

DIRECTORATE OF LOCAL FUND AUDIT, ODISHA
TREASURY AND ACCOUNTS BHAWAN, UNIT-III,
KHARAVEL NAGAR, BHUBANESWAR.

OFFICE ORDER

No. 2748 /DLFA Dt. 08.03.17
ESTT-II-36/2015

Whereas, one disciplinary proceeding under Rule 15 of the OCS (CCA) Rules 1962 was initiated against Sri Jyotirmaya Mohapatra, Auditor, Local Fund Audit, Office of the District Audit Officer, Mayurbhanj, Baripada, who is found un-authorizedly absent from his duty since 11.12.2001, with charges like un-authorized absence from duty, misconduct and negligence in duty and dis-obedience of orders of Higher Authority vide this Directorate Memorandum No.3039 dt.07.04.2015 with instruction to submit his written statement of defence, if any, within 30 days from the date of receipt of the said memorandum and also to state if he desires to be heard in person, and;

Whereas, the said memorandum with article of charges and statement of imputation of mis-conduct along with memo of evidence was sent to Sri Mohapatra in his residential address by R.P. with A.D. vide Memo No.3040 dt.07.04.2015. As reported by the Department of posts-India, Bhubaneswar, G.P.O. vide their letter No.751000-11514 dt.03.02.2016, the said Memo was delivered on 22.04.2015. The DAO, LFA, Mayurbhanj, Baripada in this office Memo. No. 3041 dt.07.04.2015 was also requested to serve a copy of the said memorandum on Sri Mohapatra with due acknowledgement. But the DAO,LFA, Mayurbhanj in his letter No.1965 dt.17.07.2015 has reported that due to non-availability of the person concerned at his residence, the aforesaid Memorandum could not be served on him and;

Whereas, Sri Mohapatra did not submit his written statement of defence within the stipulated period although the memorandum was delivered on 22.04.2015. Hence as per the provisions of sub-Rule-4 of Rule 15 of the aforesaid Rules Smt. Kananbala Nayak, DAO, LFA, Balasore was appointed as Inquiring Officer to enquire into the charges drawn up against Sri Jyotirmaya Mohapatra and submit her report within 3months vide this Directorate order No.2596 dt.27.02.2016. As provided under sub-Rule 5 of Rule 15 of the aforesaid Rules, the DAO,LFA, Mayurbhanj was also appointed as Marshalling Officer in the aforesaid order. The aforesaid order was sent to Sri Mohapatra by R.P. with A.D. vide this Directorate Memo. No. 2599 dt.27.02.2016. But the Postal Authorities returned the same un-delivered and;

P.T.O.

Whereas, the Inquiring Officer submitted his inquiry report to the Disciplinary Authority on 26.05.2016 which reveals that notice was issued by the Inquiring Officer to Sri Mohapatra vide letter No.1087 dt.13.05.2016 through R.P. with A.D. to appear before the Inquiring Officer on 19.05.2016 in the O/o the DAO, LFA, Mayurbhanj with documental evidence in his favour. But neither he reported physically nor through any representative nor submitted any intimation through post or e-mail to the Inquiring Officer. Moreover, the Inquiring Officer visited the residence of Sri Mohapatra on the same day and found that somebody (Old women learned as mother-in-law of brother of Sri Mohapatra) came and told "Nobody in the name Jyotirmaya Mohapatra is residing here, his whereabouts is not known to me". The Inquiring Officer also visited the O/o the District Panchayat Officer, Mayurbhanj from where Sri Mohapatra was transferred to Local Fund Audit Organisation and enquired about the whereabouts of Sri Mohapatra and came to know that Sri Mohapatra was found absent in duties in that office w.e.f.11.12.2001. The inquiry report further reveals that the Inquiring Officer visited the Baripada town Police Station to ascertain the action taken by I.I.C. with reference to the F.I.R. lodged by DAO, LFA, Baripada in his letter No.1523 dt.31.08.2012 and No.2048 dt.22.11.2012. But, no station diary could be traced out. Finally, the Inquiring Officer is of the opinion that the charges framed against Sri Mohapatra is to be treated as just and proper and action to be initiated against him in pursuance of the provisions of OCS (CCA) Rule, 1962 and;

Whereas, in pursuance of the sub-Rule 10 (i) (a) of Rule 15 of the aforesaid Rule Sri Mohapatra was show caused with a copy of the inquiry report vide notice No.7905 dt.05.07.2016 inviting representation, if any, against the findings of the Inquiring Officer within 15 days from the date of receipt of the notice. The said notice was sent to Sri Mohapatra at his residential address vide this office Memo. No.7906 dt.05.07.2016 by R.P. with A.D. But the Postal Authorities have returned the same un-delivered with a remark "addressi left, returned to sender". The DAO, LFA, Mayurbhanj was also requested to serve a copy of the said notice on Sri Mohapatra in this office Memo No.7907 dt.05.07.2016. But the DAO,LFA, Mayurbhanj returned the notice un-served along with report of the process server. Finding, no other alternative, the Disciplinary Authority in order to ensure supply of the copy of inquiry report to Sri Mohapatra called upon him vide notice No.11464 dt.23.09.2016 published in the daily Odia Newspaper "The Samaj" on 28.09.2016 to receive a copy of the enquiry report from the O/o the Directorate of Local Fund Audit, Bhubaneswar on any working day during the period from 24.10.2016 to 28.10.2016 and submit his representation, if any, against the findings of the Inquiring Officer within 15 days from the date of receipt for consideration of the Disciplinary Authority and;

Whereas, in spite of the aforesaid efforts Sri Mohapatra neither turned up nor received copy of the inquiry report nor submitted any representation against the findings of the Inquiring Officer and;

P.T.O.

Whereas, in pursuance of the sub-Rule 10 (i) (b) of Rule 15 of the aforesaid Rules, Sri Mohapatra was again show-caused along with a copy of the findings of the Disciplinary Authority as well as proposed penalty vide notice No.14785 dt.05.12.2016 inviting representation, if any, against the findings of the Disciplinary Authority as well as proposed penalty within 15 days from the date of receipt of the said notice. The said notice along with findings of the Disciplinary Authority as well as proposed penalty was sent to Sri Mohapatra vide this Directorate Memo. No.14786 dt.05.12.2016 by R.P. with A.D. which was returned by the Postal Authorities un-delivered with a remark "Left HRS". The DAO, LFA, Mayurbhanj was also requested in Memo No.14787 dt.05.12.2016 to serve a copy of the said notice on Sri Mohapatra, but the DAO, LFA, Mayurbhanj returned the same un-served along with report of the Process server and;

Whereas, in order to ensure receipt of the findings of the Disciplinary Authority as well as proposed penalty and also to provide final opportunity to Sri Mohapatra to put forth his grievances, if any, he was noticed by the Disciplinary Authority vide notice No.1015 dt.21.01.2017 published in daily Odia Newspaper "The Samaj" dt.05.02.2017 to receive a copy of the findings of the Disciplinary Authority as well as proposed penalty from the Directorate of LFA, Bhubaneswar on any working day during the period from 13.02.2017 to 18.02.2017 and submit his representation, if any, within 15 days from the date of receipt for consideration of Disciplinary Authority and;

Whereas, in spite of all the efforts stated above Sri Mohapatra neither received the copy of inquiry report nor copy of the findings of the Disciplinary Authority as well as proposed penalty nor submitted any representation or intimation to the Disciplinary Authority till date which otherwise proves that he has accepted the proposed penalty and has nothing to say in the matter.

Rule 3 of Odisha Government Servants' Conduct Rules, 1959 provides that every Government Servant shall at all times maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly. Sri Mohapatra has remained absent in his duties un-authorizedly since 11.12.2001 to till date. He has neither submitted any leave application for the said period nor any intimation in this regard. His aforesaid act shows that he has failed to maintain minimum decorum in official business, what to speak of devotion to duty.

P.T.O.

Now, therefore, considering his prolonged un-authorized absence for more than 10 years in his duty, callousness and irresponsiveness to all the directions and instructions issued in this regard, gravity and establishment of the charges, findings and suggestion of the Inquiring Officer, provisions of the Rule 72 (2) as well as 159 (2) (b) of Odisha Service Code the aforesaid disciplinary proceeding is concluded with the following punishments.

1. Sri Jyotirmaya Mohapatra, Auditor, Local Fund Audit, the delinquent, is removed from Government service with immediate effect and
2. The period of un-authorized absence from 11.12.2001 to till date is treated as E.O.L. (Extra Ordinary Leave).

Director

4/3/17

By Regd. Post with A.D

Memo No. 2749 //DLFA Date 08.03.17

Copy forwarded to Sri Jyotirmaya Mohapatra, Auditor, LFA, S/o- Pranakrushna Mohapatra, At-Baghra Road, Ward No.-3 of Baripada Municipality, Dist- Mayurbhanj for information and necessary action.

Director

4/3/17

Memo No. 2750 //DLFA Date 08.03.17

Copy in triplicate forwarded to the District Audit Officer, Local Fund Audit, Mayurbhanj for information and necessary early action.

He is requested to serve one copy of this order on Sri Jyotirmaya Mohapatra, Auditor of his office and return the served copy with his dated acknowledgement to this office immediately. The 3rd copy may be kept in his office for record.

Director

4/3/17

Memo No. 2751 //DLFA Date 08.03.17

Copy forwarded to the Joint Secretary to Government of Odisha, Finance (LFA Branch) Department, Bhubaneswar for kind information.

Director

4/3/17

Memo No. 2752 //DLFA Date 08.03.17

Copy forwarded to the District Panchayat Officer, Mayurbhanj, Baripada for kind information and necessary action.

Director *[Signature]*

Memo No. 2753 //DLFA Date 08.03.17

Copy forwarded to all District Audit Officers, LFA organization/Audit Officer, LFA, Bhubaneswar/ Asst. Director in charge of field establishment/ S.O. Estt.-II/ dealing Assistant of Auditors Establishment of this Directorate and Auditor in charge of ALFA portal for information and necessary action.

Director *[Signature]*

5 spare copies