

By Hand

File No. MoES/29/129/2014-RTI
Government of India
Ministry of Earth Sciences

Prithvi Bhawan, IMD Campus,
Lodhi Road, New Delhi.
Dated: 1st January, 2015

To

Dr. S. Kathirola, Sct. 'G'
Room No. 310, MoES,
New Delhi

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

Sir,

Kindly refer to your RTI application dated 10/12/2014 on the above mentioned subject.

2. The reply provided by the concerned officer vide their O.M. number MoES/20/19/14-Vig. dated 1/1/2015 of Ministry of Earth Sciences, New Delhi is enclosed for your information.
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)

Central Public Information Officer & Scientist 'C'

☎:24669521.

Copy for information to:-

1. Director, (RTI/Vig.), MoES, New Delhi.
2. Dr. M. Sudhakar, Transparency Officer, MoES, New Delhi.
3. PPS to JS, MoES, New Delhi/Secretary, MoES, New Delhi
4. In Charge IT Section (Sh. Krishnan is requested to upload this reply on website www.moes.gov.in)

Date : 01.01.2015

Office Memorandum

Sub : Information sought by Dr. S. Kathirolu, Sc 'G' room No.310,
MoES New Delhi under RTI Act, 2005

-.-.-

Reference MoES/29/129/2014-RTI dated 10th December 2014 and also MoES/29/130/2014-RTI dated 10th December 2014 on the subject mentioned above both have been received in this office on 15th December 2014.

2. The position regarding both representations bearing the same date 10-12-2014 is as under :-

Documents sought

- (i) Copy of communication to Shri S. Kathirolu conveying the CBI allegations and seeking his response
- (ii) Copy of response provided by Shri S.Kathirolu against item (i) above

Position

(a) No communication was sent to Shri Kathirolu conveying the CBI allegations and no response received from him. In this connection, attention is invited to para 4.4 (g) of the Vigilance Manual (Revised) reproduced below :-

“After it has been decided that the allegation contained in the complaint should be investigated departmentally, the Vigilance Officer should proceed to make a preliminary inquiry/investigation with a view to determining whether there is prima facie some substance in the allegation”

(b) Further, para 4.3 of the Vigilance Manual (Revised) provides as under :-

“Once a case has been referred to and taken up by the CBI for investigation, further investigation should be left to them and a parallel investigation by the Departmental Agencies should be avoided. Further action by the Department in such matters should be taken on completion of investigation by the CBI on the basis of their report.”

(c) In the present case, CBI investigated the matter based on prima facie evidence of irregularities. Therefore, response of Dr. Kathirolu was not obtained by the Department on the CBI investigated report. It would have amounted to a parallel departmental inquiry. This fact of not obtaining response from Dr. Kathirolu was also apprised to CVC, while seeking their opinion. CVC has not raised any objection to it while advising initiation of departmental action against the officers as recommended by CBI

6

Documents sought

- (iii) Copy of Assurance Memo as submitted to CVC
- (iv) Copy of Tabular Statement submitted as required by the CVC circular Noi.006/PRC/1/27483 dated 01.12.2008

Position

The copies are enclosed as **Annexure I** and **Annexure-II** respectively.

Documents/Inspection sought

- (v) Copy of the permission/sanction by the Competent authority along with the name and designation of the Competent Authority
- (vi) Inspection of the file pertaining to according sanction to CBI to investigate against Dr. Kathirola
- (vii) Inspection of the file pertaining to communications with CVC seeking the first stage advice

Position

The above files/documents contain/seem to contain references received from CBI, a Third Party. As such a separate reference has been made to CBI. On receipt of feed back from CBI, a reply will be given to Dr. Kathirola.

End. Total 5 pages

Sanhotra
01/01/15
(Kanta Sanhotra)
Section Officer (Vigilance)

Shri E. Haque
CPIO & Sc 'C'

137
1515

ANNEXURE-B

ASSURANCE MEMO

This is to provide reasonable assurance to the Commission.

- (a) That all necessary facts and relevant evidence have been gathered.
- (b) That all facts and supporting evidence have been duly verified.
- (c) That contested evidence, if any, have been conclusively handled with reference to the facts at the disposal of Vigilance.

Date : 05/10/13



(Dr. S.K.Das)

Chief Vigilance Officer

S No	Name & Designation of the suspected officer	Allegations in brief	Findings of the investigation /Inquiry on each allegation	Defence of the suspected officer	Comments/Recommendation of the DA
1	<p>Dr. S. Kathirolli Former Director (NIOT) and presently Scientist 'G' (on the roll of NIOT), posted at Ministry of Earth Sciences.</p>	<p>The gist of the issue is that a case was registered by the CBI against Shri G. Janakiraman, the then Vessel Manager, Management Centre (VMC), NIOT and M/s Vlk Sandvik, a Norwegian Consultant company alleging that Shri G. Janakiraman while functioning as Manager, VMC, in criminal conspiracy with M/s Vlk Sandvik in the consultancy contract awarded to them without completion of required consultancy work cheating NIOT for Rs.4,37,31,891/- and causing wrongful loss to NIOT and corresponding wrongful gain to M/s Vlk Sandvik.</p>	<p>So far as Dr. Kathirolli is concerned- He failed to ensure the reasonableness of rates quoted by M/s Fincanteri by comparison with cost estimates of Consultant. He failed to ensure the submission of cost estimates by M/s Vlk Sandvik. The failure to ascertain the reasonableness of prices of bidder facilitated the consideration of exorbitantly quoted bids by M/s Fincanteri. The Tender procedure of ensuring reasonableness of rates by comparison of price bids with Cost estimates was not ensured. He was instrumental in reducing the scope of work, technical specification of Noise and vibration criteria vital for functioning of Scientific Instruments in a meeting on 10/02/2005 at Cochin. When there was a price negotiation committee, there was no need for him to enter into price negotiation</p>	<p>Not applicable</p>	<p>Disciplinary Authority has agreed to the findings of the CBI.</p>
2.	<p>Shri Renga Maran, office Spdt./S&P/NIOT/Chennai</p>				

was much higher than the allocated budget amount of Rs.155 crores. However the amount quoted by the selected bidder M/s Fincanterl Rs.320,97,60,000 in its tender price bid.

The CBI further found that Dr. Kathirolil, instead of reporting receipt of such price bid from L-1 exceeding the allocated funds to the Ministry and asking for further course of action, suo moto entered into negotiations with the firm by drastically reducing the scope and technical specifications of the ship to be built to reduce the price to somehow award the ship construction contract to the firm. It has been recorded by the CBI that Dr. Kathirolil entered into the negotiations with the officials of M/s Fincanterl at a hotel in Cochin on 10.02.2005 deciding to reduce the scope and technical specification of TDV.

CBI also found that Shri Renga Maran did not take certain actions to ensure genuineness of the price. He also issued a

with M/s Fincanterl in a suspicious manner and to reduce the scope of the work and technical specification of Noise criteria in unauthorized manner after opening of the tenders. In this meeting he had unauthorizedly allowed Shri Ragul Ramachandran to participate.

Shri Kathirolil was instrumental in reducing the Noise and vibration criteria of the vessel which was detrimental to the functioning of Scientific equipments in collecting the scientific data.

He had recommended for award of contract to M/s Fincanterl at reduced scope of work and by reducing technical specification of Noise and vibration criteria to the Ministry of Earth Sciences compromising the Noise criteria and technical specifications. He did not obtain prior approval from the Ministry to enter into negotiations with M/s Fincanterl by reducing the scope of work and technical specifications. It is against the tender procedure to arbitrarily change and alter the technical specifications after opening the price bids.

	<p>letter inviting an unauthorized person to attend the meeting</p>	<p>He had allowed Shri TR.Naryanswamy @ Rahul Ramachandran @ Rahul Narayanswamy explained that he had accompanied with the officials of M/s Fincanterl to take care of matters relating to Scientific instruments as he was dealing with Scientific instruments for M/s.Rasqil to attend the tender meeting unauthorizedly at Cochin on 10/02/2005 in violation of Tender procedure. Any unauthorized agent of bidder should not have been allowed to participate in the Tender meetings.</p> <p>So far as Renga Maran is concerned-</p> <p>He being the Head of Stores and Purchase department failed to obtain Price bids of L-1 M/s Fincanterl with break up of prices as envisaged in Tender documents. He failed to obtain the cost estimates from consultant. He failed to compare cost estimates with price bids to establish/ascertain the reasonableness/genuineness of</p>			
--	---	--	--	--	--

prices. He failed to ensure the reasonableness of rates quoted by L-1 being the representative of Stores and Purchase department. He failed to obtain the services of Consultant M/s Vlk -sandvik in obtaining the Cost estimates and comparing it with price bids to ascertain their genuineness. Neither he put up these deficiencies in tender procedure to Tender Evaluation Committee and Price negotiation company. He had invited Shri TR.Narayanaswamy @ Raghul Ramachandran unauthorisedly to participate in TEC meetings violating the tender stipulations regarding the agents of bidders.