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FINANCE DEPARTMENT

OFFICE ORDER

The 18th January 2024

No. 1506—FIN-LFA-ESTT-0007/2023-F.—Whereas, Balasore Vigilance P.S. Case No.42, dated the 30th September 2010 under Section 13(2)r/w 13(1)(c)(d) P.C. Act, 1988/409/468/471-A-IPC was instituted against Shri Gopal Chandra Mahalik Ex-Auditor, office of the District Audit Officer, LFA, Mayurbhanj, Baripada on the charges of misappropriation of Government money by manipulating the official records ;

And whereas, the accused Shri Mahalik was facing trial in the Court of Special Judge, Vigilance, Baripada. The learned Special Judge, Vigilance, Baripada passed judgement and order dated the 19th May 2023 and the accused Shri Mahalik has been convicted being found guilty of the offences under Section 13(2) P.C. Act 1988/120-B-IPC and sentenced him to undergo rigorous imprisonment for 3(three) years, pay fine of Rs. 10,000 (Rupees ten thousand only), in default whereof to suffer rigorous imprisonment for 2(two) months for the offence punishable under Section 13(2) of the P.C. Act, 1988 to undergo rigorous imprisonment for 2(two) years and fine of Rs. 5,000 (Rupees five thousand only) in default whereof to suffer rigorous imprisonment for 1(one) month for the offence punishable under Section 120-B of the IPC and subject to set off under Section 428 of Cr. P.C. The above sentences are to run concurrently ;

And whereas, under the above circumstances, the Government are satisfied that when a public servant is convicted for the charges of corruption should not be allowed to hold office as per provisions under Article-311 of the Constitution of India. But, in the instant case, the convict, public servant Shri Mahalik has already retired from Government service on attaining the age of superannuation with effect from the 30th April 2020. Hence the objectionable conduct of Shri Mahalik while acting as Auditor office of the District Audit Officer, LFA, Mayurbhanj, Baripada is serious in nature affecting public administration and eroding the image of Government and as such, he is liable to be punished under Rule 7 of OCS (Pension) Rules, 1992 ;

And whereas, after considering the judgement of the Hon'ble Vigilance Court and gravity of offence committed by the convict, Shri Mahalik, Government has proposed to impose the following punishment on him under Rule 7 of OCS (Pension) Rules, 1992 :—

“Withholding of both pension and gratuity in full permanently”.

And whereas, a show cause notice was served on the convict Shri Gopal Chandra Mahalik calling upon him to submit representation, if any, on the proposed punishment to be awarded on him by the Government in Finance Department Notice No. 26736-F., dated the 25th September 2023 to meet the ends of natural justice & the said Shri Mahalik has submitted his representation on the aforesaid notice on the 6th October 2023 ;

And whereas, advice of Odisha Public Service Commission, Cuttack was solicited on the proposed punishment to be imposed on the convict Shri Mahalik in Finance Department Letter No. 30358, dated the 3rd November 2023 and the Commission has concurred in the proposal of the Government for imposition of the following punishment on the convict Shri Mahalik in their Letter No. 9013-PSC., dated the 5th December 2023 :—

“Withholding of both Pension and Gratuity in full permanently”.

Now, therefore after careful consideration of the judgement dated the 19th May 2023 passed by the Hon'ble Court of Special Judge, Vigilance, Baripada against the accused, Shri Mahalik the submission of the convict on the proposed punishment of the Government and concurrence of Odisha Public Service Commission, the State Government have been pleased to impose the following punishment on the convict Shri Gopal Chandra Mahalik, Ex-Auditor, office of the District Audit Office, LFA, Mayurbhanj, Baripada under Rule 7 of O.C.S. (Pension) Rules, 1992 :—

“Withholding of both Pension and Gratuity in full permanently”.

By order of the Governor

VISHAL KUMAR DEV

Principal Secretary to Government