

The Odisha Gazette



PUBLISHED BY AUTHORITY

No. 31 CUTTACK, FRIDAY, AUGUST 4, 2017/SRAVANA 13, 1939

SEPARATE PAGING IS GIVEN TO THIS PART IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

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PART III-A

**Regulations, Orders, Notifications, Rules, etc. issued by the
Governor, Heads of Departments and High Court**

SOCIAL SECURITY & EMPOWERMENT OF PERSONS WITH DISABILITY DEPARTMENT

ORDER

The 24th June 2017

No. 4904—SSEPD-FE-71/2016-SSEPD.—Whereas, Shri Hrusikesh Nayak (Ex-S.E.O., Bansapal Block) now Block Social Security Officer, Hatadihi Block is found guilty and convicted by Vigilance Court for misappropriation of Government money to the tune of Rs. 12,44,500 taken as advance for disbursement of Old Age Pension and Disabled Pension during the period from 2006—2008 in Balasore Vigilance P.S. Case No. 24, dated the 17th June 2010

And whereas, the Hon'ble Special Judge (Vigilance), Keonjhar in his judgment, dated the 29th August 2016 in VGR Case No. 26/2011 and T.R. No. 12/2012 has found Shri Nayak guilty of offence under Sections 13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act, 1988 and 409 of IPC and convicted him and sentenced him to undergo rigorous imprisonment for 3 years, pay fine of Rs. 50,000 and in default of payment of fine to undergo further imprisonment for 6 months for the offences under Section 13(2)r/w(c)(D) PC Act, 1988 and rigorous imprisonment for 3 years, pay fine of Rs. 30,000 and in default of payment of fine to undergo further rigorous imprisonment for 3 months for the offence under Section 409 IPC

And whereas, G.A. (Vigilance) Deptt. have recommended to dismiss Shri Hrusikesh Nayak, BSSO from service for being convicted by Special Judge(Vigilance) in terms of Rule 13 r/w 18(1) of Odisha Civil Services (C.C.&A.), 1962 vide their Letter No. 3366, dated the 12th September 2016

And whereas, Shri Hrusikesh Nayak was called upon to represent within 15 days from issue of SSEPD Department L. No. 3028/SSEPD., dated the 25th April 2017 which he submitted on the 10th May 2017.

Perused the representation of Shri Nayak. In his representation, he has highlighted that the Learned Vigilance Court have not properly examined the matter and has passed the order in a mechanical way. That he has been allowed bail and the sentence of the Vigilance Court will not be executed till the final disposal of the criminal appeal filed by him in the Hon'ble High Court. He has

contended that when the order of the sentence is yet to be executed, no order should be passed as a disciplinary measure basing on the judgement of the Special Judge (Vigilance), Keonjhar which has not attended finality. He has stated that order for his dismissal from service should also wait till the final disposal of the criminal appeal filed before the Hon'ble High Court, Orissa.

The matter has already been examined by the Law Department and Law Department has advised that there is no legal bar for the Department for passing an order of removal or dismissal of the Government servant even in view of the pendency of the appeal. The Law Department has specifically observed that the Hon'ble Apex Court in *K. C. Sareen Vrs. C.B.I.*, Chandigarh 2001 Cr. L. J. 4234 has said that mere fact that an Appellate Court has decided to entertain the appeal should not even temporarily absolve the appellant from the finding of the Trial Court and he cannot be allowed to do official acts until he is judicially absolved from such findings.

And after careful consideration of all the documents including representation, dated the 10th May 2017 of Shri Hrusikesh Nayak, Government is of the view that stay of sentence or realisation of fine of the Appellate Court has no effect on conviction of the employee in a Vigilance case. A public servant found guilty of corruption after a judicial adjudicatory process conducted by a court of law should be treated as corrupt until he is exonerated by a superior court. So there is no scope for the convict from consequence of corruption. The mere fact that an Appellate Court or revisional forum has decided to entertain his challenge should not temporarily absolve him from such finding and he cannot be allow to continue to do official acts until he is judicially absolved from such findings.

In the instance case, Shri Nayak has pointed out infirmities in the order of the Vigilance Court which can only be decided by the higher Appellate forum according to the decision of the Apex Court referred above. He is to be judicially absolved and till such time he has to be treated as corrupt until he is exonerated by a superior court.

Therefore, after careful consideration of all documents, judgements of the Hon'ble Vigilance Court, dated the 27th August 2016 in VGR No. 26 of 2011 and T. R. No. 12 of 2012, orders of Hon'ble High Court, dated the 9th September 2016 in Misc. Case 1321 of 2016 & Misc. Case 1322 of 2016 arising out of CRLA 462 of 2016 and representation of Shri Harekrushana Nayak dated the 10th May 2017, Government have been pleased to dismiss Shri Hrusikesh Nayak (Ex-S.E.O., Bansapal Block) now Block Social Security Officer, Hatadihi Block in terms of Rule 13 r/w 18(1) O.C.S. (C.C.&A.) Rules, 1962 with immediate effect.

By order of Governor

NITEN CHANDRA

Principal Secretary to Government

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PART VII

Advertisements, Notices, Press Notes, Audit Reports and Awards on Industrial Disputes, etc.

THE ODISHA GAZETTE : NOTICE

Owing to rise in cost of labour and materials, the rates of the *Odisha Gazette* have been revised with effect from the 1st January 1994 as follows :—

The subscribers will receive the *Odisha Gazette* along with the Extraordinary issues of the *Odisha Gazette* published from time to time in a year against their annual subscription. No subscription for any particular part of the *Odisha Gazette*/Extraordinary issue of the *Odisha Gazette* exclusively will be entertained.

(A) The revised annual subscription of the entire *Odisha Gazette* (all parts) including Extraordinary issues of the *Odisha Gazette* has been fixed at Rs. 1,456-00 without postage and Rs. 2,122-00 from the 1st June 2002 with postage.

(B) The revised rates per issue of all the parts of the *Odisha Gazette* is fixed at Rs. 28-00. The *Odisha Gazette* will not be available for sale partwise.

(C) The cost of the Extraordinary issues of the *Odisha Gazette* has been revised to Rs. 2-60 without postage per page and the postal charges will be added according to the weight, if ordered for by post.

REVISED RATES OF ADVERTISEMENT

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|--|----|-----|--------|
| (I) Full page per issue | .. | Rs. | 529-00 |
| (II) Half page per issue | .. | Rs. | 265-00 |
| (III) Line covering double column measure per issue. | .. | Rs. | 8-80 |
| (IV) Line in single column per issue | .. | Rs. | 4-40 |

Orders for supply of the *Odisha Gazette* should be addressed to "The Publisher of the *Odisha Gazette*, Directorate of Printing, Stationery & Publication, Odisha, Madhupatna, Cuttack-753 010" and must be accompanied by a remittance of the cost.

Applications for free supply of the *Odisha Gazette* to a Government Office should be addressed to the Secretary to the Government of Odisha, Commerce & Transport (Commerce) Department, Bhubaneswar. Only on receipt of Government Order, can such supply be made.

Complaints regarding non-receipt of any number of the *Odisha Gazette* should be forwarded within a week after the date on which it is due. All subscriptions are payable in advance and may be paid annually, half-yearly or quarterly on or before the 1st January, 1st April, 1st July or 1st October of each year.

Subscribers will please note that supply of the *Odisha Gazette* will be stopped at the expiry of the period subscribed for.

All notifications intended for publication in the *Odisha Gazette* should reach the Publisher's Office not later than 4 P. M. on the preceding Wednesday and all advertisements must reach the Publisher's Office by 12 noon on Monday to ensure appearance in that week's *Gazette*.

S. SARANGI

Publisher, The *Odisha Gazette*

N. B.—Due to urgent and immediate nature of Government works, the subscribers are requested to well co-operate with the "Publisher" for delay in printing and timely supply of *Gazettes*.

NOTICE

By virtue of an affidavit sworn before the Notary Public, Bhubaneswar on the 30th October 2014 I have changed my surname from “Rout” to “Pradhan”. Henceforth, I shall be known as Subhadarsini Pradhan for all purposes.

SUBHADARSINI PRADHAN