

(252)

**DIRECTORATE OF LOCAL FUND AUDIT, ODISHA
TREASURY AND ACCOUNTS BHAWAN, UNIT-III,
KHARAVEL NAGAR, BHUBANESWAR,
Phone-0674-2391704, e-mail:dirlfaodisha@gmail.com**

OFFICE ORDER

No. 7464 /DLFA Dt. 24.10.19
DLFA-HE-II-170/2014

Whereas Superintendent of Police, Vigilance, Koraput Divison, Jeypore requested to the Examiner of Local Accounts-cum-Addl. Secretary to Govt, Finance Department, Bhubaneswar to accord necessary sanction as required u/s 19(1)(c) PC Act 1988 for prosecution against Sri Rajendra Kumar Tripathy, Ex-Auditor, LFA, Boden Block, Dist-Nuapada, in Koraput Vigilance Case No.14 dt.31.03.2008 u/s 13(2) r/w 13(1)(d) PC Act 1988/418/420/468/120-B IPC instituted against Sri Tripathy and other staff of Boden Block on the charge of showing undue official favour and causing loss of Government money to the tune of Rs.8,68,800/- in purchase of Water Coolers ;

And whereas, after carefully examining the facts and documents produced by the Investigating Officer, sanction as required under 19(1) (c) of PC Act, 1988 was accorded by Examiner-cum-Special Secretary to Government, Finance Dept vide Order No.2087/F dt.13.03.2009 for prosecution of Sri Tripathy for the offence committed by him;

And whereas, Government of Odisha in G.A. (Vigilance) Department, Cuttack vide their letter No.2855/V.Cr dt.01.10.2019 has intimated that the Special judge, Vigilance, Bhawanipatna in his judgement dt.18.09.2019 has held accused Sri Rajendra Tripathy, Ex-Auditor, Boden Block, Dist-Nuapada presently working in the O/o the District Audit Officer, LFA, Boudh guilty of the offences u/s 13(2) r/w 13 (1) (d) P.C. Act,1988/418/420/468/120-B/34 IPC, sentenced him to undergo rigorous imprisonment for 1year and to pay fine of Rs.25,000/- for the offence u/s 13(2) r/w 13(1)(d) P.C. Act,1988, rigourous imprisonment for 1 year and to pay fine Rs.25,000/- for the offence u/s 418/34 IPC, rigourous imprisonment for 1 year and to pay fine Rs.25,000/- for the offence u/s 420/ 34 IPC, rigourous imprisonment for 1 year and to pay fine Rs.25,000/- for the offence u/s 468/ 34 IPC, rigourous imprisonment for six months and to pay fine Rs.25,000/- for the offence u/s 120-B IPC and in default of payment for each offences the convict is to further undergo rigourous imprisonment for a period of 3 months and for 1 month for default of payment of fine for the offence u/s 120-B IPC. All the sentences shall run concurrently;

And whereas, the Hon'ble Supreme Court in Criminal Appeal No.770 of 2001 in the matter of K.C. Sareen Vrs. C.B.I., Chandigarh have observed that " When a public servant, who is convicted of charges of corruption is allowed to continue to hold office, it would impair the morale of the other persons manning such office and consequently that would erode the already shrunk confidence of the people in such public institution besides demoralizing the other honest public servants who would either be the colleagues or subordinates of the convict person". It has also been observed by the Apex court that in the event of preference of appeal

[25]

by the convicted public servant, sentences get suspended till the final orders on such appeal, but the conviction continues in respect of such public servant. Therefore, the Hon'ble Court have held that a corrupt public servant "convicted" should not be allowed to hold public office and should be dismissed from office in accordance with the provisions of Article 311 of Constitution of India. Further, in Civil Appeal No.3086 of 2007 "U.P. State Road Transport Corporation-Vrs-Suresh Chandra Sharma, Hon'ble Supreme Court have also observed that in a case of corruption/misappropriation, the only punishment is dismissal;

And whereas, One disciplinary proceeding was initiated against Sri Rajendra Kumar Tripathy, Ex-Auditor, LFA, Boden Block, District-Nuapada presently working as Auditor, LFA in the O/o the District Audit Officer, Local Fund Audit, Boudh vide Finance Department Memorandum No.4194/F dt.07.05.2012 with charges like Gross misconduct, Dereliction of duty and Not maintain absolute integrity;

And whereas, the said Memorandum was served on Sri Tripathy by District Audit Officer, LFA, Bolangir on 18.05.2012 and as per Memorandum Sri Tripathy was required to submit his written statement of defence within 30 days from the date of receipt of the Memorandum;

And whereas, Sri Tripathy in his representation dt.15.06.2012 submitted that since the departmental proceeding and criminal case are same and identical in nature, hence by submitting his defence in writing he will be compelled to disclose his defence, which will lead his disclosure of his defence plea before commencement of trial, hence he represented to stay the departmental proceeding instituted against him till finalization of the criminal case instituted against him vide Vigilance P.S. case No.14 dt.31.03.2008 in the Court of Special Judge, Vigilance, Bhawanipatna as per the decision of Hon'ble High Court in OJC No.4934 of 1996 in case of Chandi Prasad Das Vrs. State of Odisha and others reported in 1998 (1) OLR 474;

And whereas the Examiner-cum-Special Secretary to Government, Finance Department keep the departmental proceeding in abeyance till finalization of the criminal proceeding initiated against Sri Tripathy in Koraput Vigilance P.S. Case No.14 dt.31.03.2008;

And whereas, the Government of Odisha, Finance Department vide their Letter No.31032/F dt.07.11.2014 transmitted the file relating to the aforesaid disciplinary proceeding to the Director of Local Fund Audit for taking further action in the matter;

And now therefore, considering the nature of offence and the charges in the criminal proceeding Sri Rajendra Kumar Tripathy, Auditor, LFA, the convict is hereby dismissed from Govt. service with immediate effect under Rule-18(i) of OCS (CC&A) Rules 1962 read with the article 311 of the constitution of India. The Departmental proceeding initiated against Sri Tripathy vide Finance Department memorandum No.4194/F dt. 07.05.2012 for the same set of charges is disposed of accordingly.


Director

By Regd. Post with A.D

(250)

Memo No. 7465 //DLFA Date 24.10.19

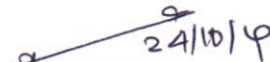
Copy forwarded to Sri Rajendra Kumar Tripathy, Ex-Auditor, Boden Block, Dist-Nuapada presently working as Auditor, LFA, O/o the DAO, LFA, Boudh for information and necessary action.


Director

Memo No. 7466 //DLFA Date 24.10.19


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

He is requested to serve one copy of this order on Sri Rajendra Kumar Tripathy, 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. He is further requested to relieve Sri Tripathy, Auditor from his duties immediately. Govt. dues, if any, outstanding against Sri Tripathy may be recovered out of his personal claims.


Director

Memo No. 7467 //DLFA Date 24.10.19

Copy forwarded to the Deputy Secretary to Government of Odisha, General Administration (Vigilance) Department, Cuttack for information and necessary action with reference to the Government of Odisha, G.A. (Vigilance) Department, Cuttack letter No.2855/Vcr. (N) dt.01.10.2019 and 3067/V dt.18.10.2019.


Director

Memo No. 7468 //DLFA Date 24.10.19

Copy forwarded to the Additional Secretary to Government of Odisha, Finance (LFA Branch) Department, Bhubaneswar for kind information, with reference to Govt. of Odisha, Finance Department Memo No.15623/F dt.27.05.2015.


Director

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

MEMO NO. 7750 /DLFA
DLFA-HE-II-170/2014

Dt. 30.10.19

Copy forwarded to the Superintendent of Police (Vigilance), Koraput Division, Koraput, Jeypore for kind information and necessary action.

Kealbi
30/10/19

Joint Director

Memo No. 7751 //DLFA Date 30.10.19

Copy forwarded to all Departments of Governments/ all Heads of the Departments/ Accountant General (A&E), Odisha, Bhubaneswar/ all Collectors/all Treasury Officers for information and necessary action.

Kealbi
30/10/19

Joint Director

Memo No. 7752 //DLFA Date 30.10.19

Copy forwarded to all District Audit Officers, LFA organization/Audit Officer, LFA, Bhubaneswar/ all Officers of this Directorate/ S.O. Estt.-I and II/all Assistants of Estt.-I and II section of this Directorate and Auditor in charge of ALFA portal for information and necessary action.

Kealbi
30/10/19

Joint Director