

Mr. Bhagwan Barge
M.A., LLB.
Advocate
Cell No.: 9604130497

Office: 16, Mata Chambers, Anandnagar, Old Sangvi, Pune: 411027. Phone: 020-27282647.

Date: 14.09.2009

NOTICE

To,

The SA to RM and DGR&D,
DRDO, Ministry of Defence,
DRDO Bhavan, HQrs, Rajaji Marg,
New Delhi - 110105.

Sir,

Under instructions from my client, Dr. Rohidas Gopinath Taware, TO'B', HEMRL, Pune, I give you the legal notice as under:-

1. My client has filed a Special Civil Suit No. 1175/08 against Dr. A. Subhananda Rao and other six ranking officers of HEMRL, Pune, in the court of Hon'ble Civil Judge, Senior Division, Pune.
2. These seven officers submitted their Written Statement on 20.09.2008 in the case.
3. But instead of defending their cause in a plain and gentleman's language, they unnecessarily and intentionally defamed my client in the Written Statement.
4. My client filed a criminal complaint against them all for his defamation. The Hon'ble Addl. Chief Judicial Magistrate, Pune has issued process against them all under sections 500 and 34 of Indian Penal Code.

5. In civil suit as well as in criminal complaint, they have appeared through Government Pleader. Actually both these cases are purely of private nature.

My client does not have any complaint against the institution of HEMRL or against the Government.

6. But while defending themselves in purely private cases, they are misusing Government machinery: - Government (beaconed) vehicle, driver, office staff members etc. They attend the dates of the Court 'on duty' along with above office facilities. While attending the High Court, Mumbai, they are claiming TA, DA also. They should not be permitted to defend themselves through Government Pleader.

7. It is the flagrant abuse of Government machinery by these accused for their private purposes. If this persists, in spite of this notice, my client will be constrained to initiate one more legal action against them all.

This is the notice.

Place: Pune

Date: 14.09.2009

Advocate

(Mr. B.R. Barge)

Client

(Dr. R.G. Taware)

Mr. Bhagwan Barge
M.A., LLB.
Advocate
Cell No.: 9604130497

Office: 16, Mata Chambers, Anandnagar, Old Sangvi, Pune: 411027. Phone: 020-27282647.

NOTICE

To,

The SA to RM and DGR&D,
DRDO, Ministry of Defence,
DRDO Bhavan,
New Delhi - 110105.

Sir,

Under instructions from my client, Dr. Rohidas Gopinath Taware, TO'B', HEMRL, Pune, I give you the legal notice as under:-

1. I have already sent one legal notice to you on 14.09.2009 regarding the flagrant abuse of Govt. machinery by Dr. A Subhananda Rao, the Director, HEMRL, Pune and other six, who are the accused in the court of Hon'ble Addl. Chief Judicial Magistrate, Pune. Hon'ble court has issued criminal process against them all u/s 500 & 34 of IPC on 20.07.2009.
2. These accused have, just to delay the criminal proceeding, made an application for revision in the court of Hon'ble Sessions Judge, Pune. Though they have succeeded in staying the effect of lower court's order of issue of process' till the final disposal of revision application, the order of Hon'ble Chief Judicial Magistrate has not been cancelled.
3. My client has sent his letter No. H/C/RGT/14 Dt. 14.08.2009 to the Secretary, Ministry of Defence with its copy to you.

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4. You ought to have taken action against Dr. A Subhananda Rao and others under section 10 (1) (b) of CCS (CCA) Rules 1965 as a case against them in respect of criminal offence is under investigation, enquiry or trial. My client has informed you about this on 14.08.2009.
5. You ought to have, legally, suspended them on this solid ground immediately, but you didn't take any action against them. Instead the DOP without any authority, illegally suspended my client under section 10 (1) (a) of CCS (CCA) Rules 1965 on 24.08.2009. This is the travesty of justice.
6. My client feels that you are observing all these things, unattached, as the spectator only, though you are the proper authority to take action and stop this injustice.
7. Dr. A Subhananda Rao and others, the accused, have committed the criminal offence against my client before the Court itself. They have not committed it while discharging their official duty. Obviously and legally these accused cannot defend themselves through a Government Pleader. My client has brought this to your notice on 14.01.2009. Still it has been illegally arranged for their defence through Govt. Pleader.
8. You are requested to look in to the matter thoroughly and arrange to suspend the **really accused men** under section 10 (1) (b) of CCS (CCA) Rules and arrange to revoke the illegal suspension of my really innocent client under section 10 (1) (a).
9. My client is very much hopeful about your judicious approach.

This is the notice.

Place: Pune

Date: 02.03.2010

Advocate
(Mr. B.R. Barge)

Client
(Dr. R.G. Taware)

Mr. Bhagwan Barge
M.A., LLB.
Advocate
Cell No.: 9604130497

Office: 16, Mata Chambers, Anandnagar, Old Sangvi, Pune: 411027. Phone: 020-27282647.

NOTICE

To,

The SA to RM and DGR&D,
DRDO, Ministry of Defence,
DRDO Bhavan,
New Delhi - 110105.

Sir,

Under instructions from my client, Dr. Rohidas Gopinath Taware, TO'B', HEMRL, Pune, R/at: A-11, Vijayraj Sankul, S.No. 244/2/4, Aundh-Baner, D.P. Road, Pune-411007, I give you the legal notice as under:-

1. You are requested to refer my legal notice dated 02.03.2010 to you.
2. My client, a gazetted class one officer of HEMRL, Pune, a doctorate of University of Pune has been suspended by the DOP in a very humiliating way, without any prior notice of any kind. All of a sudden, by fax order, he has been suspended. The grounds of suspension are very trivial in nature and seem to have been fabricated as afterthought. The grounds of suspension do not bear any gravity/severity, required by Rule 14 of CCS (CCA) Rules, 1965.
3. Dr. A Subhananda Rao and Others are accused before the Criminal Court of Pune. Very blatantly they have committed a criminal offence against my client, before the Hon'ble Court itself.

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They have **not** committed this offence while discharging their official duty. In a very irresponsible way they had submitted their Written Statement full of my client's defamation.

4. As per Rule 10 (1) (b) of CCS (CCA) Rules, 1965, these 'accused' were required to be suspended suo-motu by DRDO. They have been given a very special treatment which they do not deserve by law.

A law is law. All are equal before law. But these 'accused' seem to be 'more equal' in the eyes of DRDO. Any attempt to protect these 'accused' will prove to be 'segregationist' on the part of DRDO, which is certainly against law and justice.

5. Dr. A Subhananda Rao and some other accused are going to get retired soon. They need to be suspended before their retirement for their criminal offence committed by them blatantly before Hon'ble Court.
6. If you do not take any action required by Rule 10 (1) (b) of CCS (CCA) Rules, 1965 against them, my client will be constrained to knock the doors of the Court, which please note.

This is the notice.

Place: Pune

Date: 19.03.2010

Advocate
(Mr. B.R. Barge)

Client
(Dr. R.G. Taware)

Mr. Bhagwan Barge
M.A., LLB.
Advocate
Cell No.: 9604130497

Office: 16, Mata Chambers, Anandnagar, Old Sangvi, Pune: 411027. Phone: 020-27282647.

NOTICE

(Under section 80 of Code of Civil Procedure)

To,

The Secretary,
Raksha Mantri,
Ministry of Defence,
Govt. of India,
South Block,
New Delhi - 110105.

Sir,

As per the instructions from my client, Dr. Rohidas Gopinath Taware, TO`B`, HEMRL, Pune, R/at: A-11, Vijayraj Sankul, S. No. 244/2/4, Aundh-Baner, D.P. Road, Pune-411007, I hereby, give you the notice as under:-

1. Dr. Arun Kumar, the DOP, has suspended my client under Rule 10 (1) of CCS (CCA) Rules, 1965 but as per the legal requirement of the Rule, DOP is **not** generally or specially empowered in that behalf by the President. Suspension is thus illegal.
2. The Departmental Inquiry was held against my client under Rule 14 of CCS (CCA) Rules, 1965. The substance of imputation of misconduct or misbehavior in respect of which the inquiry was held is very **trivial in nature**. The grounds of suspension do not conform to the gravity of Rule 14. The grounds are totally unfounded and fabricated.

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3. My client is a gazetted class one officer of HEMRL. He is a doctorate fellow. In a very humiliating way, all of a sudden, by fax order, without any ground, he has been suspended.
4. If my client can be suspended on such **trifling grounds**, Dr. A Subhananda Rao and others can easily and correctly be suspended under Rule 10 (1) (b) of CCS (CCA) Rules, 1965 as a case against them in respect of a criminal offence is under trial. They are the **accused** before the criminal court of Pune.
5. There is a **solid ground** for their suspension.
6. If they are not suspended, in spite of the solid ground, it will be a **double standard** on the part of DRDO.
7. My client has sent a legal notice to the SA to RM and DGR&D on 19.03.2010. The text of that notice is appended herewith, which may please be read as a part of this notice.

This is the notice.

Place: Pune

Date: 19.03.2010

Advocate
(Mr. B.R. Barge)

Client
(Dr. R.G. Taware)
TO`B`, HEMRL, Pune.
At Present, Charged Officer

Mr. Bhagwan Barge
M.A., LLB.
Advocate
Cell No.: 9604130497

Office: 16, Mata Chambers, Anandnagar, Old Sangvi, Pune: 411027. Phone: 020-27282647.

NOTICE

(Under section 80 of Code of Civil Procedure)

To,

The Secretary,
Raksha Mantri,
Ministry of Defence,
Govt. of India,
South Block,
New Delhi - 110105.

Respected Sir,

Under instructions from my client, Dr. Rohidas Gopinath Taware, TO`B`, HEMRL, Pune, R/at: A-11, Vijayraj Sankul, S. No. 244/2/4, Aundh-Baner, D.P. Road, Pune-411007, I hereby, give you the notice as under:-

1. My client is working as Technical Officer 'B' in HEMRL, Pune. One Mr. M A Muhatte, STA'C', presently working at Mobile System Complex Dehu Road, Pune, has committed offences against my client under sections 500, 504 and 506 of Indian Penal Code. Hon'ble Judicial Magistrate, First Class, Pune has issued process against him under these sections. Hon'ble Court has framed charges against him under sections 504 and 506 (2) of I.P.C.

2. Offence under section 506 (2) of I.P.C. is very serious in nature. It is non-compoundable and punishment for the same is imprisonment for 7 years or fine or both.

3. As per Rule 10 (1) (b) of CCS (CCA) Rules, 1965, -----

The Appointing Authority or any authority to which it is subordinate or the Disciplinary Authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension **where a case against him in respect of any criminal offence is under the investigation, inquiry or trial.**

4. A criminal case of a very serious nature is against Mr. Muhatte. It is under trial at present. This is a solid ground for his suspension. Mr. Muhatte has committed the offences against my client and as a victim; my client has badly suffered from it.

5. The DOP, DRDO has illegally suspended my client under Rule 10 (1) of CCS (CCA) Rules, 1965 and leveled charges against him under Rule 14. But the charges are very trivial in nature and do not conform to the gravity of Rule 14.

My client has completed 25 years' spotlessly clean service in HEMRL, Pune. When my innocent client can be unfoundedly suspended, this Mr. Muhatte, a criminal, is conveniently spared from suspension. This is blatantly **a double standard on behalf of DRDO.**

6. Though Mr. Muhatte is already facing a criminal trial, he has still continued his criminal mischief against my client. He needs to be suspended immediately and thus saddled properly.
7. It is requested in the interest of justice that Mr. Muhatte be suspended immediately or else my client, the most concerned one, will be constrained to initiate legal action against those who are playing a game of double standards in DRDO.

This is the notice.

Place: Pune

Date: 24.03.2010

Advocate
(Mr. B.R. Barge)

Client
(Dr. R.G. Taware)
TO`B`, HEMRL, Pune.
At Present, Charged Officer

Encl.: 1. A Xerox copy of Order below Exh. 1 in SCC No. 390/2008
by JMFC Court No. 9, Pune.

2. A Xerox copy of letter No. DOP/10/103102/HEMRL dt.
04.07.2005 & Order of DGR&D dt. 30.06.2005 from the office
of DGR&D, New Delhi.

Copy for information and necessary action to:

The SA to RM and DGR&D,
DOP, DRDO, Ministry of Defence,
DRDO Bhavan,
New Delhi - 110105.

SPEED POST

From,

Dr. R.G. Taware, TO'B'
HEMRL, Pune-411021.
R/at.A-11, Vijayraj Sankul,
S.No. 244, Aundh-Baner,
D.P. Road, Pune 411007.
Date: 03.12.2010

To,

The SA to RM and DGR&D,
DRDO, Ministry of Defence,
DRDO Bhavan,
New Delhi - 110105.

(Through Director, HEMRL, Pune)

Sub: Unauthorized and Illegal use of a Government Pleader by Dr. A Subhananda Rao and other six officers, in Civil as well as Criminal cases of a purely private nature.

Respected sir,

Very humbly, I submit as under:-

1. I have filed a Special Civil Suit No. 1175/2008 for compensation against Dr. A Subhanda Rao and six other ranking officers of HEMRL, Pune. Though I have sued them *in personam*, they have illegally arranged to appear through a Govt. Pleader.
2. In this Civil Suit, while submitting their Written Statement, they defamed me and committed a criminal offence under section 500 read with section 34 of Indian Penal Code.

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3. I filed a Criminal case STC No. 0437286/2009 in the Court of Hon'ble Additional Chief Judicial Magistrate, Pune. Though these officers are Govt. servants, **they have not committed the offence while discharging their duty as Govt. servants**, but they have committed the offence blatantly before the Civil Court, purely in their private capacities.
4. As per **G.I., M.H.A., O.M. No. F. 45/5/53-Ests. (A), dated the 8th January, 1959, read with C.L. 313 to G.F.R. [G.I., M.F., File No. F. 23 (1) - E. II (A)/76]**, Government will not give any assistance to a Government servant or reimburse the expenditure incurred by him in the conduct of proceedings in respect of matters not of, or connected with, his official duties or his official position, irrespective of whether the proceedings were instituted by a private party against the Government servant or vice versa.
5. Dr. A Subhananda Rao and other six officers of HEMRL, Pune have illegally but very skillfully shown that my cases against them *in personam*, were against the Government or Government officers discharging their official duties.
6. Actually, I have nothing to complain against the institution of HEMRL, Pune or against the Government. I have filed the Civil as well as Criminal cases against the irresponsible and accused officers in their personal/private capacities. The cases are purely of a private nature.
7. Still, these officers have managed to get a Government Pleader to defend their private cases. They have, thus, flouted the provisions of CCS (Conduct) Rules. This is the blatant misuse of Government Machinery.
8. Through letter No. HEMRL/MS/30 (RGT-II) dated 07.08.2009, Dr. A Subhananda Rao **who himself is the accused before the Criminal Court of Pune** has authorized Mr. S M Jagtap, the Assistant Government Pleader, Pune to represent the cases. The accused Dr. A Subhananda Rao has, without any permission from DGR&D has given

such letter to the Government Pleader. This is all the flagrant flouting of CCS (Conduct) Rules and misuse of power.

9. I have already informed you that as per Rule 10 (1) (b) of CCS (CCA) Rules, 1965, these officers can be suspended. But instead of their suspensions, the totally innocent officer like me has been illegally suspended on trivial charges. On the contrary, these officers who are the accused in the eyes of Law are enjoying awards, promotions and extensions in service even after retirement. **This is the travesty of Justice!**
10. I am prepared to fight every injustice done to me with the sole principle 'Nobody is above Law'.
11. I request you to look in to the matter personally and give justice to me. Though DRDO is internally badly corroded by chaos, the Govt. of India has given the reins of DRDO in the hands of an able and judicious man like you. I believe in your justice.

Thanking you,

Place: Pune

yours sincerely,

Date: 03.12.2010

(Dr. R G Taware)