Government of Odisha
Sports & Youth Services Department
C-1, Nayapalli, Bhubaneswar -751012

No. 5916

Bhubaneswar dated the 25.6.2016

OFFICE ORDER

Whereas a disciplinary proceeding under rule-16 of the OCS (CC&A) Rules 1962 was drawn up against Sri R. Mohan Jr. Coach, Gymnastics, Sports Hostel, Puri vide G.O. No.5699/SYS dtd.30.04.2014. He was called upon to submit explanation bearing his statement of defence within 30 days from the date of receipt of the Govt. Order.

Whereas his explanation was received in the Department on 11.06.2014 and on consideration, the Under secretary-cum-ADYS was appointed as Inquiring Officer and DSO Puri as Marshalling Officer to enquire in to the charges and report within 3 months vide G.O. No.8104/SYS dtd.28.06.2014.

And whereas enquiry report of the Inquiring Officer was received on 23.02.2016.

The Disciplinary authority having regard to the findings on the charges is of the opinion that the charges against him are proved. It has been therefore proposed to impose the following punishment.

"Withholding of one increment (without cumulative effect)"

In pursuance of the provisions of clause (1) (a) of Rule-16 of the OCS (CC&A) Rules-1962 Sri R. Mohan, is hereby called upon to submit such representation as he may wish to make against the proposed penalty within a period of 15 days from the receipt of this notice.

By order of
Commissioner-cum-Secretary

By Speed Post
Copy in triplicate along with a copy of enquiry report forwarded to the Addl. Dist. Magistrate Puri with a request to serve one copy along with the copy of the enquiry report on Sri R. Mohan and to return the second copy of the notice with his dated signature as a token of receipt of the notice. The third copy may be retained in his office for record.

Copy to District Sports Officer, Puri for information and necessary action/personal file (2copies).

1. Introduction

Inquiry Officer was appointed vide Office Order No.8104 Dated 28.06.2014 relating to charges framed against Sri R Mohan in Departmental Proceedings drawn against him under Rule 16 of the Odisha Civil Services (Classification Control & Appeal) Rules 1962.

Sri R Mohan submitted his response to the article of charges and statements of imputations drawn up against him in the disciplinary proceedings vide his submission dated 10-6-2014.

The charges framed are as under:

1. Gross dereliction of duty.
2. Contravention of SR 37 of OTC Vol-I.
3. Violation of provisions under Rule 103 of OGPFR Vol-I.
4. Mosquito Nets and shoes though procured are yet to be distributed among the inmates of the Sports Hostel.
5. No weekly menu chart has been exhibited in the dining hall of the Hostel.

2. Brief of the Allegation

Joint visit of departmental officials comprising of AFA-cum-Under Secretary, Assistant Director, Sports & Audit Superintendent on 23-04-2014 to Sports Hostel, Puri after checking the Cash Book, Stock Register etc. submitted a report which forms the basis of the charges framed against Sri R Mohan, Junior Coach, Gymnastics.

3. Findings of the Inquiry

Defense submitted by Sri R Mohan to the charges

Sri R Mohan in his written submission (Annexure-A) to the article of charges and statement of imputations against him has denied all the charges against him. It was submitted that in absence of clerk it was not possible on his part to maintain cash book and bank statement of current account. Similarly in response to the
The Stock Register of the Hostel was maintained from 01-08-2005 to 24-04-2013 without any authenticated signature of the Coach in-charge as found by the visiting team. The fact is again admitted by Sri R. Mohan during his examination as recorded in his statement. Sri R. Mohan submitted that though the entry of the Stock Register were up-to-date as on the day of the visit of the team, it was not authenticated by his signature due to his ignorance on the issue. It is pertinent to mention here that the Stock Register was not authenticated for the period before the incumbency of Sri R. Mohan. It was further stated that both the Cash Books and Stock Register has been verified by an official from Kottapally Audit of the Collaborative Trust in 2010. However, no report is available.

On the issue of non-maintenance of Food or Mess Register as noted by the visiting team, Sri R. Mohan in his examination has stated that no food register was ever maintained prior to his joining and therefore he has little opportunity of knowing that such registers are required to be maintained. Earlier, Sri R. Mohan in his written submission has stated that the Food Register has been maintained properly. However, during examination Sri R. Mohan admitted his lapse through the preceding lapses was mentioned to him in his inspection.

Regarding non-distribution of mosquito-nets and shoes as observed by the visiting team, Sri R. Mohan during his examination said that he had distributed all the mosquito-nets and shoes, before being relieved of his assignment on 29-03-2014. Moreover, he was no more the in-charge of Sports Hostel, Puri as on 23-04-2014, the day of visit of the departmental team. He submitted that stocks reported may have been some old items. However, his written submission (Annexure-A) mentioned that distribution of stocks were the responsibility of the new incumbent. There was variance in his submission. On cross-examination, Sri R. Mohan, however, accepted that since he was relieved within one month of procurement of shoes & mosquito-nets, those were not distributed by him. The issue Register exhibited by Sri R. Mohan also has no record of having distributed any item in 2014. Therefore the stocks reported by the visiting team were no doubt refers to the items procured in February 2014.

On examination of Stock Register, it was found that 25 pieces of mosquito net was procured on 9-2-2014 as recorded in Page-52 of the Stock Register. Similarly, Page-56 of the Stock Register recorded procurement of 44 pairs of shoes on 14-2-

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allegation of non-maintenance of cash book from 1-08-2005 to 24-04-2013, it was submitted that he joined in his assignment on 20-06-2012 as In-charge, Sports Hostel. However it was submitted that the cash book has been updated. As regards Mess Register, is concerned, he has submitted that Food Stuff and Food Consumption chart have been maintained properly. In response to allegation of non-distribution of mosquito nets and shoes are concerned, it was submitted that he was no more the In-charge of Sports Hostel, Puri by the date the departmental official team visited the Sports Hostel i.e on 23-04-2014. Again on the issue of non-exhibition of menu charts, it was submitted that he was no more the In-charge of Sports Hostel, Puri on the date the team went for an inspection of Sports Hostel, Puri i.e, 23-04-2014. As such he is not responsible for the lapses noted by the team during their visit. It was the duty of the new incumbent Sri Sarat Chandra Nanda as In-charge, Sports Hostel to be responsible for the same.

**Inquiry into the charges**

Sri R.Mohan joined in his assignment on 10-6-2012 as In-charge, Sports Hostel, Puri as per office order no. 3662/SYS dated 8-6-2012 (Annexure-B). He was relieved from his assignment on 29-03-2014 pursuant to the Office Order No. 2622/SYS Dated 03-03-2014 (Annexure-C). Hence the fact remains that Sri R.Mohan was no more the In-charge, Sports Hostel, Puri, the day the team visited the Sports Hostel i.e, on 23-04-2014.

The team found that cash book was not maintained from 20-06-2012 to 23-04-2014, the entire period of incumbency of Sri R.Mohan. Sri R.Mohan has admitted regarding non-maintenance of Cash Book. However it was stated that the Cash Book was later updated by him and handed over to Sri S.C.Nanda, the new incumbent on 10-6-2014, almost three months after he was relieved from his duty. The statement of Sri R.Mohan is enclosed as Annexure-D and extracts of relevant pages of Cash Book as Annexure-E. Sri R.Mohan during his examination in the inquiry stated that he being a coach, had no knowledge of OTC and OGFR and no such training for record maintenance was ever imparted to him by the department. The moot point remains, Sri R.Mohan could update the Cash Book when pushed to the wall following visit of the departmental team. The endeavor he took in updating the Cash Book at a belated stage could have been done during his incumbency.

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2014 and 50 pairs of shoes on 15-2-2014. The copies of relevant pages of Stock Register are enclosed as Annexure-F and Annexure-G respectively. However the column referring to issue of procured items was not recorded. It was stated that separate issue register, was maintained for the purpose. Again it was stated that he had done so as he has no idea about the procedure of maintaining the Stock Register. The separate issue register was exhibited during the examination. As learnt, the new incumbent is maintaining a separate issue register of his own and the "Issue Register" in question is not a single Register recording continuity in distribution of stocks. As it appears, the materials were procured a month before Sri R. Mohan was relieved from his assignment.

For non-display of weekly menu charts he has given in his written submission that such charts were exhibited during his incumbency. His statement during the examination also mentions the same thing. As Sri R. Mohan has already been relieved of his assignment by the time the departmental official team vested the Sports Hostel, it could not be ascribed to the lapses of Sri R. Mohan.

All the charges described in the articles of charges are established which are admitted by the delinquent officer except for the display of weekly menu charts. The observation regarding non-maintenance of Cash Book, Mess Register, Stock Register was admitted by Sri R. Mohan. However, the charge of 'Gross' dereliction of duty has to be weighed in the context of whether the lapses of Sri R. Mohan as reported by the visiting team and admitted by him are deliberate and intentional or has been committed out of his ignorance of procedure of maintenance of official records. It is a point of speculation whether Odisha Treasury Code and Odisha Government Financial Rules are in the knowledge of the delinquent officer, let alone the various rules quoted in his charge which he is supposed to have violated. There is little doubt; the delinquent is not conversant with these financial guidelines.

V. B. Mishra

Under Secretary-cum-ADYS.