

File No. MoES/29/151/2014-RTI  
Government of India  
Ministry of Earth Sciences

Prithvi Bhawan, IMD Campus,  
Lodhi Road, New Delhi.  
Dated 13<sup>th</sup> February 2015.

To

Dr. S. Kathirolu, Scientist 'G'  
Room No. 310, MoES,  
New Delhi.

Subject:-Information sought by Dr. S. Kathirolu, Scientist 'G' Room No. 310, MoES, New Delhi under RTI Act.

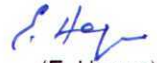
Sir,

Kindly refer to your RTI application dated 15<sup>th</sup> January 2015 on the above mentioned subject.

2. The reply provided by the concerned officer vide their letter No. MoES/19/11(A)/2014-Vig. dated 12<sup>th</sup> February 2015 of Ministry of Earths Sciences, New Delhi (21 pages) are enclosed herewith.
3. An appeal, if any, against this reply may be made to the Appellate Authority of the Ministry at the following address within 30 days of the receipt of the letter i.e. Shri A. K. Madan, Director (RTI), Ministry of Earth Sciences, Prithvi Bhawan, IMD Campus, Lodhi Road, New Delhi-110003.

Encl. As above.

Yours faithfully,



(E. Haque)  
CPIO & Scientist 'C'  
Tel. No. 24669521.

Copy for information to:-

1. Dir.(RTI), MoES, New Delhi.
2. Dr. M. Sudhakar, Transparency Officer, MoES, New Delhi.
3. PPS to JS, MoES, New Delhi.
4. Section Officer (Vig.) for information please.
5. In Charge IT Section (Sh. Krishnan is requested to upload this reply on website [www.moes.gov.in](http://www.moes.gov.in)).

No.MoES/19/11(A)/2014-Vig.  
Government of India  
Ministry of Earth Sciences

Prithvi Bhawan, IMD Complex,  
Lodhi Road, New Delhi-110003  
Dated 12/2/2015

Office Memorandum

Subject : Information sought by Dr. S. Kathiroli, Sct. 'G', Room No. 310,  
MoES, New Delhi under RTI Act 2005.

RTI Cell may kindly refer to their OM No. MoES/29/151/2014-RTI dated 15/1/2015 forwarding therewith a copy of application of Dr. S. Kathiroli, Sct. 'G', New Delhi under RTI Act. In this regard, the required information (20 Pages) is attached. While supplying the information, he may be asked to deposit an extra fee of Rs. 30/= towards photocopying cost.

2. This issues with the approval of CVO, MoES

*Kanta Sanhotra*  
12/2/15

(Kanta Sanhotra)  
Section Officer(Vig.)

Shri E. Haque,  
CPIO, MoES.

**Complaint on Dr. S.K. Das, Advisor & CVO, MoES for unfair practices**

S.No.	Issue Raised	Comments
(i)	Vindictiveness on the part of Dr. S.K. Das, Advisor and Chief Vigilance Officer, MoES on account of his son, Mr. Shatadru Sekhar Das, having to leave NIOT when Dr. Kathirolu was Director of the Institute.	Shri Shatadru Sekhar Das, son of Dr. S.K. Das was appointed as Project Scientist in Indo-Russian Gas Hydrate Centre at NIOT. The project was funded by DST (International Division) and not by MoES. The selection of Shri Shatadru Sekhar Das was through open advertisement followed by written test and interview. The tenure of his appointment was governed by the terms of his appointment. Thus, the Director of the Institute could not have terminated the tenure of appointment as implied. Appointment of Shri Shatadru Sekhar Das was not terminated by the Director and he left on his own volition due to health reasons after serving for approximately two years. Since Shri Shatadru Sekhar Das left the project appointment on his own and the Director (Dr. S. Kathirolu) had no hand in it, there is no cause for vindictiveness and the allegation of vindictiveness is baseless.
(ii)	The value of the project for acquiring the Technology Development Project 'Sagar Nidhi' through NIOT was beyond the delegated financial powers of Director, NIOT submitted all documents related to the bids to Department of Ocean Development (DoD), the precursor organization for MoEs, its decision whereupon DoD scrutinized the tender process involving the vigilance and obtained CCEA approval for additional budget and Minister's approval to sign the contract for building the vessel. These approvals were conveyed through letters dated 16.12.2005 and 27.12.2005 (Annexure-I and II respectively) by Dr. S.K. Das, Advisor, DoD.	The estimated cost of the project required approval of CCEA. Accordingly, the proposals for acquisition of the vessel both for the original cost (as estimated) and the revised cost of Rs.230.72 crores based on bids received were processed by the Ministry and approval of CCEA was obtained. There is no requirement of vigilance clearance for CCEA approval for the budget of any project. Hence, the implied suggestion that vigilance clearance was available while obtaining approval of budget by CCEA for acquisition of the TDV is erroneous and misleading. So far as the letters (Annexure-I & II) issued by the Ministry are concerned, these letters just conveyed the information related to CCEA approval of the proposal at a cost of Rs. 230.72 crores and HMoES's (independent Charge) approval "for entering into contract with the technically qualified successful bidder". The approval of HMoES was of a general nature for entering into contract with the successful bidder. This cannot be

		<p>budget of the project. If the contention of the complainant is accepted, it would mean that CCEA should be held responsible as the authority approving the project, for any irregularities by NIOT in tendering procedures for acquisition of the TDV. This would amount to reducing the process of fixing responsibility for irregularities to absurd levels.</p>
(iv)	<p>Dr. S.K. Das continued to suppress facts and being a member of the Governing Council of NIOT was a party to GC's decision to issue charge-sheet to Dr. Kathirolu. Dr. Das "seems to have had a role in GC's decision" to reject Dr. Kathirolu's reply to the charge sheet issued to him. "Sharing of vital documents would have revealed the fact to CBI that NIOT had placed all facts transparently to DoD." "The corrupt practice of suppressing documents and breach of trust by the CVO and Secretary of MoES has resulted in placing him under a 'cloud'.</p>	<p>Dr. Das as a member of the Governing Council of NIOT was just one of the members of GC involved in the decision of the GC to charge-sheet Dr. S. Kathirolu. The decision of the GC was based on recommendation of the CBI that had investigated the matter. The decision to institute Departmental Action against Dr. S. Kathirolu, had the approval of the CVC as also of HMoES. The decision was not taken individually by Dr. S.K. Das. The due process of Disciplinary Action has been followed by issuing a charge-sheet to the complainant and the whole sequence of events leading to initiation of Disciplinary Action cannot be attributed to any mala-fide intention or action on the part of Dr. Das as he could not have in any way influenced the decisions of CBI, HMoES, CVC and the GC who had all investigated/considered the matter independently. The assumption that Dr. Das has had a role in rejecting his reply to the charge-sheet is simply a baseless allegation. It has also not been specified as to which vital document was suppressed by the CVO. The allegation of suppression of facts has been adequately dealt with under item (iii) above. The wild charge of suppressing relevant documents and breach of trust by CVO and Secretary, MoES, without being specific and without any supporting evidence seems to stem from a malicious intent to malign officers who have acted upon the recommendation of the CBI to initiate Departmental Action against Dr. Kathirolu.</p>
(v)	<p>Dr. Das has been dishonest when Secretary, MoES made two mutually conflicting declarations to "clandestinely manage the approval of ACC for appointing an ineligible candidate (Dr. M.A. Atmanand) as</p>	<p>It has not been brought out as to what conflicting statements have been made "to clandestinely manage the approval of ACC for appointing an ineligible candidate (Dr. Atmanand) as Director, NIOT in 2009". There was nothing illegal in the appointment of Dr.</p>

has rightly dismissed the Writ Petition. We do not find any reason warranting our interference with the order of the learned single Judge. The Writ Appeals are therefore liable to be dismissed.

43. In the result, the Writ Appeals are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs."

Still aggrieved, Dr. Kathioli approached the Hon'ble Supreme Court of India through SLP No(s). 11822/2013 dated 18.4.2013, Dr. S. Kathioli Vs Government of India & Others. The Hon'ble Supreme Court passed the following order :-

"No reason to interfere. The special leave petition is dismissed."

The allegation of "financial embezzlement of Dr. Shailesh Nayak" is also a wild and vicious allegation which has twisted a simple administrative order of pay re-fixation of Dr. Shailesh Nayak, Secretary into a matter of financial embezzlement. The mischievous intent to malign Secretary, MoES is all too obvious. The facts are that pay fixation/re-fixation of all officers and staff members in a Ministry is done by the Establishment Division. Neither Secretary nor any other officer has a role in fixing/re-fixing his own pay. The pay in this case ought to have been fixed under the CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986. As there was doubt in the Establishment Division about the rule position relating to reduction of pension amount drawn for the earlier period of service in Department of Space, the matter was referred to DoPT and DoP&W and on their advice pay of Secretary, MoES was re-fixed, as admissible, after reducing an amount equivalent to the pension amount, ignoring Rs.4000/- of pension and pension equivalent benefit. Such re-fixation of pay is not an unusual administrative exercise. The re-fixation of pay has been deliberately branded as reduction of pay and the initial pay fixation in which Secretary, MoES himself has had

(vii)	Dr. S.K. Das is responsible for delaying EFC approval for 10 million litres a day desalination project.	The allegation of delay in approving 10 million litres per day desalination project is baseless as the proposal received from NIOT is without Detailed Project Report (DPR). DPR is a mandatory requirement for initiating the process for obtaining approval of EFC and CCEA.
(viii)	MoES approved a project relating to ocean mining at a cost exceeding Rs.200 crores in 2009-10 and even after 5 years later, the progress is dismally low. After 20 years of research, NIOT floated a tender in 2013 for conceptual studies. This indicates that 20 years of research and investment on ocean mining have yielded nothing.	NIOT was entrusted the work on polymetallic nodule mining technology development program up to 6000 m depth in phases. Strategic development has been made which include development and testing of crawler based mining m/c up to 410 meters. The Ministry entrusted the design, development and testing of new crawler based mining m/c and flexible riser system exploitation of nodules from seabed. Testing of various components of integrated deep sea mining system up to a depth of 6 km was initiated in 2010 and the work is in progress. The demonstration of integrated mining system would likely to be completed by 2018.

**ANNEXURE-I**

**Sub: Appointment of interim Director for NIOT from 21.10.2014- Misrepresentations - Violation of Service Rules - Financial impropriety.**

S.No.	Issue Raised	Comments																														
(i)	<p>The five years tenure of Dr. Atmanand, Director, NIOT, as approved by ACC, ceased on 20.10.2014. Dr. Atmanand, the incumbent Director of NIOT should not be allowed to continue as interim Director, NIOT after the completion of his tenure of appointment from the forenoon of 21.10.2014, since continuation would be "setting a wrong precedent in contempt of service rules" and be in violation of DoPT OM No.28/13/2006-EO(SM-II) dated 03.07.2006 which states that "Ministry may, with the approval of Minister-in-charge order additional charge arrangements subject to the condition that the officer to whom additional charge is assigned is the senior-most officer in the next lower grade and is clear from vigilance angle.....". There are 5 Scientist 'G' Grade officers (Dr. S. Kathiroli, Dr. Purnima Jallihal, Dr. R. Venkatesan, Dr. G.A. Ramadoss and Dr. R. Kirubakaran) in NIOT who are senior in hierarchy to Dr. Atmanand. It will be a serious contempt of service rules if Dr. Atmanand, Scientist 'F' were to act as interim Director of NIOT superseding 5 Scientist 'G' officers.</p>	<p>There has been no appointment of an interim Director. The existing Director has been simply directed on 20.10.2014 by the Ministry, with the approval of HMoES, to continue to hold current charge. The cited O.M. dated 30.07.2006 or purported "wrong precedent in service rules" does not apply in such extensions, as this is not a case of additional charge.</p> <p>The appointment of Dr. Atmanand as Director of NIOT was on 'direct recruitment' basis. He became a Scientist 'G' on 21.10.2009 by virtue of letter No. MoES/18/06/2010-Estt. Dated 14.09.2011. The dates of appointment as Scientists F &amp; G named in the complaint are listed below :-</p> <table border="1"> <thead> <tr> <th rowspan="2">Sl. No.</th> <th rowspan="2">Scientist</th> <th colspan="2">Date of Appointment</th> </tr> <tr> <th>Sci 'F'</th> <th>Sci 'G'</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Dr. S. Kathiroli</td> <td>15.5.99</td> <td>1.7.03</td> </tr> <tr> <td>2.</td> <td>Dr. M.A. Atmanand</td> <td>14.6.05</td> <td>21.10.09</td> </tr> <tr> <td>3.</td> <td>Dr. Purnima Jallihal</td> <td>20.6.05</td> <td>1.7.11</td> </tr> <tr> <td>4.</td> <td>Dr. R. Venkatesan</td> <td>26.6.06</td> <td>1.7.11</td> </tr> <tr> <td>5.</td> <td>Dr. G.A. Ramadass</td> <td>1.01.09</td> <td>1.1.14</td> </tr> <tr> <td>6.</td> <td>Dr. R. Kirubakaran</td> <td>18.5.99</td> <td>1.7.14</td> </tr> </tbody> </table> <p>It will be evident from the above table that Dr. Atmanand happens to be Scientist G and not Scientist F as stated in the complaint and he is senior to all others except Dr. S. Kathiroli both in respect of appointment as Scientist 'F' and Scientist 'G'. Dr. S. Kathiroli, who is senior to Dr. M.A. Atmanand is facing serious charges of impropriety in the acquisition of a research ship and Departmental Action has already been initiated against him. Even the CAT, Principal Bench has declined to grant interim stay of the proceedings of Departmental Action as pleaded before it by Dr. S. Kathiroli. So, neither suppression nor requirement of reversion as Scientist 'F' has occurred in the order dated</p>	Sl. No.	Scientist	Date of Appointment		Sci 'F'	Sci 'G'	1.	Dr. S. Kathiroli	15.5.99	1.7.03	2.	Dr. M.A. Atmanand	14.6.05	21.10.09	3.	Dr. Purnima Jallihal	20.6.05	1.7.11	4.	Dr. R. Venkatesan	26.6.06	1.7.11	5.	Dr. G.A. Ramadass	1.01.09	1.1.14	6.	Dr. R. Kirubakaran	18.5.99	1.7.14
Sl. No.	Scientist	Date of Appointment																														
		Sci 'F'	Sci 'G'																													
1.	Dr. S. Kathiroli	15.5.99	1.7.03																													
2.	Dr. M.A. Atmanand	14.6.05	21.10.09																													
3.	Dr. Purnima Jallihal	20.6.05	1.7.11																													
4.	Dr. R. Venkatesan	26.6.06	1.7.11																													
5.	Dr. G.A. Ramadass	1.01.09	1.1.14																													
6.	Dr. R. Kirubakaran	18.5.99	1.7.14																													

		the pay equivalent to the pay as admissible to Scientist 'G'.
(iv)	<p>To consider whether statutory service rules were misquoted by Establishment Division of MoES or the notings were altered by others subsequently for ulterior reasons. [The representationist has also claimed that Secretary, MoES, "has even been indicted with recovery of embezzled finance and reduction in pay". A pay re-fixation order of MoES dated 26.8.2013 has been added as Annexure-2 claiming that it supports his allegation that Secretary, MoES has been "indicted with recovery of embezzled finance and reduction in pay."</p>	<p>There is no basis for the assumption of Dr. Kathiroli that the rules were not correctly quoted by the Establishment Division of MoES or that they were subsequently altered with ulterior motives, in regard to appointment of Director, NIOT in 2009. It is relevant to mention that the advertisement for the post of Director, NIOT in 2004 against which Dr. Kathiroli himself was selected as Director and the advertisement in 2009 against which Dr. Atmanand was selected as Director, NIOT were same as far as qualifications and experience were concerned.</p> <p>As regards the allegations made against Secretary, MoES, it needs to be clarified that Dr. Kathiroli has attempted, with malicious intent, to interpret a simple administrative order dated 26.8.2013 (at Annexure-2 of PUC) to re-fix the pay of Secretary, MOES as "recovery of embezzled finance and reduction in pay". It is relevant to mention that Secretary, or any other officer for that matter, has no role whatsoever to play in fixation or re-fixation of his own pay. The pay fixation and re-fixation is done by the Establishment Division. In the present case, as there was some lack of clarity about the rule position relating to reduction of pension amount drawn for the earlier period of service in Department of Space, Establishment Division of MoES, after initially fixing the pay at a higher level, referred the matter to Estt.(Pay) Branch of DoPT and later it was taken up with Department of Pension &amp; Pensioners' Welfare. The matter has been considered in terms of CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986 and on the advice of the concerned Departments, pay of Secretary, MoES has been re-fixed, as admissible, after reducing an amount equivalent to the pension amount, ignoring Rs.4000/- of pension and pension equivalent relevant benefits. Dr. Kathiroli has twisted the simple administrative exercise and labeled it as 'indictment', "recovery of embezzled finance and reduction in pay". "Re-fixation of pay" is not the same as "reduction of pay". Reduction of pay is a punitive measure whereas re-fixation of pay is a corrective administrative action. The correction was required not on account of any decision or act of Secretary himself but due to</p>



		<p>supplying certain basic documents/files to him to establish facts and "clear the clouds". Perhaps, the allegation refers to the case relating to the Departmental Action initiated against him where Dr. Kathirolu approached Principal Bench of CAT seeking an interim reply of the Departmental Action, inter-alia, on the ground of certain 'crucial documents'. The Principal Bench in its order dated 28.10.2014 stated "we are not inclined to grant interim stay on departmental proceedings. Interim prayer is, therefore, rejected." Though this order was passed on 28.10.2014, Dr. Kathirolu had hidden this fact in his representation dated 12.11.2014.</p>
(vii)	<p>In a similar situation when tenure of Dr. Kathirolu as Director ended on 31.8.2009, Dr. S.K. Das was appointed as Director and he himself was not allowed to act as interim Director. His Directorship was illegally ended on 31.08.2009.</p>	<p>It is nowhere laid down that an official of the Ministry must be given additional charge of the post of Director, NIOT when the approved tenure of an incumbent Director, expires. The appointment of Dr. Kathirolu as Director, NIOT was in terms of advertisement dated 7.2.2004 in all India Newspapers. According to clause (4) thereof, the mode of recruitment was specified as "on contract basis for a period of five years". ACC had made a specific mention of its approval to be on contract basis with effect from the date of assumption of the charge of the post for a period of 5 years or until further orders, whichever is earlier. He was appointed to the post of Director, NIOT for a tenure of 5 years only after due acceptance of the terms and conditions of appointment by him. Thus, Dr. Kathirolu served out his tenure as Director, NIOT as per his acceptance of terms approved by ACC with MoES having no role in disallowing him further extension. Therefore, his claim that his tenure "was illegally ended on 31.8.2009" is contrary to facts. There was nothing illegal either in the "contracted tenure" getting ended in the normal course or giving additional charge to another Officer when the post became vacant. On the contrary, had his tenure been continued after 31.8.2009, it would have contravened the terms of his appointment as approved by ACC and that would have been illegal.</p>

Sub: Seeking kind intervention not to deprive me of my career by unfair practices.

S.No.	Issue Raised	Comments
(i)	<p>Department of Ocean Development (DoD), the precursor Department of MoES, had got the TDV 'Sagar Nidhi' project approved and allowed the signing of the contract for acquisition of the vessel. The CVC that had looked into the Sagar Nidhi acquisition had twice advised the Ministry to close the case on 30.03.2007 and 03.01.2011. However, CBI filed an FIR on 22.9.2011 and submitted a report on 31.07.2013 advising the Ministry to inquire if there was any 'procedural irregularity'. Such advice would not have been tendered by CBI, if all relevant documents and material facts had been supplied to CBI. Dr. S.K. Das, suppressed facts about CCEA clearance and about advising NIOT to go ahead with signing of the contract with approval of HMoES. The decision of CBI would not have been the same if all the facts had been brought to their notice. Dr. Das was also responsible, as a member of NIOT's Governing Council to issue a charge sheet to him and for appointing an Inquiry Committee without detailed examination of his reply to the charge sheet.</p>	<p>CBI launched its inquiry independently based on information it had received. There was no link between CVCs decision to close complaints received by it in the matter and CBI deciding to inquire into the information that the investigating agency had received separately. It cannot be held that CBI must inquire into only such cases which CVC had not closed, even if it receives fresh information that may warrant such inquiry. The file containing CVC's closure decision had been handed over to CBI. There was no suppression of material facts or vital documents. The approval by CCEA was for the project cost of Rs.230.72 crore and approval of HMoES was for entering into contract with the technically qualified successful bidders. These approvals cannot shift the onus for irregularities that may have been committed in the tendering procedures by the implementing agency, NIOT, that CBI had investigated into to come up with the recommendation for Departmental Action against Dr. Kathirolu. The allegation that Dr. Das was responsible, as a member of the Governing Council, in issuing a charge sheet and later initiating an Inquiring Committee without examination of his replies to the charge sheet are far-fetched. The decision to initiate Departmental Action was based on CBI's recommendation and had the approval of HMoES as well as CVC. The same was given effect to by the subsequent decisions of the GC. It is not clear how Dr. Das could have influenced the decisions of the CBI, CVC, HMoES and the GC as alleged by Dr. Kathirolu.</p>
(ii)	<p>Ministry has not provided vital documents relating to (a) GC's approval for the articles of charge issued to him and (b) GC's decision as recorded after considering his reply to charge-sheet. This caused him to approach CAT for</p>	<p>Departmental Action has been initiated against Dr. S. Kathirolu based on the recommendation of CBI that enquired into the tendering process for acquisition of the TDV 'Sagar Nidhi'. Initiating Departmental Action against Dr. Kathirolu has been</p>

NIOT. The recommendation of the Selection Committee was duly processed by the Government and approval of ACC was obtained for appointment of Dr. Atmanand for a period of 5 years with effect from 21.10.2009. Dr. Kathiroli has been claiming without any basis that the appointment of Dr. Atmanand is illegal. It is pertinent to mention that the qualifications and experience stipulated in the advertisement for the post in 2009 (when Dr. Atmanand was selected) was the same as those prescribed in the advertisement in 2004 (when Dr. Kathiroli was selected). Dr. Atmanand was selected as Director only after due verification by the Selection Committee that he fulfilled the conditions of qualifications and experience. Thus there was no illegality in the selection of Dr. Atmanand. **Ever since his non-selection for a second term as Director, NIOT, Dr. Kathiroli has sent innumerable representations addressed to every conceivable authority from the very highest levels of the President, Prime Minister, HMoES, Minister DoPT, CVC, C&AG, CPIO etc.** He has been generally making sweeping statements without any tangible evidence alleging malpractices of various kinds in the Ministry. Every representation of Dr. Kathiroli has been duly considered and the concerned authorities have been duly informed of the correct and factual position. Besides, Dr. Kathiroli had approached the High Court of Judicature, Madras (in WP No.23652 of 2010) and the Supreme Court with his grievances and all his cases have been dismissed both by all the judicial authorities, on merits.

CVC had separately sought information from the Ministry regarding alleged irregularities in procurement of TDV 'Sagar Nidhi' by NIOT during the period Dr. S. Kathiroli was the Director of NIOT. Based on the reports furnished by the Ministry, CVC had advised closure of the cases. However, separately, CBI had initiated an inquiry relating to acquisition of 'Sagar Nidhi' based on fresh and independent information received by it. CBI have, based

<p>Maritime University. Hence, there is a criticality of time to clear the cloud "under the falsely implicated Departmental Action."</p>	<p>as "falsely implicated Departmental Action". The Departmental action has been initiated on the recommendation of CBI who have independently inquired into the matter. The recommendation of CBI has been further examined in the Ministry and Disciplinary Action has been initiated with the approval of CVC and the HMoES. The duly appointed Inquiring Authority will arrive at its decision after following the prescribed procedures for inquiry. It will not be appropriate to instruct the Inquiring Authority, in any manner, mentioning 'time criticality' on the ground that Dr. S. Kathioli is placed in the panel (as claimed by him) for selection as Vice-Chancellor in Indian Maritime University. The Disciplinary Action may be allowed to follow its due course.</p>
------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

79  
18

**Government of India  
Ministry of Earth Sciences**

.....

**Sub: Representation made by Dr. S. Kathirolu, Chief Scientist, MoES on various issues.**

A representation dated 12<sup>th</sup> November, 2014 (PUC) addressed to HMoES has been submitted (through Secretary, MoES) by Dr. S. Kathirolu, Scientist 'G' and former Director, NIOT, Chennai. The issues raised by him in the representation have been carefully considered and comments of the Ministry are given point-wise in Annexure-I to IV. The representation now received from Dr. S. Kathirolu is among a series of representations addressed by him to various authorities during the past five years. A brief background explaining the reasons for Dr. Kathirolu launching his onslaught of representations is given below :-

**Background:**

2. Dr. S. Kathirolu was Director, NIOT from 1.9.2004 to 31.08.2009. As per ACC's approval, his tenure was for 5 years. He had accepted the offer of appointment on contract basis for a period of five years, as approved by ACC. Subsequently, he has been claiming that his appointment as Director, NIOT ought to have been on immediate absorption basis. As the tenure of appointment of Dr. Kathirolu, as approved by ACC, was only upto 31.08.2009, the selection process for selection of Director, NIOT for the period subsequent to the tenure of Dr. S. Kathirolu as Director was set in motion. Dr. Kathirolu was also a candidate besides others who appeared for interview by the Selection Committee. Dr. Kathirolu underwent the process of selection without raising any protest. The Selection Committee recommended Dr. M.A. Atmanand as the candidate to be appointed as Director, NIOT. The recommendation of the Selection Committee was duly processed by the Government and approval of ACC was obtained for appointment of Dr. Atmanand for a period of 5 years with effect from 21.10.2009. Dr. Kathirolu has been claiming without any basis that the appointment of Dr. Atmanand is illegal. It is pertinent to mention that the qualifications and experience stipulated in the advertisement for the post in 2009 (when Dr. Atmanand was selected) was the same as those prescribed in the advertisement in 2004 (when Dr. Kathirolu was selected). Dr. Atmanand was selected as Director only after due verification by the Selection Committee that he fulfilled the conditions of qualifications and experience. Thus there was no illegality in the selection of Dr. Atmanand. **Ever since his non-selection for a second term as Director, NIOT, Dr. Kathirolu has sent innumerable representations addressed to every conceivable authority from the very**

Contd....2/-

highest levels of the President, Prime Minister, HMoES, Minister DoPT, CVC, C&AG, CPIO etc. He has been generally making sweeping statements without any tangible evidence alleging malpractices of various kinds in the Ministry. Every representation of Dr. Kathirotli has been duly considered and the concerned authorities have been duly informed of the correct and factual position. Besides, Dr. Kathirotli had approached the High Court of Judicature, Madras (in WP No.23652 of 2010) and the Supreme Court with his grievances and all his cases have been dismissed both by all the judicial authorities, on merits. **CVC has examined the appointment of Dr. Atmanand as Director, NIOT and found nothing wrong done to Dr. Kathirotli.**

3. CVC had separately sought information from the Ministry regarding alleged irregularities in procurement of TDV 'Sagar Nidhi' by NIOT during the period Dr. S. Kathirotli was the Director of NIOT. Based on the reports furnished by the Ministry, CVC had advised closure of the cases. However, separately, CBI had initiated an inquiry relating to acquisition of 'Sagar Nidhi' based on fresh and independent information received by it. CBI have, based on their independent investigation, come to the conclusion regarding certain irregularities in acquisition of 'Sagar Nidhi'. Accordingly, CBI recommended Departmental Action against Dr. S. Kathirotli. The recommendation of CBI was considered by the Ministry and with the approval of HMoES and also of CVC, NIOT was advised to initiate Departmental Action against Dr. S. Kathirotli in respect of irregularities pointed out in CBI's report. The GC of NIOT has since approved initiation of Departmental Action against Dr. S. Kathirotli in respect of the said irregularities. Dr. Kathirotli approached Principal Bench of CAT seeking stay of the Departmental proceedings which has also been dismissed on 28<sup>th</sup> October, 2014. **On the recommendation of CBI and after obtaining advice from CVC and with the approval of the Honorable Minister, disciplinary proceeding have been initiated against Dr. Kathirotli. The Inquiry Officer has been appointed. The disciplinary proceeding are in progress as on date.**

4. Against the above background, it is reasonable to infer that Dr. S. Kathirotli has nursed a grudge against the Ministry in regard to (i) his non-selection for a second term as Director, NIOT in 2009 and (ii) initiation of Departmental Action as recommended by CBI for alleged irregularities in acquisition of TDV 'Sagar Nidhi'. The grudge has translated into a vicious campaign of vilification of the Ministry and its officers, including Secretary, MoES. So far, not a shred of evidence or factual correctness has been found in the wild allegations leveled by him against various officers of the Ministry. In the above circumstances, his claim that "a few unfair and unjust actions have been taken by the Ministry" against him is a complete travesty of truth.

5. The present representation (PUC) of Dr. S. Kathirotli is submitted to HMoES for his consideration and decisions.

S. S. Jayaram  
29/11

Government of India  
Ministry of Earth Sciences

Sub: Representations made by Dr. S. Kathirolli, Chief Scientist, MoES on various issues.

Dr. S. Kathirolli, Chief Scientist, MoES has made following representations :-

- (i) Representation dated 12<sup>th</sup> November, 2014 addressed to Hon'ble Minister of Science & Technology and Earth Sciences and Hon'ble Minister of State for Science & Technology and Earth Sciences regarding complaint on Dr. S.K. Das, Advisor & CVO, MoES for unfair practices.
- (ii) Representation dated 12<sup>th</sup> November, 2014 addressed to Hon'ble Minister of Science & Technology and Earth Sciences, Hon'ble Minister of State for Science & Technology and Earth Sciences and a copy endorsed to Secretary, DoPT regarding appointment of interim Director for NIOT from 21.10.2014 - Misrepresentations - Violation of Service Rules - Financial impropriety
- (iii) Representation dated 14<sup>th</sup> November, 2014 addressed to Hon'ble Minister of Science & Technology and Earth Sciences and Hon'ble Minister of State for Science & Technology and Earth Sciences, seeking kind intervention not to deprive Dr. S. Kathirolli of his career by unfair practices.
- (iv) Representation dated 21<sup>st</sup> November, 2014 addressed to Central Vigilance Commission with a copy endorsed to Hon'ble Union Minister, Hon'ble Minister of State, Secretary, DoPT, Secretary, MoES, CBI, Shastri Bhawan, Chennai regarding Misdemeanor of Dr. S.K. Das - CVO, Ministry of Earth Sciences - Misleading CVC to square up his personal grievance on the undersigned.

2. The issues raised in the above-mentioned representations have been carefully considered. The point-wise comments on each representation have prepared and placed below. There appears no merit in the representations. The main issues regarding his non-selection as Director(NIOT) for the second time and the disciplinary case pending against him have already been looked into by CVC/CBI and rejected. Submitted for kind consideration please.

(A.K. Madan)  
Dir(vig)

Secretary

The returned file is enclosed in your kind favour for consideration

H MoES

21/11/14  
ced/1 stie

