

A. S. S. V.
Sanyal



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ପଞ୍ଚାୟତିରାଜ ଓ ପାନାୟତ୍ତଳ ବିଭାଗ
Government of Odisha
Panchayati Raj & D.W Department

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No. PR-NREG-ESTT-0007-2020

2597

Date: 08.02.2021

OFFICE ORDER

Whereas, Sri Siva Sankar Mohanty, APO, Ambabhona Block of Bargarh District in his representation, dated 04.01.2021 addressed to the Principal Secretary to Govt., PR & DW Department requested to transfer him to any other Block of Ganjam/ Puri District.

And whereas, subsequently, Sri Siva Sankar Mohanty filed W.P(C) No.1102/2021 before the Hon'ble High Court of Orissa praying to direct the O.P. No.1 and 2 (i.e. Principal Secretary to Govt., PR & DW Department and Director, Special Project, PR & DW Dept.) to consider his representation dated 04.01.2021 (annexure-8 of the WPC) for his transfer from Ambabhona Block of Bargarh District.

And whereas, while disposing of the above WP(C), the Hon'ble High Court vide its Order No.02, dated 21.01.2021 directed the Opposite Parties No.1 and 2 (i.e. Principal Secretary to Govt., PR & DW Department and Director, Special Project, PR & DW Dept.) to look into the grievance of the petitioner (Sri Siva Sankar Mohanty), submitted vide Annexure-8 of the W.P(C) for his transfer to any Block of Ganjam/ Puri District and take a lawful decision in the matter taking into account the ground stated in the writ petition as expeditiously as possible preferably within a period of three weeks from the date of communication of a copy of the Order so also copy of the writ petition.

Whereas, Sri Mohanty communicated the copy of the order of Hon'ble High Court of Orissa (Order No. 2 of W.P(C) No. 1102/2021) and a copy of the petition in his representation dated 25.01.2021 which was received on 27.01.2021. Thus the order of Hon'ble High Court is supposed to be complied preferably within three weeks from the date of communication of the order i.e. by 15.02.2021.

And whereas, the petition of Sri Mohanty (Annexure-5 of WP(C) No. 23980/2020) seeking transfer from Ambabhona Block of Bargarh District has been disposed of by the Director, Special Projects vide this Department Office Order No.17791 dated 12.11.2020. The representation was rejected for being devoid of merit duly approved by the Principal Secretary, PR & DW Department with an observation that "if the Collector-cum-DPC, Bargarh is convinced that Sri Mohanty is actually insecure to work at Ambabhona Block as per the contents of the representation at annexure-5 of the writ petition, Collector, Bargarh may transfer him to any other Block of the District". The Office Order No. 17791 dated 12.11.2020 was communicated to Sri Mohanty through email (sivamohanty88@gmail.com) and in his official address i.e Ambabhona Block.



(Signature)

And whereas, pursuant to this Department Office Order No. 17791 dated 12.11.2020, the Collector, Bargarh being convinced of the fact that there was no such issue at Ambabhona Block which will make Sri Mohanty insecure to work, and instructed the BDO, Ambabhona to intimate Sri Siva Sankar Mohanty to resume his duties immediately vide DRDA, Bargarh Memo No.3703 dated 14.12.2020.

And whereas the BDO, Ambabhona communicated the order of the Collector, Bargarh vide his memo No. 1965 dated 16.12.2020. (Annexure-9 of the WP(C) 1102/2021) which is admitted to have received by the petitioner.

And whereas, Sri Mohanty did not resume his duties in violation of orders of the Collector, Bargarh vide Memo No. 3703 dated 14.12.2020. Moreover, it is reported by Collector, Bargarh that Sri Mohanty did not appear before the Collector for personal hearing of his grievance on two previous occasions. Besides, Sri Mohanty has never reported to the Police about any threat. Sri Mohanty has remained in prolonged absence in the Block since **22.07.2020** for more than **5 months**. Thus the programme objectives of MGNREGA considerably suffered.


And whereas, the averment made by the petitioner in Para-1 of the WP(C) No. 1102/2021 that the Collector, Bargarh being vindictive against him and biasing & misleading the Opposition Party No. 1 & 2 i.e. Principal Secretary to Government, PR & DW Department and Director, Special Projects are baseless, frivolous and fabricated. Shri Mohanty has been given adequate & reasonable opportunity to resume his duty but he willfully and deliberately violated the instruction of Government & the provisions of the Agreement executed by him with the Collector, Bargarh.

And whereas, taking into account of the facts reported by the Collector, Bargarh vide letter No.3702 dated 14.12.2020 and the order of Director Special Projects vide Order no.17791 dt 12.11.2020 as well as on perusal of the contents of the Writ Petition 1102/2021 along with the representation at Annexure-8, I am convinced that the grounds stated in the writ petition and the representation are not genuine, thus merits no consideration.

And whereas, Sri Mohanty **deliberately and willfully disobeyed the order of Collector, Bargarh & the order dated 12.11.2020 of Director, Special Projects (i.e Opposite Party No.2) and did not resume his duty even his contract is renewed by Collector, Bargarh till 28.02.2021 pursuant to the order dated 10.09.2020 of Hon' ble High Court passed in CONTC no.2593 arising out of WP (C) no.12622/2020.**

Thus I am inclined to reject the representation of the petitioner for transfer to Ganjam or Puri District (Annexure-8 of WP(C) No. 1102/2021) for being devoid of merit. However, in order to secure principle of natural justice, Sri Siva Sankar Mohanty is given another opportunity & do hereby direct him to report before the Collector, Bargarh and resume duties immediately in the greater interest of implementation of MGNREGS.

Intimate the petitioner & all concerned accordingly.


08/02/2021

Principal Secretary to Government

Copy Communicated to:

1. Advocate General of Odisha, Cuttack for kind information and necessary action with reference to the Order No.02, dated 21.01.2021 in W.P(C) No.1102/2021 filed by Sri Siva Sankar Mohanty vs State of Odisha & Others.
2. Collector-cum-DPC, MGNREGS, Bargarh for information and necessary action.
Collector, Bargarh will inform Government within 7 days of receipt of the order if Sri Mohanty has resumed duty or not.
3. Collector-cum-DPC, MGNREGS, Ganjam. He is instructed 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.
4. PD, DRDA, Bargarh for information and necessary action.
5. BDO, Ambabhona Block, Bargarh District for information and necessary action.
6. **Sri Siva Sankar Mohanty, APO, Ambabhona Block, Bargarh District for information and necessary action with reference to his representations dated 04.01.2021 and representation dated 25.01.2021 presently residing at - Address: S/O- Sri Upendra Mohanty, At- Durabandha, Via- Kanchuru, PS- Hinjili, Dist- Ganjam, Odisha Pin: 761101, Email id: sivamohanty88@gmail.com Mobile No. 9938977294.**