one section officer, one stenographer, a clerk, a typist and a peon, and for taking the incumbents on deputation from the State Government service.

(BY ORDER OF THE GOVERNOR)

K. MOHANACHANDRAN
Commissioner & Secretary to Govt.

To

Shri C. Sankara Menon, Member, Expenditure Commission (with C.L)
Commissioner & Secretary (Finance)
All the Public Sector Undertakings
Planning & Economic Affairs (PEA) Department.
All departments of Secretariat
All sections of Industries Department
All Officers of and above the rank of Under Secretary in the
Industries Department
The Private Secretary to Chief Minister and other Ministers
The Confidential Assistant to Commissioner & Secretary (Finance)
The Confidential Assistant to Commissioner & Secretary (Industries)

Forwarded / By Order

Chandakadri
Section Officer.

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GOVERNMENT OF KERALA

Abstract

Industries - Public Sector Restructuring and Internal Audit Board - constituted - Orders issued.

INDUSTRIES (J) DEPARTMENT

G.O. (MS) No. 172/93/ID Dated, Thiruvananthapuram, 31-12-1993.

Read: 1. G.O. (MS) No. 90/90/ID dated 25-6-1990.
2. G.O. (Rt) No. 776/93/ID dated 28-7-1993.
3. G.O. (Rt) No. 1185/93/ID dated 25-11-1993.

C O R D E R

=====

The Internal Audit Board was constituted as per G.O. read as 1st paper above. Strengthening of the Internal Audit Board and expansion of its mandate have been under the consideration of Government for sometime.

2. Government after having examined the matter in detail and in supersession of the orders already issued in this regard, are pleased to reconstitute the present Internal Audit Board as the 'Public Sector Restructuring and Internal Audit Board' with Dr. V. Rajagopalan, Special Secretary-I, Industries as the Chairman of the Board and Sri P.P. Gopi, Additional Secretary, Industries Department, and a representative of Finance Department as members. The function of the Board will be amended to include also:-

- a. Analysis of performance of Public Sector Undertakings.
- b. Recommendations of financial restructuring of Public Sector Undertakings.
- c. Recommendation on future strategy to be adopted in respect of each Public Sector Undertaking taken up for study.

3. Sanction is accorded to the 'Public Sector Restructuring and Internal Audit Board' to avail of consultancy service from the Centre for Management Development.

4. Sanction is also accorded to recruit competent officers from Public Sector Undertakings on deputation basis for the effective functioning of the Board.

(BY ORDER OF THE GOVERNOR)

V. RAJAGOPALAN
Special Secretary (Industries)

To

Shri Dr. V. Rajagopalan, Special Secretary I, (Industries).
Shri P.P. Gopi, Additional Secretary (Industries).
All Officers of and above the rank of Under Secretary.
All Public Sector Undertakings under Industries Department.
All Sections under Industries Department.
The Director of Public Relations.
The Finance Department.

(25)

GOVERNMENT OF KERALA

Abstract

Industries Department - Public Sector Restructuring & Internal Audit Board (PSRIAB) - Deputation of Shri.M. Sivasankar, Assistant Secretary, B/R, (IR) as Assistant Director (Technical) PSRIAB - Sanctioned - Orders issued.

Industries (B) Department

G.O.(MS)No.21/95/ID.

Dated, Thiruvananthapuram, 21.12.95.

Read:- 1. G.O.(MS)15/92/ID, dated.23-1-1992.
2. G.O.(MS)172/93/ID, dated.31-12-1993.

O R D E R

In the Government Order read as first paper above, Government has created certain posts in Bureau of Public Enterprises for evaluating the performance of Public Sector Undertakings including the post of Assistant Directors (Technical). As per the G.O. read as second paper above, Government reconstituted the RIAB assigning it additional functions. The only regular post now attached to RI-B is that of Section Officer from the Secretariat. The Technical work is being done by the Centre for Management Development, on contract basis. The existing consultants of Centre for Management Development are Chartered Accountants & Cost Accountants whereas PSRIAB also needs a person who has an Engineering qualification for better understanding and analysis of the technical problems being faced by some of the manufacturing units.

In the circumstances, Government are pleased to shift one post of Assistant Director (Technical) in Planning & Economic Affairs (BPE) Department created as per the G.O. read as first paper above to PSRIAB in order to accommodate the deputationist.

Sanction is also accorded for the deputation of Shri.M. Sivasankar, Assistant Secretary, Board of Revenue (IR) as Assistant Director (Technical) PSRIAB for a period of one year, on the usual terms and conditions of deputation but without deputation allowance.

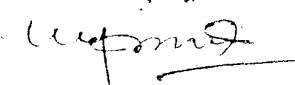
(BY ORDER OF THE GOVERNOR)

V. RAJASOPALAN,
Secretary to Government.

To

The Secretary, B/R (IR), Thiruvananthapuram
The Chairman/Secretary, PSRIAB, ChalechithrakalabHAVAN,
Vazhuthacaud, Thiruvananthapuram
The Secretary (BPE) Dept. Thiruvananthapuram
Sri.M. Sivasankar, Assistant Secretary, B/R (IR)
The Accountant General (A&E)/(Audit), Kerala, Thiruvananthapuram
The District Treasury Officer, Thiruvananthapuram
The Planning (BPE) Dept. Thiruvananthapuram
The Public Relation Department
The Revenue Department (vide GO.No.5324/01/95/RO)

Forwarded/By Order


Section Officer

GOVERNMENT OF KERALA
ABSTRACT

Public Sector Restructuring and Internal Audit Board (PSRIAB) -
Engagement of Professionals on contract basis - Sanctioned -
Orders Issued.

INDUSTRIES (H) DEPARTMENT

G.O. RT. No. 90/96/ID.

DATED, THIRUVANANTHAPURAM, 25.11.1996.

Read: 1. G.O. MS. 90/90/ID dated 25.6.1990.
2. G.O. MS. 172/93/ID dated 13.12.1993.
3. Letter No. 572/Admn. 95/PSRIAB dated 1.12.1995
from the Secretary, PSRIAB.

ORDER

Government in the order read as 1st paper above constituted "Internal Audit Board" for the scrutiny of the working of the Public Sector Undertakings. Subsequently Government reconstituted the erstwhile Internal Audit Board into "Public Sector Restructuring & Internal Audit Board (PSRIAB)" as per G.O. read as 2nd paper above.

2. Professional support to PSRIAB has been extended by the Centre for Management Development. For the type of work undertaken by PSRIAB continuity of individuals is essential and the present arrangement with Centre for Management Development is unable to ensure this. PSRIAB has therefore requested Government to permit them to engage professionals on contract basis and PSRIAB may be treated as an organisation created by Government for undertaking specific professional works and its Board may be given powers to frame rules and procedures to facilitate its smooth functioning so that they can enter into individual contracts with professionals for a fixed tenure with permission to renew the period on mutual consent and appraisal of performance with a maximum increase in remuneration of 10% in cases where increase in remuneration is found essential. PSRIAB has also proposed that professionals may be engaged on contract basis on the following rates:

- | | |
|--|--|
| 1. Business analyst/
Financial analyst: | @ upto Rs. 10,000/-p.m.
(consolidated). |
| 2. Computer Programmer | @ Rs. 3500/-p.m. (consolidated) |
| 3. Programmer Assistant | @ Rs. 3000/- (do.) |
| 4. Computer Operator(2) | @ Rs. 2250/- p.m (consolidated) |

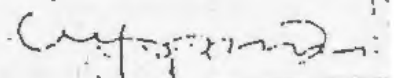
3. Government have examined the matter in detail and are pleased to accord sanction to PSRIAB for engaging professionals as detailed above on contract basis in lieu of the existing arrangements of entering into annual contract with Centre for Management Development. Usual terms and conditions of contract appointment will be applicable to the contract appointments of PSRIAB also. The maximum annual increase in remuneration shall not be more than 10% of the contract amount in case the term of the person initially engaged is extended. Government also order that PSRIAB will be treated as an organisation created by Government for undertaking specific professional works and its Board will be empowered to frame the necessary rules and regulations for this purpose.

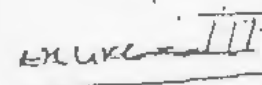
BY ORDER OF THE GOVERNOR

DR. V. RAJAGOPALAN
SECRETARY TO GOVERNMENT.

The Secretary, Planning, Kalabhavan, Vazhuthacaud, Trichur.
The Planning & E.A. (BPE) Department.
(Vide UO No. 19114/BPE.1/95/Plg. dt. 20-12-1995)
The Finance Department.
The Addl. PS. to Minister (I&M)
The CA to C & S (Industries)
The CA to Secretary (Industries-R)
The CA to Secretary (Industries-H)
The CA to Addl. Secretary (Industries)
The SF/OC.

Forwarded/By Order :


OFFICER.





GOVERNMENT OF KERALA

No.12281/H1/98/ID.

Industries (H) Department,
Thiruvananthapuram,
Dated: 2..5..1998.

From

To

The Secretary to Government.

The Director,
Centre for Management Development,
Thycaud, Thiruvananthapuram - 695 014.

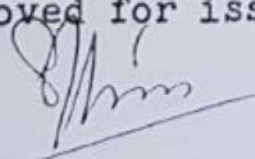
Sir,

Sub:- Deputation of Sri.K. Padmakumar, Lecturer
in Centre for Management Development to
Public Sector Restructuring and Internal
Audit Board (RIAB) - reg.

As you are aware, eventhough the mandate given to
Centre for Management Development (CMD) to extend
professional support to Public Sector Restructuring and
and Internal Audit Board (RIAB) was terminated from
31.3.96, Sri.K. Padmakumar, lecturer in Centre for
Management Development is allowed to serve with RIAB
by some informal arrangements. As his services in RIAB
are highly essential, it is proposed that Sri.K.Padmakumar
may be allowed to continue to work in RIAB on deputation
for a further period of three years. I am therefore to
request you to furnish your specific views as to whether
there is any objection to the proposal at the earliest.

Yours faithfully,
Santha John,
Deputy Secretary,
for Secretary to Government.

Approved for issue


Section Officer

GOVT. OF KERALA

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GOVERNMENT OF KERALA

Abstract

Industries Department - Public Sector Restructuring and Internal Audit Board (RIAB) - Deputation of Sri.K.Padmakumar, Senior Lecturer, Centre for Management Development (CMD) to RIAB - Sanctioned - Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O.(Rt)No.934/98/ID. Dated, Thiruvananthapuram, 8..10..1998

Read: Letter No.RIAB/Admn/24 dated 25.4.98 from the Secretary, Public Sector Restructuring and Internal Audit Board.

O R D E R

Government are pleased to accord sanction for the deputation of Sri.K. Padmakumar, Sr.lecturer, Centre for Management Development to Public Sector Restructuring and Internal Audit Board (RIAB) against the post of Business Analyst for a period of three years with effect from 1.5.98 subject to the following terms and conditions;

- (1) He will retain a lien on his regular post in Centre for Management Development for the period of his service in RIAB.
- (2) The pay and allowances will be those to which the officer is entitled to in his parent organisation from time to time.
- (3) He will be entitled to be paid T.A. as provided for under the TA rules of Centre for Management Development (CMD).
- (4) He will be eligible for medical reimbursement as admissible in his parent organisation or as admissible to the similar category of officer in RIAB which ever is more beneficial to him.
- (5) He will be entitled to the benefits of contributory PF (CPF), Gratuity and Bonus or Special Festival allowance in lieu thereof had he continued in CMD.

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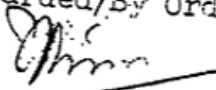
- (6) He will continue to subscribe to the CPF. The RIAB will also make employer's contribution at such rates as may be intimated, by C.D. from time to time and remit this amount to the C.D. together with the employee's contribution at the same rate, by a cheque/demand draft every month, for being credited to the P.F. account of the officer.
- (7) The RIAB will pay his gratuity contribution to the C.D. calculated at the rate as applicable to him in C.D. Leave salary for the leave earned while on service in RIAB excluding surrender of leave salary, will also be paid to C.D. by the RIAB.
- (8) He will be governed by the leave rules in his parent organisation.

By Order of the Governor
Santha John
Deputy Secretary to Government.

To

- ✓ The Secretary, Public Sector Restructuring and Internal Audit Board, 'Krishna' (behind Narmada Shopping Complex, Kowdiar, Thiruvananthapuram.
- The Director, Centre for Management Development, Thucud, Thiruvananthapuram - 14.
- Sri. Padmakumar, Business Analyst, Public Sector Restructuring and Internal Audit Board, 'Krishna' (behind Narmada Shopping Complex), Kowdiar, Thiruvananthapuram.
- The Accountant General (A.C.E.)/(Audit), Kerala, Thiruvananthapuram (This issues with the concurrence of Finance Department).
- The Finance Department vide U.O. Nos. 45145/PUD2/98/Fin dated 20.7.98 and 39103/PUD2/98/Fin dated 2.9.98.
- Stock file, O.C.

Forwarded/By Order


Section Officer

GOVERNMENT OF KERALA

Abstract

Industries Department - Public Sector Restructuring and Internal Audit Board (RIAB) - Period of Service of Sri.K.Padmakumar, Sr.Lecturer, Centre for Management Development, in RIAB from 1.4.'96 to 30.4.'98 treated as deputation - Sanctioned - Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O.(Rt)No.1127/98/ID. Dated, Thiruvananthapuram, 3.12.1998.

Read: (i) G.O (Rt)No.934/98/ID dated 8.10.'98
(ii) Letter No. RIAB/Admn/28 dated 30.4.'98 from the
Secretary, RIAB.
O R D E R

Sri.K.Padmakumar, Sr.Lecturer, Centre for Management Development (CMD) has been working in the Public Sector Restructuring and Internal Audit Board (RIAB) as Business Analyst since 1994. Even though the professional support given to RIAB by CMD has been terminated w.e.f 31.3.98 the salary of Sri.Padmakumar was being paid by the CMD till 30.4.'98.

2. In the G.O read as first paper above sanction was accorded for the deputation of Sri.Padmakumar to RIAB against the post of Business Analyst for a period of three years w.e.f 1.5.98, subject to the terms and conditions appended to the said order.

3. In the letter read as second paper above Secretary RIAB has requested for Government sanction to reimburse the salary of Sri.Padmakumar for the period from April 1996 to April 1998 amounting to Rs.2,50,214.20 (Rupees two lakhs fifty thousand two hundred and fourteen and twenty paise only) to the Centre for Management Development as requested by them.

4. Having examined the matter in detail Government are pleased to order as follows:

- (1) The period of service of Sri.K.Padmakumar, Sr.Lecturer CMD in Public Sector Restructuring and Internal Audit Board (RIAB) from 1.4.96 to 30.4.98 will be treated as deputation in RIAB.

- (ii) Public Sector Restructuring and Internal Audit Board (RIAB) will reimburse to the Centre for Management Development (CMD) an amount of Rs.2,50,214.20 (Rupees two lakhs fifty thousand two hundred and fourteen and twenty paise only) being the salary and other statutory dues paid to Sri.Padmakumar during the above period.

By Order of the Governor
Santha John,
Deputy Secretary to Government.

To

Public Sector Restructuring and Internal Audit
✓ The Secretary, RIAB - *Board, Kowdiar, Triv.*
The Director, CMD, Thycand, Thiruvananthapuram - 14
The Accountant General (A&E)/(Audit), Kerala
Thiruvananthapuram (This issues with the concurrence
of Finance Department)
The Finance Department vide U.O.No.86980/FJD2/98/Fin.
dated 12.11.'98
Copy to the disposal G.O.(Rt) 934/98/ID dt.8.10.'98
Stock file, O.C.

Forwarded/By Order

[Signature]
Section Officer

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GOVERNMENT OF KERALA

Abstract

Industries Department - Public Sector Restructuring and
Internal Audit Board (RIAB) - Appointment of Sri.K.Padmakumar
as Secretary RIAB - Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O.(Rt)No.313/99/ID. Dated, Thiruvananthapuram, 30..3..1999.

Read: (i) G.O.(Rt)No.934/98/ID dated 8.10.98.
(ii) Letter No.207/GEN/112/98-99 dated 17.3.99 from
Secretary, Public Sector Restructuring and Internal
Audit Board.

O R D E R

Government are pleased to appoint Sri.K.Padmakumar,
Senior Lecturer, Centre for Management Development (CMD),
Thiruvananthapuram now on deputation against the post of
Business Analyst in Public Sector Restructuring and Internal
Audit Board (RIAB) as Secretary, RIAB on the terms and
conditions specified in the Government Order read as first
paper above.

By Order of the Governor

A. Balakrishna Pillai,
Additional Secretary to Government.

To

— The Secretary, Public Sector Restructuring and Internal
Audit Board, 'Krishna' (behind Narmada Shopping
Complex), Kowdiar, Thiruvananthapuram.

Sri.K. Padmakumar.

The Director, Centre for Management Development,
Thiruvananthapuram - 14.

The Accountant General(A & E)/(Audit), Kerala,
Thiruvananthapuram.

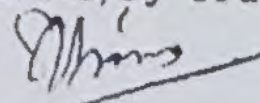
Planning and Economic Affairs (BPE) Department.

Finance Department.

Director of Public Relations, Thiruvananthapuram.

Stock file, O.C.

Forwarded/By Order



Section Officer

GOVERNMENT OF KERALA

Abstract

Industries Department - Public Sector Restructuring and Internal Audit Board (RIAB) - Engaging Technical and other supporting staff on Institutional Contract - Sanctioned - Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O.(MS)No.71/2000/ID. Dated, Thiruvananthapuram, 16..5..2000.

Read: (i) G.O.(MS)No.90/90/ID dated 25.6.90.
(ii) G.O.(MS)No.172/93/ID dated 31.12.93.
(iii) G.O.(MS)No.21/95/ID dated 21.2.95.
(iv) G.O.(MS)No.97/95/ID dated 28.6.95.
(v) G.O.(Rt)No.90/96/ID dated 25.1.96.
(vi) Letters No.207/GEN/373/99-00 dated 31.8.99,
232/RIAB-INST/576/99-00 dated 10.2.2000 and
232/RIAB-INST/661/99-00 dated 15.3.2000 from
the Secretary, RIAB.

O R D E R

Public Sector Restructuring and Internal Audit Board (RIAB) reconstituted as per the Government Order read as second paper above is currently carrying out the following activities:

- (a) Professional support to the Industries Department on matters related to appraisal of proposals, implementation of performance contract system and monitoring of PSUs.
- (b) All work for Kerala Industrial Revitalisation Fund Board having a fund base of Rs.240 crores, as additional responsibility.
- (c) Execution of the UNDP project on Public Sector Reforms having a project outlay of Rs.1.25 crores funded jointly by UNDP, Government of India and Government of Kerala.
- (d) Project on rejuvenation of handicrafts industry in Kerala (Rs.1.80 lakhs) funded by the Centre for Development Studies.
- (e) Study on Private Sector Industries in the State ordered by the Government of Kerala.
- (f) Various other works entrusted to them citing specific duration for completion by the Government of Kerala.

2. In the letters read as sixth paper above the Secretary, RIAB has stated that the RIAB should have a core team of highly qualified and experienced professionals assisted by Computer based technical staff to carry out the additional works entrusted to them. He has therefore requested Government sanction for the following proposals:

.....2.

- (a) Re-designation of the post of Accounts Officer and Assistant Director (Tech) to Financial Analyst.
- (b) Engaging Information system based technical and other supporting staff on Institutional Contract on agreement entered into with institutions like Centre for Management Development (CMD) on functional and project requirement from time to time.

3. Having examined the matter in detail the Government are pleased to accord sanction as under:

- (i) The post of Accounts Officer and Assistant Director (Technical) in RIAB will be redesignated as Financial Analyst/Business Analyst.
- (ii) Permission is granted to the Secretary, RIAB to engage Information systems Based Technical and other supporting staff on 'Institutional Contract from Institutions like Centre for Management Development based on functional and project requirements from time to time with the prior approval of the Board of Directors of RIAB.
- (iii) The sanctioned post of Section Officer in RIAB will be filled up by deputation of a Section Officer, who is conversant in commercial auditing from the office of the Accountant General, Kerala.

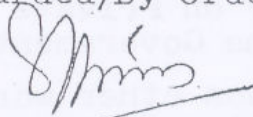
By Order of the Governor

A. BALAKRISHNA PILLAI,
Additional Secretary to Government.

To

The Secretary, Public Sector Restructuring and Internal Audit Board, 'Krishna' (behind Narmada Shopping Complex), Kowdiar, Thiruvananthapuram.
The Accountant General (A&E)/(Audit), Kerala, Thiruvananthapuram (This issues with the concurrence of Finance Department).
The Director, Centre for Management Development, Thiruvananthapuram.
The Finance Department - vide U.O. No.29906/PUD2/2000/Fln
Stock file, O.C.

Forwarded/By Order



Section Officer



GOVERNMENT OF KERALA

Abstract

Industries Department - Public Sector Restructuring & Internal Audit Board (RIAB) -
Regularization of Sri.K.Padmakumar, Secretary, RIAB - Sanction accorded - Orders issued.

INDUSTRIES (H) DEPARTMENT

G.O. (Rt) No.664/2011/ID.

Dated, Thiruvananthapuram, 11.5.2011

- Read: 1.G.O. (Rt) No.934/98/ID. Dated 8.10.1998.
2. G.O. (Rt) No.313/99/ID. Dated 30.3.1999.
3. G.O. (Rt) No.304/2001/ID. Dated 22.3.2001.
4. G.O. (Rt) No.512/2003/ID. Dated 22.5.2003.
5. G.O. (Rt) No.547/2005/ID. Dated 15.7.2005.
6. G.O. (Rt) No.792/2008/ID. Dated 16.7.2008
7. G.O. (Rt) No.819/2010/ID dated 7.6.2010.
8. Letter No.ADMN-1-1-0/10-11/D-705 dated 25.2.2011 from
Shri.K.Padmakumar, Secretary, RIAB.

ORDER

Shri.K.Padmakumar has been serving as the Secretary of Public Sector Restructuring & Internal Audit Board (RIAB) on working arrangement/deputation from the Centre for Management Development (CMD) since 1994 vide Government orders read above. He has now requested to regularize his services in RIAB as Secretary, as per letter read as 8th paper above.

Government have examined the matter in detail and are pleased to accord sanction for regularizing the service of Shri.K.Padmakumar as Secretary, RIAB w.e.f. 1.5.2011 with the pay and benefits drawing currently.

By order of the Governor,
T.BALAKRISHNAN

Additional Chief Secretary to Government.

To

The Secretary, Public Sector Restructuring & Internal Audit Board (RIAB), 5th Floor, CMD Buildings, C.V.Raman Pillai Road, Thycaud, Thiruvananthapuram)

✓ Shri.K.Padmakumar, Secretary, Public Sector Restructuring & Internal Audit Board (RIAB), 5th Floor, CMD Buildings, C.V.Raman Pillai Road, Thycaud, Thiruvananthapuram.

The Director, Centre for Management Development, 5th Floor, CMD Buildings, C.V. Raman Pillai Road, Thycaud, Thiruvananthapuram.

The General Administration (SC) Department

The Accountant General (A&E)/(Audit), Kerala, Thiruvananthapuram.

The Finance Department

The Planning (BPE) Department

The Stock file/Office copy.

Forwarded/By order,

Naveed

Section Officer.