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CO-OPERATION DEPARTMENT

OFFICE ORDER

The 3rd December 2009

No. 13341—CVSE-(V)-5/2007-Co-op.—WHEREAS, a vigilance case, vide Cuttack Vigilance P.S. Case No. 62, dated the 4th November 1997 u/s 13 (2) read with 13 (1) (e) of Prevention of Corruption Act, 1988 was registered and investigated into against Shri Bipin Bihari Prusty, Orissa Co-operative Service (O.C.S.), Ex-Audit Officer, Co-operative Societies, Audit Circle-1, Cuttack, at present, Assistant Auditor General of Co-operative Societies, Phulbani for acquisition of assets disproportionate to his known source of income.

WHEREAS, on completion of investigation, a *Prima Facie* case was well made out against Shri Prusty, to stand trial in the Court of Law. Accordingly, the sanction of Government for prosecution of Shri Prusty was accorded vide order No. 29007-Gen., dated the 7th October 1999 and chargesheet u/s 13 (2) r/w 13 (1) (e) of P.C. Act, 1988 was filed in the Court of Special Judge, Vigilance, Cuttack.

WHEREAS, Hon'ble Special Judge, Vigilance, Cuttack in his judgement dated the 7th August 2009, held Shri Prusty guilty of the charges, and convicted and sentenced him to undergo rigorous imprisonment for one year and fine of Rs.2,00,000 (Rupees two lakhs) and in default of payment of fine, to undergo rigorous imprisonment for a further period of two months, u/s 13 (1) (e) r/w 13 (2) of P.C. Act, 1988.

WHEREAS, in terms of Rule 13 r/w Rule 18 (1) of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 and as per provisions of Article 311 of the Constitution, the convicted Government servant is liable to be dismissed from the service. The Hon'ble Apex Court in their judgement in Criminal Appeal No. 7701 of 2001 in the matter of K. C. Sareen-Vrs.-C.B.I., Chandigarh, have also 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 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 convicted person.

WHEREAS, after careful consideration of all the facts, Government have been pleased to decide to dismiss Shri Bipin Bihari Prusty, Assistant Auditor General of Co-operative Societies, Phulbani from service and concurrence of Orissa Public Service Commission, Cuttack was solicited vide Co-operation Department letter No. 11712-Co-op., dated the 20th October 2009.

WHEREAS, the Orissa Public Service Commission, Cuttack vide their letter No. 8211, dated the 13th November 2009 have been pleased to concur in the proposal of Government for dismissal of Shri Prusty from service.

AND THEREFORE, Government have been pleased to dismiss Shri Bipin Bihari Prusty, o.c.s., at present Assistant Auditor General of Co-operative Societies, Phulbani, the convicted public servant from service under Rule 13 read, with Rule 18 (1) of the O.C.S. (C.C. & A.) Rules, 1962 and as per provisions of Article 311 of the Constitution.

By order of the Governor

U. P. SINGH

Commissioner-*cum*-Secretary to Government