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Government of Odisha
Panchayati Raj & D.W Department

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No. PR-NREG-ESTT-0007-2020

5176

Date: 15/03/21

OFFICE ORDER

Whereas, during the incumbency of Sri Siva Sankar Mohanty as APO, Gosani Block of Gajapati District the Collector-cum-DPC, Gajapati recommended to the Director, Special Projects-cum-Disciplinary Authority for his disengagement due to his poor performance, negligence in performing duties, carelessness, and lack of supervision of work vide DRDA, Gajapati letter No.1427, dated 28.03.2019. However, Sri Mohanty was heard in person by the Director Special Projects on 19.10.2019 and considering the prayer of Sri Mohanty to discharge his duties diligently and in order to give him reasonable opportunity, the Director, Special Projects ordered to transfer him to Ambabhona Block on **administrative ground** vide order No. 22707 dated 05.12.2019 with strict **instruction to accomplish the target with due diligence or else he will be disengaged from service in future**, read with PR & DW Department Office Order No.23022 dated 09.12.2019.

And whereas, by virtue of the above order, Sri Siva Sankar Mohanty joined as APO in Ambabhona Block of Bargarh district on **13.12.2019**.

And whereas, Sri Siva Sankar Mohanty filed W.P(C) No.23980/2020 before the Hon'ble High Court praying to direct the Director Special Project to consider his representation dated 22.07.2020 and his representation dated 04.08.2020 for his transfer to Ganjam District citing threat to his life in Ambabhona Block.

And whereas, the Director, Special Projects in compliance to the direction of Hon'ble High Court in WP(C) No. 23980/2020, Order No. 03 dated 09.10.2020 rejected the representation of Sri Mohanty for transfer from Bargarh District for being devoid of merit vide this

Department office Order No. 17791 dated 12.11.2020. The order was communicated to Sri Mohanty on 12.11.2020 in his Office address.

And whereas, the Collector, Bargarh reported vide letter No.3702 dated 14.12.2020 that there is no threat to Sri Mohanty to work in Ambabhona Block. The Collector also intimated that Sri Mohanty has never reported to Police about any threat and he is free to work as Additional Programme Officer (APO) in Ambabhona Block. Sri Mohanty was also intimated to resume his duties vide Memo No.1965, dated 16.12.2020 of the BDO, Ambabhona. But, Sri Mohanty did not resume his duties as such with total disregard to the order of his superior authorities.

And whereas, Sri Siva Sankar Mohanty had filed a Contempt Case CONTC 5889/2020 against Director, Special Projects for non-compliance of orders of Hon'ble High Court order No. 03 dated 09.10.2020 in WP(C) 23980/2020. Though the above order was duly complied with, Director, Special Projects in order to give reasonable and adequate opportunity to secure the principle of natural justice, heard Sri Mohanty in person on 01.02.2021. Since, Sri Mohanty joined at Ambabhona Block on 12.02.2021(AN) as reported by the Collector, Bargarh vide his letter No.460, dated 19.02.2021, the representation of Sri Mohanty at annexure-5 of W.P(C) No.23980/2020 was considered on merit accordingly disposed of vide this Department order No. 4089 dated 26.02.2021. The same order was served upon Sri Mohanty on 10.03.2021 through BDO, Hinjili of Ganjam District.

And whereas, subsequently, Sri Siva Sankar Mohanty also filed W.P(C) No.1102/2021 before the Hon'ble High Court of Orissa praying to direct the Principal Secretary to Govt., PR & DW Department and Director, Special Project, PR & DW Department to consider his representation dated 04.01.2021 for his transfer from Ambabhona Block of Bargarh District.

The Principal Secretary, PR & DW Department rejected **his representation for transfer to Ganjam or Puri District for being devoid of merit. However, in order to secure the principle of natural justice, Sri Mohanty was given another opportunity & was directed to report before the Collector, Bargarh and to resume duties immediately in the greater interest of implementation of**



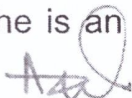
MGNREGS. The copy of Order No. 2597 dated 08.02.2021 of the Principal Secretary was served upon Sri Mohanty through BDO, Hinjili on **10.02.2021**.

And whereas, Sri Siva Sankar Mohanty, APO, Ambabhona willfully disobeyed all the above orders of the Government in PR & DW Department and deliberately did not report before the Collector-cum-DPC and willfully violated the instructions of higher authorities. He has also violated the orders of the Collector-cum-DPC, MGNREGA, Bargarh and infringed clause 2 of the agreement executed between Sri Mohanty and the Collector-cum-DPCs which states that *"the second party shall submit himself/ herself to the orders of the first party or officers/ authorities under whom he/ she may, from time to time, be placed by the first party, shall at all times obey the rules prescribed and shall discharge, whenever required, such duties as may be assigned."*

And whereas, the Collector-cum-DPC, Bargarh has reported vide this letter No.699, dated 10.03.2021 that Sri Siva Sankar Mohanty **resumed his duties on dated 12.02.2021 (AN)** after a long unauthorized absence of **205 days i.e.22.07.2020 to 11.02.2021** from his duty. At the time of resumption of duty, Sri Mohanty mentioned about threat to his life at Ambabhona Block. In this context, the Superintendent of Police Bargarh was requested by the Collector, Bargarh to cause an inquiry through the IIC, Ambabhona Police Station about the veracity of apprehension of Sri Mohanty. The Superintendent of Police, Bargarh, has also discarded any such apprehension in his letter **No. 938 dated 09.03.2021** .

And whereas, the BDO, Ambabhona has reported vide his letter No.446, dated 09.03.2021 that Sri Mohanty had submitted two applications for leave through email on 18.02.2021 and 22.02.2021 for leave from 18.02.2021 to 19.02.2021 (two days) and from 22.02.2021 to 26.02.2021 (four days) and again from 01.03.2021 to 15.03.2021 (for 15 days). BDO, Ambabhona has refused the leave applications and communicated to Sri Mohanty vide letter No. 422 dated 06.03.2021 in his home address.

And whereas, the report of the Collector-cum-DPC, MGNREGA, Bargarh, vide his letter No.699 dated 10.03.2021, reveals that since the date of his joining at Ambabhona Block, the performance of Sri Mohanty is highly unsatisfactory. Besides, he is an unwilling worker and has no



commitment to his job. So, the Collector-cum-DPC, MGNREGS is of the view that Sri Siva Sankar Mohanty does not deserve to continue as APO and has recommended for non-renewal of his agreement further and for his disengagement.

And whereas, Sri Mohanty has been given reasonable and adequate opportunities by higher authorities to work as APO under MGNREGS. He has deliberately and willfully disobeyed the orders of higher authorities. Due to his lackadaisical attitude & ineptitude and above all his continuous & unauthorized absence for more than 205 days out of 365 days in a contract year adversely affected the implementation of programme objectives of MGNREGA in Ambabhona Block. Thus his continuance as APO is detrimental to public service & MGNREG Scheme at large.

And whereas, the agreement executed with Sri Siva Sankar Mohanty, APO, Ambabhona on 1st March 2020 read with the Collector-cum-DPC, Bargarh Office Order No.3257, dated 09.11.2020, has expired on **28.02.2021**.

And whereas, the post of APO is contractual in nature and renewal of the contract is primarily based on performance during the contract period.

On perusal of the reports of Collector, Bargarh, Superintendent of Police, Bargarh and BDO, Ambabhona Block, I am inclined to believe that Sri Mohanty has no aptitude to work under MGNREGA, since he deliberately and willfully violated the provisions of the agreement and disobeyed the orders of the Principal Secretary to Government vide Order No. 2597 dated 08.02.2021, Director, Special Projects vide order No.17791 dated 12.11.2020 and Collector, Bargarh dated DRDA Bargarh letter No.3702 dated 14.12.2020. He lacks devotion to duty and dedication for work and deliberately disobeyed the orders of the authorities and does not discharge his duties.

And whereas, his deliberate gross negligence in duties, continuous unauthorized absence for 205 days in a contract period, flagrant violation of Orders of Principal Secretary to Government, Director, Special Projects and Collector, Bargarh and willful violation of provisions of agreement tantamount to **Gross Misconduct**.



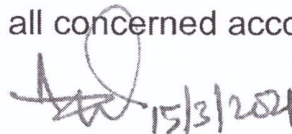
Keeping in view the interest of the programme objectives of the flagship programme of MGNREGS and that of the interest of the community at large, I am convinced that his services are no longer required for MGNREGS. Sri Mohanty, despite being given adequate and reasonable opportunity in order to secure the principle of natural justice, did not reform and conduct himself properly in due discharge of duties as Additional Programme Officer. Adequate & reasonable opportunity has been given to him to discharge his duties before contemplating administrative action. By willfully and deliberately disobeying the order of the superior authorities and not discharging his duties deliberately, he not only disgraced administrative decorum of conduct but also eroded the credibility of the administration & proved his obstinacy which is highly unwarranted.

So keeping in view the veracity of the above facts reported by the Collector-cum-DPC and misconduct committed by Sri Mohanty, I do hereby order as follows:

1. The contract of engagement of Sri Siva Sankar Mohanty, which expired on 28.02.2021, **shall not be further renewed w.e.f 01.03.2021** in the greater interest of MGNREGS since his continuance will be prejudicial to the interest of the programme objectives of MGNREGS & the interest of the community as well.
2. The period of his unauthorized absence during the contract period till 28.02.2021 shall be treated as **"No Work NO Pay"**.

This is issued with the approval of the Principal Secretary, PR & DW Department

Intimate Sri Siva Sankar Mohanty & all concerned accordingly.



Director, Special Projects-cum Mission Director

Copy Communicated to:

1. Collector-cum-DPC, MGNREGS, Bargarh for information and necessary action.
2. Collector-cum-DPC, MGNREGS, Ganjam with a request to serve this Office Order upon Sri Siva Sankar Mohanty in his given address through the BDO, Hinjili Block and return the served copy for official reference.
3. PD, DRDA, Bargarh for information and necessary action.