



**FIFTH ANNUAL REPORT
OF THE LOKAYUKTA
ODISHA
YEAR - 2023**



**Foundation Stone laid for Odisha Lokayukta Bhawan
by Shri Naveen Patnaik, Hon'ble Chief Minister, Odisha on 28.03.2023**



**Shri Naveen Patnaik, Hon'ble Chief Minister, Odisha
laid the foundation stone for New Lokayukta Bhawan on 28th March 2023**

LOKAYUKTA, ODISHA

B-2, Ground Floor, Toshali Bhawan, Satya Nagar
Bhubaneswar-751007

ANNUAL REPORT

This annual report is being presented
as required under section 48 of
The Odisha Lokayukta Act., 2014

Justice Ajit Singh, Chairperson

Lokayukta, Odisha



Hon'ble Chairperson & Hon'ble Members of Lokayukta, Odisha graced the Foundation Laying Ceremony of Lokayukta Bhawan.



Hon'ble Chairperson, Hon'ble Members, Secretary & Officers of Lokayukta at the newly laid foundation lite for New Lokayukta Bhawan on 28.03.2023.



Presentation of bouquet to the Hon'ble Governor of Odisha at Raj Bhawan on the eve of Presentation of 4th Annual Report of Lokayukta, Odisha.



Presentation of 4th Annual Report of Lokayukta, Odisha to the Hon'ble Governor of Odisha at Raj Bhawan on 21.04.2023.



Courtesy Meeting with His Excellency Shri Raghubar Das, the Governor of Odisha, Hon'ble Chairperson & Members of Lokayukta on 17.11.2023.



Meeting chaired by His Excellency the Governor of Odisha at Raj Bhawan on 17.11.2023.

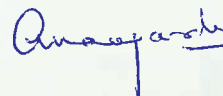
FOREWORD

The Lokayukta in Odisha has been functioning since March 2019. Since then, a large number of complaints have been filed before the Lokayukta and have been disposed of. This 5th Annual Report of the Lokayukta Odisha for the year 2023 gives the details of the complaints filed and disposed of during the year 2023. The figures of complaints filed from different areas of Odisha would show that the people have faith and trust in the Lokayukta in taking action against public servants who are alleged to have committed offenses punishable under the Prevention of Corruption Act, 2018.

During its functioning since March 2019, the Lokayukta has passed a number of orders on various complaints, but some of these orders have been stayed by the High Court. The Lokayukta does not have its own team of Advocates to defend these orders in the High Court. As a result, preliminary enquiry or investigation in these cases have been delayed. The State Government must ensure that the Lokayukta has its own panel of Lawyers who can promptly attend to the cases filed before the High Court against the order of the Lokayukta.

Moreover, the Odisha Lokayukta does not have an investigating agency of its own and therefore has to entrust investigation to the vigilance department of the Government of Odisha. Investigation done by the vigilance may not be as impartial and speedy as it would be under the Lokayukta. The State Government of Odisha should therefore also provide the Lokayukta with an investigating agency of its own as early as possible.

During the year 2023, the newspapers have reported a large number of vigilance raids against corrupt officers and have also unearthed cash and assets in possession of officers. This shows that the State government is keen to eradicate corruption by Government officers. The Odisha Lokayukta can help the Government in this task of eradicating corruption if it implements the two suggestions I have given in this Foreword.

 20.12.2023

Justice A.K. Patnaik

Former Judge, Supreme Court of India
and member of Selection Committee
for selection the members of the
Odisha Lokayukta

Ajit Singh
Chairperson, Lokayukta
Odisha



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PREFACE

My 5th and final year as the Chairperson of the Lokayukta, Odisha is coming to an end and I would like to begin my final report by extending my thanks to everyone who has made my tenure, in my opinion, reasonably successful. The main contributors to this success are the honourable members, the officers and the staff of the Lokayukta Office, whose contribution cannot be credited enough, the cooperation of the government and their efforts to ensure the smooth functioning of this body, and most importantly, the trust of the people of Odisha, without whom this institution would not have its value.

My journey as the Chairperson began on 20th March 2019. Since then, the office has seen a steady increase in the number of complaints filed. The public's confidence in the Office of the Lokayukta has translated into petitions and we have had rigorous inquiries to hold those in the wrong accountable.

I am proud to say that in these 5 years, we have maintained the dignity of this institution. We have not allowed the Lokayukta to be used as a platform by anyone for their personal gain. It has remained a neutral body, available to serve the people, and will continue to hold the same stance in future.

These past years have seen tremendous support from the government. The government has encouraged us in all our efforts and there has been no disagreement from them in accepting the recommendations made by the Lokayukta, further solidifying our conviction. Taking the same liberty again, I would like to take this opportunity and reiterate the need for a cell of the Directorate of Vigilance that would exclusively enquire the cases of the Lokayukta. This would not only be beneficial for the Office of the Lokayukta but will also lessen the burden of the Vigilance, who have worked tirelessly to do the needful.

Additionally, I would also like to emphasise the demand for a strong team of competent lawyers in pursuing cases before the special courts and especially before the High Court. It is imperative for the government to provide motivated lawyers who want to actively participate in the growth of the institution.

As I prepare to bid my farewell, my hopes lay with the Chairperson and members to come and be a part of this prestigious body. I am certain that they will continue to keep the flag flying high and work for the benefit of the people of Odisha by eradicating corruption in the state.

A handwritten signature in blue ink that reads 'Ajit Singh'.

Chairperson
Lokayukta, Odisha

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1. INSTITUTION OF LOKAYUKTA

Odisha legislature in its wisdom has enacted the Odisha Lokayukta Act 2014, with a view to curb corruption in public offices. It is a noble piece of legislation. Since March 2019, the body of Lokayukta has relentlessly worked, taking the intent and purport of legislation, in right prospective. Legislation and enactment is a mere expression of intents, it has to be backed by commensurate action. The desired results can best be achieved, only with public awareness and demand for action. When people became aware, they seek accountability, consequent penal consequences work as deterrence. The Lokayukta Act is unique in its own way as it does not require sanction of the appropriate Government for filing of Chargesheet against the accused-public servants in Special Courts. A lot of power is conferred on this august institution to eradicate corruption. Sweeping power is conferred in getting the matter inquired into or investigated into by any agency or Officer or Organisation. Creation of separate Inquiry and Prosecution wing has provided independence without compromising autonomy. The legislative intention in giving powers to this institution speaks volumes of the intent of the Government to combat the menace of corruption. As is quite often said “intention is what it does”. Incorporation of section 22(2), in providing punishment for its disobedience (inviting disciplinary actions) and Section 27 A, conferring power to punish for the contempt, under the Lokayukta Act 2014, (by way of Amendment), fortify the above clear intention of Government. Inclusion of section 46 in the Lokayukta Act and introduction of Procedure of filing Complainant Rule 2020 (by way of Amendment), requiring to furnish affidavit and identity proof etc, presuppose accountability and authenticity on the part of a complainant and thereby, ensure protection to the honest public servant. The increasing number of cases (cases instituted in all these five years numbering 4645) is indicative of the fact that general public at large have developed immense faith in this institution.

At present the Lokayukta, Odisha is functioning at Bhubaneswar with the Hon’ble Chairperson, one Hon’ble Judicial Member and two Members.

The names and the dates of assumption of office by the Hon’ble Chairperson, Hon’ble Judicial Member and Hon’ble Members are depicted below: -

Sl.No.	Name	Date of assumption
1.	Shri Justice Ajit Singh, Hon’ble Chairperson	20.03.2019
2.	Shri Justice Bijaya Kumar Nayak, Judicial Member	31.03.2019
3.	Dr. Debabrata Swain, Member	04.04.2019
4.	Dr. Rajendra Prasad Sharma, Member	08.08.2019

The Lokayukta has two Benches dealing with complaints of different districts of Odisha. For convenience, the Bench presided over by the Hon’ble Chairperson, Lokayukta is identified as Bench No.I and the one presided over by the Hon’ble Judicial Member as Bench No.II.

Bench No. I exercises territorial jurisdiction over the following fifteen districts of Odisha:

01	Mayurbhanj	02	Balasore	03	Jajpur
04	Puri	05	Keonjhar	06	Bargarh

07	Khordha	08	Sundargarh	09	Jharsuguda
10	Subarnapur	11	Kandhamal	12	Nuapada
13	Koraput	14	Malkangiri	15	Gajapati

Like wise Bench No. II exercise territorial jurisdiction over the following fifteen districts of Odisha:

01	Cuttack	02	Kendrapara	03	Jagatsinghpur
04	Ganjam	05	Dhenkanal	06	Nayagarh
07	Angul	08	Sambalpur	09	Bhadrak
10	Boudh	11	Bolangir	12	Kalahandi
13	Rayagada	14	Nabarangpur	15	Deogarh

2(A-1) Officers of Lokayukta, Odisha

Sl. No.	Name	Post
1	Shri Manas Ranjan Tripathy	Secretary
2	Shri Tara Prasad Rath	Secretary (Judicial)
5	Shri Himansu Sekhar Behera	Additional Secretary
6	Smt. Bijayalaxmi Jena	Joint Secretary
7	Shri Purna Chandra Jena	Finance Officer

2(A-2) Officers in the Prosecution wing of Lokayukta, Odisha

Sl No.	Name	Post
1	Shri Ashok Kumar Panda	Director of Prosecution (Till 06.10.2023)
2	Shri Trilochan Patra	Public Prosecutor
3	Shri Ajay Kumar Pradhan	Public Prosecutor

2(A-3) Officers in the Inquiry wing of Lokayukta, Odisha

Sl No.	Name	Post
1	Shri Trilochan Pradhan	Director of Inquiry
2	Shri Harish Chandra Nayak	Additional Director (Inquiry)
3	Shri Biranchi Narayan Acharya	Deputy Director (Finance)
4	Shri Managobinda Biswal	Deputy Director (Engineering)
5	Shri Sasmita Lenka	Deputy Director (Forest)
6	Shri Susanta Kumar Panigrahi	Additional Superintendent of Police
7	Shri Sunil Kumar Patanaik	Sub-Inspector of Police

2(A-4) Private Secretaries attached to Hon'ble Chairperson and Hon'ble Members of Lokayukta

Sl No	Name	Post
1	Shri Bibhisan Patra	Senior Private Secretary (deputed from Home Department)
2	Shri Bishnu Charan Sethi	Sr. Executive Assistant (Deputed from Home Department)
3	Shri Pinaki Prasad Praharaj	Private Secretary (Deputed from Home Department)
4	Shri Bipin Bihari Patta	Sr./Jr. Stenographer (Re-engaged)
5	Shri Srikant Kishore Nanda	Sr./Jr. Stenographer (Re-engaged)
6	Shri Krishna Chandra Patra	Sr./Jr. Stenographer (Re-engaged)
7	Shri Ajay Jena	Sr./Jr. Stenographer (Re-engaged)

2(A-5) Other officers of Lokayukta, Odisha

Sl.No.	Name	Designation
1	Shri Arjun Hess	Section Officer
2	Shri Ramchandra Murmu	Section Officer
3	Shri Tarun Tapan Tripathy	Section Officer
4	Shri Brahmananda Sahoo	Section Officer
5	Shri Ajaya Kumar Prusty	Section Officer
6	Shri Raj Kumar Behera	Section Officer (Deputed from OAT)
7	Shri Kiran Muni Hembram	Assistant Section Officer
8	Shri Bhiraj Bikram Keshari Jena	Assistant Section Officer
9	Shri Rajesh Kumar Behera	Assistant Section Officer
10	Shri Bhagyabandhu Sahoo	Assistant Section Officer
11	Shri Shankarshan Murmu	Assistant Section Officer
12	Shri Dhiren Kumar Murmu	Assistant Section Officer
13	Shri Abinash Satyapriya	Assistant Section Officer
14	Shri Rajanikanta Ranbida	Assistant Section Officer
16	Shri Dhirendranath Dash	Officer on Special Duty (Re-engaged)
17	Shri Biraja Prasad Mohanty	Officer on Special Duty (Re-engaged)
18	Shri Sisir Kumar Routray	Officer on Special Duty (Re-engaged)
19	Shri Priyadarshan Mohanty	Assistant Section Officer (Re-engaged)
20	Shri Nilakantha Dash	Assistant Section Officer (Re-engaged)

21	Shri Pradeep Kumar Ray	Assistant Section Officer (Re-engaged)
22	Shri Nirmal Kumar Kanungo	Assistant Section Officer (Re-engaged)
23	Shri Radhashyam Panda	Assistant Section Officer (Re-engaged)
24	Shri Narayan Chandra Parija	Assistant Section Officer (Re-engaged)
25	Shri Sanjoy Kumar Mishra	Sr. Gr. Diarist
26	Shri Benudhar Biswal	Jr. Gr. Diarist
27	Shri Babuli Kumar Dehury	Record Keeper

2(A-6) Drivers in the Office of Lokayukta

Sl. No.	Name	Post
1	Md. Salim	Sr. Driver
2	Shri Rajesh Behera	Jr.Driver
3	Shri Rajesh Kumar Baral	Jr.Driver
4	Shri Sandip Kumar Mohapatra	Jr.Driver
5	Shri Sanjay Kumar Burh	Jr.Driver

2(A-7) Support Staffs for the Office of Lokayukta

Sl. No.	Name	Post
1	Shri Jayakrushna Pradhan	Zamadar
2	Shri Nalumohan Das	Zamadar
3	Shri Kali Charan Patra	Zamadar
4	Shri Ramakanta Mohapatra	Zamadar
5	Shri Samundra Banua	Peon
6	Shri Krutibas Ojha	Peon
7	Shri Tuna Behera	Peon
8	Shri Tarini Ch. Dash	Peon (Deputed from OAT)
9	Shri Babuli Jena	Peon (Deputed from OAT)
10	Shri Simanchal Satapathy	Peon (Deputed from OAT)

3. DETAILS OF THE POST SANCTIONED AND PRESENT INCUMBENCY OF SECRETARY, OFFICIALS AND STAFF OF LOKAYUKTA

Sl.No.	Name of the Post	Cadre	Sanctioned Strength	Men in Position	Vacancy
1	Secretary	IAS/ OSJS	1	1	0
2	Secretary (Judicial)	OSJS	1	1	0
3	Director of Prosecution	OSJS/ OAS	1	1 (Till 06.10.2023)	1 (w.e.f 7.10.2023)
4	Director of Inquiry*	OSJS/ OAS	1	1	0
5	Additional Secretary	OAS	1	1	0
6	Additional Director** (Inquiry)	OAS	Post not sanctioned		
7	Deputy Director (Prosecution)	OJS	1	0	1
8	Deputy Director (Inquiry)	OAS	1	1 (till 7.9.2023)	1 (w.e.f 8.9.2023)
9	Deputy Secretary***	OAS	1	1	0
10	Finance Officer	OFS	1	1	0
11	Dy. Director (Finance)	OFS	1	1	0
12	Deputy Director (Engineering)	Executive Engineer			
13	Deputy Director (Forest)	Divisional Forest Officer	1	1	0
14	Public Prosecutor	DPP	5	2	3
15	Deputy Superintendent of Police****	OPS	1	1	0
16	Under Secretary	OSS	1	0	1
17	Senior Private Secretary	Steno Cadre of Secretariat	1	1	0
18	Private Secretary/ Personal Assistant	Steno Cadre of Secretariate	12	0	12
19	Court Master/ Section Officer	OSS	10	6 [(5 Regular) + (1 Deputed)]	4
20	Inspector of Police	Odisha Police	1	0	1

Sl.No.	Name of the Post	Cadre	Sanctioned Strength	Men in Position	Vacancy
21	Assistant Section Officer	OSS	24	17 [(8 Regular) + (9 Re-engaged)]	7
22	Sub Inspector of Police	Odisha Police	1	1	0
23	Sr. / Jr. Steno	Steno Cadre of Secretariate	10	5 [(1 Deputed) + (4 Re-engaged)]	5
24	Sr. Gr. Diarist	Odisha Lokayukta Cadre	1	1	0
25	Jr. Gr. Diarist	Odisha Lokayukta Cadre	1	1	0
26	Sr./ Jr. Driver	Odisha Lokayukta Cadre	9	5	4
27	Librarian	Odisha Lokayukta Cadre	1	0	1
28	Data Entry Operator (Issue & Dispatch)	Odisha Lokayukta Cadre	2	0	2
29	Data Entry Operator	Odisha Lokayukta Cadre	13	5 [(1 Contractual) + (4 Out-sourced)]	8
30	Record Keeper	Odisha Lokayukta Cadre	1	1	0
31	Receptionist	Odisha Lokayukta Cadre	1	0	1
32	Zamadar	Odisha Lokayukta Cadre	10	4	6
33	Chaukidar-cum-Night Watchman	Odisha Lokayukta Cadre	1	0	1
34	Peon	Odisha Lokayukta Cadre	41	41 [(3 Regular) + (3 OAT) + (35 Out sourced)]	

* The present Director of Inquiry joined in this institution as Additional Secretary. In the mean while, he has been promoted to the I.A.S. Cadre and is continuing as such.

** One Officer in the rank of OAS (SAG) is posted as Additional Director Inquiry.

*** The officer posted as the Deputy Secretary was promoted to the cadre of Joint Secretary and continuing as such.

**** One OPS Officer is posted as Additional Superintendent Police.

4. ANNUAL BUDGET

Allotment & Expenditure during the FY 2023-24 (up to 31.12.2023)

Sl.No.	Head/Unit	Budget Allotment for 23-24	Supplementary proposal for 2023-24	Revised Estimate 2023-24	Progressive Expenditure	Balance
1	Pay	3,77,00,000	0	3,77,00,000	2,95,26,309	81,73,691
2	Arr.Pay	55,00,000	0	55,00,000	31,26,427	23,73,573
3	D.A.	1,69,65,000	50,00,000	2,19,65,000	1,71,90,979	47,74,021
4	H.R.A.	31,00,000	0	31,00,000	18,89,974	12,10,026
5	R.C.M.	5,00,000	4,00,000	9,00,000	3,29,945	5,70,055
6	O.A. & S.A.	18,00,000	50,000	18,50,000	14,75,760	3,74,240
7	C.P. C.A.	63,00,000	0	63,00,000	42,42,656	20,57,344
8	T.E.	4,00,000	0	4,00,000	54,704	3,45,296
9	L.T.C.	8,00,000	2,00,000	10,00,000	7,28,895	2,71,105
10	Electricity Dues	16,68,000	0	16,68,000	10,03,925	6,64,075
11	Water Charges	1,000	0	1,000	0	1,000
12	Telephone Charges	10,20,000	0	10,20,000	6,93,468	3,26,532
13	Motor Vehicles (P.O.L.,Maintenance)	37,66,000	3,00,000	40,66,000	32,39,576	8,26,424
14	Motor Vehicle Hiring Charges	35,00,000	2,52,000	37,52,000	29,75,903	7,76,097
15	Other Contingencies	70,00,000	8,37,000	78,37,000	54,82,021	23,54,979
16	Upgradation of Computer Facilities	10,00,000	0	10,00,000	27,298	9,72,702
17	Computer Consumables	3,00,000	1,30,000	4,30,000	2,02,260	2,27,740
18	Spares and Services	2,00,000	0	2,00,000	91,896	1,08,104
19	Consulting Charges	1,00,000	0	1,00,000	0	1,00,000
20	Advocates Fees	3,00,000	0	3,00,000	0	3,00,000
	TOTAL	9,19,20,000	71,69,000	9,90,89,000	7,22,81,996	2,68,07,004

5. ACTIVITIES DURING THE YEAR 2023

5(A-1) Cases (complaints) filed/ disposed of during 2019 (April 2019 till 31.12.2019), 2020, 2021, 2022 and 2023 (Till 31thDecember 2023) before the Hon'ble Lokayukta:

Sl. No.	Year	New Complaints filed	Complaints received From Erstwhile Lokpal/ pending complaints from previous year	Total (table# 2+3)	Disposed of			Pending at the end of the year {Table # 4-5(c)}
					5(A)	5(B)	5(C)	
	1	2	3	4		5		6
					New CASES	BACKLOG CASES	TOTAL CASES	
1	2019	1132	1418/0	2550	548	1389	1937	584 +29=613
2	2020	1409	0/613	2022	1013	524	1537	485
3	2021	790	0/485	1275	507	377	884	391
4	2022	588	0/391	979	305	254	559	420
5	2023	726	0/420	1146	359	303	662	484
	Total	4645					5579	

- I. In the Year 2023, section 22(2) and section 27A were incorporated in the Odisha Lokayukta Act 2014 [vide Odisha Act 11 Of 2022.,The Odisha Lokayukta (Amendment) Act, 2022.]. Accordingly, the matters relating to disobedience and Contempt matters are being nomenclature "LY (DA)" "LY (CONTEMPT)". In the year 2023, as many as Six (6) LY (Disciplinary Action)cases were initiated and of them three cases were disposed of and three are pending.
- II. During the current year of 2023 as many as 177 copy application were received & disposed of.
- III. Nine legal awareness camps were organized during the pre-Covid-19 period, at Sambalpur, Baripada, Berhampur, Angul, Boudh, Keonjhar, Paralakhemundi, Koraput and At Kendrapara.
- IV. The 10thAwareness camp was held at Bhawanipatna in the district of Kalahandi on 28.12.2023.
- V. For the first time a Circuit bench of Lokakayukta was held at Bhawanipatna in the districts of Kalahandi on 28.12.2023.Eleven (11) cases were posted for hearing by the Bench No-II, out of which 07 (seven) cases were disposed of.

5(A-2) Disposal, Pendency & Institution status of Cases-Department wise, during the year 2023:-

Name of the Department of Government	DISPOSED OF	PENDING	TOTAL
AGRICULTURE & FE	5	7	12
CO-OPERATION	12	8	20
COMMERCE& TRANSPORT	3	-	3
E&IT	1	1	2
EXCISE	-	1	1
ENERGY	8	1	9
FINANCE	10	7	17
FOOD SUPPLY & CW	3	6	9
FE & CC	12	10	22
F & ARD	2	2	4
GA & PG	2	1	3
HOME	40	12	52
HIGHER EDUCATION	19	18	37
H & UD	10	8	18
HEALTH & FW	4	1	5
INDUSTRIES	1	2	3
LAW	2	1	3
LABOUR & ESI	2	1	3
OLL & C	1	1	2
P & C	-	1	1
PANCHAYAT RAJ & DW	116	173	289
PARLIAMENTARY AFFAIRS	-	-	-
REVENUE & DM	49	39	88
RURAL DEV	5	16	21
STEEL & MINES	-	2	2
SCIENCE & TECH	-	-	-
SS & EPD	1	3	4
SCHOOL & ME	16	16	32
ST & SC DEV	6	2	8
SD &TE	-	1	1
H, T & H	1	-	1
WORKS	13	13	26
WATER RESOURCES	7	5	12

W&CD	6	5	11
MISSION SHAKTI	1	3	4
CM/5T	-	1	1
Total	359	367	726

5(A-3) District wise Institution, Disposal (during the year 2023) and Pendency of Cases (as on 31.12.2023), before the Lokayukta in 2023

DISTRICT NAME	DISPOSED OF	PENDING	TOTAL
KHORDHA	55	29	84
NAYAGARH	11	12	23
CUTTACK	29	31	60
BALASORE	14	18	32
BOLANGIR	3	4	7
BHADRAK	10	36	46
GANJAM	25	45	70
DHENKANAL	5	13	18
JAJPUR	27	23	50
KENDRAPARA	16	43	59
PURI	73	52	125
KEONJHAR	2	1	3
MAYURBHANJ	19	6	25
BARGARH	4	-	4
SUNDERGARH	3	1	4
JHARSUGUDA	1	-	1
SUBARNPUR	1	1	2
KANDHAMAL	1	1	2
NUAPADA	3	-	3
KORAPUT	3	4	7
MALKANAGIRI	1	1	2
GAJAPATI	-	1	1
JAGATSINGHPUR	10	10	20
ANGUL	2	3	5
SAMBALPUR	11	8	19
KALAHANDI	24	7	31
BOUDH	3	8	11
RAYAGADA	-	5	5
NABARANGPUR	2	3	5
DEOGARH	1	1	2
Total	359	367	726

6(A-1) Disposal & Pendency of Cases by 3 member Benches (Bench I, Bench II, Special Bench) during the year 2023

Cases of three-member Bench	Of the year 2019	Of the year 2020	Of the year 2021	Of the year 2022	Of the year 2023	Total
Pending as on 31.12.22	06	15	48	23	00	92
Disposed of during 2023	04	12	34	41	16	107
Pending as on 31.12.2023	02	06	32	44	14	98

Note: Three-member Bench cases are taken up, once Preliminary Inquiry report is received as per section 16(1)(b)/20(8) of the Act and under Rule 3(1) of the Odisha Lokayukta (Procedure of Filing of Complaint) Rules, 2020

6(A-2) Year wise Pendency status of Cases as on 31.12.2023

Serial Number	Cases of the year	Pendency
1	2019	03
2	2020	09
3	2021	36*
4	2022	69
5	2023	367
	Total Pendency	484

*The Case number LY-688/2021 was split up into two cases namely LY-688/2021 and LY-688(A)/2021 by the order of the Bench on 19.10.2023.

6(A-3) No of cases in which Preliminary Inquiry order passed by the Hon'ble Lokayukta to be conducted by the Inquiry wing of Lokayukta / the Odisha State Vigilance Directorate, the CID(CB) / EOW, during the years 2019,2020,2021,2022 & in 2023:

Year	Director of Inquiry of Lokayukta	Director of Vigilance, Odisha	C.I.D(C.B), Odisha	EOW, Odisha
2019	11	00	00	00
2020	151	19	00	00
2021	63	17	00	00
2022	60	11	03	02
2023	100	08	01	00
Total	385	55	04	02

7. Statistical Information regarding investigation ordered by Hon'ble Lokayukta

7(A-1) No of cases in which Order for Investigation passed by Hon'ble Lokayukta, Odisha, during the years 2019,2020,2021,2022 & in 2023 for investigation by the Director, Odisha State Vigilance / EOW

Year	Odisha State Vigilance Directorate	EOW
2019	04	00
2020	05	00
2021	07	00
2022	11	01
2023	09	00
Total	36	01

7(A-2) List of Cases referred to Director of Vigilance, Odisha for Inquiry (01.01.2023 – 30.11.2023)

Sl. No.	Case No.	Date of Order
1	LY-585/2022	20.03.2023
2	LY-96/2023	09.05.2023
3	LY-415/2022	26.06.2023
4	LY-192/2023	09.08.2023
5	LY-263/2023	09.08.2023
6	LY-346/2023	07.09.2023
7	LY-326/2023	12.09.2023
8	LY-381/2023	30.11.2023

7(A-3) List of Cases referred to Crime Branch, Odisha, Cuttack for Inquiry (01.01.2023 – 30.11.2023)

Sl. No.	Case No.	Date of Order
1	LY-470/2022	22.08.2023

7(A-4) List of Cases referred to the Director of Inquiry (Lokayukta) for preliminary inquiry during the year 2023.

ORDERS PASSED BY THE HON'BLE BENCH OF LOKAYUKTA INVOKING POWERS U/S 20(1) OF THE ODISHA LOKAYUKTA ACT, 2014 FOR CONDUCT OF PRELIMINARY INQUIRY BY THE DIRECTOR OF INQUIRY, OFFICE OF LOKAYUKTA, ODISHA IN THE YEAR 2023 (From 01.01.2023 To 21.12.2023).

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
1	LY-288/2022	04-01-2023	Bhakta Bandhu Panda	BDO, Nischintakoili	Cuttack	PIR submitted on 24-11-2023
2	LY-297/2022	09-01-2023	Sardar Ikbal Singh	Director, Agriculture & F.P. & others	Kalahandi	PIR submitted on 01-08-2023
3	LY-314/2022	11-01-2023	Sudarshan Parida	Sushanta Ku. Panda, Asst. Engineer, RWSS, Mechanical Division, BBSR & others	Jajpur	PIR submitted on 28-03-2023
4	LY-108/2022	17-01-2023	Satya Narayan Behera	Tahasildar, Junagarh	Kalahandi	PIR submitted on 03-10-2023
5	LY-376/2022	17-01-2023	Ananta Narayan Jena	Manasiya Mohan Patra, AE, Baliapal Block	Balasore	PIR submitted on 17-06-2023
6	LY-219/2022	18-01-2023	Trinath Sahu	Tahasildar, Angul	Angul	PIR submitted on 12-05-2023
7	LY-734/2021	25-01-2023	Umesh Chandra Nayak	Collector, Dhenkanal	Dhenkanal	PIR submitted on 29-05-2023
8	LY-450/2022	31-01-2023	Santosh Ku. Pradhan	Basanta Ku. Mallick, BDO, Nimapara	Puri	PIR submitted on 24-05-2023
9	LY-286/2022	31-01-2023	Pradipta Ku. Sahoo	Sarpanch, Tilakana GP, Nischintakoili Block & others	Cuttack	PIR submitted on 29-08-2023
10	LY-380/2022	30-01-2023	Sujay Ku. Pattanayak	Gyana Ranjan Sahu, BDO, Basta & others	Balasore	PIR submitted on 03-05-2023
11	LY-291/2022	07-02-2023	Premananda Swain	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	Cuttack	PIR submitted on 10-05-2023
12	LY-292/2022	07-02-2023	Premananda Swain	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	Cuttack	PIR submitted on 06-06-2023
13	LY-293/2022	07-02-2023	Karunakar Swain	Prasanna Biswal, JE, Mahanga Block	Cuttack	PIR submitted on 01-08-2023

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
14	LY-335/2022	08-02-2023	Jyotirmayee Mohapatra	CDPO, Begunia	Khordha	PIR submitted on 21-07-2023
15	LY-471/2022	14-02-2023	Jaya Bihari Biswal	Prahallad Behera, PEO, Badibahal GP & others	Bolangir	PIR submitted on 07-06-2023
16	LY-421/2022	14-02-2023	Bijaya Kumar Sahu	Lochan Das, Block Development Officer, Kanas & another	Puri	PIR submitted on 17-06-2023
17	LY-336/2022	20-02-2023	Subham Swain	Divisional Forest Officer, Sambalpur	Sambalpur	PIR submitted on 12-07-2023
18	LY-364/2022	23-02-2023	Sankarshan Jena	Nibedita Pani, D.E.O, Dhenkanal & another	Dhenkanal	PIR submitted on 05-08-2023
19	LY-10/2023	14-03-2023	SarbeswarBehura	Sushanta Kumar Ghadei, S.E., RWS&S, Chandikhol	Jajpur	PIR submitted on 31-07-2023
20	LY-413/2022	09-03-2023	Harjeet Kaur	Executive Engineer, RWSS Division, Nuapada & others	Nuapada	PIR submitted on 09-05-2023
21	LY-417/2022	09-03-2023	Prahallad Mohapatra	Jitendra Panda, Additional Tahasildar, Pipili & others	Puri	PIR submitted on 19-06-2023
22	LY-61/2022	01-03-2023	Hrudananda Parida Priyabrata Garnaik	Narendra Kumar Sahoo, Ex-DDH, Dhenkanal & others	Dhenkanal	Preliminary Inquiry in Process
23	LY-491/2022	13-03-2023	Smt. Sunamani Dei	President, Maa Sarala Mahila Sakti Sangathan, Bedapur GP	Puri	PIR submitted on 25-07-2023
24	LY-341/2022	15-03-2023	Subrat Palei	Keshab Chandra Pradhan, PEO, Nuakholamara GP & other	Puri	PIR submitted on 04-11-2023
25	LY-399/2022	15-03-2023	Pabitra Kumar Pani	Dayanidhi Bag & others	Kendrapara	PIR submitted on 23-08-2023
26	LY-346/2022	20-03-2023	Narendra Nayak	Purnendu Kumar Thatoi, GRS, Balibarei GP, Hatadihi	Keonjhar	PIR submitted on 23-08-2023
27	LY-258/2022	21-03-2023	Pabitra Kumar Nayak	Project Director, Water Shed, Nayagarh	Nayagarh	PIR submitted on 25-10-2023
28	LY-296/2022	22-03-2023	Ratikanta Rout	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	Cuttack	PIR submitted on 05-09-2023

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
29	LY-294/2022	22-03-2023	Karunakar Swain	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	Cuttack	PIR submitted on 17-07-2023
30	LY-295/2022	22-03-2023	Ratikanta Rout	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	Cuttack	PIR submitted on 17-07-2023
31	LY-116/2022	27-03-2023	Akshaya Kumar Rout	Sigma Priya Darsini, J.E., RWSS, Biridi Block & others	Jagatsinghpur	PIR submitted on 11-09-2023
32	LY-483/2022	23-03-2023	Surendra Sethy	Prafulla Kumar Sahu, PEO, Baulagaon GP & others	Ganjam	PIR submitted on 14-08-2023
33	LY-410/2022	04-04-2023	Sudhir Charan Sahoo	Sanjukta Lenka & others	Puri	PIR submitted on 07-08-2023
34	LY-502/2022	31-03-2023	Krushna Chandra Mallick	Smt. Lilina Nayak, JE, Nischintakoili Block & others	Cuttack	PIR submitted on 06-06-2023
35	LY-171/2022	28-03-2023	Manoranjan Sahoo	Pabitra Behera, Executive Officer, Choudwar Municipality & others	Cuttack	PIR submitted on 02-09-2023
36	LY-513/2022	10-04-2023	Sanjit Kumar Behera	Collector & DM, Kendrapara & Others	Kendrapara	PIR submitted on 16-11-2023
37	LY-246/2022	05-04-2023	Brundaban Mishra	Sarpanch, Charda GP, Binka & Others	Subarnapur	PIR submitted on 06-06-2023
38	LY-151/2023	12-04-2023	Minati Parida	Binay Kumar Mishra, JE, Charigaon GP under Kendrapara Block & others	Kendrapara	PIR submitted on 02-09-2023
39	LY-501/2022	12-04-2023	Krushna Chandra Mallick	Smt. Lilina Nayak, JE, Nischintakoili Block & others	Cuttack	PIR submitted on 20-11-2023
40	LY-408/2022	19-04-2023	Minakshi Dhal	Block Development Officer, Bhandaripokhari & others	Bhadrak	PIR submitted on 26-10-2023
41	LY-560/2022	25-04-2023	Subal Bhol	Swatilekha Das, BDO, Odogaon Block & other	Nayagarh	Preliminary Inquiry in Process
42	LY-485/2022	02-05-2023	Ajay Parida	Prafulla Kumar Sahu, PEO, Baulagaon GP & others	Ganjam	PIR submitted on 03-10-2023

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
43	LY-177/2022	03-05-2023	Satya Narayan Sahu	Charubala Mohapatra, Teacher under BEO, Bhadrak	Bhadrak	PIR submitted on 20-11-2023
44	LY-86/2023	10-05-2023	SarbeswarBehura	Pravat Balabantaray & others	Jajpur	PIR submitted on 02-08-2023
45	LY-557/2022	17-05-2023	Sudam Kumar Majhi	Executive Officer, Municipality, Balasore & others	Balasore	PIR submitted on 23-08-2023
46	LY-453/2022	11-05-2023	Charulata Jena	Ramesh Ch. Pattanayak, Secretary, Ganeswarpur SCS, Puri	Puri	PIR submitted on 31-07-2023
47	LY-26/2023	11-05-2023	Bharat Pradhan	JE (Elec.), Sec - I, Nimapara Electrical Divn., Nimapara & another	Puri	PIR submitted on 01-07-2023
48	LY-503/2022	24-05-2023	Jayananda Ratha	Samir Soren, JE, RWSS, Biramaharajpur Section, Sonapur	Subarnapur	Preliminary Inquiry in Process
49	LY-435/2022	25-05-2023	Sarat Kumar Parida	Principal, Athmalik College	Angul	Preliminary Inquiry in Process
50	LY-251/2023	06-06-2023	Rama Chandra Hansda	Principal Secretary, H & UD Department, Govt of odisha & others	Mayurbhanj	PIR Submitted on 18/12/2023
51	LY-782/2021	06-06-2023	Samir Nayak	Kishore Chandra Kisan, Sarpanch, Ardabahal GP & others	Sambalpur	Preliminary Inquiry in Process
52	LY-512/2022	21-06-2023	Ramesh Ku. Sahoo	Collector, Puri & others	Puri	PIR Submitted on 15/12/2023
53	LY-484/2022	22-06-2023	Sarat Ku. Padhi	Prafulla Kumar Sahu, PEO, Baulagaon GP, Chhatrapur Block, Ganjam & others	Ganjam	PIR submitted on 25-08-2023
54	LY-107/2023	27-06-2023	Binod Singh	Head Master, Sarkari Rastriya Hindi Prathamika, Kantabanji & others	Balangir	Preliminary Inquiry in Process
55	LY-138/2023	04-07-2023	Arun Kumar Acharya	Commissioner-cum-Principal Secretary, PR & DW Department & others	Jagatsinghpur	Preliminary Inquiry in Process
56	LY-489/2022	05-07-2023	Ratikanta Rout	Bhabani Shankar Samal, Ex-Sarpanch, Koliatha GP, Mahanga Block	Cuttack	Preliminary Inquiry in Process

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
57	LY-56/2023	13-07-2023	Sk Salim	Krushna Das (VLW), Terundia GP, Nimapara, Puri & others	Puri	PIR submitted on 12-10-2023
58	LY-57/2023	13-07-2023	Manasi Bhoi	Krushna Das (VLW), Terundia GP, Nimapara, Puri & others	Puri	PIR submitted on 12-10-2023
59	LY-305/2023	11-07-2023	Himanshu Sekhar Nayak	Collector, Bhadrak & others	Bhadrak	Preliminary Inquiry in Process
60	LY-29/2023	13-07-2023	Anirudha Malik	Annapurna Sethy, Sarpanch, Penthapal GP, Pattamundai Block	Kendrapara	Preliminary Inquiry in Process
61	LY-218/2023	17-07-2023	Buli Parida	BDO, Nimapara	Puri	PIR submitted on 12-10-2023
62	LY-55/2023	19-07-2023	Ajay Kumar Jena	Karnadev Samaddar, Ex-BDO, Nischintakoili Block & others	Cuttack	PIR submitted on 19-10-2023
63	LY-431/2022	25-07-2023	Samir Nayak	Ex-Sarpanch, Ardabahal GP, Kuchinda Block, Sambalpur & others	Sambalpur	Preliminary Inquiry in Process
64	LY-83/2023	26-07-2023	Deepak Ranjan Swain	BDO, Tirtol & others	Jagatsinghpur	Preliminary Inquiry in Process
65	LY-128/2023	01-08-2023	Abdul Qadir Khan	Minati Jagdev, BDO, Binjharpur & others	Jajpur	PIR Submitted on 26/12/2023
66	LY-153/2023	03-08-2023	Helena@Helina Singh	Dillip Ku. Mohanty, Executive Officer, Jatani Municipality & others	Khordha	PIR submitted on 17-10-2023
67	LY-229/2023	08-08-2023	Pabitra Kumar Pani	Binodini Mahali, A.H.O., Garadpur & others	Kendrapara	Preliminary Inquiry in Process
68	LY-192/2022	09-08-2023	Dillip Kumar Rout	Sarpanch, Penthapala GP, Pattamundai Block & others	Kendrapara	Preliminary Inquiry in Process
69	LY-309/2023	04-09-2023	Sanjay Kumar Chhuria	Suchismita Pattnaik, DCPO, Sambalpur	Sambalpur	Preliminary Inquiry in Process
70	LY-483/2023	12-09-2023	Pradipta Kumar Swain	Block Development Officer, Nischintakoili & others	Cuttack	Preliminary Inquiry in Process

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
71	LY-49/2023	18-09-2023	Ramakanta Dangua	Ranjan Seth, Ex-DSCO, Bhadrak	Bhadrak	Preliminary Inquiry in Process
72	LY-497/2023	12-09-2023	Dilip Kumar Senapati	Debabrata Das, BDO Bhandaripokhari & others	Bhadrak	Preliminary Inquiry in Process
73	LY-232/2023	18-09-2023	Somnath Barse	Smt. Tapaswini Kohar, Headmaster, Tarlakota Govt. High School & another	Malkangiri	PIR submitted on 18/12/2023
74	LY-27/2023	03-10-2023	Rajendra Kumar Parida	Collector, Kendrapara & other	Kendrapara	PIR submitted on 08-11-2023
75	LY-88/2023	29-09-2023	Biranchi Narayan Panda	Block Development Officer, Bhapur, Dist.-Nayagarh	Nayagarh	PIR submitted on 02-11-2023
76	LY-376/2023	11-10-2023	Abdul Qadir Khan	Minati Jagdev, BDO, Binjharpur & others	Jajpur	PIR Submitted on 26/12/2023
77	LY-244/2023	16-10-2023	Bharat Tripathy	Prasanna Kumar Das, JE, Bhadrak Block & another	Bhadrak	PIR submitted on 19/12/2023
78	LY-354/2023	17-10-2023	Anirudha Panda	Tahasildar, Dasarathpur, Jajpur	Jajpur	PIR Submitted on 11/12/2023
79	LY-156/2023	17-10-2023	Sushanta Kumar Sethi	Binay Kumar Mishra, JE, Charigaon GP Under Kendrapara Block & others	Kendrapara	Preliminary Inquiry in Process
80	LY-159/2023	17-10-2023	Sudam Mallik	Binay Kumar Mishra, JE, Charigaon GP Under Kendrapara Block & others	Kendrapara	Preliminary Inquiry in Process
81	LY-60/2023	16-10-2023	Pradipta Kumar Sahoo	Block Development Officer Nischintakoili Block & others	Cuttack	Preliminary Inquiry in Process
82	LY-110/2023	30-10-2023	Rabindra Dutta	Tahasildar, Baliapal	Balasore	Preliminary Inquiry in Process
83	LY-109/2023	25-10-2023	Rajib Kumar Jena	Bhikari Khandual, Ex-AEE, Polasara Block & others	Ganjam	Preliminary Inquiry in Process
84	LY-368/2023	30-10-2023	Sarbeswar Das	Block Development Officer, Pattamundai Block & others	Kendrapara	Preliminary Inquiry in Process
85	LY-383/2023	06-11-2023	Ranjit Kumar Routray	Executive Officer, Konark NAC	Puri	Preliminary Inquiry in Process

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
86	LY-380/2023	01-11-2023	Bhagyashree Ojha	Collector, Kendrapara & others	Kendrapara	Preliminary Inquiry in Process
87	LY-541/2022	06-11-2023	Biswa Ranjan Mohanty	Akhaya Mishra, S.P., Vigilance, Cuttack Division, Cuttack & others	Cuttack	Preliminary Inquiry in Process
88	LY-245/2023	09-11-2023	Jnanaranjan Dash	Ashok Kumar Behera, Superintending Engineer, Rural Works Division, Bhubaneswar	Khordha	PIR submitted on 22/12/2023
89	LY-284/2023	08-11-2023	Santosh Kumar Mohanty	Block Development Officer, Gop Block & others	Puri	Preliminary Inquiry in Process
90	LY-149/2023	09-11-2023	Rabindra Samal	Susanta Barik, BDO, Soro	Balasore	Preliminary Inquiry in Process
91	LY-614/2023	09-11-2023	Dillip Kumar Behera	Block Development Officer, Panchayat Samiti, Garadpur, Kendrapara & others	Kendrapara	Preliminary Inquiry in Process
92	LY-176/2023	13-11-2023	Brundaban Behera	Block Education Officer, Harabhanga Block and another	Boudh	Preliminary Inquiry in Process
93	LY-432/2023	21-11-2023	Sudhir Charan Sahu	Sanjukta Lenka, Ex-Sarpanch, Bhogasalada GP & others	Puri	Preliminary Inquiry in Process
94	LY-242/2023	15-11-2023	Sadananda Samal	Debabrata Das, BDO Bhandaripokhari & others	Bhadrak	Preliminary Inquiry in Process
95	LY-72/2023	22-11-2023	Simanchal Jena	Jayaram Nayak	Ganjam	Preliminary Inquiry in Process
96	LY-308/2023	22-11-2023	Santosh Kumar Nayak	Minakumari Sidhu & others	Cuttack	Preliminary Inquiry in Process
97	LY-596/2023	28-11-2023	Nalini Mohanty	Pabitra Kumar Samal, BDO, Baliana Block & others	Khordha	Preliminary Inquiry in Process
98	LY-180/2023	28-11-2023	Sharat Senapati	Jyoti Bikash Dash, BDO, Chandbali Block & others	Bhadrak	Preliminary Inquiry in Process

Sl. No	Case No.	Date of Order of Hon'ble Bench of Lokayukta	Name of the Complainant	Name of the Respondent	District	Status of Preliminary Inquiry/ Submission of P.I.R.
99	LY-214/2023	29-11-2023	Prabeena Sethy	Block Development Officer, Polasara Block & others	Ganjam	Preliminary Inquiry in Process
100	LY-442/2023	29-11-2023	Krutibas Das	Babitarani Rout, Ex-Sarpanch, Koilipur GP, Rajkanika Block & others	Kendrapara	Preliminary Inquiry in Process
101	LY-307/2023	30-11-2023	Jagabandhu Mallick	Mina Kumari Sidhu, Ex-JE, Nischintakoili Block & others	Cuttack	Preliminary Inquiry in Process
102	LY-668/2023	04-12-2023	Prasanna Kumar Palai	Dhananjaya Behera, Manapada GP under Brahmagiri Block & others	Puri	Preliminary Inquiry in Process
103	LY-669/2023	04-12-2023	Susanta Jena	Pushpakanti Behera, Grama Sathi, Danduaripada, Manapada GP under Brahmagiri Block & others	Puri	Preliminary Inquiry in Process
104	LY-667/2023	04-12-2023	Surath Dalei	Dhananjay Behera, Grama Sathi, Chhotapur under Brahmagir Block & others	Puri	Preliminary Inquiry in Process
105	LY-235/2023	06-12-2023	Prasanna Kumar Jena	Collector & DM, Jajpur & others	Jajpur	Preliminary Inquiry in Process
106	LY-367/2023	18-12-2023	Santosh Kumar Bhanj	Rabi Narayan Puthal, Assistant Engineer, Suliapada Block & others	Mayurbhanj	Preliminary Inquiry in Process
107	LY-93/2023	20-12-2023	Sarat Kumar Parida	Mangaladeep Bose, SRA, Kantapada Panchayat Samiti & others	Cuttack	Preliminary Inquiry in Process
108	LY-676/2023	21-12-2023	Manoranjan Dash	Ajay Kumar Mallick RI, Garadpur	Kendrapara	Preliminary Inquiry in Process
109	LY-208/2023	26-12-2023	Sankarshan Pradhan	Sambhunath Nandi BDO, Polasara & others	Ganjam	Preliminary Inquiry in Process
110	LY-108/2023	14-11-2023	Ramachandra Gouda	Tanmaya Patra BDO, Buguda & others	Ganjam	Preliminary Inquiry in Process

7(A-5) Submission of Preliminary Inquiry Report U/S.20(2) of the Odisha Lokayukta Act, 2014 during the year 2023 (01.01.2023 to 31.12.2023) by the Director of Inquiry, Lokayukta, Odisha

Sl.No.	LY Case No	Name of the Complainant	Name of the Respondent	Date of Order of for Preliminary Inquiry	Date of Submission of Preliminary Inquiry Report
1	618/2021	Aruna Bain	Pranab Kumar Behera, BDO, Basudevpur & others	07-06-2022	14-02-2023
2	608/2021	Rajib Kumar Jena	Kuni Jena, Sarpanch, Dhunkapada G.P. & others	07-06-2022	03-01-2023
3	302/2021	Rabindra Kishan	Dambarudhar Prusty, Ex-PEO, Kashiadihi G. P.	22-06-2022	09-01-2023
4	384/2021	Satyanarjan Nayak	BDO, Rajkanika Block	14-07-2022	21-03-2023
5	530/2021	Bansidhar Sethi	Sarpanch, Chudamani GP	25-07-2022	07-02-2023
6	131/2022	Rakesh Roshan	Nirmal Das, Ex-DGM, Electrical Circle, Jajpur Road	02-08-2022	07-02-2023
7	186/2022	Sarbeswar Behura	Swagat Das, Tahasildar, Dharmasala	03-08-2022	20-03-2023
8	723/2021	Satyajit Nayak	BDO, Tihidi & others	03-08-2022	21-01-2023
9	624/2021	Sarat Ku. Parida	Artatrana Mallick, Tahasildar, Kantapada	22-08-2022	06-06-2023
10	540/2021	Srikanta Behera	Pravash Nayak, Sarpanch, Bhatapada GP, Bhadrak	05-09-2022	06-03-2023
11	541/2021	Prashanta Behera	Pravash Nayak, Sarpanch, Bhatapada GP, Bhadrak	05-09-2022	06-03-2023
12	38/2022	Aditya Prasad Sahu	Bhaujabanti Sahu, Sarpanch, Rinja Gram Panchayat	06-09-2022	14-02-2023
13	731/2021	Keshab Kar	BDO, Deogaon	14-09-2022	17-03-2023
14	613/2021	Sri Balaram Das	Jayanti Samal, Sarpanch, Sadha Gram Panchayat under Hatadihi Block	26-09-2022	01-05-2023
15	67/2022	Sri Pratap Ch. Prusty	Collector, Nayagarh -cum- President, District Paddy Procurement Committee & others	28-09-2022	10-01-2023

Sl.No.	LY Case No	Name of the Complainant	Name of the Respondent	Date of Order of for Preliminary Inquiry	Date of Submission of Preliminary Inquiry Report
16	269/2022	Sri Ratikanta Nayak	JE, RW Div., Rayagada & others	29-09-2022	28-03-2023
17	76/2021	Sanjay Kumar Chhuria	BDO, Maneswar	30-09-2022	04-04-2023
18	165/2022	Sarat Ch. Pradhan	Collector, Nayagarh & others	28-09-2022	21-06-2023
19	LY-303/2021	Pradyumna Mahunta	Ranjan Ku. Mahanty, PEO, Katanabania GP	19-10-2022	11-04-2023
20	123/2022 & 120/2022	Tapan Ku. Jena GaneswarPattnaik	Rashmi Ranjan Behera, Ex- Sarpanch, Sankarpur GP, Biridi Block	31-10-2022	14-02-2023
21	232/2022	Sudhir Ch. Sahoo	Sanjulata Lenka, Ex-Sarpanch, Bhogasalada GP, Nimapara	07-11-2022	04-03-2023
22	652/2021	Ashok Ku. Sahoo	Commissioner-cum-Secretary, SME Deptt. Odisha	14-11-2022	06-04-2023
23	267/2022	Sri Benudhar Patra	Tahasildar, Brahmagiri	23-11-2022	03-01-2023
24	235/2022	Trailokyanath Subudhi	Collector, Khordha & others	21-11-2022	16-05-2023
25	34/2022	Laxminarayan Reddy	Kamalakanta Panda, PEO, Narayanpur GP & others	06-12-2022	16-09-2023
26	207/2022	Manoranjan Sahoo	Pabitra Kumar Behera, Executive Officer, Choudwar Municipality	20-12-2022	18-04-2023
27	544/2021	Bijayananda Mohanty	Minakhilata Sahoo, Sarpanch, Kasapa Gram Panchayat	20-12-2022	17-04-2023
28	353/2022	Pinaka Priyadarshan Nayak	Tahasildar, Dasarathpur	28-12-2022	31-03-2023
29	369/2022	Naseem Ahmed Shah Ansari	BDO, Gop	28-12-2022	22-08-2023
30	288/2022	Bhakta Bandhu Panda	BDO, Nischintakoili	04-01-2023	24-11-2023
31	297/2022	Sardar Ikbal Singh	Director, Agriculture & F.P. & others	09-01-2023	01-08-2023
32	314/2022	Sudarshan Parida	Sushanta Ku. Panda, Asst. Engineer, RWSS, Mechanical Division, BBSR & others	11-01-2023	28-03-2023

Sl.No.	LY Case No	Name of the Complainant	Name of the Respondent	Date of Order of for Preliminary Inquiry	Date of Submission of Preliminary Inquiry Report
33	108/2022	Satya Narayan Behera	Tahasildar, Junagarh	17-01-2023	03-10-2023
34	376/2022	Ananta Narayan Jena	Manasiya Mohan Patra, AE, Baliapal Block	17-01-2023	17-06-2023
35	219/2022	Trinath Sahu	Tahasildar, Angul	18-01-2023	12-05-2023
36	734/2021	Umesh Chandra Nayak	Collector, Dhenkanal	25-01-2023	29-05-2023
37	450/2022	Santosh Ku. Pradhan	Basanta Ku. Mallick, BDO, Nimapara	31-01-2023	24-05-2023
38	286/2022	Pradipta Ku. Sahoo	Sarpanch, Tilakana GP, Nischintakoili Block & others	31-01-2023	29-08-2023
39	380/2022	Sujay Ku. Pattanayak	Gyana Ranjan Sahu, BDO, Basta & others	30-01-2023	03-05-2023
40	291/2022	Premananda Swain	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	07-02-2023	10-05-2023
41	292/2022	Premananda Swain	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	07-02-2023	06-06-2023
42	293/2022	Karunakar Swain	Prasanna Biswal JE, Mahanga Block	07-02-2023	01-08-2023
43	335/2022	Jyotirmayee Mohapatra	CDPO, Begunia	08-02-2023	21-07-2023
44	471/2022	Jaya Bihari Biswal	Prahallad Behera PEO, Badibahal GP & others	14-02-2023	07-06-2023
45	421/2022	Bijaya Kumar Sahu	Lochan Das, BDO, Kanas & another	14-02-2023	17-06-2023
46	336/2022	Subham Swain	Divisional Forest Officer, Sambalpur	20-02-2023	12-07-2023
47	364/2022	Sankarshan Jena	Nibedita pani, D.E.O, Dhenkanal & another	23-02-2023	05-08-2023
48	10/2023	SarbeswarBehura	Sushanta Kumar Ghadei S.E., RWS&S, Chandikhol	14-03-2023	31-07-2023
49	413/2022	Harjeet Kaur	Executive Engineer RWSS Division, Nuapada & others	09-03-2023	09-05-2023

Sl.No.	LY Case No	Name of the Complainant	Name of the Respondent	Date of Order of for Preliminary Inquiry	Date of Submission of Preliminary Inquiry Report
50	417/2022	Prahallad Mohapatra	Jitendra Panda Additional Tahasildar, Pipili & others	09-03-2023	19-06-2023
51	491/2022	Smt. Sunamani Dei	President, Maa Sarala Mahila Sakti Sangathan, Bedapur GP	13-03-2023	25-07-2023
52	341/2022	Subrat Palei	Keshab Chandra Pradhan, PEO Nuakholamara GP & other	15-03-2023	04-11-2023
53	399/2022	Pabitra Kumar Pani	Dayanidhi Bag & others	15-03-2023	23-08-2023
54	346/2022	Narendra Nayak	Purnendu Kumar Thatoi, GRS, Balibarei GP, Hatadihi	20-03-2023	23-08-2023
55	258/2022	Pabitra Kumar Nayak	Project Director, Water Shed, Nayagarh	21-03-2023	25-10-2023
56	296/2022	Ratikanta Rout	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	22-03-2023	05-09-2023
57	294/2022	Karunakar Swain	Bhabani Sankar Samal, Ex-Sarpanch, Koliatha GP & others	22-03-2023	17-07-2023
58	295/2022	Ratikanta Rout	Bhabani Sankar Samal Ex-Sarpanch, Koliatha GP & others	22-03-2023	17-07-2023
59	116/2022	Akshaya Kumar Rout	Sigma Priya Darsini, J.E., RWSS, Biridi Block & others	27-03-2023	11-09-2023
60	483/2022	Surendra Sethy	Prafulla Kumar Sahu, PEO, Baulagaon GP & others	23-03-2023	14-08-2023
61	410/2022	Sudhir Charan Sahoo	Sanjukta Lenka & others	04-04-2023	07-08-2023
62	502/2022	Krushna Chandra Mallick	Smt. Lilina Nayak, JE, Nischintakoili Block & others	31-03-2023	06-06-2023
63	171/2022	Manoranjan Sahoo	Pabitra Behera, Executive Officer, Choudwar Municipality & others	28-03-2023	02-09-2023
64	513/2022	Sanjit Kumar Behera	Collector & DM, Kendrapara & Others	10-04-2023	16-11-2023

Sl.No.	LY Case No	Name of the Complainant	Name of the Respondent	Date of Order of for Preliminary Inquiry	Date of Submission of Preliminary Inquiry Report
65	246/2022	Brundaban Mishra	Sarpanch, Charda GP, Binka & Others	05-04-2023	06-06-2023
66	151/2023	Minati Parida	Binay Kumar Mishra, JE, Charigaon GP Under Kendrapara Block & others	12-04-2023	02-09-2023
67	501/2022	Krushna Chandra Mallick	Smt. Lilina Nayak, JE, Nischintakoili Block & others	12-04-2023	20-11-2023
68	408/2022	Minakshi Dhal	Block Development Officer, Bhandaripokhari & others	19-04-2023	26-10-2023
69	485/2022	Ajay Parida	Prafulla Kumar Sahu, PEO, Baulagaon GP & others	02-05-2023	03-10-2023
70	177/2022	Satya Narayan Sahu	Charubala Mohapatra, Teacher under BEO, Bhadrak	03-05-2023	20-11-2023
71	86/2023	SarbeswarBehura	Pravat Balabantaray & others	10-05-2023	02-08-2023
72	557/2022	Sudam Kumar Majhi	Executive Officer, Municipality, Balasore & others	17-05-2023	23-08-2023
73	453/2022	Charulata Jena	Ramesh Ch. Pattanayak, Secretary, Ganeswarpur SCS, Puri	11-05-2023	31-07-2023
74	26/2023	Bharat Pradhan	JE (Elec.), Sec - I, Nimapara Electrical Division, Nimapara & another	11-05-2023	01-07-2023
75	484/2022	Sarat Ku. Padhi	Prafulla Kumar Sahu, PEO, Baulagaon GP, Chhatrapur Block, Ganjam & others	22-06-2023	25-08-2023
76	56/2023	Sk Salim	Krushna Das (VLW), Terundia GP, Nimapara, Puri & others	13-07-2023	12-10-2023
77	57/2023	Manasi Bhoi	Krushna Das (VLW), Terundia GP, Nimapara, Puri & others	13-07-2023	12-10-2023
78	218/2023	Buli Parida	BDO, Nimapara	17-07-2023	12-10-2023
79	55/2023	Ajay Kumar Jena	Karnadev Samaddar, Ex-BDO, Nischintakoili Block & others	19-07-2023	19-10-2023

Sl.No.	LY Case No	Name of the Complainant	Name of the Respondent	Date of Order of for Preliminary Inquiry	Date of Submission of Preliminary Inquiry Report
80	153/2023	Helena@Helina Singh	Dillip Ku. Mohanty, Executive Officer, Jatani Municipality & others	03-08-2023	17-10-2023
81	27/2023	Rajendra Kumar Parida	Collector, Kendrapara & other	03-10-2023	08-11-2023
82	88/2023	Biranchi Narayan Panda	Block Development Officer, Bhapur, Dist.-Nayagarh	29-09-2023	02-11-2023
83	206/2022	Manoranjan Sahoo	Pabitra Kumar Behera, Executive Officer, Choudwar Municipality	26-12-2022	08-12-2023
84	354/2023	Anirudha Panda	Tahasildar, Dasarhpur, Jajpur	17-10-2023	11-12-2023
85	512/2022	Ramesh Kumar Sahoo	Collctor, Puri & others	21-06-2023	15-12-2023
86	232/2023	Somnath Barse	Smt. Tapaswini Kohar, Headmaster, Tarlakota Govt. High School & another	18-09-2023	18-12-2023
87	251/2023	Rama Chandra Hansdah	Principal Secretary, H & UD Department, Govt of Odisha & others	06-06-2023	18-12-2023
88	244/2023	Bharta Tripathy	Prasanna Kumar Das, JE, Bhadrak Block & another	16-10-2023	19-12-2023
89	245/2023	Jnanaranjan Dash	Ashok Kumar Behera, Superintending Engineer, Rural works Division, Bhubaneswar	09-11-2023	22-12-2023
90	128/2023	Abdul Qadir Khan	Minati Jagdev, BDO, Binjharpur & others	01-08-2023	26-12-2023
91	376/2023	Abdul Qadir Khan	Minati Jagdev, BDO, Binjharpur & others	11-10-2023	26-12-2023
92	435/2022	Sarat Kumar Parida	Principal, Athamalik College	25-05-2023	30-12-2023
93	503/2022	Jayananda Ratha	Samir Soren, JE, RWSS, Birmaharajpur Section, Sonapur	24-05-2023	30-12-2023

8. INVESTIGATION UNDER SECTION 20(1)(A) READ WITH SECTION 20(3)((A) OF THE LOKAYUKTA ACT 2014

8(A-1) List of Cases referred to Director of Vigilance, Odisha For Investigation between the period 01.01.2023 – 31.12.2023

Sl. No.	Case No.	Date of Order
1	LY-968/2019	17.02.2023
2	LY-232/2022	26.05.2023
3	LY-543/2021	18.05.2023
4	LY-44/2021	02.06.2023
5	LY-668/2021	16.06.2023
6	LY-539/2021	04.08.2023
7	LY-297/2021	06.10.2023

8(A-2) List of cases in which investigation report received from Director of vigilance/CID(C.B)/EOW ordered either U/S 20(1)(a) or U/s 20(3)(a) of the Lokayukta Act.

Sl No.	Case No.	Investigation report during the 2023
1.	LY-398/2019	Investigation report filed
2.	LY-654/2019	Investigation report received
3.	LY-66/2020	Investigation report received
4.	LY-1101/2020	Investigation report received
5.	LY-1197/2020	Investigation report submitted
6.	LY-122/2021	Investigation report received
7.	LY-209/2021	Investigation report received
8.	LY-325/2021	Investigation report received
9.	LY-719/2021	Investigation report received
10.	LY-134/2022	Investigation report received
11.	1355/2020	Investigation report received

8(A-3) List of cases in which direction u/s 20(9) of the lokayukta act 2014 Hon'ble lokayukta Odisha, charge sheets have been ordered to be filed, during the period from 01.01.2023 to 31.12.2023, in the designated Courts.

Sl. No.	LY Case No/ year.	Date of Order by The Hon'ble Lokayukta	Name of the Special Court in which chargesheet filed
1	1101/2020	13.01.2023	Special Court Vigilance Bhubaneswar
2	167/2020	13.01.2023	Special Court Vigilance, Bhawanipatna
3	90/2019	17.02.2023	Special Judge Vigilance, Baripada
4	215/2019	16.02.2023	Special Court, Berhampur
5	1348/2020	20.04.2023	Special Court Vigilance Bhubaneswar
6	654/2019	18.05.2023	Special Judge Vigilance Cuttack
7	1197/2020	09.06.2023	Special Court Bhubaneswar
8	325/2021	12.10.2023	Special Court Vigilance Koraput, Jeypore
9	719/2021	10.11.2023	Special Court Vigilance Cuttack
10	1355/2020	22.12.2023	Special Court Vigilance Cuttack

8(A-4). List of cases in which following the direction of Hon'ble Lokayukta U/S 20(9) of the Lokayukta Act 2014, the Director of Prosecution U/S 12(2) of the Act , charge sheets have been filed, during the period from 01.01.2023 to 31.12.2023, in the designated courts.

Sl. No.	Case No. Lokayukta	Name of the Parties	Date of receipt of order from Lokayukta	Date of submission of charge sheet	Vigilance P.S Case No.	Case No & Name of the Court
1	LY Case No.122/ 2021	State of Odisha v/s Gayatri Soren & Ors.	Letter No.9156 Dtd.30.11.2022	06.01.2023	Balasore vigilance P.S. Case No.-20/2022	TR No.01/23 Special Judge Vigilance, Keonjhar
2	LY Case No.162/ 2019	State of Odisha v/s Satya Narayan Sahoo	Letter No.9853 Dtd.27.12.2022	18.01.2023	Jeypore vigilance P.S Case No.-15/2022	TR No.05/23 Special Judge Vigilance, Jeypore
3	LY Case No.167/ 2020	State of Odisha v/s Manas Ranjan Sahu & Ors.	Letter No.498 Dtd.17.01.2023	17.02.2023	Koraput vigilance P.S. Case No.27/2021	TR No.01/23 Special Judge, Vigilance, Bhawanipatana

Sl. No.	Case No. Lokayukta	Name of the Parties	Date of receipt of order from Lokayukta	Date of submission of charge sheet	Vigilance P.S Case No.	Case No & Name of the Court
4	LY Case No.1101/2020	State of Odisha v/s Niharika Nayak & Ors.	Letter No.499 Dtd.17.01.2023	15.02.2023	Bhubaneswar vigilance P.S. Case No.15/2022	TR No.08/23 Special Judge, Vigilance, Bhubaneswar
5	LY Case No.90/2019	State of Odisha Vrs. Gangadhar Nayak & Ors.	Letter No.1351 Dtd.22.02.2023	28.03.2023	Balasore vigilance P.S. Case No.16 /21	TR No.05/21 Special Judge, Vigilance, Baripada
6	LY Case No.215/2019	State of Odisha Vrs. Bijaya Kumar Jha & Ors.	Letter No.1506 Dtd.01.03.2023	15.04.2023	Berhampur vigilance P.S Case No.15/2021	VGR No.7/21 Special Judge, Vigilance, Berhampur
7	LY Case No.1348/2020	State of Odisha Vrs. Pradeep Kumar Panigrahi	Letter No.2871 Dtd.20.04.2023	20.04.2023	Bhubaneswar vigilance P.S. Case No.06 /2021	TR No.02/23 Special Judge, Vigilance, Bhubaneswar
8	LY Case No.654/2019	State of Odisha Vrs. Smt. Manjulata Kar	Letter No.4217 Dtd.01.06.2023	26.06.2023	Cuttack vigilance P.S. Case No.19/2022	Special Judge, Vigilance, Cuttack
9	LY Case No.1197/2020	State of Odisha Vrs. Satya Narayan Tripathy & Ors.	Letter No.4632 Dtd.16.06.2023	26.07.2023	Bhubaneswar Vigilance P.S. Case No.33 /2022	Special Judge Vigilance, Bhubaneswar
10	LY Case No.325/2021	State of Odisha Vrs. Nayak Sri Jagadish Prasad Singh & Ors.	Letter No.8578 Dtd.17.10.2023	13.11.2023	Jaypur vigilance P.S Case No.32/2022VGR 25/2022	Special Judge Vigilance, Jaypur
11	LY Case No.719/2021	State of Odisha Vrs. Maheswar Mohanty & Ors.	Letter No.9324 Dtd.10.11.2023	10.11.2023	Cuttack vigilance P.S Case No.51/2022 VGR 34/2022	Special Judge Vigilance, Cuttack

9(A-1) RTI Applications received & disposed of by the P.I.O./A.P.I.O Office of Lokayukta during the Year, 2023

Sl. No.	Name of the Applicant	Date of Receive Application	Date of Supply Information	Remarks (File No.)
1	Raj Kishore Sahu	02.01.2023	19.01.2023	LY-RTI-01/2023
2	Bijay Kumar Khilar	03.01.2023	09.01.2023	LY-RTI-02/2023
3	Srikant Pakal	07.01.2023	03.02.2023	LY-RTI-03/2023
4	Ramesh Chandra Mishra	10.01.2023	25.01.2023	LY-RTI-04/2023
5	Subarna Keshari Chand	21.01.2023	30.01.2023	LY-RTI-05/2023
6	Prakash Chandra Das	30.01.2023	21.03.2023	LY-RTI-06/2023
7	Manoj Kumar Mallik	16.02.2023	15.03.2023	LY-RTI-07/2023
8	Somnath Jena	16.02.2023	15.03.2023	LY-RTI-08/2023
9	Subhashree Jena	20.02.2023	10.03.2023	LY-RTI-09/2023
10	Himansu Sekhar Nayak	22.02.2023	23.03.2023	LY-RTI-10/2023
11	Jayanti Das	24.02.2023	20.03.2023	LY-RTI-11/2023
12	Samir Nayak	20.02.2023	09.05.2023	LY-RTI-12/2023
13	Amar Kumar Bhaskar	13.02.2023	04.03.2023	LY-RTI-13/2023
14	Sanyasi Pradhan	22.03.2023	19.04.2023	LY-RTI-14/2023
15	Pabitra Kumar Das	27.03.2023	13.04.2023	LY-RTI-15/2023
16	Amitav Chand	03.04.2023	05.04.2023	LY-RTI-16/2023
17	Adv. Sameer Das	05.04.2023	13.04.2023	LY-RTI-17/2023
18	Bhagbat Das	10.04.2023	13.04.2023	LY-RTI-18/2023
19	Amitav Chand	17.04.2023	25.04.2023	LY-RTI-19/2023
20	Bijoy Kumar Das	15.04.2023	08.05.2023	LY-RTI-20/2023
21	Sanat Acharya	20.04.2023	11.05.2023	LY-RTI-21/2023
22	Ashok Kumar Gadanayak	25.04.2023	03.05.2023	LY-RTI-22/2023
23	Tilotama Nayak	27.04.2023	06.05.2023	LY-RTI-23/2023
24	Aditi Pradhan	04.05.2023	30.05.2023	LY-RTI-24/2023
25	Sanatan Das	12.05.2023	15.05.2023	LY-RTI-25/2023
26	Muktikanta Rout	12.05.2023	16.05.2023	LY-RTI-26/2023
27	Ashok Kumar Gadanayak	26.06.2023	14.07.2023	LY-RTI-27/2023
28	Krushna Chandra Sahu	03.06.2023	10.07.2023	LY-RTI-28/2023
29	Harihar Podha	05.06.2023	04.07.2023	LY-RTI-29/2023
30	Krushna Chandra Sahu	05.06.2023	10.07.2023	LY-RTI-30/2023
31	Bindu Mahananda	23.05.2023	16.06.2023	LY-RTI-31/2023

Sl. No.	Name of the Applicant	Date of Receive Application	Date of Supply Information	Remarks (File No.)
32	Arun Sahani	28.06.2023	13.07.2023	LY-RTI-32/2023
33	Sunita Tandi	05.07.2023	26.07.2023	LY-RTI-33/2023
34	Sunita Tandi	03.07.2023	03.08.2023	LY-RTI-34/2023
35	Ramachandra Debata	11.07.2023	12.07.2023	LY-RTI-35/2023
36	Bhubana Mahananda	11.07.2023	01.09.2023	LY-RTI-36/2023
37	Bindu Mahananda	11.07.2023	18.07.2023	LY-RTI-37/2023
38	Sachindra Kumar Sahoo	24.07.2023	03.08.2023	LY-RTI-38/2023
39	Manoranjan Jena	26.07.2023	21.08.2023	LY-RTI-39/2023
40	Ashish Barla	01.08.2023	03.08.2023	LY-RTI-40/2023
41	Rama Chandra Debata	05.08.2023	07.08.2023	LY-RTI-41/2023
42	Soubhagya Ranjan Barik	07.08.2023	07.08.2023	LY-RTI-42/2023
43	Rina Naik	10.08.2023	01.09.2023	LY-RTI-43/2023
44	Manoj Kumar Paltasingh	11.08.2023	11.08.2023	LY-RTI-44/2023
45	Pradhani Bag	17.08.2023	18.08.2023	LY-RTI-45/2023
46	Subash Chandra Samantaray	19.08.2023	21.08.2023	LY-RTI-46/2023
47	Bijoy Kumar Das	21.08.2023	01.09.2023	LY-RTI-47/2023
48	Simanchal Sahu	23.08.2023	01.09.2023	LY-RTI-48/2023
49	Abhilash Pati	29.08.2023	01.09.2023	LY-RTI-49/2023
50	Pabitra Kumar Das	11.09.2023	13.09.2023	LY-RTI-50/2023
51	Basant Kumar Biswal	13.09.2023	16.09.2023	LY-RTI-51/2023
52	Harihar Podha	18.09.2023	30.09.2023	LY-RTI-52/2023
53	Gopal Kumar Agrawal	21.09.2023	26.09.2023	LY-RTI-53/2023
54	Prasant Kumar Palo	30.09.2023	03.10.2023	LY-RTI-54/2023
55	Kartika Jena	04.10.2023	05.10.2023	LY-RTI-55/2023
56	Bikash Kumar Bhagat	04.10.2023	05.10.2023	LY-RTI-56/2023
57	Rakesh Nayak	04.10.2023	05.10.2023	LY-RTI-57/2023
58	Bijay Kumar Pradhan	09.10.2023	09.10.2023	LY-RTI-58/2023
59	Shilpa Mohapatra	09.10.2023	09.10.2023	LY-RTI-59/2023
60	Dillip Kumar Dhirsamant	09.10.2023	09.10.2023	LY-RTI-60/2023
61	Md. Rahim Khan	10.10.2023	12.10.2023	LY-RTI-61/2023
62	Jogendra Sahu	11.10.2023	12.10.2023	LY-RTI-62/2023
63	Dillip Kumar Dhirsamant	11.10.2023	12.10.2023	LY-RTI-63/2023
64	Pradeep Kumar Pallayie	12.10.2023	19.10.2023	LY-RTI-64/2023
65	Satyanarayan Acharya	16.10.2023	16.10.2023	LY-RTI-65/2023

Sl. No.	Name of the Applicant	Date of Receive Application	Date of Supply Information	Remarks (File No.)
66	Udaya Nath Swain	16.10.2023	16.10.2023	LY-RTI-66/2023
67	Pradeep Chandra Sahoo	07.11.2023	09.11.2023	LY-RTI-67/2023
68	Anuj Kumar Mohapatra	16.11.2023	21.11.2023	LY-RTI-68/2023
69	Sanat Acharya	17.11.2023	24.11.2023	LY-RTI-69/2023
70	Nilamani Joshi	16.11.2023	23.11.2023	LY-RTI-70/2023
71	Nilamani Joshi	16.11.2023	23.11.2023	LY-RTI-71/2023

9(A-2) RTI Appeals filed & disposed of by the 1st Appellate Authority, Office of the Lokayukta under the R.T.I. during the Year 2023

Sl. No.	Name of the Applicant	Date of Application	Date of first appeal order/supply information	File No.
1	Srikant Pakal	10.02.2023	10.03.2023	LY-RTI-FAA-01/2023
2	Subarna Keshari Chand	13.02.2023	13.03.2023	LY-RTI-FAA-02/2023
3	Himansu Sekhar Nayak	08.05.2023	27.06.2023	LY-RTI-FAA-03/2023
4	Sanat Acharya	31.05.2023	22.06.2023	LY-RTI-FAA-04/2023
5	Samir Nayak	05.06.2023	28.06.2023	LY-RTI-FAA-05/2023
6	Ashok Gadanayak	11.08.2023	25.08.2023	LY-RTI-FAA-06/2023
7	Bindu Mahananda	11.07.2023	27.07.2023	LY-RTI-FAA-07/2023
8	Debendra Kumar Parida	25.09.2023	30.09.2023	LY-RTI-FAA-08/2023

10. NUMBER OF WRIT PETITIONS FILED IN THE HIGH COURT OF ORISSA

Sl. No.	Name of the Writ Petition	Arising out of Case No	Name of the petitioner	Name of the Opposite Party
1.	W.P (C) No.1982 of 2023	LY-262/2020	Sri Kailash Rout	LOKAYUKTA ODISHA AND OTHERS
2.	W.P (C) No.3671 of 2023	LY-167/2020	Sushanta Ku. Samantaray	LOKAYUKTA ODISHA AND OTHERS
3.	W.P (C) No.1444 of 2023	LY-151/2021	Satyajit Senapati	LOKAYUKTA ODISHA AND OTHERS

Sl. No.	Name of the Writ Petition	Arising out of Case No	Name of the petitioner	Name of the Opposite Party
4.	W.P (C) No.7373 of 2023	LY-968/2019	Pranab Kumar Patro	LOKAYUKTA ODISHA AND OTHERS
5.	W.P (C) No.6951 of 2023	LY-968/2019	Vedica ventures Pvt. Ltd. & others	LOKAYUKTA ODISHA AND OTHERS
6.	W.P (C) No.13068 of 2023	LY-968/2019	Susanta Kumar Lenka	LOKAYUKTA ODISHA AND OTHERS
7.	W.P (C) No.18489 of 2023	LY-603/2020 with LY-1225/2020	Suprava Pradhan and another	LOKAYUKTA ODISHA AND OTHERS
8.	W.P (C) No.19979 of 2023	LY-543/2021	Manas Kumar Kar	LOKAYUKTA ODISHA AND OTHERS
9.	W.P (C) No.21427 of 2023	LY-543/2021	Pushpalata Parida & another	LOKAYUKTA ODISHA AND OTHERS
10.	W.P (C) No.22333 of 2023	LY-603/2020 with LY-1225/2020	Sanjukta Behuria & others	LOKAYUKTA ODISHA AND OTHERS
11.	W.P (C) No.24248 of 2023	LY-536/2022	Binod Kumar Patnaik & another	LOKAYUKTA ODISHA AND OTHERS
12.	W.P (C) No.23777 of 2023 with 1982/2023	LY-262/2020	Bikash Jena	LOKAYUKTA ODISHA AND OTHERS
13.	W.P (C) No.28910 of 2023	LY-398/2019	Banashree Bhuyan	LOKAYUKTA ODISHA AND OTHERS
14.	W.P (C) No.33384 of 2023	LY-630/2021	Sudhanshu Sekhar Parida	LOKAYUKTA ODISHA AND OTHERS
15.	W.P (C) No.38121 of 2023	LY-120/2021	Dhrubananda Pradhan & another	LOKAYUKTA ODISHA AND OTHERS

11. An Important Judgement passed by the Hon'ble Supreme Court of India, in the case of Office of the Odisha Lokayukta Vs Dr. Pradeep Kumar Panigrahi and Others.

REPORTABLE

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2023
(Arising out of SLP(Civil) No(s). 62616262 of 2021)

OFFICE OF THE ODISHA
LOKAYUKTA

....APPELLANT(S)

VERSUS

DR. PRADEEP KUMAR PANIGRAHI
AND OTHERS

....RESPONDENT(S)

J U D G M E N T

Rastogi, J.

1. Leave granted.
2. The instant appeals are directed against the judgment dated 3rd February, 2021 passed by the Division Bench of the High Court of Orissa at Cuttack setting aside Order dated 11th December, 2020 passed by the Odisha Lokayukta initiating to conduct a preliminary inquiry in exercise of power conferred under Section 20(1) of the Odisha Lokayukta Act, 2014 (hereinafter being referred to as the "Act 2014") on a complaint dated 9th December, 2020 received from Mr. Ranjan Kumar Das, Deputy Superintendent of Police, Vigilance Cell Unit, Bhubaneswar indicating the alleged corruption against respondent no. 1 who is the elected Member of the Legislative Assembly of Gopalpur Constituency directing the Directorate of Vigilance, Cuttack to conduct a preliminary inquiry and submit a report to the Lokayukta.
3. The review petition filed at the instance of the appellant on the premise that Odisha Lokayukta was never heard and no opportunity of hearing has been afforded before passing of the impugned Order dated 3rd February, 2021 and it was in violation of the principles of natural justice, came to be dismissed by passing a nonspeaking Order dated 5th April, 2021.
4. Respondent no. 1 is an elected Member of the Legislative Assembly. Mr. Ranjan Kumar Das, the then Deputy Superintendent of Police, Vigilance Cell Unit, Bhubaneswar, made a complaint

dated 9th December, 2020 indicating serious allegations of alleged corruption against Member of the Odisha Legislative Assembly of Gopalpur Constituency. Along with the complaint, supporting documents were also annexed. The Odisha Lokayukta, after taking into consideration the contents of the complaint and the supporting documents annexed thereto, in exercise of power conferred under Section 20(1) of the Act, 2014 directed the Directorate of Vigilance, Odisha, Cuttack to conduct a preliminary inquiry against respondent no. 1 and submit a report within two months with a further direction that the Directorate of Vigilance must ensure that during preliminary inquiry, the mandate of Section 20(2) has to be complied with and further directed the Office of Lokayukta to make available all the relevant record to the Directorate of Vigilance for compliance.

5. Immediately on a reference made by the Odisha Lokayukta by its Order dated 11th December, 2020 directing the Directorate of Vigilance to conduct a preliminary inquiry against respondent no. 1 and calling upon the report, came to be challenged by respondent no. 1 by filing writ petition before the High Court under Article 226 of the Constitution. Although the Office of Lokayukta was impleaded as one of respondent before the High Court but as informed to this Court, no notice was issued to them and on the first date of hearing, without even affording opportunity of hearing to the appellant to submit their written response, the Division Bench of the High Court under Order dated 3rd February, 2021 proceeded on the premise that entrusting Directorate of Vigilance to conduct preliminary inquiry is not in terms of the mandate of Section 20(1) and set aside the Order dated 11th December, 2020 with a liberty to the Lokayukta to conduct preliminary inquiry, if so advised, against respondent no. 1 by the inquiry wing of the Lokayukta with a further liberty to proceed in conformity with the requirements of Sections 20(2) and 20(3) after the preliminary report being furnished by the inquiry wing of the Lokayukta.
6. A review filed by the Lokayukta against the Order impugned dated 3rd February, 2021 came to be dismissed by a nonspeaking order dated 5th April, 2021 which is a subject matter of challenge in the appeals before us.
7. Learned counsel for the appellant submits that the order impugned dated 3rd February, 2021 is in violation of the principles of nature justice and the finding has been recorded without affording an opportunity of hearing to the appellant and that apart, it is not in conformity with the mandate of Section 20(1) of the Act 2014.
8. Learned counsel further submits that Section 20(1) provides an option to the Lokayukta, who, on receipt of a complaint, if order to hold a preliminary inquiry against any public servant, may conduct either by its enquiry wing or by any agency to ascertain as to whether there exists any prima facie case for proceeding in the matter any further. If the relevant provisions of the Act are being looked into, particularly Chapter VIII of the Act 2014, any agency as referred to under Section 25 includes the State Vigilance and Crime Branch for the purpose of conducting preliminary inquiry or investigation, as the case may be, and that is further strengthened by the procedure for conducting a preliminary inquiry or investigation envisaged

under Section 28 wherein it is open for the Lokayukta to conduct preliminary inquiry or investigation through the agency of the Government. In the given facts and circumstances, the finding which has been recorded by the Division Bench of the High Court that entrusting to conduct preliminary inquiry by the Directorate of Vigilance under Order dated 11th December, 2020 is not in conformity with the Act 2014, needs to be interfered with by this Court.

9. Learned counsel further submits that calling upon the inquiry wing or any agency to conduct a preliminary inquiry is only for a limited purpose to ascertain whether there exists prima facie case to proceed in the matter. The Legislature was conscious of the fact that if it may cause any prejudice to the incumbent against whom the prima facie case has been registered and before any further action is being taken or to make any recommendation to proceed either to conduct investigation or initiate a departmental inquiry, it is incumbent upon the Lokayukta to afford an opportunity of hearing to the public servant as referred to under Sections 20(2) and 20(3) of the Act, 2014. A complete inbuilt procedure has been prescribed under Chapter VII for conducting preliminary inquiry and investigation within the powers of the Lokayukta. Chapter VIII prescribes not only the purpose of conducting preliminary inquiry and investigation but also in reaching to a final conclusion even at the stage of registering of the chargesheet as referred to under Section 20(8) of the Act, 2014.
10. Learned counsel further submits that no adverse or prejudicial action was taken by the appellant in initiating to conduct a preliminary inquiry under its Order dated 11th December 2020, thus the interference made by the High Court, at this stage, in exercise of its jurisdiction under Article 226 of the Constitution of India was neither valid nor justified.
11. Per contra, learned counsel for the respondents, on the other hand, submits that a complaint was made by the Deputy Superintendent of Police, Vigilance Cell, Bhubaneswar dated 9th December, 2020, who was the Officer of Directorate of Vigilance, Cuttack, Odisha, Cuttack and direction was given to the Directorate of Vigilance, Odisha to conduct a preliminary inquiry by Order dated 11th December, 2020, the decision itself was in violation of the principles of natural justice. Once the complaint was made by the officer of the Directorate of Vigilance, at least entrusting the preliminary inquiry to be conducted by another Officer of the Directorate of Vigilance, may be senior in the ladder, was not legally justified. The Officer of the Department has made a complaint on 9th December, 2020 and other officer is called upon to conduct a preliminary inquiry as stated that one cannot be a judge in its own cause and that being the reason, the Division Bench of the High Court has permitted the Lokayukta to conduct an inquiry by the inquiry wing of the Lokayukta and administrative bias can't be ruled out of the Directorate of Vigilance who is to conduct a preliminary inquiry.
12. Learned counsel further submits that since the respondents were duly represented and the Advocate General of the State appeared along with the State counsel, opportunity of hearing was afforded to the appellant and plea of the principles of natural justice as prayed for by the appellant being violated, in the facts and circumstances, does not hold good. That apart, review petition came to be rightly dismissed as the appellant failed to justify any manifest

error being committed by the Division Bench of the High Court under its Order dated 3rd February, 2021 which may call for our interference.

13. It may be noticed that while issuing notice by this Court on 23rd April, 2021, operation of the impugned order was stayed. In furtherance of the stay granted by this Court, it is informed that the appellant has proceeded further and after the preliminary inquiry report being submitted to the Lokayukta by the Officer Shri P.K. Naik on 28th May, 2021 and after affording opportunity of hearing to the appellant, a detailed Order was passed by the Lokayukta under Section 20(3)(a) dated 27th September, 2021 directing the Directorate of Vigilance to carry out investigation. In furtherance thereof, Directorate of Vigilance submitted a detailed report of investigation to the Lokayukta on 7th June, 2022, however, no further action has been initiated and awaiting orders of this Court which is indicated in the order dated 24th June, 2022 placed on record along with IA No. 89629 of 2022.
14. We have heard learned counsel for the parties and with their assistance perused the material available on record.
15. Before we proceed to examine the question raised in the instant appeals, it may be apposite to first take a bird's eye view of the Scheme of the Act, 2014.
16. The Act, 2014 has been enacted by the legislature of the State of Odisha having been assented to by the President on the 16th January, 2015 with an object to provide for the establishment of the body of Lokayukta for the State of Odisha to inquire into allegations of corruption against public functionaries and for matters connected therewith or incidental thereto. The Act is applicable to the public servants of the State of Odisha serving in and outside the State and the public servants under the control of Government of Odisha.
17. A 'complaint' has been defined under Section 2(d), and the term 'preliminary inquiry' and 'public servant' under Sections 2(l) and 2(n) of the Act 2014 which are stated as follows:-
 2. (1) In this Act, unless the context otherwise requires,—
 -
 - (d) "complaint" means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;
 -
 - (l) "preliminary inquiry" means an inquiry conducted under this Act;
 -
 - (n) "public servant" means a person referred to in clauses (a) to (h) of subsection (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957 and the Coast Guard Act, 1978 or the procedure is applicable to such public servant under those Acts;
 -

18. Chapter VII prescribes the procedure in respect of preliminary inquiry and investigation, the relevant part of which is reproduced as under:

“20. (1) The Lokayukta, on receipt of a complaint, if it decides to proceed further, may order—

- (a) Preliminary inquiry against any public servant by its Inquiry Wing or any agency to ascertain whether there exists a prima facie case for proceeding in the matter; or
 - (b) Investigation by any agency or authority empowered under any law to investigate, where there exists a prima facie case: Provided that any investigation under this clause shall be ordered only if in the opinion of the Lokayukta there is substantial material relating to the existence of a prima facie case or any earlier statutory investigation or enquiry regarding the same complaint reveals that a prima facie case exists: Provided further that before ordering an investigation under this clause, the Lokayukta shall call for the explanation of the public servant and views of the competent authority, so as to determine whether there exists a prima facie case for investigation: Provided also that a decision to order investigation under this clause shall be taken by a bench constituted by the Chairperson under section 16.
- (2) During the preliminary inquiry referred to in subsection (1), the Inquiry Wing or any agency shall conduct a preliminary inquiry and on the basis of material, information and documents collected, seek the comments on the allegations made in the complaint from the public servant and competent authority and after obtaining the comments of the concerned public servant and competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokayukta.
- (3) A bench consisting of not less than three Members of the Lokayukta shall consider every report received under subsection (2) from the Inquiry Wing or any agency and after giving an opportunity of being heard to the public servant, decide as to whether there exists a prima facie case, and make recommendations to proceed with one or more of the following actions, namely:
- (a) Investigation by any agency (including any special investigation agency);
 - (b) Initiation of the departmental proceedings or any other appropriate action against the concerned public servant by the competent authority;
 - (c) Closure of the proceedings against the public servant and take action to proceed against the complainant under section 46.
- (4) The promotion and other service benefits of a public servant mentioned in clauses (e) to (h) of subsection (1) of section 14 shall not be affected until the public servant is put under suspension on recommendation of the Lokayukta under section 32 or charge sheet is filed after completion of investigation under clause (a) of subsection (3) or a charge memo is issued against the said public servant in a disciplinary proceeding initiated on the recommendation of the Lokayukta under clause (b) of subsection (3).

- (5) Every preliminary inquiry referred to in subsection (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.
 - (6) In case the Lokayukta decides to proceed to investigate into the complaint, it shall, by order in writing, direct any investigating agency (including any special agency) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order: Provided that the Lokayukta, for the reasons to be recorded in writing, may extend the said period by a further period not exceeding six months at a time and for the maximum period of two years.
 - (7) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any investigating agency (including any special agency) shall, in respect of cases referred to it by the Lokayukta, submit the investigation report to the Lokayukta.
 - (8) A bench consisting of not less than three Members of the Lokayukta shall consider every report received by it under subsection (7) from any investigating agency (including any special agency) and may, decide as to—
 - (a) Filing of chargesheet or closure report before the Special Court against the public servant;
 - (b) Initiating the departmental proceedings or any other appropriate action against the concerned public servant by the competent authority.
 - (9) The Lokayukta may, after taking a decision under subsection (8) on the filing of the charge sheet, direct its Prosecution Wing to initiate prosecution in a Special Court in respect of cases investigated by any investigating agency (including any special agency).
19. Section 20 provides an inbuilt mechanism laying down the procedure to be followed in holding preliminary inquiry and investigation which the Lokayukta, in the facts and circumstances, on receipt of a complaint may decide either order for conducting preliminary inquiry against the public servant by its inquiry wing or any agency to ascertain whether there exists a prima facie case for proceeding in the matter; or direct to hold an investigation by any agency or authority empowered under any law to investigate, to record its satisfaction whether there exists a prima facie case.
20. Subsections (2), (3) and (4) provide the procedure which has to be followed by the inquiry wing or any agency which has been asked to ascertain the fact as to whether there exists prima facie case for proceeding in the matter. Such report is placed before a Bench consisting of not less than three members of the Lokayukta to consider the same under subsection (2) from the inquiry wing or any agency and after affording an opportunity of being heard to the public servant, may recommend to proceed with one or more of the actions as provided under Clauses (a), (b) or (c) of subsection (3) to hold departmental action against the public servant. Subsection 13 (5) prescribes the time schedule of 90 days under which preliminary inquiry has to be concluded. Subsection (6) provides the action to be taken to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months. Under subsection(7), notwithstanding anything contained in Section 173 of the Code of Criminal Procedure, 1973, the investigating agency may submit the investigation

report to the Lokayukta. Subsections (8) and (9) provide the procedure to be followed after investigating agency has submitted its report for taking further action.

21. Chapter VIII provides the power of the Lokayukta. Under Section 25, the power of superintendence and direction over the investigating agency including the State Vigilance and Crime Branch in respect of the matters in so far as they relate to the investigation made by such agency has been entrusted to Lokayukta.
22. Section 27 clarifies that for the purpose of any preliminary inquiry, the inquiry wing of the Lokayukta holds powers of a civil Court, under the Code of Civil Procedure, 1908 and any proceedings before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of Section 193 of the Indian Penal Code, 1860.
23. Section 28 authorise the Lokayukta to conduct any preliminary inquiry or investigation and utilize the services of any officer or organization or investigation agency of the Government.
24. The Act, in fact, is a complete code putting in place the procedure under which the Lokayukta under the Act, 2014 within its territorial jurisdiction holds the authority to adopt a mechanism in reference to public servants of the State of Odisha serving in and outside the State and the public servants under the control of Government of Odisha to inquire into allegations of corruption against the public functionaries and for matters connected therewith or incidental thereto.
25. Mr. Ranjan Kumar Das, Deputy Superintendent of Police, Vigilance Cell Unit, Bhubaneswar was not a person interested but as an informant submitted a complaint against respondent no. 1 (MLA Gopalpur Constituency) to Odisha Lokayukta regarding possession of disproportionate assets and intentionally enriching himself illicitly adopting malpractices. On the said complaint being received, the appellant directed the Directorate of Vigilance, Cuttack to conduct a preliminary inquiry against respondent no.1 in exercise of his power under Section 20(1) of the Act, 2014 by an order dated 11th December, 2020. Before any action could have been taken by the Directorate of Vigilance in conducting a preliminary inquiry, a writ petition was filed by respondent no.1 before the High Court and on the first motion stage, the High Court, without affording an opportunity of hearing to the appellant, set aside the order dated 11th December, 2020 passed by the appellant for conducting a preliminary inquiry. The action of the Division Bench of the High Court indeed was in violation of the principles of natural justice.
26. The aim to the rule of natural justice is to secure justice or to put it negatively, these rules can operate only in areas not covered by any law validly made. The concept of natural justice, indeed, has undergone a change with the passage of time, but still the timetested rules, namely, are (i) no one shall be a judge in his own case (*Nemo debet esse judex propria causa*) and (ii) no decision shall be given against a party without affording him a reasonable opportunity of hearing (*audi alteram partem*). At the same time, action of the authority must be held in good faith without bias and not arbitrary or unreasonable.
27. In the first instance, the Division Bench of the High Court has committed a manifest error in passing of the order impugned dated 3rd February, 2021 while setting aside the order of

the appellant dated 11th December, 2020 to conduct a preliminary inquiry against respondent no.1 in exercise of powers under Section 20(1) of the Act, 2014 which is in violation of the principles of natural justice.

28. Even on merits, the Division Bench has completely overlooked Section 20(1) of the Act, 2014 that empowers the Lokayukta, on receipt of a complaint, obviously after recording satisfaction, in its discretion if intended to proceed and to hold any inquiry, can conduct either a preliminary inquiry against a public servant by its inquiry wing or any other agency to ascertain whether there exists a prima facie case for proceeding in the matter or hold investigation by any agency or authority empowered under any law to investigate whether there exists a prima facie case.
29. So far as the term 'any agency' is concerned, it clearly manifests from Section 25 of Chapter VIII which entrusts the power of superintendence to the Lokayukta to exercise in such a manner so as to require any agency, including the State Vigilance and Crime Branch.
30. At the same time, under Section 28, for the purpose of conducting any preliminary inquiry or investigation, it is open for the Lokayukta to utilize the services of any officer or organization or investigation agency of the Government and, in the circumstances, if the appellant in its judicious discretion and on the facts and circumstances of the case, conduct a preliminary inquiry through an agency of the Government of which reference has been made under Section 28 through the Directorate of Vigilance, Cuttack, there appears no legal infirmity being committed by the appellant in the decisionmaking process in conducting a preliminary inquiry which, in our view, was within the scope and ambit of Section 20(1) of the Act, 2014 and a manifest error was committed by the Division Bench of the High Court while setting aside the order of the appellant dated 11th December, 2020 to conduct an inquiry against respondent no.1.
31. It is not a case of the respondents that respondent no.1 is not a public servant or the Act, 2014 is not applicable to him or the Lokayukta in its jurisdiction was not competent to conduct a preliminary inquiry under Section 20(1) of the Act, 2014. In the given facts and circumstances, the finding returned by the Division Bench of the High Court under the judgment impugned, in our view, is not legally sustainable.
32. During the course of submissions made by the parties, it was informed that after the stay was granted by this Court of the judgment impugned dated 3rd February, 2021, the appellant has proceeded in conducting further inquiry and actions are being taken after the Directorate of Vigilance has submitted a preliminary inquiry report to the Lokayukta under Section 20(3)(a) to carry out investigation and steps are taken by the Directorate of Vigilance in submitting a report of investigation before the appellant on 7th June, 2022 and the appellant directed the Directorate of Vigilance to conduct a preliminary inquiry by an order dated 11th December, 2020, which, in fact, was conducted by a senior officer of the Directorate of Vigilance i.e. Additional Superintendent of Police Vigilance, Mr. P.K. Naik, who submitted a report to the appellant on 28th May, 2021 is concerned, we are not persuaded with the

submission of there being any bias on the part of the Directorate of Vigilance cell in conducting preliminary inquiry for the reason that the Officer who submitted a complaint was simply an informant and not the person interested, at the same time, preliminary inquiry was conducted by a different Officer not connected with author of the complaint, thus the plea of bias was ill founded. In our view, the principles of bias, even remotely are not attracted in the facts and circumstances of the present case.

35. The rule against bias is an essential component of modern administrative law. The rule against bias ensures a fair procedure by excluding decisionmakers who are tainted by bias. Under the rule, actual bias is disqualifying even though it is prohibitively difficult to establish. The basic principle underlying the timetested rule is that justice must not only be done but must also appear to be done and this rule has received wide recognition in several decisions of this Court and for our consideration we take note of the judgment of this Court in **A.K. Kraipak and others vs. Union of India and others**¹, wherein in para 15 this Court held as under:

“15. It is unfortunate that Naqishbund was appointed as one of the members of the selection board. It is true that ordinarily the Chief Conservator of Forests in a State should be considered as the most appropriate person to be in the selection board. He must be expected to know his officers thoroughly, their weaknesses as well as their strength. His opinion as regards their suitability for selection to the All India Service is entitled to great weight. But then under the circumstances it was improper to have included Naqishbund as a member of the selection board. He was one of the persons to be considered for selection. It is against all canons of justice to make a man judge in his own cause. It is true that he did not participate in the deliberations of the committee when his name was considered. But then the very fact that he was a member of the selection board must have had its own impact on the decision of the selection board. Further admittedly he participated in the deliberations of the selection board when the claims of his rivals particularly that of Basu was considered. He was also party to the preparation of the list of selected candidates in order of preference. At every stage of his participation in the deliberations of the selection board there was a conflict between his interest and duty. Under those circumstances it is difficult to believe that he could have been impartial. The real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased. We agree with the learned Attorney General that a mere suspicion of bias is not sufficient. There must be a reasonable likelihood of bias. In deciding

¹ 1969 (2) SCC 262

the question of bias we have to take into consideration human probabilities and ordinary course of human conduct. It was in the interest of Naqishbund to keep out his rivals in order to secure his position from further challenge. Naturally he was also interested in safeguarding his position while preparing the list of selected candidates.

(emphasis added)

36. The aforesaid view was further considered by a Constitution Bench of this Court in ***Ashok Kumar Yadav and others vs. State of Haryana and others***² as under:

“16. We agree with the petitioners that it is one of the fundamental principles of our jurisprudence that no man can be a judge in his own cause and that if there is a reasonable likelihood of bias it is “in accordance with natural justice and common sense that the justice likely to be so biased should be incapacitated from sitting”. The question is not whether the judge is actually biased or in fact decides partially, but whether there is a real livelihood of bias. What is objectionable in such a case is not that the decision is actually tainted with bias but that the circumstances are such as to create a reasonable apprehension in the mind of others that there is a likelihood of bias affecting the decision. The basic principle underlying this rule is that justice must not only be done but must also appear to be done and this rule has received wide recognition in several decisions of this Court. It is also important to note that this rule is not confined to cases where judicial power *stricto sensu* is exercised. It is appropriately extended to all cases where an independent mind has to be applied to arrive at a fair and just decision between the rival claims of parties. Justice is not the function of the courts alone; it is also the duty of all those who are expected to decide fairly between contending parties. The strict standards applied to authorities exercising judicial power are being increasingly applied to administrative bodies, for it is vital to the maintenance of the rule of law in a Welfare State where the jurisdiction of administrative bodies is increasing at a rapid pace that the instrumentalities of the State should discharge their functions in a fair and just manner. This was the basis on which the applicability of this rule was extended to the decisionmaking process of a selection committee constituted for selecting officers to the Indian Forest Service in *A.K. Kraipak v. Union of India* [(1969) 2 SCC 262]. What happened in this case was that one Naqishbund, the acting Chief Conservator of Forests, Jammu and Kashmir was a member of the Selection Board which had been set up to select officers to the Indian Forest Service from those serving in

² 1985 (4) SCC 417

the Forest Department of Jammu and Kashmir. Naqishbund who was a member of the Selection Board was also one of the candidates for selection to the Indian Forest Service. He did not sit on the Selection Board at the time when his name was considered for selection but he did sit on the Selection Board and participated in the deliberations when the names of his rival officers were considered for selection and took part in the deliberations of the Selection Board while preparing the list of the selected candidates in order of preference. This Court held that the presence of Naqishbund vitiated the selection on the ground that there was reasonable likelihood of bias affecting the process of selection. Hegde, J. speaking on behalf of the Court countered the argument that Naqishbund did not take part in the deliberations of the Selection Board when his name was considered, by saying:

“But then the very fact that he was a member of the Selection Board must have had its own impact on the decision of the Selection Board. Further admittedly he participated in the deliberations of the Selection Board when the claims of his rivals ... was considered. He was also party to the preparation of the list of selected candidates in order of preference. At every stage of his participation in the deliberations of the Selection Board there was a conflict between his interest and duty.... The real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased.... There must be a reasonable likelihood of bias. In deciding the question of bias we have to take into consideration human probabilities and ordinary course of human conduct.”

This Court emphasised that it was not necessary to establish bias but it was sufficient to invalidate the selection process if it could be shown that there was reasonable likelihood of bias. The likelihood of bias may arise on account of proprietary interest or on account of personal reasons, such as, hostility to one party or personal friendship or family relationship with the other. Where reasonable likelihood of bias is alleged on the ground of relationship, the question would always be as to how close is the degree of relationship or in other words, is the nearness of relationship so great as to give rise to reasonable apprehension of bias on the part of the authority making the selection.”

(emphasis added)

37. In the instant case, the complaint was made by the Deputy Superintendent of Police (Mr. Ranjan Kumar Das) of the Directorate of Vigilance, who is, directly or indirectly, not concerned with the complaint, he can be said to be an informant to the office of the appellant and that apart, a preliminary inquiry was conducted independently by a senior officer of the Directorate of Vigilance, Additional Superintendent of Police, Mr. P.K. Naik, who submitted his report of the preliminary inquiry on 28th May, 2021, the question of bias in the instant facts and circumstances does not arise at all and that apart, the Constitution Bench of this Court recently in **Mukesh Singh vs. State (Narcotic Branch of Delhi)**³, while examining the question as to whether in case investigation is conducted by the police officer who himself is a complainant is the trial stands vitiated and the accused is entitled to acquittal and after examining the scheme of the Code, finally answered the reference as under:

“13. From the above discussion and for the reasons stated above, we conclude and answer the reference as under:

13.1. (I) That the observations of this Court in *Bhagwan Singh v. State of Rajasthan* [(1976) 1 SCC 15], *Megha Singh v. State of Haryana* [(1996) 11 SCC 709] and *State v. Rajangam* [(2010) 15 SCC 369] and the acquittal of the accused by this Court on the ground that as the informant and the investigator was the same, it has vitiated the trial and the accused is entitled to acquittal are to be treated to be confined to their own facts. It cannot be said that in the aforesaid decisions, this Court laid down any general proposition of law that in each and every case where the informant is the investigator there is a bias caused to the accused and the entire prosecution case is to be disbelieved and the accused is entitled to acquittal.

13.2. (II) In a case where the informant himself is the investigator, by that itself cannot be said that the investigation is vitiated on the ground of bias or the like factor. The question of bias or prejudice would depend upon the facts and circumstances of each case. Therefore, merely because the informant is the investigator, by that itself the investigation would not suffer the vice of unfairness or bias and therefore on the sole ground that informant is the investigator, the accused is not entitled to acquittal. The matter has to be decided on a casetocase basis. A contrary decision of this Court in *Mohan Lal vs. State of Punjab* [(2018) 17 SCC 627] and any other decision taking a contrary view that the informant cannot be the investigator and in such a case the accused is entitled to acquittal are not good law and they are specifically overruled.”

(emphasis added)

³ 2020 (10) SCC 120

38. We are of the considered view that there was no element of bias in conducting a preliminary inquiry in the instant case and the objection raised by the respondents stands overruled.
39. The further objection raised by the respondents is in reference to the locus standi of the appellant in filing appeal in this Court and in support of his submission, counsel placed reliance on the judgments of this Court in ***National Commission for Women vs. State of Delhi and another***⁴ and ***M.S. Kazi vs. Muslim Education Society and others***⁵. In our considered view, the submission is wholly bereft of merit for the reason that the action of the appellant initiated pursuant to order dated 11th December, 2020 for conducting a preliminary inquiry in exercise of powers conferred under Section 20(1) of the Act, 2014 was a subject matter of challenge before the High Court at the instance of respondent no.1 and if that is being interfered with and the action of the appellant is being set aside under the impugned judgment dated 3rd February, 2021, the appellant, indeed, was a person aggrieved and has a locus standi to question the action interfered with by the Division Bench of the High Court and the only remedy available with the appellant is to question the order of the Division Bench of the High Court by filing an special leave petition in this Court under Article 136 of the Constitution.
40. The judgment in ***National Commission for Women*** (supra) on which the respondents have placed reliance was a case where in criminal trial, in the first instance held by the trial Court, the accused was convicted and on appeal being preferred by him, was later acquitted by the competent Court of jurisdiction and obviously appeal could be preferred against the order of acquittal either by the prosecution i.e. the State Government or the victim, under Section 378 of the Code of Criminal Procedure, 1973, but either of the party has not preferred any appeal and it was the National Commission for Women who approached this Court by filing a special leave petition under Article 136 of the Constitution and this Court still has ventured to examine the appeal preferred by the Commission on merits, but observed that the special leave to appeal at the instance of the appellant – National Commission for Women, is not maintainable and obviously at least the National Commission for Women was not a person aggrieved and it has no locus to object the order passed by the competent court of jurisdiction.
41. At the same time, the judgment of this Court in ***M.S. Kazi*** (supra) was a case where the teacher was terminated by a minority institution after conducting a disciplinary inquiry. As the matter travelled to the High Court under Article 226/227 of the Constitution and at this stage the Division Bench of the High Court observed that since the Tribunal is not a party respondent who was the Administrator before whom the dispute inter se between the parties i.e. the teacher and the minority institution was examined, the objection was sustainable, still that objection was turned down by this Court as referred in para 9 and held that it is the person aggrieved who has to pursue his or her remedy available under the law and in

⁴ 2010 (12) SCC 599

⁵ 2016 (9) SCC 263

the case on hand the person aggrieved invoked the jurisdiction of the Tribunal, but the Tribunal was not a necessary party to the proceedings for the reason that the lis was between teacher and the minority institution and accordingly, this Court held that the High Court has committed an error in dismissing the letters patent appeal on the ground that it was not maintainable in the absence of Tribunal being a party respondent.

42. Both the judgments relied upon are not even remotely concerned with the facts and circumstances of the present case. To say in other words, if the order of the appellant directing the Directorate of Vigilance to conduct the preliminary inquiry in exercise of power under Section 20(1) of the Act, 2014 dated 11th December, 2020 has been set aside by the High Court, obviously, the appellant is a person aggrieved and can certainly question the legality/validity of the judgment of the High Court impugned by invoking jurisdiction of this Court under Article 136 of the Constitution.
43. Consequently, the appeals succeed and are accordingly allowed. The judgment of the High Court dated 3rd February, 2021 and the review order dated 5th April, 2021 are hereby set aside. No costs.
44. Pending application(s), if any, shall stand disposed of.

.....J.
(AJAY RASTOGI)

.....J.
(BELA M. TRIVEDI)

NEW DELHI
FEBRUARY 23, 2023.

12. GIST OF SOME IMPORTANT CASES DECIDED BY THE LOKAYUKTA DURING THE YEAR 2023

(I) LY- Case No.350/2021

(Sri Nrusingha Charan Mohanty Vrs. Collector, Malkangiri & Others)

In this complaint, Sri Nrusingha Charan Mohanty had alleged that Yeddulla Vijay, Rameswar Pradhan, Gunanindi Nayak, Sasanka Kumar Mishra, Bijay Kumar Madangi, T. Padmanav Dora, Arun Barge, Pradeep Kumar Mandal and Alok Angulia while discharging their official duties by resorting corrupt practice had acted for causing wrongful gain to one contractor namely Chava Venugopal. The complainant also alleged that manipulation was done by them to ensure that the tender floated on 20.03.2021 for stone quarry goes in favour of Chava Venugopal. The complainant further alleged that the advertisement inviting tender for lease of minor mineral sources for different Tahasils of Malkangiri district was illegally done through a common tender notice and the tender boxes containing documents were kept for ulterior motive at the residence of Sri Yeddulla Vijay for four days instead of District Treasury. The complainant also alleged that for facilitating the award of minor lease in favour of Chava Venugopal, solvency certificate of Rs.1.00 crore was illegally issued by the Sub Collector.

Interestingly the solvency certificate of Rs.1.00 crore issued in the name of Chava Venugopal was later cancelled by the new Collector, Malkangiri after Yeddulla Vijay was transferred from that district. Not only this, the State Government also after seeking opinion from the Law Department cancelled the entire centralised tendering process because it was contrary to the statutory rules.

Although all the allegations made in the complaint were denied by the officials, the Lokayukta still directed the Director, Vigilance, Odisha Cuttack for conducting a preliminary inquiry. The Lokayukta also called for the views of the Principal Secretary to Government, Steel and Mines Department in the matter.

The Director of Vigilance after ensuring a thorough inquiry submitted the preliminary inquiry report on 27.10.2022. The conclusion and findings of the report read as under:

Conclusion :

- (A) The allegation of availing monetary benefit from Sri Ch. Venugopal (or any other bidder) against the Collector, Malkangiri (Dr. Yeddulla Vijay) and other officials and adopting corrupt practices could not be established and substantiated during inquiry basing on the strength of documents/ records presented by the complaint-petitioner Sri Nrusingha Charan Mohanty and the statements of witnesses examined in this case or otherwise.
- (B) The collector acted beyond the provisions of the OMMC Rules, and directly involved himself in the whole tender process culminating in himself taking custody of the tender boxes on 20.03.2021, officiating over the tender opening and declaration of highest selected bids on 30.03.2021 are established by both on paper and Video Recording C.D. which could have been averted otherwise.
- (C) Further, there has been procedural lapses in assessment of solvency claims of Sri Ch. Venugopal

is evident in the way field verification was conducted and reported by Tahasildar, Motu Shri Sasanka Kumar Mishra, Shri Pradeep Kumar Mandal, Revenue Inspector, Motu and certificate thereof issued by Shri Rameswar Pradhan, Sub-Collector, Malkangiri without proper apprising details as per Rules. Tahasildar, Motu, and R.I. Motu are directly accountable for allowing Sri Ch. Venugopal to utilize agricultural land for construction of plant without involving the provisions of OLR Act.

- (D) However, on the Inquiry report of R.D.C, (S.D.), Berhampur based on allegations of corruption and gross violation of OMMC Rules, 2016 in tender process of long term lease of Minor Mineral in Malkangiri District, the views of Law Department were obtained. According to which, order of the District Administration pertaining to the impugned lease is deemed to be an order of the Competent Authority who is the Tahasildar and the Enquiry Report of RDC indicates that the participation of bidders is far from all fairness. The Collector can well and truly invoke the power so conferred under 27(16) of OMMC, Rules, 2016 in order to cancel the bid. Taking the above into account, the Govt. of Odisha in Revenue and Disaster Management Department, directed the Collector Malkangiri vide letter No.24811/R&DM dt. 19.08.2021 for cancellation of tender process for 48 quarries initiated vide Notice No.41/2021 (Touzi) dt. 03.03.2021 by Ex-Collector, Malkangiri (Touzi Section) as per the view of Law Department and go for fresh tender in accordance with the Rules.
- (E) In response to the above, the Collector Malkangiri directed all Tahasildars of Malkangiri District (except Khairput) for cancellation of tender process for 48 numbers of Minor Mineral sources initiated vide Notice No.41/20219 (Touzi) dt.03.03.2021 of the Collector Malkangiri and to initiate the process for tender afresh at their level as per OMMC Rules, 2016.
- (F) The alleged tampering of seal of the tender boxes by the officials could not be substantiated during inquiry.

Findings :

In summing up the above, it is to conclude that the move of the Collector, Malkangiri Dr. Yeddulla Vijay to hold the tender process in his office is not as per OMMC Rule, 2016 wherein the Tahasildars are competent officers to hold the biddings. However, the intention of the Collector cannot be attributed to any corruption factor in absence of any specific corroborative facts/evidence.

Moreover, the retention of the tender boxes in his Residential Office for a period of three days, i.e., from 20.03.2021 to 23.03.2021 is not justifiable and the version of the Collector that he had dispatched the Tender boxes to the District Treasury, Malkangiri from the day one is incorrect. However, any corrupt motive or corrupt practice of the Collector and other officers is not prima facie substantiated. Their favour to a particular person, i.e., Shri Ch. Venugopal is also not proved.”

Likewise, the Special Secretary to Government in Steel and Mines Department vide communication dated 31.05.2023 submitted the following views.

Views :

1. It is observed that, the entire issue was owing to taking up of auction sale of all the long-term minor mineral sources of all Tahasils of Malkangiri District centrally and other allegations stemmed up from the issue.

2. The OMMC Rules, 2014 specifies that the Tahasildars are Competent Authorities for operating the Minor Mineral Sources in their respective jurisdictions and the Collector of the District is the Controlling Authority. The provision of Law defines the jurisdiction. Although issuing Notice inviting Tender for all sources of all Tahasils of the District centrally is not an aberration but collecting tenders & evaluating the tenders centrally cannot be appropriate.
3. There should have not been 9 days long intermittent period between last date of receipt of tender papers & the date of evaluation, which should have been close to each other. Since there was long period in between, storing of the sealed tender boxes was an issue.
4. However, storing sealed tender boxes elsewhere except the Treasuries is an infringement of procedure and it should have not been taken to the Collector's Residential Office at all.
5. The Government in Revenue & DM Department, having found that the process of auction of 48 minor mineral sources in Malkangiri District was disputed and bereft of procedure, annulled the same and the sources were settled on auction subsequently, therefore, the Government have not sustained any loss of revenue.
6. The allegation of corruption and bribery against the then Collector & other officers were reportedly unsupported."

Since as per the preliminary inquiry report, no case of any corrupt practice against Yeddulla Vijay and other officials could be established and the allegation of causing wrongful loss to the state exchequer was found to be false, the Lokayukta decided that there was no justification to proceed further with the matter. The Lokayukta also took note of the fact that the State Government wisely decided to cancel the common tender notice invited by Yeddulla Vijay because it was contrary to the rules and observed that the Principal Secretary to Government, Steel and Mines Department shall ensure that no such procedural irregularity is repeated in future. The Lokayukta also recommended the Secretary for taking steps to ensure that no such solvency certificate is issued to any bidder/tenderer without making a thorough inquiry and the persons responsible for issuance of illegal solvency certificate were dealt with strictly.

(II) LY Case No. 413/2022

(Harjeet Kaur versus Executive Engineer, RWS & S Division, Nuapada Division, Dist: Nuapada & others)

In this case, complainant Harjeet Kaur who is undergoing treatment for some serious ailment alleged that complete payment of pending bills amounting to Rs.1,71,685.00 relating to some contractual works carried out by the Utkal Enterprises of which she is the proprietor, has not been paid by the concerned authority for extraneous reasons.

In response to the notice of complaint from the Lokayukta both Superintending Engineer, Rural Works (PH) Division, Bhubaneswar and Superintending Engineer, RWS & S Division, Nuapada denied the allegations made in the complaint. They also stated that no outstanding dues were pending for payment to the complainant. However, dissatisfied with the casual denial by the officials, the Lokayukta directed the Director of Inquiry to conduct a preliminary inquiry into the allegations made by the complainant who has been running from pillar to post for complete payment of bills since last more than 8 years.

Interestingly, during the course of inquiry it was found that outstanding bills of total Rs. 1,71,685.00 were in fact not cleared for no good reason by the Rural Works Department and the amount was finally paid by the Superintending Engineer, Rural Works (PH) Division, Bhubaneswar on 10.01.2023 only after she had filed the complaint. Not only this, an amount of Rs. 74,413/- of other pending bills was also paid to the complainant. The Lokayukta did not appreciate such a neglectful attitude on the part of the Superintending Engineer, Rural Works (PH) Division, Bhubaneswar and advised him for being more vigilant in clearing the bills of parties who had properly executed the works of the Department. Had the Lokayukta not intervened, the helpless complainant perhaps would never have been paid Rs. 1,71,685.00 of which she was entitled for.

(III) LY Case No. 324/2021

(Sri Bibhuti Bhusan Dash versus Assistant Registrar of Cooperative Societies Khordha Circle Khordha & others)

In this complaint Sri Bibhuti Bhusan Dash alleged that Sri Dhaneswar Manik had obtained service in the Podadiha Service Cooperative Society (SCS), Dist: Khordha by submitting a forged certificate regarding his date of birth. He alleged that the actual date of birth of Sri Dhaneswar Manik was 24.06.1960 and therefore he should have retired on attaining the age of superannuation on 30.06.2020 but in the forged certificate he wrongly disclosed his date of birth as 03.07.1965 resulting into his illegal continuance in service. Sri Bibhuti Bhusan Dash also alleged that Sri Dhaneswar Manik by illegally utilising his influence ensured the appointment of his son, Sri Sangram Manik as Data Entry Operator in the same Society without following any proper and transparent method.

Having regard to the allegations made in the complaint, the Lokayukta issued notice to Sri Dhaneswar Manik for his reply. In the reply, Sri Dhaneswar Manik vehemently denied all the allegations. He also filed one certificate to justify his date of birth being 03.07.1965.

The Lokayukta after considering the allegations made in the complaint and also the reply filed by Sri Dhaneswar Manik, directed the Director of Inquiry to conduct a preliminary inquiry for ascertaining whether a prima facie case was made out to proceed further in the matter.

The Director of Inquiry after ensuring a thorough inquiry, in his inquiry report confirmed that the real date of birth of Sri Dhaneswar Manik was 24.06.1960 and not 03.07.1965. He also reported that Sri Dhaneswar Manik resorted to forgery in the certificate showing his date of birth as 03.07.1965. The Director of Inquiry further confirmed that Sri Dhaneswar Manik had illegally succeeded in getting his son Sri Sangram Manik appointed in the same Society.

The Lokayukta after hearing Sri Dhaneswar Manik accepted the findings of the preliminary inquiry report submitted by the Director of Inquiry. Not only this, even the Managing Committee of the Society in its wisdom accepted the findings of the preliminary inquiry report and immediately dismissed the services of Sri Dhaneswar Manik w.e.f.19.10.2022. The complaint of Sri Bibhuti Bhusan Dash thus helped in discovering the forgery committed by Sri Dhaneswar Manik.

(IV) LY Case No. 139/2022

(Sri Siba Prasad Jena versus Tahasildar Dasarathapur & 3 others)

In this complaint dated 21.03.2022, it was alleged by Sri Siba Prasad Jena that despite an award dated 08.12.2018 passed in his favour by the Permanent Lok Adalat directing the Tahasildar, Dasarathapur to allot a suitable homestead land in his favour under Vasundhara Yojana within three months, no such land had been allotted to him mainly because he was unable to pay the bribe.

In response to the notice, Collector, Jajpur and Tahasildar, Dasarathapur denied the allegations made in the complaint.

But however, after filing of the complaint, both Collector and Tahasildar expedited the process of allotment and vide order dated 11.04.2023 Sri Abinash Biswajit Sethy recently posted as Tahasildar, Dharmasala issued the Record of Rights (ROR) in favour of Sri Siba Prasad Jena and others in terms of award dated 08.12.2018. The Lokayukta took serious note of the four years delay in complying the award of the permanent Lok Adalat passed in favour of helpless needy persons and observed that such long delay in the execution of the award was detrimental to the interest of poor people. The Lokayukta further apprised the Collector, Jajpur to ensure that awards passed in favour of needy people are executed promptly. Had Sri Siba Prasad Jena not filed the complaint before the Lokayukta, it was not known whether any land would have even been allotted to him by the revenue officials in terms of the award passed in his favour by the permanent Lok Adalat.

(V) LY Case No. 1197/2020

(Gangadhar Paikray and others versus Nirupama Swain, Motivator, Dihuda and others)

In this case the complainants were Gangadhar Paikray and Ajaya Nayak. They in their complaint dated 13.10.2020 alleged that an amount of Rs.50,00,000/- sanctioned for the construction of Individual House Hold Latrines (IHHL) in each house of the Andara Ichhapur Gram Panchayat under Gop Block had been misappropriated by the government officials in collusion with the office bearers of NGO namely, Arkakhetra Bahumukhi Cooperative Society Ltd. (ABC SL) and Maa Mangala Self Help Group. The complainants also stated that their complaints in this regard made to the Block Development Officer, Gop and Vigilance, Bhubaneswar were not being looked into seriously.

Having regard to the allegations made in the complaint, the Lokayukta called for the status report of inquiry made on the complaint from the Inspector, Vigilance, Bhubaneswar. The Additional Inspector General of Police, Vigilance responded by submitting a detailed inquiry report. The report revealed that the government officials, office bearers of the NGO and Self-Help Group had misappropriated Rs. 16,32,000 sanctioned for the construction of IHHL. The Lokayukta, on finding a prima facie case of misappropriation, directed the Director, Vigilance, Odisha for conducting a thorough investigation into the matter who in turn, after investigation, submitted the investigation report. The investigation report confirmed that Rs. 15,71,100/- had been misappropriated by the public servants, office bearers and private individuals by preparing false bills etc. during the period from 2015-2016 to 2019-2020. The names of such wrongdoers mentioned in the investigation report were as follows:-

- 1 . Sri Satya Narayan Tripathy, Junior Engineer, Gop Block, Dist: Puri.

2. Smt. Gitanjali Sahu, Junior Engineer-II, Rural Water Supply & Sanitation, Puri.
3. Sri Kalu Charan Nayak, Ex-Panchayat Executive Officer, Andara Ichhapur Gram Panchayat.
4. Sri Banaranjan Pattnaik, Ex-Sarapanch of Andara Ichhapur Gram panchayat.
5. Smt. Minarva Rout, Secretary, Arkakhetra Bahumukhi Cooperative Society Ltd.(ABC SL), Konark, Dist: Puri.
6. Smt. Manjulata Behura, President, Arkakhetra Bahumukhi Cooperative Society Ltd.(ABC SL), Konark, Dist: Puri
7. Smt. Sumitra Barik, Secretary, Maa Mangala Self Help Group
8. Smt. Jyotsharanani Swain, President, Maa Mangala Self Help Group
9. Sri Rashmikanta Pradhan, Data Entry Operator (Daily wages), RWS&S, Nimapara.
10. Sri Dhurba Charan Swain (beneficiary)
11. Sri Prasanta Kumar Jena (beneficiary)
12. Sri Krushna Chandra Pradhan (beneficiary)
13. Sri Asis Kumar Jena (beneficiary)
14. Sri Dhurba Charan Sahoo (beneficiary)
15. Sri Artatrana Parida (beneficiary)
16. Sri Rabinarayan Parida (beneficiary)
17. Sri Kanhu Behera (beneficiary)
18. Sri Gopinath Parida (beneficiary)
19. Sri Sunil Kumar Parida (beneficiary)
20. Smt. Sakuntala Ojha (beneficiary)
21. Sri Tapan Kumar Parida (beneficiary)
22. Sri Ulash Parida (now dead)

The Lokayukta vide order dated 09.06.2023 allowed the Director, Vigilance to file charge sheet for offences under Section 13 (2) read with Section 13 (1) (a) of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 and Sections 468, 471, 420, 409 and 120 B of the Indian Penal Code against Sri Satya Narayan Tripathy, Smt. Gitanjali Sahu, Sri Kalu Charan Nayak, Sri Banaranjan Pattnaik, Sri Rashmikanta Pradhan, Smt. Minarva Rout, Smt. Manjulata Behura, Smt. Sumitra Barik, and Smt. Jyotsharanani Swain. As regards the above-named beneficiaries, the Lokayukta recommended the Principal Secretary to Government, Panchayati Raj & Drinking Water Department to ensure that the amount paid to each of them is recovered unless it is proved that he/she has subsequently constructed the IHHL as per norms.

(VI) LY Case No. 1348/2020

(Sri Ranjan Kumar Dash versus Dr. Pradeep Kumar Panigrahi, sitting Member of Odisha Legislative Assembly)

The following order is passed by the Lokayukta:-

“Sri Sunil Kumar Pati, learned counsel appears for the Director, Vigilance, Odisha, Cuttack.

Sri Arup Kumar Chanda, learned counsel appears for Dr. Pradeep Kumar Panigrahi and Smt. Sujata Panigrahi.

Dr. Pradeep Kumar Panigrahi and Smt. Sujata Panigrahi are also present in person.

Dr. Pradeep Kumar Panigrahi is an elected member of the State Legislative Assembly from Gopalpur Constituency. He is thus a public servant within the meaning of Section 2 (n) of the Odisha Lokayukta Act, 2014 (in short the Act). Smt. Sujata Panigrahi is the wife of Dr. Pradeep Kumar Panigrahi. She is enrolled as an advocate and lives with Dr. Pradeep Kumar Panigrahi.

2. On 09.12.2020, Sri Ranjan Kumar Das, Deputy Superintendent of Police, Vigilance Cell Unit, Bhubaneswar, on the basis of a secret inquiry, submitted a complaint before us making therein serious allegations of corruption against Dr. Pradeep Kumar Panigrahi. Having regard to the allegations, we took cognizance of the complaint and vide order dated 11.12.2020 directed the Directorate of Vigilance, Odisha, Cuttack to conduct a preliminary inquiry and submit the report. This direction was given by us in exercise of our powers conferred under Section 20 (1) of the Act mainly to ascertain whether a prima facie case existed for proceeding further in the matter.
3. Dr. Pradeep Kumar Panigrahi, aggrieved with our order dated 11.12.2020, filed W. P. (C) No. 3488 of 2021 before the Hon'ble High Court and the same was disposed of, vide order dated 03.02.2021, on the following terms:-

“Consequently, this Court sets aside the direction issued in the impugned order by the Lokayukta to the Director of Vigilance to conduct the PE against the Petitioner. Instead, it is directed that the PE against the Petitioner will be conducted by the Inquiry Wing of the Lokayukta.

The other direction in the impugned order that such PE shall be strictly in conformity with the requirement of Section 20 (2) of the Act is left undisturbed. Needless to say, the Lokayukta will further proceed in the matter, after it receives the report of PE from its Inquiry Wing, strictly in accordance with Section 20 (3) of the Act.

As regards the second paragraph of the impugned order, there was no serious dispute even by Mr. Parija that such a prima facie view could not have been expressed by the Lokayukta at this stage i.e. even before a report of PE is submitted to it. Consequently, this Court has no hesitation in setting aside the entire paragraph 2 of the impugned order, which expresses the prima facie view of the Lokayukta. It is specifically directed that the Inquiry Wing of the Lokayukta shall proceed to hold the PE uninfluenced in any manner by the above observation made by the Lokayukta in paragraph 2 of the impugned order.

At the same time, we hasten to add that this order of ours should not be construed as expression of any view on the merits of the complaint against the Petitioner one way or the other.”

4. Thereafter, Review Petition No. 45 of 2021 was filed by the Secretary, Odisha Lokayukta against order dated 03.02.2021 and it too was dismissed by the Hon'ble High Court vide order dated 05.04.2021.
5. Both orders, dated 03.02.2021 and 05.04.2021, passed in W. P. (C) No. 3488 of 2021 and Review Petition No. 45 of 2021 respectively by the Hon'ble High Court were challenged by the Office of the Odisha Lokayukta in the Supreme Court of India through Special Leave to Appeal (C) Nos. 62616262/2021 (Office of the Odisha Lokayukta versus Dr. Pradeep Kumar Panigrahi and Others).

The Supreme Court was pleased to stay their operation vide order dated 23.04.2021. In the result, the Directorate of Vigilance, Odisha, Cuttack proceeded with the preliminary inquiry and submitted the report on 28.05.2021. The preliminary inquiry was conducted by Sri P. K. Naik, Odisha Police Service (Additional Superintendent of Police). The preliminary inquiry report revealed that Dr. Pradeep Kumar Panigrahi had intentionally enriched himself illicitly by amassing disproportionate assets to the tune of Rs. 5,05,04,656.00 during his incumbency as an MLA, including his tenure as the Minister of Higher Education, Science & Technology and Rural Development (RWS&S). A copy of this report was duly supplied to Dr. Pradeep Kumar Panigrahi requiring him to submit his explanation to the findings given therein.

6. Dr. Pradeep Kumar Panigrahi in his written explanation not only denied the allegation of amassing disproportionate assets but also emphatically stated that assessment of his assets had not been correctly done by the inquiring officer. He further stated that some of the assets mentioned in the inquiry report do not belong to him and the expenditure made by him had been malafidely escalated just to frame him in a corruption case.
7. On perusing the preliminary inquiry report as well as the written explanation submitted by Dr. Pradeep Kumar Panigrahi, we found a prima facie case against him for an offence under Section 13 (2) read with Section 13 (1) (b) of the Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018. We accordingly, vide order dated 27.09.2021 in exercise of powers conferred under Section 20 (3)(a) of the Act, directed the Directorate of Vigilance for investigation. We also in all fairness directed the Director of Vigilance to ensure that the investigation is carried out by a competent officer not below the rank of an Additional Superintendent of Police, having impeccable integrity and who was not a party to the earlier secret inquiry and also to the preliminary inquiry conducted against Dr. Pradeep Kumar Panigrahi.
8. The Director of Vigilance, after ensuring a thorough investigation submitted the detailed investigation report on 10.06.2022 under Section 20 (7) of the Act. The conclusion of the investigation report reads as under:"

Conclusion:

The above facts and figures ascertained during investigation reveals that Dr. Pradeep Kumar Panigrahy has intentionally enriched himself illicitly as a public servant during his incumbency as MLA of Gopalpur Assembly Constituency, Dist: Ganjam from 24-05-2009 to 30.11.2020 including his tenure as Minister of Higher Education, Science & Technology and RD (RWS) from 21.05.2014 to 06.05.2017. His wife Smt. Sujata Panigrahy has purchased jewellery amounting to Rs. 88,55,441.00 and has incurred expenditure Rs. 95,32,537.00 from her different bank accounts towards purchase of different articles, payment to different persons, institutions, tours and travels etc. through cheques, cash payments, debit card, online transfers, etc. from the ill-got money of Dr. Panigrahy during the check period from 24.05.2009 to 30.11.2020.

For the above criminal misconduct, Dr. Pradeep Panigrahy is liable under section 13 (2) read with section 13 (1)(b) of the P.C. Act. 1988 as amended by PC (Amendment) Act. 2018. His spouse Smt. Suiata Paniqray is also liable under section 12 of the PC Act 1988 as amended by PC (Amendment) Act, 2018 for abetting the above-mentioned criminal misconduct committed by Dr. Panigrahy."

(emphasis supplied)

9. It is relevant to mention here that since the validity of our order dated 11.12.2020 directing the Director of Vigilance, Odisha to conduct a preliminary inquiry was sub-judice before the Supreme Court in Special Leave to Appeal (C) Nos. 6261-6262/2021, we in all fairness, before considering and taking any final decision on the investigation report, thought it proper to inform the Supreme Court about the outcome of the investigation through the learned counsel appearing for the office of the Odisha Lokayukta and await the order of the Supreme Court in the matter. A copy of the detailed investigation report was therefore filed before the Supreme Court vide I.A.No. 89629 of 2022 and a copy of the same was also supplied to the learned counsel appearing for Dr. Pradeep Kumar Panigrahi.
10. The Hon'ble Supreme Court, after hearing the parties vide order dated 23.02.2023 allowed the S. L. P. Nos. 6261-6262 of 2021 filed by the office of the Odisha Lokayukta and upheld our order dated 11.12.2020 directing the Director of Vigilance, Odisha to conduct the inquiry which was intervened by the Hon'ble High Court. The order of the Supreme Court (see para 33) also clearly states that an opportunity was given to Dr. Pradeep Kumar Panigrahi for justifying if any action taken by the Lokayukta was not in conformity with the mandate of the Act, 2014. Dr. Pradeep Kumar Panigrahi fully availed this opportunity and in his written submissions raised several objections such as bias, violation of the principles of natural justice, malafides, want of jurisdiction, etc. against the State and the Office of Lokayukta. He also took the plea that the Directorate of Vigilance had carried out its investigation and sought to include his wife, Smt. Sujata Panigrahi, even though she was not an accused. He therefore emphasised that the conduct of the investigation agency was contrary to the provisions of Section 21 of the Act and principles of natural justice. However, none of the objections were found valid by the Supreme Court in the written submissions placed, warranting interference in furtherance of the action taken after the preliminary inquiry report was submitted pursuant to order dated 11.12.2020. It is in this backdrop, we are now required to consider the investigation report and decide as required under Section 20 (8) of Act which reads as under:-
- “20 (8) A bench consisting of not less than three Members of the Lokayukta shall consider every report received by it under sub-section (7) from any investigating agency (including any special agency) and may, decide as to—
- (a) filing of charge-sheet or closure report before the Special Court against the public servant;
 - (b) initiating the departmental proceedings or any other appropriate action against the concerned public servant by the competent authority.”
11. We have perused the investigation report and also the entire record relating to investigation. The record reveals that during the investigation, search was conducted on 17.10.2021 at several places of Dr. Pradeep Kumar Panigrahi, his relatives and associates, where after an inventory list of articles and seizure list of documents were prepared. The check period in the case is taken from 24.05.2009 to 30.11.2020. This is because on 24.05.2009, Dr. Pradeep Kumar Panigrahi was declared an MLA from the Gopalpur Constituency and thus he became a public servant.

And on 30.11.2020, the secret verification inquiry was concluded against him by the Vigilance Cell Unit. The record also shows that during the course of the investigation, requisitions were sent to different authorities and information received from them were considered to ascertain the income, expenditure and assets of Dr. Pradeep Kumar Panigrahi, Smt. Sujata Panigrahi and other family members. Likewise, on 20.12.2021, questionnaires were served on both Dr. Pradeep Kumar Panigrahi and Smt. Sujata Panigrahi, respectively, for submitting their replies in respect to their income, expenditure and assets. These questionnaires were separately replied in writing by them wherein they stated that the assets and expenditure have been made from their salary income; income from legal practice and loan from bank, friends and relatives. After appreciating the evidence collected and taking into account, the written replies of Dr. Pradeep Kumar Panigrahi and Smt. Sujata Panigrahi, the Vigilance have found that Dr. Pradeep Kumar Panigrahi and his family members have acquired assets worth Rs.2,66,64,404/- and incurred expenditure of Rs.8,42,27,231/- against his known sources of income of Rs.1,90,78,628/- during the check period. Dr. Pradeep Kumar Panigrahi has thus intentionally enriched himself illicitly by possession of assets disproportionate to the tune of Rs.9,18,13,007/- from known sources of income, which he could not explain satisfactorily.

12. The vigilance have also found that Smt. Sujata Panigrahi has purchased jewellery amounting to Rs. 88,55,537.00 and has incurred an expenditure of Rs. 95,32,537.00 from her different bank accounts towards purchase of different articles, payment to different persons, institutions, tours and travels, etc. through cheques, cash payments, debit card, online transfer, etc. from the ill-gotten money of Dr. Pradeep Kumar Panigrahi during the check period. Apparently, no credible material/evidence was produced by Smt. Sujata Panigrahi during the investigation to prove her own source of income as an advocate or otherwise.
13. The evidence collected during the investigation against both Dr. Pradeep Kumar Panigrahi and Smt. Sujata Panigrahi has been well discussed under the headings income, expenditure and assets in the detailed investigation report.
14. On carefully examining the investigation report and the record, we find ourselves in complete agreement with the findings of the investigation agency that Dr. Pradeep Kumar Panigrahi has committed criminal misconduct by enriching himself illicitly during the period of his office as a public servant and Smt. Sujata Panigrahi has abetted him in committing such criminal misconduct. We say so because these findings are well founded by documentary evidence. We therefore accept the investigation report in totality, accord permission and direct the Director, Vigilance, Odisha for filing charge sheet against Dr. Pradeep Kumar Panigrahi for offences under Section 13 (1) (b) read with Section 13 (2) of the Prevention of Corruption Act 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 and his wife Smt. Sujata Panigrahi for an offence under Section 12 of the same Act for abetting Dr. Pradeep Kumar Panigrahi in committing the criminal misconduct through the investigating officer before the Special Court (Vigilance), Bhubaneswar under the supervision of the Director, Prosecution to Lokayukta, Odisha. We in compliance of Section 24 of the Act further direct that a copy of this order, along with the

investigation report be sent to the Speaker of the Legislative Assembly who happens to be the competent authority as defined under Section 2(i)(c)(iii) of the Act.

VII. LY Case No. 86/2023

(Sri Sarbeswar Behura versus Sri Pravat Balabantary, Chairman, Dharmasala Block and others)

In this case, the complainant alleged that a new road had specially been constructed by spending Rs.8,59,280/- of public money mainly for the benefit of only one person namely, Sri Pravat Balabantary, Chairman of Panchayat Samiti, Dharmasala. It was also alleged that Sri Pravat Balabantary has illegally set up a Brick Kiln on a government land in collusion with the public authorities.

The Collector, Jajpur however, informed that the land on which Sri Pravat Balabantary has set up a Brick Kiln is actually leased to him for a period of 99 years. Taking note of this information, the Lokayukta held that the Brick Kiln has not been illegally set up by Sri Pravat Balabantary.

With regard to the allegation that an amount of Rs.8,59,280/- of public money has been spent for the construction of the road only for the benefit of Pravat Balabantary, the Gram Panchayat Technical Assistant, Dharmasala made a statement in writing that the entire amount spent on the construction of said road is deposited before the Block Development Officer, Dharmasala on 23.08.2023. He also filed a copy of chalan showing the deposit of amount. Thus, a huge amount wrongly spent for the benefit of one person instead of for the benefit of local public was returned and saved due to intervention by the Lokayukta.

VIII. LY Case No. 115/2023

(Sri Pravat Kumar Sethy versus Dr. Manilal Gupta, State Coordinator, OSTF Cell, Directorate of Medical Education and Training, Odisha)

In this case, the main grievance of the complainant was that, Dr. Manilal Gupta who was posted as State Coordinator, Odisha State Trauma Fund under the Directorate of Medical Education and Training, Odisha had not cleared his medical bill spent for the emergency treatment of his son, Sudip Sethy who suffered a serious motor accident. According to the complainant an amount of Rs.2,77,402.61 was sanctioned but the same was not being paid to him for extraneous reasons.

Initially, Dr. Manilal Gupta in his reply denied his responsibility of clearing the medical bill of the complainant but on further probing by the Lokayukta, he ensured payment of Rs.2,77,403/- into the account of complainant. On complainant's confirmation about receiving the amount, the matter was closed and filed. Apparently, the complainant could receive the amount, for which he is entitled for, due to intervention by the Lokayukta.

IX. Order Dated 22.09.2023 in LY Case No 670/2021

(Satis Kumar Biswal Vs The Tahasildar, Dharmasala)

The following order passed by Hon'ble Lokayukta, the objection raised by the Public Servent against the validity of the Preliminary Inquiry Report have been decided :-

In the present complaint dated 28.10.2021, received from Sri Satish Kumar Biswal, it is mainly alleged that rampant illegal mining of black stone is being carried out by the mafia in Bajbati Hill, Tahasil: Dharmasala, District: Jajpur in collusion with the district authorities.

2. Having regard to the allegations made in the complaint, we, by our order dated 15.11.2021, issued notices to the Collector, Jajpur; Tahasildar, Dharmasala and Member Secretary, State Pollution Control Board, Odisha. In response to the notice, the Collector and Tahasildhar filed their separate replies. The Collector, in his reply, candidly admitted that the lease holders of Bajbati BSQ No. 01, 02 and 03 have illegally operated the mine of black stone beyond the boundary limits for which penalties have been imposed. Taking note of this admission about the illegal mining, we by our order dated 02.03.2022, directed the Director, Vigilance, Odisha, Cuttack to conduct a preliminary inquiry for ascertaining whether there exists a prima facie case for proceeding further in the matter against any public servant(s) or person(s). This direction was given by us in exercise of our powers conferred under Section 20(1) of the Odisha Lokayukta Act, 2014 (in short the Act). By the same order, we also directed the Director, Vigilance to ensure compliance of the provisions of Section 20(2).
3. The Director, Vigilance, after an inquiry, submitted the preliminary inquiry report on 06.04.2023. The inquiry report reveals that during the course of preliminary inquiry, the Inquiring Officer collected relevant documents and information from the offices of Tahasildar, Dharmasala, Jajpur, Regional Officer, SPCB, Kalinganagar, Jajpur and Collector and D.M., Jajpur. Joint field verification with the officials of DharmasalaTahasil, Deputy Director of Mines, Jajpur Road, Jajpur, Regional Pollution Control Board, Kalinganagar, Jajpur, Odisha Space Applications Centre (ORSAC), Bhubaneswar and Geologist, Jajpur was conducted on 27.04.2022. Further, field verification was done on 20.06.2022 with the assistance of officials of Deputy Director of Mines, Jajpur Road, Jajpur&DharmasalaTahasil.
4. The report also states that during the inquiry, some local people were examined who stated that extraction process had been going on at Bajabati Hill since early 1960s. Different persons were granted lease of black stone quarries by Dharmasala Tahasil since 1998-99 on annual lease basis. Previously, there was no numbering of the black stone quarries till 2012-13 and only the area of lease allotted to the lessee was mentioned. The numbering of the quarry started from the year 2013-14 and the lease was granted annually. Long term quarry lease for 5 years was introduced from the year 2015-16. Long term lease was allotted in respect of BSQ No.2 from 2015-16 and in respect of BSQ No.1,3,4 & 5 from 2017-18. It was also found that all these five black stone quarries were open cast quarries. There was no scientific and systematic way of mining in the quarries. The overburden stacking had not been done properly, benching had not been done at all and the boundaries of the quarries were approximately 10 metres high at some places which is hazardous to the life and property of the labourers engaged in mining activity. Also, mining activities were seen outside the lease boundary of the respective quarries.
5. To ascertain the year wise volume of extraction from the respective quarries, the available stereo satellite images (3D images) were collected by the Inquiring Officer from National Remote

Sensing Centre (N.R.S.C.), Hyderabad, for the period from 2005 to 2019 and supplied to the Odisha Space Applications Centre (ORSAC), Bhubaneswar for calculation of year wise volume of extraction from the quarries. Accordingly, ORSAC, Bhubaneswar calculated the year wise volume of extraction from within the 5 quarries and also outside of the lease area of the respective quarries from 2005 to 2019.

6. Thereafter to ascertain the quantity of excess extraction from the respective quarries, the Inquiring Officer asked the Tahasildar, Dharmasala to supply the information regarding lease-wise permissible quantity and extracted quantity from the 5 quarries in Bajabati hill. In reply, the Tahasildar supplied the information vide letter No.350 dated 27.01.2023, which revealed that there was no specific information available in the Tahasil records regarding the permissible quantity and extracted quantity till 2016 in respect of BSQ No.2 and till 2018 in respect of BSQ No.1,3,4 & 5. As such the quantity of excess extraction till 2018 in respect of the quarries could not be determined. However, basing on the information obtained from Dharmasala Tahasil (2018-19) and ORSAC, Bhubaneswar (24.04.2018 to 01.01.2019), the Inquiring Officer calculated the quantity of excess extraction of black stone quarry wise from the 5 BSQs in Bajabati Hill for the year 2018-19. The extraction beyond the lease area for the period from 24.04.2018 to 01.01.2019 was also calculated.
7. The report further reveals that in respect of 5 BSQs in Bajabati hill, against total permissible quantity of 53,670 cum for the year 2018-19, the lessees had shown extraction of 31,750 cum of black stone during the said period. On comparison with the quantity of extraction submitted by ORSAC, Bhubaneswar, it was found that during 2018-19, there was an excess extraction of 11,54,715.34 cum from the 5 quarries from within the lease area and extraction of 2,03,647.484 cum beyond the lease area of the 5 BSQs during the same period by the respective lessees. According to the report, the respective officials of Dharmasala Tahasil failed to monitor the quarry operation properly and prevent excess quarrying from the leased quarries, and outside of the leased quarries, and also transportation of the same. The report also states that the respective lessees and the officials of Dharmasala Tahasil are liable for the above excess extraction from the quarry area and beyond. The names of such officials of Dharmasala Tahasil and lessees enumerated in the report are as follows:

Officials under Dharmasala Tahasil, Dist: Jajpur :

1. Sri Ranjan Kumar Jena, ex-Tahasildar
2. Sri Abani Kumar Sahoo, ex-Tahasildar
3. Sri Pravas Kumar Behura, ex-Tahasildar
4. Ms. Sheetal Agarwal, ex-Tahasildar
5. Sri Saroj Kumar Panda, ex-Tahasildar
6. Sri Devi Prasad Mohany, ex-Tahasildar
7. Sri Prasant Kumar Samantray, ex-Tahasildar
8. Sri Swagat Das, Tahasildar

9. Ms. Ramewari Jena, ex-Revenue Inspector, Nakpole Revenue Circle
10. Sri Chandan Kumar Sahoo, ex-Revenue Inspector, Nakpole Revenue Circle

Lessees:

1. Sri Biswaranjan Parida
 2. Sri Srinibas Jena
 3. Sri Sudhansu Jena
8. We accordingly vide order dated 28.04.2023 issued notices to the above named officials and lessees along with a copy of the preliminary inquiry report requiring them to submit their explanation to the findings of the preliminary inquiry report. A copy of the preliminary inquiry report was also sent to the Additional Chief Secretary to Government, Revenue & Disaster Management Department as competent authority for his views in the matter.
 9. All the officials and the lessees have separately filed their explanations to the findings of the preliminary inquiry report. Likewise, the Additional Chief Secretary to Government has also submitted his views in the matter. The common stand of the officials and lessees is that they are not involved in any manner with the illegal mining of black stone. The officials have also taken objection against the admissibility of the inquiry report on the grounds that since it has been submitted beyond 6 months from the date of receipt of the complaint, it cannot be accepted in view of the Section 20(5) of Act. Another objection taken by the officials is that the Inquiring Officer without obtaining their comments on the allegations made in the complaint has illegally submitted the report which amounts to non-compliance of the provisions of Section 20(2) of the Act.
 10. As regards the objection for the non-acceptability of the preliminary inquiry report, on the grounds that it has been submitted after the prescribed maximum period of 6 months from the date of receipt of the complaint, we are of the considered view that it has no legal force. This we say so, because the objection is based on Section 20(5) which is in Chapter VII of the Act and the Chapter exclusively deals with the procedure in respect of preliminary inquiry and investigation. Section 20(5) reads as under:-

“Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.”

A bare reading of the above quoted Section establishes that it provides for the procedural requirement of completing the preliminary inquiry within a period of maximum 6 months from the date of receipt of the complaint. Admittedly, no consequence of non-compliance of this requirement is provided in the Act. It is a well settled principle of law that while considering the non-compliance with a procedural requirement, it has to be kept in view that such requirement is designed to facilitate justice and further its ends and therefore, if the consequence of non-compliance is not provided, the requirement may be held to be directory. Thus, the requirement

in Section 13(2) of the Consumer Protection Act, 1986 that the opposite party is to file its reply within thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum has been held to be directory and the forum cannot be said to be debarred from taking on record a reply filed beyond forty-five days (see *Topline Shoes Ltd. v. Corporation Bank*, AIR 2002 SC 2487). Approving this case, similar view has been taken by a three Judge Bench of Order VIII, Rule 1 of the Code of Civil Procedure, 1908 which requires a defendant to present a written statement within thirty days from the date of service of summons or within such extended period granted by the court but which shall not be later than ninety days from the date of service of summons (see *Kailash v. Nanhka*, (2005) 4 SCC 480). The rules of procedure are to be construed not to frustrate or obstruct the holding of an inquiry under the substantive provision (see- *Principles of Statutory Interpretation 14th Edition* by Justice G. P. Singh, revised by Justice A. K. Patnaik p.438). Therefore, the procedural requirement of completing the preliminary inquiry within a maximum period of 6 months is purely directory and the report cannot be rejected merely because it has been submitted after the expiry of the said period.

11. However, we find substance in the objection of the officials that the Inquiring Officer has submitted the report without seeking and obtaining their comments on the allegations made in the complaint as mandated in Section 20(2) of the Act. It is to be seen that by our order dated 02.03.2022, we had clearly directed the Director, Vigilance to ensure compliance of the provisions of Section 20(2) during the preliminary inquiry. Section 20(2) reads as follows: -

“During the preliminary inquiry referred to sub-section (1), the Inquiry Wing or any agency shall conduct a preliminary inquiry and on the basis of material, information and documents collected, seek the comments on the allegations made in the complaint from the public servant and competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokayukta.”

The above quoted section clearly states that during the preliminary inquiry, the Inquiry Wing shall conduct a preliminary inquiry and on the basis of material, information and documents collected seek the comments on the allegations made in the complaint from the public servant and after obtaining the comments of the public servant submit the report to the Lokayukta. The requirement to seek the comments on the allegations made in the complaint from the public servant is in consonance with the principles of natural justice and to ensure correct findings in the report. This requirement is, therefore, very essential for a fair and valid inquiry and cannot be ignored. Admittedly, in the case at hand, the Inquiring Officer has not sought the comments from any of the officials on the allegations made in the complaint before submitting the report. Thus, there is apparent non-compliance of the provisions of Section 20(2) of the Act. We, therefore, cannot accept the report in its present form. But the fact of rampant illegal mining in Bajbati Hill is not disputed by the officials and the lessees. The people of Odisha are entitled to know who are the officials and persons responsible for such illegal mining. The Director, Vigilance is under a statutory obligation to lift the veil and identify the officials and persons involved in the illegal mining. Hence, we remit the matter to the Director, Vigilance who shall ensure fresh inquiry from the stage of non-seeking of the comments from the officials on the allegations made in the complaint and after seeking and obtaining their comments submit the report with proper findings on or before the next date of hearing, i.e., 10.11.2023.

X. Order dt 08.09.2023 in LY CASE NO 630/2021

(Tanay Kumar Mohanty Vs. Sudhansu Sekhar Parida, M.L.A)

The following order passed by the Hon'ble Lokayukta, the objection taken by Sri Sudhansu Sekhar Parida against the admissibility of the Preliminary Inquiry Report submitted by the Director of Vigilance, Odisha, have been disallowed :-

Today the matter is listed for hearing of the objection petition dated 20.07.2023, filed by Sri Sudhansu Sekhar Parida against the preliminary inquiry report submitted by the Director, Vigilance, Odisha. The facts in brief are these. On 04.10.2021, Sri Tanay Kumar Mohanty presented his complaint dated 30.09.2021 for our consideration. It is alleged therein that more than Rs. 6.00 crore have been misappropriated by the Directorate of Agriculture in collusion with Sri Sudhansu Sekhar Parida who is the proprietor of M/s Nigamananda Associates. Sri Sudhansu Sekhar Parida is also a Member of Legislative Assembly from Remuna Assembly Constituency, Dist: Balasore and his M/s Nigamananda Associates deals with selling agriculture machineries and implements.

2. On 01.12.2021, taking note of the serious allegations of corruption made in the complaint, we issued notices to the Director of Agriculture; the Chief District Agriculture Officer, Balasore and Sri Sudhansu Sekhar Parida requiring them to file their reply on 13.01.2022. However, on that date, request was made by the Director of Agriculture and the Chief District Agriculture Officer for further one month's time to file a reply, which we allowed and listed the matter for 25.02.2022. Both the Director of Agriculture and the Chief District Agriculture Officer filed a joint reply on 25.02.2022 which confirmed financial irregularities having been committed in the disbursement of subsidy amount to the poor innocent farmers in the guise of supplying Combine Harvester Machines. On that date, it was also brought to our notice that registered notice issued to Sri Sudhansu Sekhar Parida could not be served on him because he was busy in the Assembly session at Bhubaneswar. We, therefore, ordered for the issuance of a fresh notice requiring him to file his reply on 08.04.2022. But on that date and thereafter on 29.04.2022, Sri Sudhansu Sekhar Parida prayed for time for filing reply which we had allowed to ensure that he gets proper opportunity and reasonable time to submit his defence. He ultimately submitted his reply on 09.05.2022, wherein he denied the allegation of corruption made against him. In the reply, he also stated that he had stopped managing the affairs of M/s Nigamananda Associates since 2015 as he became busy in serving the people of his constituency and from then onwards the affairs of M/s Nigamananda Associates are being managed by his co-partners.
3. On 13.05.2022, we, having regard to the allegations made in the complaint and the stand taken by Sri Sudhansu Sekhar Parida as well as the statement made in the joint reply by the Director, Agriculture and the Chief District Agriculture Officer, directed the Director, Vigilance, Odisha, Cuttack to conduct a preliminary inquiry for ascertaining whether there exists a prima facie case to proceed further in the matter against any public servant(s) or any other persons(s). This direction was given by us in exercise of our powers conferred under Section 20(1) of the Odisha Lokayukta Act, 2014 (in short the Act). By the same order we also directed the Director, Vigilance to ensure compliance of the provisions of Section 20(2) of the Act and that during inquiry, the inquiring officer shall allow the complainant as well as the respondents to submit evidence/

material in support of their respective stand. The inquiry report was directed to be submitted on 15.07.2022. Be that as it may, we, on different dates on the request of the Director, Vigilance, for good reasons extended the time for submission of the preliminary inquiry report. At no stage, did Sri Sudhansu Sekhar Parida ever object to our extending the time for submitting the report. The Director, Vigilance after ensuring a thorough inquiry, submitted the preliminary inquiry report on 13.04.2023 where after the matter was fixed for its consideration on 20.04.2023.

4. The relevant extract of the conclusion part of the preliminary inquiry report reads as under:-

“There is sufficient prima facie evidence of misappropriation of Govt. subsidy money against Sri Sudhansu Sekhar Parida, Managing Partner, his brother, Sri Subal Ku. Parida, Ex-Partner and Sri Prasanna Ku. Jena, active partner of the firm M/s Nigamananda Associates, Balasore in connivance with the suspected agents/ associates of the firm namely : 1) Sri Sanyasi Ch. Bag, 2) Sri Santanu Ku. Behera, 3) Afroz Khan, 4) Sri Chitaranjan Singha, 5) Sri Prafulla Ku. Naik, 6) Sri Tuhin Kar, 7) Sri Laxman Barik, 8) Sri Sudhakara Mohalik, 9) Sri D. Khatua, 10) Sri Padmini Barik, 11) Susanta Ku. Behera, 12) Sri Uttam Kumar Barik, 13) Sri Bijaya Ku. Sahoo, 14) Bansidhar Behera and 15) Parameswar Patra in whose accounts huge subsidy amounts has been transferred/ received during the year 2017-18 to 2019-20. Thereby, they have cheated the Govt. and committed an offence and liable to be prosecuted under the law for financial irregularities and misappropriation of Govt. subsidy money to the tune of Rs.3,22,49,000/- and causing loss of like amount to the Govt. during the year 2017-18 to 2019-20.”
5. As seen above, Sri Sudhansu Sekhar Parida is a Member of the Odisha State Assembly. He, thus apparently, falls within the meaning of “public servant” as defined in Section 2 (1) (n) of the Act. Therefore, on receiving the report under sub-section 2 of Section 20, we, by our order dated 20.04.2023, issued notice to him and other individuals named therein under sub-section (3) for giving them an opportunity of hearing to decide whether there exists a prima facie case and make recommendations for one or more of the actions namely, investigation by any agency, initiation of departmental proceedings or closure of proceedings against the concerned public servant and to take action to proceed against the complainant. A copy of the preliminary inquiry report was also served to each of them along with the notice.
6. Sri Sudhansu Sekhar Parida and other individuals were required to submit their explanation on 09.07.2023 but on their request time was further extended to 14.07.2023. In the meanwhile, Sri Sudhansu Sekhar Parida challenged the validity of the preliminary inquiry report on certain objections before the Hon’ble High Court in W. P. (C) No. 21843/2023, which was finally disposed of vide order dated 13.07.2023, without expressing any opinion with a liberty to him to raise the same grounds of objections before the Lokayukta. The Hon’ble High Court has also directed the Lokayukta to first consider the objection on non-acceptability of the preliminary inquiry report and then to proceed further. It is in this background Sri Sudhansu Sekhar Parida has filed the objection petition for our consideration.
7. Sri Sudhansu Sekhar Parida has mainly objected against the acceptability of the preliminary inquiry report on the grounds that the inquiring officer has not considered the documents submitted by him, particularly his Power of Attorney executed in favour of Sri Subal Kumar

Parida and Sri Prasanna Kumar Jena for running the affairs of M/s Nigamananda Associates and despite his request for providing documents/material for understanding the nature of allegations against him, the inquiring officer has not provided him such documents/material. Another objection of Sri Sudhansu Sekhar Parida is that the inquiring officer did not provide him the material, information and documents which were collected during inquiry nor he was asked to comment on the allegations made in the complaint. On these objections, Sri Sudhansu Sekhar Parida has prayed that the preliminary inquiry report be declared as nonest in the eyes of the law for non-compliance of the provisions of Section 20 (2) of the Act by the inquiring officer. Yet another objection taken by Sri Sudhansu Sekhar Parida is that since the preliminary inquiry report has been submitted beyond 6 months from the date of receipt of the complaint, it cannot be accepted in view of Section 20 (5) of the Act.

8. The Directorate of Vigilance, in reply has emphatically denied to the objections that the documents submitted by Sri Sudhansu Sekhar Parida have not been considered or his comments have not been obtained on the allegations made in the complaint on the basis of the material, information and documents collected during inquiry. It is also categorically stated in the reply that at no stage of inquiry, Sri Sudhansu Sekhar Parida had submitted the Power of Attorney, which he has mentioned in the objection. The reply further states that the report has been submitted after conducting the inquiry by strictly adhering to our order dated 13.05.2022 and its findings are based on the evidence/material furnished by the complainant as well as the respondents including Sri Sudhansu Sekhar Parida. Thus, according to the reply, the report is valid because it has been submitted pursuant to an inquiry conducted strictly in terms of Section 20(2) of the Act. In regard to the objection to the acceptability of the report because it has been submitted after 6 months from the date of receipt of the complaint, it is stated that due to non cooperation of Sri Sudhansu Sekhar Parida, the inquiring officer had to collect documents from different offices, banks, other financial/business institutions and record the statements of many persons shown as beneficiary, plus suspect persons for which prayers for extension of time on different dates were duly allowed by the Lokayukta on different dates and hence, the report cannot be rejected on this ground.
9. On reading the objection petition, we find that Sri Sudhansu Sekhar Parida, except for making bald statement that the documents submitted by him have not been considered by the inquiring officer, has not produced any supporting material. Also, but for mentioning about one Power of Attorney, he has not stated about the particulars of other documents. On the other hand, the reply from the Directorate of Vigilance reveals that Sri Sudhansu Sekhar Parida after being served with 4 registered letters for production of documents belatedly furnished 8 documents vide letter dated 16.01.2023 wherein he merely mentioned that since 2015, after his election as a Member of Legislative Assembly, he had stopped managing the affairs of M/s Nigamananda Associates. The reply also states that at no stage of inquiry, Sri Sudhansu Sekhar Parida had either submitted the Power of Attorney or even mentioned about it in his two recorded statements dated 15.09.2022 and 09.03.2023. Moreover, Sri Sudhansu Sekhar Parida has nowhere mentioned on which date he had executed the Power of Attorney nor has he filed a copy of the same along with the objection petition. Interestingly, he, in his earlier reply dated 09.05.2022 to the

allegations made in the complaint, has not uttered even a word about any Power of Attorney executed by him in favour of any person for managing the affairs of M/s Nigamananda Associates. We are, therefore, not inclined to accept the objection that the documents submitted by Sri Sudhansu Sekhar Parida have not been considered by the inquiring officer.

10. Similarly, we are unable to agree with Sri Sudhansu Sekhar Parida that his request, for providing documents/material for understanding the nature of allegation against him, has been ignored by the inquiring officer. This we say so, because he has neither stated when such a request was made by him nor has he brought any document on record to suggest making of such a request. It is also to be seen that Sri Sudhansu Sekhar Parida in his above-mentioned letter, dated 16.01.2023 to the inquiring officer, did not make any complaint in this regard. Even in the statements recorded during the inquiry, he has nowhere mentioned about his request for providing documents, etc. It is also not the claim of Sri Sudhansu Sekhar Parida that his statements were not recorded correctly by the inquiring officer. We accordingly reject this objection also.
11. We are also not impressed with the objection that the inquiring officer did not provide Sri Sudhansu Sekhar Parida the material, information and documents which were collected during the inquiry and that his comments were not obtained on the allegations made in the complaint. Nowhere does Section 20(2) of the Act mandates that the inquiring officer should provide the material, information and documents collected during inquiry to the public servant. It essentially requires the inquiring officer to conduct the preliminary inquiry and on the basis of the material, information and documents collected, and seek comments on the allegations made in the complaint from the public servants before submitting the report. The record reveals that during inquiry, two statements of Sri Sudhansu Sekhar Parida were recorded. His first statement was recorded at the initial stage of inquiry on 15.09.2022 where after, on the basis of the information, material and documents collected, his comments in the form of a statement were obtained (recorded) on 09.03.2023. Therefore, it cannot be held that the inquiring officer has submitted the report without complying with the provisions of Section 20(2) of the Act.
12. Even the last objection of Sri Sudhansu Sekhar Parida for the non-acceptability of the preliminary inquiry report on the grounds that it has been submitted after the prescribed maximum period of 6 months from the date of receipt of the complaint has no legal force. This objection is based on Section 20(5) which is in Chapter VII of the Act. The Chapter exclusively deals with the procedure in respect of preliminary inquiry and investigation. Section 20(5) reads as under:-

“Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.”

A bare reading of the above quoted Section establishes that it provides for the procedural requirement of completing the preliminary inquiry within a period of maximum 6 months from the date of receipt of the complaint. Admittedly, no consequence of non-compliance of this requirement is provided in the Act. It is a well settled principle of law that while considering the non-compliance with a procedural requirement, it has to be kept in view that such requirement is designed to facilitate justice and further its ends and therefore, if the consequence of non-

compliance is not provided, the requirement may be held to be directory. Thus, the requirement in Section 13(2) of the Consumer Protection Act, 1986 that the opposite party is to file its reply within thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum has been held to be directory and the forum cannot be said to be debarred from taking on record a reply filed beyond forty-five days (see *Topline Shoes Ltd.v. Corporation Bank*, AIR 2002 SC 2487). Approving this case, similar view has been taken by a three Judge Bench of Order VIII, Rule 1 of the Code of Civil Procedure, 1908 which requires a defendant to present a written statement within thirty days from the date of service of summons or within such extended period granted by the court but which shall not be later than ninety days from the date of service of summons (see *Kailash v. Nanhka*, (2005) 4 SCC 480). The rules of procedure are to be construed not to frustrate or obstruct the holding of an inquiry under the substantive provision (see- *Principles of Statutory Interpretation 14th Edition* by Justice G. P. Singh, revised by Justice A. K. Patnaik p.438). Therefore, in our considered view, the procedural requirement of completing the preliminary inquiry within a maximum period of 6 months is purely directory and the report cannot be rejected merely because it has been submitted after the expiry of the said period.

13. Here we also deem it proper to mention that as seen above, the complaint dated 30.09.2021 was listed for our consideration for the first time on 01.12.2021 when the notice was issued to Sri Sudhansu Sekhar Parida and the other officials. The notice could be served to him only in the month of March, 2022 for filing a reply on 08.04.2022. Thereafter, he, on two dates, sought time for filing reply. He ultimately filed the reply on 09.05.2022. By this time, the maximum period of 6 months for completing a preliminary inquiry from the date of the complaint as contemplated in Section 20(5) of the Act had already expired. The direction to conduct the preliminary inquiry was given by us on 13.05.2022. Therefore, if the objection of Sri Sudhansu Sekhar Parida is to be accepted, then the provision of Section 20(1) empowering the Lokayukta for ordering preliminary inquiry will become redundant and the public servant will easily be able to defeat the very purpose of the Act to inquire into the allegations of corruption against public functionaries. Also, after directing for conducting a preliminary inquiry vide order dated 13.05.2022, we on different dates, for valid reasons, allowed the prayers of the inquiring officer for an extension of time to complete the inquiry and submit the report and most importantly, Sri Sudhansu Sekhar Parida never objected to such extension of time.
14. For these reasons we find no merit in the objection petition. It is accordingly dismissed.

(XI) LY Case No. 325/2021

(Sri Bipin Bihari Mohapatra versus Sri NSJP Singh, DFO, Jeypore and others)

In this complaint dated 09.04.2021, Sri Bipin Bihari Mohapatra alleged huge corruption in the Jeypore Forest Division. According to him, a large number of precious full grown trees were felled at the Chitra Reserve Forest, Kotpad Range by private people in collusion with the Divisional Forest Officer, Range Officer and other staff of the Forest Department for their wrongful gain. Sri Bipin Bihari Mohapatra also alleged that despite no work having been done for digging a cattle proof trench at the Naktidangar Reserve Forest, Jeypore Forest Range, huge amount had been misappropriated by preparing fake vouchers.

After calling for reply from the concerned officials, the allegations made in the complaint were directed to be investigated by the Director, Vigilance, Odisha, Cuttack. The Investigation report revealed that 1811 trees were illegally felled in Malchamal Reserve Forest because of the gross negligence and dereliction of duties by the forest officials named therein. The report further stated that in Chitra Reserve Forest about 660 trees were uprooted due to heavy wind on 27.04.2020 but joint verification of wind fallen trees was not done within the stipulated period due to the negligence of the forest officials. The investigating report further confirmed that an amount of Rs. 13,18,041/- had been misappropriated by Sri NSJP Singh (D.F.O., Jeypore), Sri Subash Chandra Khuntia (A.C.F., Jeypore Forest Division) and Sri Rashmi Ranjan Swain (Forest Range Officer, Jeypore) by preparing fake vouchers in the execution of cattle proof trench work around Naktidangar Reserve Forest

Accepting the findings of the investigation report, the Lokayukta made the following recommendations:

- (i) The Additional Chief Secretary to Government, Forest, Environment & Climate Change Department shall initiate departmental proceedings against Sri NSJP Singh, Smt. Lishmita Kanhar, Sri Tankadhar Das, Sri Mahendra Kumar Beuria and Sri Gupteswar Rout for their negligence and dereliction of duty resulting into illegal felling of 1811 trees in Malchamal Reserve Forest.
- (ii) The Additional Chief Secretary to Government shall initiate departmental proceedings against Sri NSJP Singh and Sri Subash Chandra Khuntia for being negligent in approving the salvaging process and submitting the verification report of the uprooted 600 trees in Chitra Reserve Forest, and
- (iii) The Director, Vigilance, Odisha Cuttack to file a charge sheet against Sri NSJP Singh, Sri Subash Chandra Khuntia and Sri Rashmi Ranjan Swain for offences under Section 13(2) read with 13(1)(a) of the Prevention of Corruption (Amendment) Act, 2018 read with Sections 405 and 120B of the Indian Penal Code for misappropriation of government money amounting to Rs. 13,18,041/- in execution of cattle proof trench work through the investigating officer before the Special Court, Vigilance, Koraput at Jeypore under the supervision of Director of Prosecution to Lokayukta, Odisha.

XII. LY Case No. 719/2021

(Sri Sarbeswar Behura versus Anam Charan Rout, Ex-PEO, Karanjia Gram Panchayat, Dharmasala and another)

In this complainant, Sri Sarbeswar Behura alleged that an amount of Rs.24,99,000/- was utilised by the Minor Irrigation Division, Jajpur for renovation of Nua Pokhari situated at Taranjia village during the year 2019-2020, and for renovation of the same work during the same year, Surpanch and Panchayat Executive Officer of Taranjia Gram Panchayat claimed to have spent an amount of Rs.3,46,500/-. Sri Sarbeswar Behura also alleged that actually no renovation work is done by the Surpanch and the Panchayat Executive Officer of Taranjia Gram Panchayat and the entire amount of Rs.3,46,500/- had been misappropriated by them.

2. On being noticed, the Block Development Officer, Dharmasala and the Panchayat Executive Officer of Taranjia Gram Panchayat in their separate replies, denied the allegations made in

the complaint. The Surpanch however, chose not to file any reply despite service of notice.

3. After considering the allegations made in the complaint and the replies filed the Lokayukta directed for a preliminary inquiry to be conducted by the Director of Inquiry, Lokayukta. The inquiry report, revealed that a prima facie case of misappropriation of Rs. 3,46,500/- from Central Finance Commission fund was made out against four officials namely Sri Maheswar Mohanty, Sri Prasanta Kumar Mohanty, Brahmananda Panda (died on 09.03.2023), and Sri Susanta Sethy.
4. Having regard to the findings of the Inquiry report, the Lokayukta directed for an investigation of the matter by the Director, Vigilance Odisha. The investigation report also confirmed that an amount of Rs3,46,500/- had been misappropriated by the above-named officials in collusion with the private individuals namely Sri Rajendra Parida, Sri Sanjay Kumar Behera, Sri Brundaban Prusty and Sri Natabar Sahoo. The Lokayukta thereafter, on the findings of the investigation report, finally recommended for submission of the charge sheet against the government officials and the private individuals for their prosecution under Section-13(2) read with Sections-13(1)(a)/12 of Prevention of corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act 2018 read with 467/471/477-A/409/120-B of Indian Penal Code.

(XIII) LY Case No 753/2021

(Satyabrata Jena vs. Debiprasad Rout, ORS, Bhadrak Municipality) Registered on 13.12.2021. Finally disposed of on 03.02.2023

One Dushmantha Kumar Panda of Junagarh filed the complaint alleging that by virtue of an unregistered sale agreement land bearing Plot No.846 under Khata No.83 in Mouza – Kalopala, belonging to Shri Bamadev Sabar, S/o Rangadhar Sabar, a Scheduled Caste man of village Kalopala, P.S. Dharmagarh is under the illegal possession of M/s. Laxmi Narayan Man Mohanlal & Co., running a country liquor distillery and shop on the said land. It is further alleged that license has been granted to the aforesaid company for distillation and selling country liquor by the Excise Superintendent, Kalahandi, Bhawanipatna for extraneous reasons, though the ownership of land in question does not vest in the liquor licensee, without permission of the Competent Authority under the Orissa Land Reforms Act, (OLR Act).

2. Notices of the complaint were issued to (1) the Excise Superintendent, Kalahandi, (2) Collector, Kalahandi and (3) M/s. Laxmi Narayan Man Mohanlal and Company. The Excise Superintendent, Kalahandi, submitted his reply stating that the Tribal Owner, Shri Bamadev Sabar, under an agreement, had taken an amount of Rs.70,000/- from Dillip Kumar Gupta, Managing Partner of M/s. Laxmi Narayan Man Mohanlal & Company, on the condition to pay monthly rent of Rs.2,500/- under the temporary lease agreement, which does not violate the provisions of the S.C. and S.T. Act. Therefore, the lessee, Shri Laxmi Narayan Man Mohan Lal & Company was allowed to function Kalopala Branch Out Still Shop on that land. The so-called agreement dated 14.03.2017 is in fact not a lease agreement but is described as sale agreement and there was no mention of payment of monthly rent of Rs.2,500/- to the Tribal Owner. Therefore, it is clear that the plea taken by the Excise Superintendent, Kalahandi in his reply was incorrect.

3. The Lokayukta being of the prima facie opinion, directed the Director of Inquiry, Office of the Lokayukta to find out:
 - (1) whether the land in question comes within the Scheduled Area and whether the Regulation-2 of 1956 or the OLR Act applies,
 - (2) who was the Officer who granted permission for opening of the Out Still Shop over the Tribal Owner's land and
 - (3) whether granting such permission/licence was for extraneous reasons or for monetary or other gain by the officer concerned.
4. On inquiry, it was found that the land in question was originally recorded in the name of Shri Rusinath Sabar, s/o Sahadev Sabar of village Kalopala. One Rangadhar Sabar purchased an area of Ac.3.10 bearing Plot No. 846 kissam- Atta Unhari, under Khata No.83 of Mouza Kalopala from the legal heirs of Rusinath Sabar. It was further found that subsequently M/s. Laxmi Narayan Man Mohanlal & Company entered into sale agreement with Shri Bamadev Sabar, the legal heir of Rangadhar Sabar, before a Notary Public in respect of 10 decimals out of Plot No. 846 under Khata No.83 (disputed land) and in pursuance to such sale agreement the company is possessing the land and running distillery. It is further found that prior to such sale agreement, Shri Bamdev Sabar had mortgaged the entire land of Ac.3.10 to the Secretary, Nandgaon Primary Agricultural Credit Cooperative Society (PACS) on 24.04.2009 for securing a loan. It is further found that the then Excise Inspector, Deogarh Shri J.P. Nath had submitted an inquiry report on the basis of which the former Excise Superintendent, Kalahandi, namely Shri B.N. Satpathy had granted permission/license for running of the distillery over the tribal land without verifying the status of the land. Both the officers have retired in the meantime. It is further found that the land in question does not come within the scheduled area and therefore Regulation 2 of 1956 does not apply, but Section 22 of the O.L.R. Act, 1960 applies.
5. During course of inquiry, the Director of Inquiry had sought for comments of the Competent Authority, i.e., the Hon'ble Minister of State, Department of Excise, Government of Odisha. Comments of the Competent Authority were communicated by the Additional Secretary of the said department vide letter No. 4272/Ex. dated 03.09.2022 which inter alia revealed that report was called for from the Collector, Kalahandi and as per such report, notice had been issued to the licensee concerned to stop operation of the branch shop (distillery) and the Sub-Collector, Dharamgarh was requested to evict the licensee from the land of Shri Bamadev Sabar. Letter No. 829 dated 04.07.2022 of the Collector, Kalahandi was issued to M/s. Laxmi Narayan Man Mohanlal & Company (licensee) to stop operation of the Branch Out Still Shop over the disputed land of the tribal owner and copy of such letter has been sent to the Sub-Collector, Dharamgarh vide Memo No. 832 instructing him to evict the unauthorised occupier (distillery company) under Section 23 and 22-A of O.L.R. Act.
6. Having regard to the fact that the then Excise Superintendent, Kalahandi and the then Excise Inspector, Dharamgarh granted license/permission to M/s. Laxmi Narayan Man Mohanlal and Company to run the out- still shop on the tribal land, and there being no specific finding in the inquiry report that they did so for extraneous reason, and that the administration having taken step for eviction of the licensee from the disputed tribal land under the provisions of the OLR

Act, we only recommend that the process of eviction of the unauthorised occupier over the land of Shri Bamadev Sabar shall be completed expeditiously.

7. The proceeding was disposed of, with the above observation with direction to send copy of the order to (1) the Secretary, Department of Excise, Government of Odisha, (2) Excise Commissioner, Odisha, Cuttack, (3) Collector, Kalahandi and (4) Sub-Collector, Dharamgarh for information and compliance.

(XIV) LY Case No 674/2021

(Trilokyanath Panigrahi Vs Mithun Behera, Marketing Inspector Koksara Block, District Kalahandi) Registered on 01.11. 2021.Finally disposed of on 03.02.2023

The complainant, Shri Trilokyanath Panigrahi filed the complaint alleging that the farmer, namely, Shri Bikram Naik sold 106 quintals of paddy at Kashibahal PACS on 21.05.2021 and on the same day, paddy was transported to the premises of Jaya Durga Rice Mill, Limited (Miller) by Truck No. OR-08-B-0119 and accordingly, receipts were issued. It is further alleged that in the night of 06.06.2021 on canal embankment between Kashibahal and Gungunia, a truck bearing No. OR-10-2648 loaded with paddy was detained by Koksara Police and that on the query of police, Shri Mithun Behera, Marketing Inspector of Koksara Block under his letter No.1490 dated 07.06.2021 reported that the paddy in question had been purchased from Shri Bikram Naik on 31.05.2021 and was being transported to Jaya Durga Rice Mill. On the report of the Marketing Inspector, the police released the said paddy truck.

2. The Marketing Inspector of Koksara appeared and submitted his report, inconsistent with the farmer receipts and the transit pass (Miller copy, Annexures- 'Ka' and 'Kha' of the complaint) and accordingly, the Hon'ble Lokayukta were pleased to direct for a preliminary inquiry, to be conducted by the Director of Inquiry, Office of the Lokayukta, Odisha. The Deputy Director of Inquiry (Deputy Superintendent of Police), Inquiry Wing of the Lokayukta conducted inquiry and submitted inquiry report. Basing on the statements of the farmer, the Chief Executive of Kashibahal PACS, the Miller and the Marketing Inspector, it was found on inquiry that the farmer, Shri Bikram Nayak's token for sale of paddy was valid up to 31.05.2021 and he brought 106 quintals of paddy to Kasibahal PACS Mandi on 30.05.2021. On quality verification, it was found that his paddy contained 22% of moisture though the permissible limit as per the Government norms is up to maximum of 17%. The moisture content of the paddy being found to be much higher than the permissible limit and the fact that the token of the farmer was going to lapse on 31.05.2021, on the collusion and conspiracy of the Chief Executive of Kashibahal PACS, the miller and the farmer with the active knowledge of the Marketing Inspector, Shri Mithun Behera, 106 quintals of paddy was purchased from the farmer, Shri Bikram Naik on 31.05.2021 and accordingly receipts, transit pass with truck number etc. were prepared showing transportation of the paddy to the mill premises on that date though in fact the farmer was directed to dry up the paddy so as to bring it down to permissible limit of moisture content and to hand over the same to the miller. It is also admitted that MSP for the whole 106 quintals of paddy has been paid to the farmer. The farmer, Shri Bikram Naik dried the paddy and it was being loaded or transported on 06.06.2021 after the moisture came down to 16.20%, when somebody made complaint to the I.I.C., Koksara Police Station, who brought the Truck bearing No. OR-10-2648

to Police Station premises through Shri Manoranjan Acharya, A.S.I. of Police of Koksara Police Station for verification in the night of 06.06.2021 with direction to the mill owner to produce necessary documents. In this regard, the I.I.C. made Station Diary entry vide Diary No. 004 dated 07.06.2021 at 12.06 A.M. On 07.06.2021, Mr. Mithun Behera, Marketing Inspector of Koksara Block sent letter No.1490 to the I.I.C., with the clarification that the paddy had been purchased from the farmer, Shri Bikram Naik on 31.05.2021, but it could not be delivered on that date due to heavy moisture content and that after it was dried and moisture came down to permissible limit, it was being delivered to the rice mill on 06.06.2021. On the basis of the report of the Marketing Inspector, the I.I.C.,Koksara Police Station released the detained loaded truck with paddy to the premises of Jaya Durga Rice Mill. Thus, on inquiry it was found that the farmer Shri Bikram Nayak, the Chief Executive of Kashibahal PACS, the Miller and the Marketing Inspector only in pen and paper had shown purchase of 106 quintals of paddy from the farmer and delivery of the same to the mill premises by a particular truck, though in fact no such delivery at all was made on 31.05.2021 and they allowed the farmer to dry up the paddy and subsequently deliver the same to the miller, knowing very well that after drying the paddy and bringing it to the permissible limit of moisture, the quantity of paddy definitely would be reduced from 106 quintals. They prepared false documents showing purchase of 106 quintals of paddy with 16.20 per cent of moisture from the farmer on 31.05.2021, who accordingly received payment of Rs.1,98,008/- for 106 quintals of paddy on his Bank Account.

3. Notices with copy of the inquiry report were served to the (1) Shri Mithun Behera, Ex-Marketing Inspector, Koksara Block, (2) Shri Jugal Kishore Naik, Chief Executive, Kashibahal PACS, District Kalahandi, (3) Proprietor, M/s. Jaya Durga Rice Mill Pvt. Ltd., Ladugaon, (4) Shri Bikram Naik, Koksara, District Kalahandi and (5) Shri Basudev Chhatra, Ex-IIC, Koksara Police Station, asking them to submit their explanations on the inquiry report.
4. The Marketing Inspector, the Chief Executive of Kashibahal PACS, farmer, Shri Bikram Naik and Shri Durga Prasad Agrawala, Managing Director of M/s. Jaya Durga Rice Mill Pvt. Ltd., Ladugaon have submitted their explanations, admitting that the farmer's token was to be lapsed on 31.05.2021 and his paddy (106 quintals) contained 22% of moisture and that he pleaded with the Chief Executive of PACS was to purchase his paddy and that though the miller was reluctant to purchase it with heavy moisture content, the same was shown to have been purchased on 31.05.2021 and the farmer was asked to dry it up and to deliver the same later to the miller. Mr. Agrawala (Miller) has stated in his explanation that he was reluctant to purchase the paddy with such moisture and it was because of pressure of the Government Official that he agreed to purchase the same with instruction that the farmer dries up the paddy and deliver the same to his mill premises. Accordingly, papers were prepared on 31.05.2021 showing the paddy to have been sold and purchased on that day. When the paddy after being dried up was loaded in another truck on 06.06.2021 that on complaint by somebody, the police detained the same and it was only after report of Shri Mithun Behera, Marketing Inspector, the police returned the said paddy truck on 07.06.2021. The Marketing Inspector, however taken a false plea that he has no role to play at the Mandis regarding the purchase of paddy, though his duty is to verify the receipt of paddy in the miller premises after sale. From the explanations submitted by the aforesaid four persons, it is crystal clear that all four of them in collusion and conspiracy amongst

themselves have prepared false documents showing purchase of 106 quintals of paddy from the farmer, Shri Bikram Naik with heavy moisture content and not fit for purchase, but showing the moisture within permissible limit and at the same time allowed the farmer to receive price for 106 quintals of paddy. In their explanations none of the aforesaid four persons have stated as to whether after Shri Bikram Naik dried up the paddy, it has further weighed or not, and if weighed, where, and what quantity it came down to. It is further clear that all of them including the Marketing Inspector who, is a government servant, are responsible for fabrication of false documents and causing loss to the Government to the tune of the quantity of paddy by which the purchase quantity got reduced after it was dried up. In any event, this should not have been allowed to be done.

5. Comments of the Competent Authority, i.e., the Hon'ble Minister, Food Supplies and Consumer Welfare Department, Government of Odisha had been sought for by the Director of Inquiry during course of inquiry. Comments have been received from the Competent Authority (the Special Secretary to Government of the said Department). As per the comments, only paper transaction of paddy purchase of 106 quintals was in favour of Shri Bikram Naik, even though moisture content of paddy was more than the permissible limit of 17%. Without receiving the paddy at the miller point on 31.05.2021, the miller had accepted TP-cum-AC Note through P-PAS and maintained paddy stock on dated 31.05.2021. The farmer received MSP towards sale of paddy before receiving paddy by the miller at mill point. The Competent Authority has further stated that such transaction of sale of paddy is not in accordance with the provisions of the Government Policy and the Guidelines for Decentralised Procurement Operation, KMS 2020-21. The Competent Authority having found (1) Shri Mithun Behera, Ex.Marketing Inspector, Koksara Block, (2) Shri Jugal Kishore Naik, Chief Executive, Kashibahal PACS and (3) the Miller, Jaya Durga Rice Mill Pvt. Ltd., Ladugaon to be responsible for such paddy transaction, they have requested for the initiation of action against these persons. It is also stated that the RCS, Bhubaneswar has been requested to take suitable disciplinary action against the Chief Executive of Kashibahal, PACS and the Collector, Kalahadi has been requested to furnish draft charges for proceeding against Shri Mithun Behera, Ex-Marketing Inspector, Koksara Block and the M.D., OSCSC Ltd., Bhubaneswar has been requested to take suitable action against the Miller.
6. In view of the aforesaid comments of the Competent Authority that actions as deemed fit and proper under law have already been initiated against the Chief Executive of the Society, Ex-Marketing Inspector and the Miller, we do not deem fit to recommend any further action against them. However, we recommend that actions initiated against the aforesaid persons should be brought to their logical end expeditiously.

(XV) LY-08-2022

(Sushanta Kumar Palai Vs President, Santha Vinobha Seva Samabaya Samiti, Katara) Registered on 02.01.2020. Finally disposed of on 03.02.2023.

One Sushanta Kumar Palai, the complainant, alleged that the office bearers of Santha Binova PACS, Katara have misappropriated the funds of the depositors in that bank by manufacturing forged withdrawal papers and receipts.

2. It was informed to the bench of Lokayukta about registration of Criminal Case. Copies of the FIR in Tirtol P.S. Case No. 255 of 2019 and also copies of two charge sheets dated 19.01.2020 against the accused, Surendranath Khatua, Assistant Secretary of Santha Binova PACS, Katara and another supplementary charge sheet dated 10.08.2022 against Pradipta Kumar Nayak, Ex-Secretary of said Society, who was originally the complainant in the aforesaid P.S. case.
3. It was ordered:

In view of the fact that with regard to the complaint of misappropriation of deposits of the members of the Society F.I.R. was lodged and charge sheets have already been submitted, we cannot issue any further direction or recommendation for criminal action against the Secretary and Assistant Secretary concerned. In spite of several adjournments granted since February, 2022, the Competent Authority i.e., the Hon'ble Minister, Department of Cooperation, Government of Odisha has not submitted his views. A further prayer for two weeks' time for submission of views is made by the Additional Secretary of the Department under his letter No. 958 dated 25.01.2023. However, in view of the long delay, we are not inclined to grant any further time for submission of views of the Competent Authority. The criminal action against the Secretary and the Assistant Secretary having already been taken by submission of charge sheets against them in the Criminal Court, and in view of facts disclosed during investigation by the police that there are as many as 2593 account holders out of which only 764 accounts have been verified and from amongst them 440 instances of misappropriation to the tune of Rs.40,70,461/- came to light and in view of the finding by the Joint Inquiry Team (two Sub Assistant Registrars) that the misappropriation is more than Rs.60,00,000/-, we only recommend that the State Government in the Cooperation Department shall take steps for a Special Audit of the accounts with regard to the deposits made by the members of Santha Binova PACS, Katara and on the basis of the audit report make recovery of amounts misappropriated and shall also take steps for refund of the money deposited by the members expeditiously. Further, Departmental Action and criminal action against any public servants or other persons involved in misappropriation as per audit report shall also be taken. With the aforesaid recommendation, this proceeding is disposed of, with further direction to send a copy of the order to the Principal Secretary to Government in the Department of Cooperation for compliance.

(XVI) LY-486/2021

(Prasanna Kumar Nayak Vs. BDO Narasinghapur Block) Registered on 17.08.2021. Finally disposed of on 02.03.2023.

In this case preliminary inquiry was ordered on the complaint, alleging that the dug well sanctioned during the year 2021-22 in favour of Shri Purna Chandra Maharana has been constructed in the courtyard of the beneficiary in violation of the Government Guidelines instead of on the agricultural land. Further, it is also in deviation of the guidelines and the estimate. The second allegation is that the complainant received work order in February, 2015 for construction of a latrine and that though he has constructed the latrine, no payment has been made to him in spite of approaching the authorities several times.

2. During preliminary inquiry with regard to the first allegation, the inquiring officer has found that the work order for the dug well under MGNREGS of Shri Purna Chandra Maharana for an estimated amount of Rs.1,60,000/- was issued by the Ex-Sarpanch, Smt. Suryasnata Mahalik on 05.06.2021 in favour of the beneficiary. The project has been approved in respect of Plot No.568, Khata No.575, Kissam Sarad-II of mouza Baselihata recorded in the name of the father of the beneficiary. The beneficiary has excavated the dug well over a homestead land bearing Plot No. 508/6156 under Khata No.792/62, mouza Baselihata, Kissam Gharbari recorded in his name. The dug well has been excavated adjacent to the dwelling house of the beneficiary and this has been done because of intentional supervisory lapses on the part of the public servants involved in supervising the execution of the project. It is further found on inquiry that the model of dug well used by the Panchayati Raj and Drinking Water Department has been stipulated in paragraph-3.5.3 of the Government guidelines which provides that the estimated cost shall vary between Rs.1,45,000/- and Rs.1,60,000/- depending on category of soil, i.e., soft soil or hard soil. The specification of such well shall be 15 feet diameter and accordingly estimate has been prepared by the Junior Engineer, Shri Binay Ranjan Sahoo, which has been approved by the Competent Authority. But the work has not been executed as per the plan and estimate inasmuch as the diameter of the dug well of the beneficiary is only 4.6 feet . It is also found that for the dug well of the beneficiary, the Junior Engineer prepared bill of Rs. 1,19,514/-. However, an amount of Rs. 1,05,610/- has been paid with labour component of Rs.19,350/- and material component for Rs.86,260/-. The Assistant Engineer has not check measured the work, but the bill was passed for payment. It is further found that after filing of the complaint before the Lokayukta, the Block Development Officer, Narasinghpur conducted an inquiry by a team of officials and recovered Rs.86,260/- from the vendor who supplied the materials and Rs.19,350/- from the concerned Junior Engineer, Panchayat Executive Officer and the Gram Rozgar Sevak and the entire amount has been deposited in the UCO Bank, Narasinghpur. It is also found that Shri Sanjay Kumar Sahoo, G.R.S. has geotagged the excavation site of the dug well and recommended for release of payment, and Shri Abhed Kumar Routray, P.E.O. had supervised execution of the dug well and released the payments along with Ex.Sarpanch, Smt. Suryasnata Mahalik. Shri Binaya Ranjan Sahoo, J.E. prepared the bills showing measurement of the dug well, but there was no check measurement by the Assistant Engineer. As such the aforesaid four public servants are responsible. With regard to the second allegation, the inquiring officer has found that the complainant, Shri Prasanna Kumar Nayak being enlisted as a beneficiary to avail IHHL under SBM during 2014-15, work order was issued to him on 13.02.2015. But he failed to complete the construction during 2015-16 and ultimately construction was completed during 2019. The complainant admits delayed completion of construction of IHHL. As per the statement of the B.D.O., Narasinghpur taken by the inquiring officer, due to delay in execution of the construction of the IHHL, the name of the beneficiary has been deleted from the online list, but his name has already been in Village Action Plan-2022 under SBM Phase-II for Baselihata Gram Panchayat and that he will be issued work order afresh and payment shall be released in his favour. In view of the inquiry finding, notice along with copy of the preliminary inquiry report were sent to (1) Shri Binaya Ranjan Sahoo, Junior Engineer, Narasinghpur Block, (2) Shri Abhed

Kumar Routray, P.E.O., Baselihata Gram Panchayat (3) Shri Sanjay Kumar Sahoo, G.R.S., Baselihata G.P. and (4) Smt. Suryasnata Mahalik, Ex-Sarpanch of Baselihata Gram Panchayat, asking them to file their explanation on the inquiry findings on allegation No.1. As noted earlier they have filed their separate explanations today. Copy of the inquiry report was also sent to the Competent Authority, i.e., the Principal Secretary, Government of Odisha, Panchayati Raj and D.W. Department, asking him to submit his views in the matter. Views of the Competent Authority have been received. As per the views of the Competent Authority, the Government constituted an inquiry team of the AE, APO and two Junior Engineers under Narasinghpur Block. On the basis of their inquiry report, the Block Development Officer, Narasinghpur issued order to stop payment till disposal of the matter by the Lokayukta. The B.D.O., Narasinghpur has recovered Rs.86,210/- from the vendor who supplied the materials and Rs.19,350/- from the J.E., P.E.O. and Gram Rozgar Sevak concerned and deposited in a Bank Account of the Block. Further, the aforesaid erring officials have been transferred. It is also stated that the C.D.O.-cum-E.O., Zilla Parishad, Cuttack has issued show cause notice to Shri Sanjay Kumar Sahu, G.R.S. in contemplation of disciplinary action vide letter No.490 dated 09.02.2023 and that Shri Sahu has already furnished the show cause reply. Further, the B.D.O., Narasinghpur has submitted draft charges against Shri Binaya Ranjan Sahoo, J.E.. The C.D.O.-cum-E.O., Zilla Parishad, Cuttack has instructed the District Panchayat Officer, Cuttack vide letter No.494 dated 09.02.2022 to issue show cause notice to the Ex-Sarpanch and the P.E.O. concerned in contemplation of disciplinary action. The disciplinary proceedings have already been initiated against the four erring officials named in the preliminary inquiry report. Finally, it is stated that the further directions of the Hon'ble Lokayukta be communicated to the Department for due compliance.

3. All the four respondents have submitted separate but identical explanations. They have not challenged the correctness of the inquiry findings. On the contrary, they have stated that on the direction of the higher authorities, they have given recovery of the Government funds spent in the dug well project and that no further action be recommended against them. Additionally, the Ex-Sarpanch has stated that the Government fund having already been recovered and her tenure as Sarpanch having ended, no action be taken against her.
4. Hon'ble Lokayukta, on consideration of all aspects of the case, and in view of the fact that the money with respect to the material components and wage components spent in execution of the dug well of Shri Purna Chandra Maharana has been recovered and disciplinary action having already been initiated against the Government Officials, took the view that no further action need be recommended. The Bench only recommended that the disciplinary actions initiated against the delinquent officials be brought to their logical end expeditiously by the authorities concerned.
5. With regard to the second allegation, Hon'ble Lokayukta recommended that as per the statement of the Block Development Officer, Narasinghpur, taken during the inquiry, fresh work order for construction of IHHL under Swachha Bharat Mission (SBM) to be issued in favour of the complainant, Shri Prasanna Kumar Nayak and he shall be paid for the same since he had already constructed the toilet though belatedly. This proceeding is accordingly disposed of.

(XVII) LY-510/2021

(Binodini Sabat Vs. Director Elementary Education, Odisha, Bhubaneswar) Registered on 24.04.2021. Finally disposed of on 07.02.2023.

This complaint dated 17.08.2021 has been received from Smt. Binodini Sabat, wherein it is alleged that her dead husband's pension matter has not been finalised and the authorities concerned have delayed the matter for extraneous reasons. Notices by Registered Post with AD to (1) the District Education Officer, Kalahandi, Bhawanipatna and (2) the Block Education Officer, Junagarh, Dist-Kalahandi were issued asking them to file their replies/comments.

2. Report under letter No. 2385 dated 01.02.2023 was received from the Under Secretary to Government of Odisha, Department of School and Mass Education intimating that the Director of Elementary Education, Odisha, Bhubaneswar was requested to regularise the period of absence from duty of Late Bhawani Sankar Sabat, Retired Teacher (deceased husband of the complainant) by way of adjustment of leave in his leave account and the balance period as Extraordinary Leave which will not account towards any service or pensionary benefit. Letter in this regard has been issued by the Under Secretary vide his letter No. 27689 dated 21.12.2022, the copy whereof was enclosed. In view of the report received from the Under Secretary to Government of Odisha, Department of School and Mass Education, the Hon'ble Bench of Lokayukta closed this proceeding, recommending the Director of Elementary Education, Odisha, Bhubaneswar to finalise the family pension matter of the complainant as per instruction received from the Under Secretary, School and Mass Education Department. For that purpose, copy of the report/letter No.2385 dated 01.02.2023 of the Under Secretary with its enclosures, were directed to be sent to the Director of Elementary Education, Odisha, Bhubaneswar and also to the complainant. This proceeding was accordingly disposed of.

(XVIII) LY-50/2022

(Pabitra Kumar Das Vs Kabiraj Pradhan, Tahasildar, Dharakote, Ganjam) Registered on 03.02.2022. Finally disposed of on 17.03.2023.

One Pabitra Kumar Das, the complainant in this case had alleged that Kabiraj Pradhan, Tahasildar, Dharakote, Ganjam is taking bribe in the official matters and that in one such instance, the complainant had to pay him Rs.1000/- as bribe through Sri Simanchal Padhy in-charge Revenue Inspector, Mundamarai Circle, for getting legal heir certificate. He had further alleged that the said Tahasildar showed undue favour in hiring vehicle for his official use.

2. Upon such complaint, the Hon'ble Lokayukta considering the nature of allegation, pleased to direct the Director of Inquiry, office of the Lokayukta to conduct a preliminary inquiry in to the matter. As per the preliminary inquiry report dated 19.07.2022, as conducted by the Deputy Director of Inquiry, Inquiry wing of the office of the Lokayukta, no material or evidence has been found regarding taking of bribe by Sri Kabiraj Pradhan, Tahasildar, Dharakote in connection with official matters dealt by him.

3. A copy of the preliminary inquiry report was served on the complainant for his comments. The complainant in his comments received on 27.1.2023 has reiterated the allegation of interference of Soubhagya Kumar Jena S/o Narasingha Jena, ARI, Mundamarai Circle in the work of Tahasiloffice citing the video clip which he had annexed with the complaint. The video clip does not prove anything conclusively as per the inquiry report. It is found that bribe of Rs.1,000/- was taken by Sri SimanchalPadhy, Revenue Inspector of Mundamarai R.I circle in presence of Sri Soubhagya Kumar Jena (an outsider), who is the son of Sri Narasingha Jena, the then A.R.I of Mundamarai R.I Circle. However, the Vigilance has already trapped Sri SimanchalPadhy, Revenue Inspector and case has been registered against him and Sri Santosh Kumar Gouda, Peon of Mundamarai R.I Circle.
4. The Competent Authority in his views has stated that the video clip received with the allegation petition is of a date much prior to joining of Sri Kabiraj Pradhan as Tahasildar, Dharakote. Sri Pradhan joined in DharakoteTahasil as Additional Tahasildar and in-charge of Tahasildar on 26.11.2019. The person seen in the video receiving money is Sri SimanchalPadhy, Ex-R.I for which he was arrested on 12.09.2019 in Berhampur Vigilance P.S case No.24 dated 10.09.2019 and subsequently, disciplinary proceeding has been initiated against him. Further, Shri Soubhagya Kumar Jena, S/o Narasingha Jena has no involvement/interference in the Govt. work of the Tahasil. He just come to drop and pick up his father Sri Narasingha Jena, R.I in the RI office because of later's ill health. It is seen from the preliminary inquiry report and the comments of the Competent Authority that the vehicle No.OD33 AA7558 registered in the name of Basanti Jena, wife of Narasingha Jena was engaged by Tahasildar, Dharakote following the due procedure, through quotation/tender call notice. On the basis of the lowest quoted rate the vehicle owner was selected as the successful bidder by the Committee comprising of Tahasildar, Dharakote, IIC, Dharakote PS, A.E, Dharakote Block, Section Officer and D.A of DharakoteTahasil. Under the above fact situation when nothing has been found against Sri Kabiraj Pradhan, Tahasildar, Dharakote, we do not see any reason to proceed further with the complaint and hence it is closed and disposed of, with direction to send copies of the order to the (1) Principal Secretary, Revenue & Disaster Management Department, Government of Odisha, and (2) the Collector, Ganjam for information.

(XIX) LY- 398/2020

(Srikanta Kumar Pakal Vs. Exe. Engg. CESU, CDD No. II, & two others) Registered on 27.02.2020. Finally disposed of on 13.04.2023.

Srikanta Pakal submitted a written complaint alleging that there has been huge irregularity and kick-back in the implementation of SOUBHAGYA Central Scheme, in as much as even without installing electric meters, payments were made to the contractors, in the Badambadi, Dolamundai and Mahanadi Vihar sections in the District of Cuttack. It is also alleged that the consumers are paying average bills, without any installation of meters, though on paper Meters shown to have been installed.

2. The Executive Engineer (Electricals) CESU and CEO (CESU) Bhubaneswar were noticed and after hearing the parties, direction was issued to the CEO TPCODL (CESU beforehand) to conduct an inquiry through its Vigilance wing and to submit its report.

3. In the inquiry report by the Inquiring Officer (Vigilance Officer) TPCODL, found
 - (i) the allegations to be true and it was recommended to initiate Departmental proceedings against Shri Siba Prasad Satpathy, the then Section Manager, Chauliaganj and Shri Jay Prakash Das, the then S.D.O., Mahanadi Vihar for the violation of Saubhagya guidelines, in extending connection to the Saubhagya beneficiaries without any feasibility report for non-installation of 54 meters and releasing Saubhagya connections to their premises, by ignoring the dues.
 - (ii) Shri Satyabrata Mohanty, the then Divisional Manager, CDD-II, Cuttack acted negligently due to which 665 meters were remained uninstalled despite having sufficient time and stock of meters available. His lack of supervision was also established during the forwarding of bill and he failed to note that despite providing 2622 meters only 2051 meters were installed and ignored such important aspect. He could not ensure the date of joint measurement certificate (JMC) of 3 bills while forwarding the same to higher offices for bill payment. Mr. Mohanty as Divisional Head and as designated officer for this scheme did not issue any written instructions describing the features and guidelines of the scheme to the offices under his control. No check list/work instructions were provided to linemen/Section/Sub Division for adherence of fundamentals like inclusion and exclusion criteria while deciding the eligibility of Saubhagya Beneficiaries. The work order did not contain Protocol/Installation Report Form to be maintained and submitted by the contractors while providing connection to the applicants and obtain their signatures with date to acknowledge the validity of connection installation with/without meters and other materials. In view of gross negligence on his part while implementing the scheme, Departmental Proceedings may be instituted against Shri Satyabrata Mohanty for his gross negligence in implementation of this scheme.
 - (iii) The installation documentation part was found greatly lacking in view of absence of meter protocol/meter installation report containing the list of materials provided by Govt. to the Saubhagya beneficiaries including meter, the same may be looked into for necessary documentation of consumer record. Similarly, there is a need to add Rs.500/- from all such consumers who are above APL category and provided connection vide this scheme without being charged of this amount”.
4. On such findings in the inquiry report, there was order for issuance of notice along with copy of the inquiry report to (1) Shri Siba Prasad Satpathy, former Section Manager, Chauliaganj, (2) Shri Jay Prakash Das, former S.D.O., Mahanadi Vihar and (3) Shri Satyabrata Mohanty, former Divisional Manager, CDD-II, Cuttack though the Managing Director of Tata Power Central Odisha Distribution Ltd. (TPCODL), Dhenkanal, asking them to submit their explanations and to participate in hearing. There was also direction that a copy of the inquiry report be sent to the Competent Authority, i.e., the Secretary, Department of Energy, Government of Odisha, asking him to submit his views in the matter.
5. The Competent Authority has submitted his views stating that the TPCODL is a private company. 51 percent of the equity in the company is held by Tata Power Company Limited and the remaining 49 percent is held by GRIDCO Ltd. Hence, disciplinary action against the employees

of TPCODL is governed by the Rules adopted by the private company. It is further mentioned that as per the report of the Inquiring Officer, Shri Satya Narayan Rath (Vigilance Officer), TPCODL, Shri Satyabrata Mohanty, the then Executive Engineer, CDD No.II, Cuttack and Shri Jay Prakash Das, the then SDO, Electrical Sub-division, Mahanadi Vihar, have been charge-sheeted. In the disciplinary proceeding Shri Siba Prasad Satapathy, the then DEE (Contract) has been served show cause notice and he has submitted his reply. The letter of the Senior General Manager (HR), TPCODL is enclosed with the views of the Competent Authority. This goes to show that the three respondents are already facing disciplinary action by their employer and it is open to them to file their show cause/ written statements against the charges framed, if any, in those proceedings.

6. Mr. Subrata Mishra, learned counsel for TPCODL, states that he has received a whatsapp message from the Human Resources Department of TPCODL to the effect that Shri Satyabrata Mohanty, former Divisional Manager, CDD-II, Cuttack presently, AGM (Electrical), Safety Cell, Cuttack has died on 19.02.2023. Miss Dipti Mayee Sahoo, learned associate of Advocate, Shri S.C. Dash, the learned counsel for Mr.Satyabrata Mohanty, respondent is present. Miss Sahoo submits a memo signed by Shri S.C. Dash, Advocate, wherein it is stated that the respondent, Shri Satyabrata Mohanty has breathed his last on 19.02.2023. The memo is taken on record. Shri Jaya Prakash Das, former S.D.O. (Electrical), Mahanadi Vihar, presently, Manager (Commerce Cell), Circle-II, Bhubaneswar and Shri Siba Prasad Satpathy, former Section Manager, Chauliaganj Section, presently, Section Manager, Jagatpur, Cuttack are present. Mr. Jaya Prakash Das has already submitted his explanation dated 14.02.2023 along with copies of some documents. In the explanation submitted before us by Mr. Jaya Prakash Das, it is stated that the concerned Junior Manager was the appropriate authority as per the Standard Operating Procedure (SOP) to prepare the correct feasibility report and send it to the sub-division following the Departmental Codal Procedure. Besides, in the field, he had to ensure that the work had been executed in strict adherence to the OERC Supply Code and Scheme Guidelines in the matter of extension of power supply and therefore, he had no personal responsibility. Regarding violation of Saubhagya Guidelines by extension of power supply without meter, it is stated by him that there was clear-cut instruction from the Higher Authorities to provide power supply without meter in several review meetings. Regarding extension of power supply to the beneficiaries having huge outstanding, it is stated that no Saubhagya Scheme specific SOP was given to the field offices. Only basic data capturing sheet-1 related to Saubhagya Scheme was given to the field units. He has therefore prayed for his exoneration. It is stated inter alia in the explanation of Shri Siba Prasad Satpathy, former Section Manager, Chauliaganj Section that Saubhagya Scheme was implemented on 09.06.2018 but his section received first phase 200 numbers of meters on 28.09.2018 and another lot of 1000 number meters on 22.11.2018. Moreover, during implementation of this scheme there was a meeting in Energy Department, Government of Odisha on 23.04.2018 in which it was instructed to go for electricity connection without meter in districts like, Kendrapara, Jagatsinghpur, Bhadrak etc. As there was no stock of meter for Soubhagya Scheme in the store he installed meters after receiving the same through the agency. Accordingly, he has prayed to exonerate him. In view of the fact that as per their internal inquiry report, disciplinary proceeding has already been initiated against the three respondents

including Mr. Satyabrata Mohanty (deceased) by TPCODL, we are not making any recommendation for taking any further action. It is open to the respondents to submit their show cause/written statement before the disciplinary authority in the proceedings already initiated against them and defend themselves. So far as Mr. Satyabrata Mohanty is concerned, the fact of his death may be taken note of by the disciplinary authority, if it is true.

(XX) LY- 681/2021

(Trilochan Rout vs. Pravas Nayak, Sarapanch, Bhatapada GP, Chandabali Block, District – Balasore), Registered on 03.11.2021. Finally disposed of on 20.04.2023.

This complaint dated 01.11.2021 has been received from Shri Trilochan Rout, alleging that for construction of Bhaunri Paghara Smasan Ghat in Bhatapada Gram Panchayat under Chandabali Block on three occasions, a total amount of Rs.5,45,871/- has been withdrawn and shown to have been spent as per the entries made in the cash book of the Panchayat. It was also alleged that the Display Board was tampered with and it appeared that the estimated cost was Rs.4,00,000/-, that, for construction of approach road to the said Smasan Ghat Rs.2,00,000/- was shown to have been spent and there was misappropriation and misutilisation of the aforesaid funds. Having regard to the allegations made in the complaint and the documents as well as the photographs enclosed with the written complaint, the Hon'ble Lokayukta directed the Deputy Director of Inquiry, Office of the Lokayukta, Odisha to conduct a preliminary inquiry into the allegations with the assistance of the Technical Staff (Engineer) to find out the estimate for the works in question and if the amounts shown to have been spent are actually spent, and whether there was any substandard work and misappropriation and misutilisation of the funds.

The inquiry report revealed that there has been excess payment/ misappropriation of Rs.1,12,044/- in execution of three projects namely (i) "Construction of Bhaunri Paghara Samsan Ghat, (ii) "Development of same Samsan Ghat" and (iii) "Construction and repair of its approach road".

It is found that the inquiring officer has requisitioned the services of Executive Engineer, (RW&SS), I/c Additional Project Director, Bhadrak, and Asst. Executive Engineer of Bhadrak Block to conduct field technical inspection of all the works. The technical team along with Inquiring Officer of Lokayukta inspected the works in question, and took measurement of different items. The Technical Inspection report dated 22.3.2022 revealed inter alia, the following facts: -

- (a) In respect of work "construction of Bhaunri Paghara Samsan Ghat" the dimensions of the foundation for fixing RCC pillar were found to be of lesser amount than the measurement recorded in Measurement Book and the actual payment made. According to field verification by the inspection team, the total amount spent for this work comes to Rs.351442/- compared to the billed amount of Rs.407997/- and estimated amount of Rs.400000/- which is actually paid. Thus, an excess payment of Rs.48,558/- has been made.
- (b) In respect of work "Development of Bhaunri Paghara Samsan Ghat" the inspection team during field inspection found that only 38 pre-cast pillars have been fixed at the site where as bills were prepared for 48 number of pillars. Also, the dimensions of the foundation for fixing RCC

pillar are found to be lesser than the measurement recorded in Measurement Book. In this work an excess payment of Rs.48,668/- has been made by inflating the bills to Rs.203336/- and the estimated amount of Rs.2,00,000/- paid against the actual work cost of Rs.1,51332/-.

- (c) In respect of work “construction and repair of approach road of Bhaunri Paghara Samsan Ghat” the inspection team found that an excess amount of Rs.14,818/- has been billed and paid as revealed from the measurement taken by the team, compared to that entered in the Measurement Book. In this work the estimated cost was Rs.2,00,000/- and the billed amount is Rs.2,06696/- but the actual work cost is Rs.185181/- according to the report of the inspection team.

Thus, a total amount of Rs.1,12,044/- (Rs.48558/- + Rs.48,668/- + Rs.14,818/-) has been paid in excess in execution of works in all the three projects.

The inquiry report further reveals that for the discrepancies and excess payment in the execution of the works aforesaid, the then Sarpanch and Panchayat Executive Officer are responsible. Apart from them, the Junior Engineer, and two Asst. Executive Engineers of Chandabali Block, who had measured all the three projects and checked the measurement are also found equally responsible for misappropriation of Rs.1,12,044/-.

The inquiry report also indicated that some additional work beyond the estimated provision was taken up while executing the work of “development of Bhaunri Paghara Samsan Ghat”. The Inspection team found that though this was not within the scope of work, this has actually been executed at the site.

Upon such inquiry report, the Hon’ble Lokayukta directed for issuance of Notice to the aforesaid 5 public servants, asking them to submit their explanation and also directed to solicit views of the competent authority. The explanations furnished by the respondents was not satisfactory and they failed to explain the deficiencies in the measurements and the excess payments noted by the Technical Inspection Team. The Competent Authority intimated that the works have been completed and the bills paid to the executants by the office of the BDO, Chandabali after following due procedure. According to the Competent Authority, the work measurement in Bill Form and Measurement Book are tallying with the work done. The Competent Authority has not made any comments regarding the excess payments noted in the enquiry report.

Thus, the Hon’ble Lokayukta taking into consideration the facts elicited in the preliminary inquiry the explanations submitted by the respondents and the views of the Competent Authority, found that an excess payment of Rs.1,12,044/- has been made in execution of the projects in question and held further that the following public servants are liable for the deficient measurements and excess payments in these projects.

- (1) Sri Pravas Nayak, Ex-Sarpanch, Bhatapada Gram Panchayat,
- (2) Sri Sarbashree Pattnaik, Panchayat Executive Officer, Bhatapada Gram Panchayat, Chandabali Block,
- (3) Sri Gobinda Chandra Samal, Junior Engineer, Chandabali Block
- (4) Sri Lalit Kumar Mohanty, Assistant Executive Engineer (retired) and
- (5) Sri Sadananda Jena, Assistant Executive Engineer-in-Charge of Chandabali Block.

They, however, considering the fact that an additional work to the tune of Rs.49,992/- has been done and took a lenient view for the fact that this work was actually executed at the project site and considered that amount towards expenditure. Thus, the excess payment found to be Rs.62,052/- (Rs.1,12,044/- (-) Rs.49,992/-). Therefore, held that this excess amount of Rs.62,052/- is required to be realised from the above noted 5(five) public servants equally @ Rs.12,410/- each.

It is also recommended to take departmental action against the aforesaid erring officials for their misconduct in the execution of aforesaid project works. It is reported that Mr. Lalit Kumar Mohanty, Ex-Assistant Executive Engineer has already retired from service and Pravas Nayak, having completed his tenure, is not holding the post of Sarpanch, Bhatapada Gram Panchayat, any more. Hence, departmental/disciplinary action need not be taken against them. However, they are equally liable for recovery of the excess payment.

(XXI) Case No: LY-483/2021

(Sankarshan Sahu Vs. Inspector in Charge at: Parajang Police Station, District: Dhenkanal) Registered on 17.08.2021 Finally disposed of on. 04.05.2023.

Allegations in the original complaint dated 04.08.2021 and the additional statement of facts of the complainant, the complainant, who was the Principal of Mahabiroad College in the District of Dhenkanal, resigned from the post of Principal and became the President of the Governing Body of the College and continued as such till 2011. It is alleged that the Principal, Shri Kailash Chandra Biswal and Secretary of the College, Shri Madhusudan Sahu (lecturer) by taking heavy bribe from two persons, namely, Valentina Pradhan and Shri Parsuram Sahu appointed them as lecturers respectively in English and Political Science in the College by fabricating Governing Body Resolution and forging the signatures of the President and Members of the Governing Body and that such appointments have been made without any advertisement for filling of the posts and without any interview of the candidates. It is further alleged that one Mr. Pabitra Jena who was a lecturer in the College expired on 20.01.2008, but the then Secretary, Shri Madhusudan Sahu by forging signature of Pabitra Jena (deceased) in the acquittance, withdrew his salary on 22.01.2008. There is also allegation of financial irregularities against the Principal concerned. It is stated that the complainant lodged F.I.R. in Parjang Police Station against Mr. Madhusudan Sahu and Mr. Kailash Chandra Biswal on 01.10.2011 resulting in registration of Parjang P.S. Case No. 229 of 2018. But no investigation has been taken up as yet by Parjang Police. The complainant lodged complaint in this regard before higher authorities which yielded no result.

There was direction to issue notice by Registered Post with AD to the Director, Higher Education, Odisha asking him to get an inquiry conducted by a senior officer of the Department and submit the inquiry report by the next date. Similarly, there was direction to notice of the complaint by Registered Post with AD to be issued to Shri Kailash Chandra Biswal, Principal of Mahabiroad College, asking him to file his reply to the complaint by the next date. Notice by Registered Post with AD shall also be issued to the Inspector-In-Charge of Parjang Police Station, asking him to submit report as to the status of investigation in Parjang P.S. Case No. 229 of 2018.

In pursuance, the Director of Higher Education, Odisha, Bhubaneswar has submitted a report of joint inquiry along with copies of some documents, which were taken on record. The inquiry report revealed that irregularities were detected with regard to valid selection procedure and appointment of Shri Parsuram Sahu, Lecturer in Political Science and Smt. Valentina Pradhan, Lecturer in English, and that proposal submitted by the Principal, I/c. regarding sanction of Block Grant in terms of G.I.A. Order, 2014 does not hold any merit for consideration. The proposal for approval of Block Grant in their favour deserves to be rejected. It is also found that financial irregularity has been committed by Shri Madhusudan Sahu by paying advance money to Shri Pabitra Mohan Jena, Lecturer in English by getting his signature before his death. It is also found that Shri Madhusudan Sahu had taken money from the college account for the purpose of construction of new Class Rooms, but due to lack of cooperation of the present Principal, he was not able to construct the building and refunded the said amount to the college in two instalments. It is further found that Shri Madhusudan Sahu admittedly collected excess money from the students and utilised the same for the college development and to meet the miscellaneous expenses of the college. Ultimately, it is concluded that Shri Madhusudan Sahu (Lecturer in Oriya), Ex-Secretary of the College, dealing with the financial transactions is improper and is not in consonance with the Finance Rule. The Competent Authority in spite of grant of several opportunities and adjournments did not submit views.

After hearing the parties and considering their explanations, the Hon'ble Lokayukta held that:

Going through the inquiry report submitted by the Director of Higher Education and the replies of Sri Shankarsan Sahu complainant and respondents Madhusudan Sahu and Kailash Chandra Biswal, we agree with the conclusion of the inquiry report which are as follows:

“Keeping in views of the facts and circumstances, allegation and statement of defence, the enquiry committee is of the view/opinion that, since the irregularities has been detected with regards to valid selection procedure and appointment of Lecturers such as Sri Parsuram Sahoo, Lecturer in Political Science and Smt. Valentina Pradhan, Lecturer in English, the proposal submitted by the Principal in-charge for accord of sanction of Block Grant in terms of GIA order 2014 does not hold any merit for consideration. The proposal for approval of Block Grant in terms of GIA Order, 2014 in their favour deserves to be rejected.”

And held further that :

Forgery of signatures and falsification of college documents and governing body resolutions in the matter of appointment of lecturers are serious offences. We therefore recommend that the Director General of Police shall ensure that investigation of the criminal case registered in Parjang Police Station in this regard on the report of Mr. Shankarsan Sahu be expedited and that the role of the informant of the case shall also be investigated.

With the aforesaid observation and recommendation, the Hon'ble Lokayukta, dispose of this proceeding with direction to send copy of the order to the Principal Secretary to Government, Department of Higher Education, Government of Odisha, Bhubaneswar and the Director General of Police, Odisha for information and compliance.

(XXII) LY-582/2021

(Brundaban Behera Vs. Gyanaranjan Mishra, Ex PEO, At: Karanjakata G.P & 2 Others. Registered on 17.09.2021 Finally disposed of on 18.05.2023.

The complainant Brundaban Behera, alleged that Smt. Minati Sethi, Sarapanch of Karanjakata Gram Panchayat and Shri Gyanaranjan Mishra, Ex-PEO of the said Gram Panchayat sanctioned a PMAY House in favour of Shri Birendra Kumar Sahoo, who is ineligible to get PMAY House in as much as he has two buildings with RCC roof, two shop rooms, two tractors and different other industrial and agricultural machineries. The respondents submitted their replies but their replies were not satisfactory, given the allegations, the Director Inquiry of Lokayukta was directed to conduct a preliminary inquiry to ascertain the true facts and to know whether there exists a prima facie case for proceeding further in the matter.

2. On inquiry, it was found that the PMAY beneficiary, Shri Birendra Kumar Sahu was not eligible to get a house under PMAY Scheme since his joint family has a double storied pucca building standing in the name of his father having ten rooms. Besides, there is also another two roomed pucca house adjacent to the said building. Besides, on the date of sanction and verification of eligibility, he owned a Tractor and a three-wheeler Auto Rickshaw, apart from being the joint owner of the family's property. Findings of the inquiry suggested that the officials and beneficiary found responsible are (1) Shri Nilakantha Behera, Ex-Block Development Officer, Harbhanga (retired), presently, At Rajabagicha, P.O./District Nayagarh, (2) Shri Jnanaranjan Mishra, Ex-Panchayat Executive Officer, Karanjakata Gram Panchayat, presently, P.E.O., Lunibahal Gram Panchayat, Harabhanga, District Boudh, (3) Shri Khirod Kumar Mohapatra, Ex-Gram Rozgar Sevak, Karanjakata Gram Panchayat, presently, G.R.S., Talagaon and Mahalikapada Gram panchayat, Harabhanga, District Boudh and (4) Shri Birendra Kumar Sahu, s/o Gobinda Chandra Sahu, At Karanjakata, P.O. Harabhanga, District Boudh. During inquiry the inquiring officer obtained information from the BDO, Harabhanga Block who reported that Shri Jnanaranjan Mishra, Ex-Panchayat Executive Officer, Karanjakata Gram Panchayat has verified and conducted field inquiry regarding eligibility of the beneficiary and Shri Khirod Kumar Mohapatra, Ex-GRS, Karanjakata Gram Panchayat geo-tagged the house of the beneficiary stage to stage and uploaded the photographs online for release of PMAY instalments, on the basis of which, Shri Nilakantha Behera, Ex-BDO, Harabhanga Block (Now Retired) made payment to the beneficiary in phased manner. Accordingly, they were asked (through Notice) to file their explanation and participate in hearing. A copy of the inquiry report along with copy of this order were sent to the Competent Authority, i.e., the Principal Secretary, Panchayati Raj and Drinking Water Department, Government of Odisha, asking him to submit his views.
3. Explanation were submitted by the beneficiary, Shri Birendra Kumar Sahoo stating that after his marriage he was staying at another place with his family and that as per the SECC Data 2011-12, he was eligible to get a house under PMAY (G). He has admitted that in the name of his father there is a double storied pucca building but he is not allowed to stay in that house by other family members. He has not stated anything about his ownership over a tractor and a three-wheeler Auto Rickshaw at the time of verification of eligibility and sanction of PMAY

house in his favour. Shri Nilakantha Behera, Ex-BDO, Harabhanga Block (Retired) has stated in his explanation dated 06.01.2023 that he had to rely on the field inquiry report of Shri Jnanaranjan Mishra, Ex-Panchayat Executive Officer, Karanjakata Gram Panchayat and Shri Khirod Kumar Mohapatra, Ex-GRS of the Gram Panchayat and accordingly PMAY house was sanctioned in favour of Shri Birendra Kumar Sahoo. He has further stated that the phase wise geo-tagging of the house of the beneficiary has been done by the EX-GRS, Shri Khirod Kumar Mohapatra. Shri Jnanaranjan Mishra, Ex-Panchayat Executive Officer, Karanjakata Gram Panchayat has stated in his explanation that he was neither the tagged officer of the village of the beneficiary nor the official allotted to verify eligibility of beneficiary of the village and he has not signed the verification report. It is further stated by him that due to accident he was hospitalised and remained absent from office from 17.07.2020 to 26.11.2020. However, he has not stated as to which other official had conducted field verification for the purpose of finding eligibility of the beneficiary, though it was incumbent upon him to name such officials in view of his plea that he was not the tagged officer in respect of the village of the beneficiary. However, in view of the statement of the BDO, Harabhanga Block that it was on the verification report of Shri Jnanaranjan Mishra, Ex-PEO, Karanjakata Gram Panchayat about the eligibility of the beneficiary that the house was sanctioned in favour of the beneficiary, we are unable to accept the plea of the Ex-PEO that he did not conduct verification in order to find out eligibility of the beneficiary. Shri Khirod Kumar Mohapatra, Ex-GRS, Karanjakata Gram Panchayat in his explanation has stated that he has no role in the selection of the beneficiary. It was further stated by him that at the time of geo-tagging, the spot/place which was shown to him by the beneficiary, there was no pucca building existing on the spot. It is stated by him further that after first phase of geo-tagging and registration was completed, Rs. 20,000/was released in the first phase in favour of the beneficiary and for release of the rest instalments geo-tagging was done by Shri Hemanta Kumar Mohanty, Ex-PA (Progressive Assistant) of Harabhanga Block.

4. As per the views of the Competent Authority, since the Government adopts zero tolerance to corrupt practices, Shri Khirod Kumar Mohapatra was disengaged by the Collector-Cum-DPC-MGNREGS, Boudh by his order dated 15.05.2023. It is further stated that disciplinary proceeding has been initiated against Shri Jnanaranjan Mishra, Ex-PEO, Karanjakata Gram Panchayat for the irregularity committed by him. It is further stated that the BDO, Harabhanga Block has been instructed to initiate legal action including filing of case under OPDR Act against Shri Birendra Kumar Sahoo, the ineligible beneficiary. It appeared that the entire unit cost of Rs. 1, 20,000/- (One Lakh Twenty Thousand Rupees) for construction of the house has been released in favour of the beneficiary.
5. Accepting the findings in the Preliminary Inquiry Report, Government have already initiated disciplinary action against the Ex-PEO, Shri Jnanaranjan Mishra and has also initiated steps for recovery of the cost of PMAY house from the beneficiary, Shri Birendra Kumar Sahoo and disengaged the Ex-GRS. In view of such actions already initiated/taken by the Government, the Hon'ble Lokayukta did not propose to recommend any other action against the Ex-PEO, Karanjakata Gram Panchayat. but recommended that recovery of the unit cost of the PMAY house from the beneficiary and/or from Shri Jnanaranjan Mishra, Ex-PEO, Karanjakata Gram

Panchayat Shall be expedited and disposed of the proceeding, directing further to send a copy of the order to the Principal Secretary, Panchayati Raj & Drinking Water Department, Government of Odisha for information and compliance.

(XXIII) LY-67/2022

(Pratap Ch Prusty Vs. District Collector-cum-President, Dist Paddy Procurement Committee, Nayagarh. Registered on 16.02.2022. Finally disposed of on 18.05.2023.

The complainant, Shri Pratap Chandra Prusty in his complaint alleged that he owns agricultural land of Ac.05.110 appertaining to Khata No. 72 in Mouza Pathuria under Daspalla Tahasil. In the year 2020, he had registered the said land for sale of paddy in Jagdevpatna Service Cooperative Societies Limited, but during the year 2021 August, he registered his name for the aforesaid land and the concerned officers made field verification and the Secretary of the Society confirmed that the complainant's paddy registration has been completed. But, later, the complainant came to know that his paddy procurement registration has been shown only for an area of Ac. 0.390 and he was allowed to sell only 05.07 qtls of paddy out of his total yield of 66.43 qtls.

2. Notice on the complaint having been issued, the Assistant Registrar of Cooperative Societies, Nayagarh Circle submitted his reply under his letter No. 1780 dated 23.05.2022 along with copies of some documents. Similarly, reply was also received from the Secretary-in Charge of Jagdevpatna SCS Limited in the form of affidavit dated 23.05.2022 with copies of some documents. In their replies, the Assistant Registrar, Cooperative Societies, Nayagarh and the Secretary of Jagdevpatna SCS Limited took identical stand that the complainant applied to sell paddy during KMS 2021-22 in the prescribed farmer registration form along with Record of Rights and other related documents and that in obedience to order dated 02.08.2021, the Revenue Inspector, Nachhipur along with the Village Agriculture Worker (VAW) I/C, Nachhipur physically verified the actual cultivation of the plots and reported on the body of the application that in Khata No. 72, Plot No. 1181 have not been cultivated and gone under acquisition for railway project and that only Plot No. 1153 having an area of Ac.0.390 under Khata No. 72 was cultivated. Hence, the said plot was registered in the society.
3. To the aforesaid replies, the complainant submitted a rejoinder stating that only Ac. 01.920 of land out of Khata No. 72 was acquired for the purpose of railway project and rest of the land (Ac.03.190) was cultivated by the complainant. Along with his rejoinder the complainant submitted notice issued in L.A. Case No. 81 of 2015 which indicated that only Ac.01.920 extent of land appertaining to Plot Nos. 1176,1177,1189,1181 and 1190 in Khata No. 72 of village Pathuria was acquired by the Railways.
4. In the aforesaid scenario, the Hon'ble Lokayukta directed for a Preliminary inquiry to be conducted by the Director of Inquiry, Office of the Lokayukta to find out what extent of land out of Khata No. 72 was under the ownership of the complainant and his family and what extent out of the same was cultivated during KMS 2021-22 and whether the report of Revenue Inspector to the effect that only Ac.0.390 was cultivated was correct or not. From the Preliminary inquiry report,

it was found that out of Ac. 05.110 of land in Khata No. 72 recorded in the name of the father of the complainant, an extent of Ac. 01.920 was acquired in connection with Khurda Road-Balangir New B.G. Rail Link and that the complainant has a share of Ac. 01.063 in the rest of the land. It was further found in inquiry that there was no clear evidence as to over what extent of land actually paddy was cultivated by the complainant, for which no definite opinion could be given. Documents submitted by the Land Acquisition Zone Officer, Khurda Road-Balangir Rail Link Project to the Inquiring Officer revealed that an area of Ac. 01.920 out of Khata No. 72 was acquired and compensation of Rs. 06, 08,932/- was paid on 25.04.2018 which was equally divided among three sons (of late Jagannath Prusty) including the complainant. After acquisition, the legal heirs are in possession of Ac. 03.190 of land out of Khata No. 72 of mouza Pathuria. Therefore, Inquiring Officer concluded that the claim of the complainant that he cultivated Ac. 05.110 in KMS in 2021-22 is not convincing.

5. It was also found that Revenue Inspector had visited the spot during August 2021 and reported that only Ac. 0.390 of land was under paddy cultivation over Plot No. 1153. However, no date had been put on the prescribed format. In view of the physical verification report of the Revenue Inspector and VAW, the Assistant Registrar, Cooperative Societies, Nayagarh Circle registered only Plot No. 1153 in Khata No. 72 for an area of Ac. 0.390 for sale of paddy by the complainant during KMS 2021-22. Therefore, the exact land cultivated by the complainant during kharif 2021-22 could not be ascertained.
6. In view of the aforesaid findings recorded in the Preliminary Inquiry Report, notice with a copy of the inquiry report was served on the complainant for his comments. Today, the complainant has submitted written comments wherein it is stated that the Deputy Director, Inquiry did not conduct any inquiry in the field about actual cultivation of paddy by the complainant nor examined the adjacent land owners. It is further stated that out of the acquired Ac. 01.920 for railway line, the railways only used Ac. 01.00 of land for earth work of railway track during 2022-23. Hence, the complainant has cultivated paddy crop over Ac. 05.110 during the year 2021. It is also stated that the Revenue Inspector has not gone to the field for verification and on the contrary has received land revenue from the complainant for the full area of Ac. 05.110 and the Record of Rights for the entire extent of land still stands in the name of the land owners. The complainant also produces before us a copy of paddy sale token for sale of 60.61 quintals of paddy said to be in respect of the lands in question.
7. In the Government Guidelines for paddy procurement, it has been provided that in respect of ownership of any extent of land, it is only the extent on which paddy is found to have been cultivated on verification by the officials, shall be registered for the purpose of sale of paddy. Admittedly, Ac. 01.920 out of Khata No. 72 has been acquired by the Railways and, therefore, the complainant and his co-sharers are left with only Ac. 03.190 in Khata No. 72. As per field verification report of Revenue Inspector and VAW, only Ac. 0.390 was registered for sale of paddy of the complainant. Therefore, for non-registration of further land, as claimed by the complainant, no fault or malafides or corruption can be attributed to the Assistant Registrar, Cooperative Societies, Nayagarh and the Secretary of the Service Cooperative Society. Even assuming that the land out of Khata No. 72 acquired by the Railways was cultivated by the complainant, it can be said to be illegal and unauthorised cultivation and complainant cannot

be allowed to get the said acquired land registered in his name for the purpose of sale of paddy. Even if the complainant cultivated the un-acquired Ac. 03.190 of land, since it could not be ascertained with certainty during inquiry that the complainant actually cultivated the same, the act of the registering officials cannot be said to be an outcome of corruption, merely because the Record of Rights have not been corrected by deleting from Khata No.72, the land acquired by the railways. The complainant has no right to cultivate the entire Ac. 05.110 extent of land and to sell paddy produced from the same. It appears from Token No. 1686071 that the same has been issued to the complainant for sale of paddy of 60.61 qtls by 3rd February, 2023 in respect of the entire Ac. 05.110 of land pertaining to Khata No. 72 of Mouza Pathuria. It is surprising that the cooperative society having registered less extent of land for sale of paddy taking the plea that out of Khata No. 72, Ac. 01.920 has already been acquired by the Railways, the society officials have registered the full extent of Ac.05.110.

8. In the aforesaid circumstances, Hon'ble Lokayukta, while disposing of the proceeding recommend that the Collector, Nayagarh and the Tahasildar, Daspalla shall promptly correct the Record of Rights in respect of Khata No. 72 of village Pathuria by reducing the extent of the area acquired by the Railways out the said khata and that the society/agency/ officials in charge of procurement of paddy in respect of Khata No. 72 of village Pathuria shall ensure that registration for procurement of paddy from the land owners is made leaving the extent of land acquired by the Railways from the said Khata and also verifying the actual extent of land cultivated. It was also directed that copies of this order be sent to (1) Additional Chief Secretary to Government, Revenue and Disaster Management Department, Odisha, (2) Principal Secretary to Government, Food Supplies and Consumer Welfare Department, Odisha, Bhubaneswar (3) Collector, Nayagarh and (4) Tahasildar, Daspalla, District Nayagarh for information and compliance.

(XXIV) LY-738/2020

(Nabakishore Rout vs. Dinesh Kumar Samal, Executive Officer, Gandanali G.P & Others, District - Dhenkanal. Registered on 19.08.2020. Finally disposed of on 01.06.2023.

The complainant Shri Naba Kishore Rout alleged large scale corruption in implementation of Prime Minister Awaas Yojana (PMAY) by the Gram Panchayat officials, particularly, Shri Dinesh Chandra Samal, Ex-Panchayat Executive Officer (PEO), Gandanali Gram Panchayat under Hindol Block in the district of Dhenkanal during the year 2019-20. The complainant cited as many as twelve instances in his complaint wherein, bills were prepared and instalments paid to undeserving beneficiaries and in some cases to beneficiaries either without any construction of PMAY houses or gross irregularities committed in construction of houses.

2. Upon notice, the Block Development Officer, Hindol Block submitted his reply, partly admitting some irregularities and partly denying others. Shri Dinesh Chandra Samal, Ex-PEO, Gandanali Gram Panchayat submitted reply denying the allegations. The complainant submitted a rejoinder to the replies of the Block Development Officer, Hindol Block and the Ex-PEO controverting the correctness of the contents of those replies. Not being satisfied with the replies and with the inability to come to a conclusion, Hon'ble Lokayukta, pleased to direct the Director of Inquiry,

Inquiry Wing, Office of the Lokayukta to conduct a preliminary inquiry on the complaint in order to ascertain if any corruption/ misappropriation of Gram Panchayat funds took place in sanction of PMAY houses to beneficiaries and construction thereof and whether Government Guidelines pertaining to implementation of the PMAY(Gramin) were properly followed in sanction of houses and release of payments, especially in respect of 12 instances cited by the complainant.

3. The preliminary Inquiry report as placed before the Hon'ble Lokayukta running as under:-
- (i) One Smt. Santilata Ghadei, W/o Nityananda Ghadei of Village Gandanali has been irregularly allotted a house using PMAY ID-OR3251386 which pertained to the real beneficiary, Smt. Santilata Ghadei, D/o Dama Ghadei. The allotment was done without properly verifying the identity of the real beneficiary with SECC family details.
 - (ii) Smt. Bhanu Naik, W/o Shri Panchu Naik of village Gandanali was sanctioned with a PMAY house using PMAY ID-OR3348655 which is as per SECC family details pertained to the family consisting of two members. Shri Dinesh Chandra Samal, PEO conducted field inquiry but without ascertaining the identity of the beneficiary recommended for sanction of house in favour of Smt. Bhanu Naik, without properly verifying the SECC family details.
 - (iii) A PMAY house was sanctioned in favour of Smt. Minati Jena, of Village-Iswarapal, using PMAY ID-OR3344840, though the real beneficiary was Smt. Rama Jena. Dinesh Chandra Samal, Ex-PEO of the Gram Panchayat had not properly verified the beneficiary details and recommended for sanction of house irregularly in favour of Smt. Minati Jena.
 - (iv) A PMAY house was sanctioned in favour Smt. Bebina Sahoo of village-Kadalipali and she has received full payment without any construction of house but only showing another PMAY house constructed by her mother-in-law, Smt. Damuni Sahoo which had been completed much earlier. It is found on inquiry that the house in respect of which payment was made to Smt. Bebina Sahoo had been constructed and completed by her mother-in-law, much before allotment of a PMAY house in favour of Smt. Bebina Sahoo. Thus, Smt. Bebina Sahoo has received full unit cost of PMAY house without making any construction.
 - (v) A PMAY house was sanctioned in favour of Smt. Anjali Sahoo, of village-Kadalipali during 2019-20 using PMAY ID OR3333099. It was alleged that she received full payment for the house without any construction. The PMAY house of Smt. Anjali Sahoo which was identified by the PEO during inquiry, is a pucca house consisting of four rooms. It was found that the house claimed by Smt Anjali Sahoo was not a new one, it is an extended part of the house of Shri Bhagaban Sahoo, brother-in-law of Smt Anjali Sahoo. It is, found that though Smt Anjali Sahoo was a genuine beneficiary and PMAY house was sanctioned in her favour but she has not constructed any house but received full payment towards the construction of the house.
 - (vi) A PMAY house was sanctioned in favour of Smt. Pratima Rout, of village Gandanali during the year 2019-20 and allegedly received full payment without construction of any PMAY house. During inquiry, the house which the PEO identified was a Pucca house but the PMAY house of the beneficiary which was geo-tagged in PMAY (G) website is totally

different from the house that was shown to the inquiry team. She has received full payment without construction of a house, showing the house of another.

(vii) During the year, 2016-17, a house was sanctioned in favour of Smt. Bini Parida, of village - Iswarpal bearing PMAY ID-OR3250598. Bini @ Binodini after her marriage to Shri Binod Behera, her surname was changed from Parida to Behera. During inquiry, it was found that Binodini's mother Smt. Nishamani Parida was sanctioned with a PMAY house during 2017-18 and she had constructed her house and completed the same on 06.04.2019. During inquiry, Smt Binodini Behera showing the house of her mother falsely claimed to have constructed the same. Smt Rita Samal, Gram Rozgar Sevak of the Gram Panchayat illegally recommended for release of payment from stage to stage in her favour, though she has not constructed any house.

(viii) One Shri Durga Madhab Behera, of Village-Gandanali was sanctioned a PMAY house during 2019-20 with PMAY ID-OR334812 and received full payment of Rs. 01,20,000/- for construction. During inquiry, the house of the beneficiary as identified by the PEO was found to be an old building with addition of a new stair-case. Local inquiry revealed that the house, in question, belongs to the father and brother of Shri Durgamadhab Behera, who was sanctioned with houses earlier under India Awaas Yojana (IAY). It was thus, found that the beneficiary has (without constructing any PMAY house) availed full payment in respect thereof.

4. On the face of such Preliminary Inquiry report notices were issued to all to submit their explanations. As K. Ashok Kumar, Ex-Block Development Officer having expired, notice could not be served on him.
5. Comments from the Competent Authority i.e. the Hon'ble Minister, Panchayati Raj & Drinking Water Department, Government of Odisha, received to effect that on receipt of inquiry report, the Project Director, DRDA, Dhenkanal transferred Shri Dinesh Chandra Samal, Panchayat Executive Officer from Gandanali Gram Panchayat and draft charges has been framed against him in departmental proceeding.
6. Out of eight PMAY beneficiaries who were issued notice, all except Smt. Binodini Behera, W/o Shri Binod Behera appeared before Lokayukta on 03.12.2021 and stated that they have constructed their houses and received full payment in respect thereof. Except such verbal statements, they produced no material in support of their claim that they constructed the houses and received full payment.
7. Shri Dinesh Chandra Samal, Ex-Panchayat Executive Officer, Gandanali Gram Panchayat appeared before Lokayukta, Odisha on 03.12.2021 and stated that because of similarity of the names of some persons like Smt Santilata Ghadei and Smt Bhanu Naik, mistakes occurred in the allotment of houses in their favour for which PMAY IDs of other persons were used. Smt. Rita Samal, Gram Rozgar Sevak of Gandanali Gram Panchyat appeared before the Lokayukta but did not challenge the findings in preliminary inquiry report. Shri Bhagaban Hembrum, Ex-PEO, Gandanali G.P. did not appear, nor filed any explanation.

8. The complainant had filed an Affidavit on 25.11.2021 disputing some findings in the preliminary inquiry report. On 04.03.2022, a copy of such Affidavit of the complainant was served on the Director of Inquiry, Inquiry Wing, Office of the Lokayukta asking him to offer his comments on the statements made in the Affidavit. The Director of Inquiry submitted his comments vide his letter dated 05.05.2022 on the affidavit of the complainant. On going through the comments, the Lokayukta found the same to be not complete answer to the questions raised by the complainant in the affidavit. Therefore, on 06.05.2022, the Lokayukta directed for a fresh field inquiry with recording of statements of the parties and verification of records. In particular, it was directed to further inquire about the PMAY house of Smt. Kabita Sahoo and PMAY houses of Shri Sudhakar Biswal, and Smt. Khulana Biswal, inasmuch as in the first preliminary inquiry report, the allegations with respect to these three beneficiaries had been found to be unsubstantiated.
9. On the further inquiry report dated 28.07.2022 by order dated 29.07.2022, the Lokayukta directed the Deputy Director (Engineering) to inquire further by requisitioning the services of Tahasildar, Hindol for demarcation of the Plot over which so-called PMAY houses of both Smt. Khulana Biswal and her uncle-in-law, Shri Sudhakar Biswal were said to have been jointly constructed. It was also directed to find out, as per statement of the complainant if the PMAY house of Shri Sudhakar Biswal had not been constructed fully, Deputy Director, Inquiry submitted further inquiry report on 06.10.2022 stating that Smt. Khulana Biswal and her uncle-in-law, Shri Sudhakar Biswal constructed their houses in Mouza Chilataila on a Government land recorded as jungle kissam. Besides, Shri Sudhakar Biswal is constructing another pucca house with approximate plinth area of 738 sqft over homestead Plot No. 378 in Khata No. 29 of the said Mouza which stands recorded in the name of his father. The said new house had been constructed up to roof level. In pursuance to the order dated 06.05.2022 to make further inquiry, the Deputy Director (Engineering) of the Office of Lokayukta submitted an additional inquiry report dated 15.11.2022 stating that PMAY house was sanctioned in favour of Khulana Biswal in respect of Plot No. 377, Khata No.35 of Mouza Chilatailakissam 'Gharbari' which was recorded in the name of her father-in-law, Shri Purna Biswal. Similarly, a PMAY house was sanctioned in favour of Shri Sudhakar Biwal in respect of Gharbari Plot No. 378 of Khata No. 29 of said Mouza recorded in the name of his father, Shri Panchu Biswal. On field visit and demarcation by the Revenue Inspector and Amin of Tahasil office, Hindol, it was found that both the PMAY beneficiaries had constructed their houses on Plot No. 376, Khata No. 63 of Mouza Chilataila which is recorded as kissam 'jungle' which is a Government land. It was further found that apart from payment of full unit cost of Rs. 01,20,000/- to Smt. Khulana Biswal and Shri Sudhakar Biswal, they have also been paid Rs. 16,920/- and Rs. 16,168/- respectively towards wages under MGNREGA. It was also found that Shri Dinesh Chandra Samal, Ex Panchayat Executive Officer, Smt. Rita Samal, Ex-Gram Rozgar Sevak, Gandanali Gram Panchayat, Hindol Block and Debashis Prusty, Ex-Gram Rozgar Sevak are the officials who geo-tagged the houses and recommended for release of payment from phase to phase.
10. In view of such findings in the additional inquiry report dated 15.11.2022, copies of the Inquiry report were sent to the aforesaid Ex-PEOs and Ex-GRS and to the beneficiary, Smt. Khulana

Biswal and Shri Sudhakar Biswal asking them to submit their explanations and to participate in the hearing. A copy of the additional inquiry report was also sent to the Competent Authority asking him to submit his views thereon.

11. In spite of sufficient opportunities given, the Competent Authority did not submit his views on the additional inquiry report.
12. The public servants namely, Shri Dinesh Chandra Samal, former PEO, Gandanali G.P. and Smt. Rita Samal, former GRS, Gandanali G.P. and Shri Debashis Prusty, former GRS, Gandanali G.P. have submitted their separate explanations on the additional inquiry report. Shri Dinesh Chandra Samal and Smt Rita Samal have stated that the beneficiaries Smt. Khulana Biswal and Shri Sudhakar Biswal constructed their PMAY houses on the land where they were staying. The fact that the said land was a Government land was not known earlier. Besides, no outsider or Revenue Department raised any objection for construction of houses on the Government land. It is further stated by Smt. Rita Samal that at the time of sanction of PMAY houses in favour of these two beneficiaries they had submitted record of right with respect to their homestead land in respect of which house were sanctioned and they had also given declaration that they would construct their pucca houses on their patta land.
13. In his explanation, Shri Debashis Prusty, former GRS, Gandanali Gram Panchayat has stated that neither he has recommended for sanction of PMAY house in favour of beneficiaries, Smt. Khulana Biswal and Shri Sudhakar Biswal nor he has geo-tagged the construction of their houses nor recommended for release of instalments in their favour.
14. The Block Development Officer, Hindol has sent copies of two letters bearing No. 2610 & 2613 dated 23.05.2023 of his office addressed to the Tahasildar, Hindol requesting him to lodge OPDR case against Shri Sudhakar Biswal and Smt. Khulana Biswal (PMAY beneficiaries) for recovery of the unit cost of Rs. 1,20,000/- from each of them.
15. In spite of service of a copy of additional inquiry report, the beneficiaries Smt. Khulana Biswal and Shri Sudhakar Biswal neither appeared nor submitted any explanation.
16. It appeared from the records and also from records of other cases relating to allegations about sanction and construction of PMAY houses that the Block Development Officers who have been vested with the powers of sanction of PMAY houses or other rural houses under Government schemes and the PEOs and GRS and other panchayat level officials who have been vested with the duty and responsibility to make verification about eligibility of beneficiaries and recommend for sanction of houses and also to verify the construction of houses from stage to stage and to geotag the same and recommend for release of phase-wise unit cost are quite lax and do not take proper care in discharge of their duties. For sanction of house under any rural housing scheme to landless persons, the Government has already formulated adequate schemes for allotment/settlement of Ac. 0.04 of Government land in favour of a beneficiary under Basundhara Yojana for construction of the sanctioned house. It is crystal clear that at the time of starting of construction by a beneficiary no care is taken or attention paid by the Panchayat officials to ensure that the beneficiaries are constructing their sanctioned houses on the plots/lands in

respect of which they have been sanctioned. This gives scope to unscrupulous beneficiaries to construct Government allotted houses by encroaching Government lands even though they have given declaration to construct on their own land. This, in other words, amounts to Government sponsored encroachment of Government land and construction thereon with the aid, assistance or collusion of the panchayat level Government officials with the beneficiaries. This should by all means be avoided by stipulating strict provisions in the guidelines for fixing liability on the panchayat level officials for their callousness, negligence or collusion with the beneficiaries in allowing them to proceed with construction of their houses on Government lands. Further, recommending the payment for houses which are on inquiry found to have not been constructed at all is another glaring instance of corrupt practice adopted by the panchayat level officials.

17. The Hon'ble Lokayukta, therefore, recommend that:

- (a) Government shall further streamline the guidelines relating to sanction, construction and release of funds in respect of the houses allotted under Government schemes ensuring fixation of liability on the Government officials who are found to be callous and negligent in discharge of their duties including recovery of the cost of the house and the wages paid to the beneficiaries for construction of such houses from such officials, whether or not the cost can be recovered from the beneficiaries. Such provision, in our view would go a long long way in minimising /eradicating corruption in as much as direct proof regarding allegations of taking bribe by panchayat officials from the beneficiaries and allowing them to commit such irregularities may not always be available.
- (b) All those eight beneficiaries described in paragraph 7 of this order, who have either been wrongly/illegally sanctioned PMAY houses and those who have been paid full unit cost without constructing the houses shall be proceeded against in accordance with law for recovery of the money released in their favour for construction of house, failing which the cost of the houses shall be recovered from Shri Dinesh Chandra Samal, former PEO, Gandanali Gram Panchayat and from Smt Rita Samal, former GRS.
- (c) Disciplinary action shall be taken against Shri Dinesh Chandra Samal and Smt. Rita Samal by way of drawing disciplinary proceedings for their misconduct and dereliction in duty in the matter of allotment of PMAY houses, geotagging and release of phase-wise instalments to the beneficiaries.
- (d) The unit cost of Rs. 1,20, 000/- each as well as the wages paid to the beneficiaries, Smt. Khulana Biswal, W/o Shri Rabi Biswal and Shri Sudhakar Biswal, S/o Shri Panchu Biswal of village–Gandanali, Hindol Block, Dist Dhenkanal be recovered from them and they be immediately evicted from the houses constructed by them on the Government land and such houses shall be demolished. In case of their failure to give recovery of the amounts, the same shall be recovered from Smt. Rita Samal, former GRS, Gandanali Gram Panchayat, the geo-tagging officer.

18. Besides there was direction to send a copy of the order to the Principal Secretary to Government, Panchayati Raj & Drinking Water Department, for information and compliance.

(XXIV) LY-1317/2020

(Krushna Chandra Behera Vs. B.D.O, Digapahandi & Others) Registered on 24.11.2020. Finally disposed of on 07.07.2023.

The complainant, Shri Krushna Chandra Behera alleged in his complaint that a sum of Rs. 8,86,322/- was sanctioned to Bhismagiri Gram Panchayat under Digapahandi Block for installation of streetlights. But Shri Pitambar Gouda, Sarpanch, Shri Mahendra Kumar Mallick, former Panchayat Executive Officer of the Gram Panchayat and Shri Haladhar Sabar, Block Development Officer, Digapahandi Block purchased low quality electric accessories without following tender process and thereby misappropriated the funds.

2. A joint reply was filed by all three Panchayat officials denying the allegations. However, not being satisfied with the reply of the respondents, the Lokayukta directed for a Preliminary Inquiry by the Director of Inquiry, office of the Lokayukta. Accordingly, Preliminary Inquiry was conducted by the Deputy Director (Engineering), Inquiry Wing, office of the Lokayukta, who submitted the Preliminary Inquiry Report dated 06.08.2022.

As per the inquiry report during the years 2016-17 to 2018-19 a total of Rs-7,54,477/- was spent towards installation of streetlights in Bhismagiri Gram Panchayat, out of which expenditure for the year 2018-19 is Rs. 2,15,000/-, which has been made in violation of the Government guidelines of September 2018 of Panchayati Raj and Drinking Water Department, which provides that expenditure shall be incurred for electrification through the vendors to be selected at the State Level by the Government and not at Panchayat or District Level. The further inquiry finding is that procedures with regard to preparation of estimate, administrative and financial sanctions have not been followed. Lastly, it was found that on technical verification during inquiry as per the estimate prepared by the Assistant Executive Engineer, Rural Works (Electrical) Sub-Division, Berhampur, there was an excess payment of Rs.35,180/- to the firm M/S. Rajdhani Enterprises, Berhampur which amounts to loss to the Government. It was found that Shri Pitambar Gouda, former Sarpanch and Shri Mahendra Kumar Mallick, former Panchayat Executive Officer, Bhismagiri Gram Panchayat are responsible.

3. Copies of the Preliminary Inquiry Report were sent to the former Sarpanch and former Panchayat Executive Officer, Bhismagiri G.P. asking them to submit their explanations on the inquiry findings. A copy of the Preliminary Inquiry Report was also sent to the Competent Authority, i.e., the Principal Secretary, Department of Panchayati Raj and Drinking Water, Government of Odisha, asking him to submit his views in the matter.
4. The former Sarpanch and the former Panchayat Executive Officer submitted their separate explanations taking identical stand that quotation was called in three consecutive years from 2016-17 and the quotationers participated in the process by quoting their rates and that the lowest rate quoted by M/S. Rajdhani Enterprises was accepted and the firm was issued work order. After completion of the work, the bills of the firm have been paid. Therefore, it cannot be said that there is a loss of Rs.35,180/- to the Government by way of excess payment. With regard to the inquiry finding that the Government guidelines issued in 2018 prohibiting the

panchayats to take up electrification work by themselves in the Panchayats or at District Level, it is stated that the respondents were not aware about such letter of the Government.

5. In spite of grant of several opportunities the Competent Authority did not submit views.

The Hon'ble Bench held that:-

6. Having regard to the fact that the amount of loss by way of excess payment as found during inquiry being not very substantial and that the respondent—public servants having taken the stand that by the time of issuance of quotation for the year 2018-19, the Panchayat officials were not aware about prohibition laid down by the Panchayati Raj and Drinking Water Department for taking up electrification works by the panchayats themselves and that the tenure of the former Sarpanch of the Gram Panchayat having come to end since 2022, we don't feel that any disciplinary action be taken against Shri Mahendra Kumar Mallick, former Panchayat Executive Officer of Bhismagiri Gram Panchayat. However, Shri Mahendra Kumar Mallick, former Panchayat Executive Officer, Bhismagiri Gram Panchayat may be warned to be vigilant in future and to respect and abide by the Government instructions and guidelines in the matter of execution of different works and projects in Gram Panchayats. With the aforesaid recommendation, this proceeding was disposed of, with direction to send a copy of the order to the Principal Secretary, Panchayati Raj and Drinking Water Department for information and compliance.

(XXV) LY Case -1257/2020

(Himansu Sekhar Nayak Vs Sarpanch Khadalpokhari G.P and Others) Case instituted on 03.11.2020. Finally Disposed of on 03.08.2023

The complainant, Himansu Sekhar Nayak in his written complaint alleged that massive irregularities were committed in Swachha Bharat Mission programme in different villages under Khadalpokhari Gram Panchayat of Chandbali Block in the District of Bhadrak. Toilets were sanctioned to scores of people in pen and paper and funds thereof are misappropriated. Subsequently on the direction of the Lokayukta, the complainant filed an additional statement of facts and allegations with a list of 191 beneficiaries, allegedly not constructed any toilet, while, the Panchayat records revealed that they have constructed toilets and the money has already been spent @ of Rs.12,000/- per beneficiary. Along with the additional statement of facts and allegations the complainant filed the statements on affidavit of a few individual beneficiaries which indicated that for construction of toilets, incentive amount of Rs.12,000/- was sanctioned in the name of each of them, but they have not been paid and the authorities have misappropriated the same.

2. Notice of the complaint was issued to different officials including, (1) the BDO, Chandbali Block, (2) the PD, DRDA, Bhadrak, (3) the Executive Engineer, RWS&S, Bhadrak and (4) the Junior Engineer, Chandbali Block. The BDO, Chandbali submitted his reply vide his letter dated 20.09.2021 along with a list of IHHLs constructed during the years 2018-19 and 2019-20 and a separate list of 74 beneficiaries of 2018-19 and 13 beneficiaries of 2019-20 in respect of whom no IHHLs has been constructed and no payment has been made. It was stated in the reply that the lists are prepared on the basis of a joint inquiry conducted by six officers and that as per

the joint inquiry it was found that out of 190 IHHLs beneficiaries as per list attached to the complaint, 98 beneficiaries have completed the IHHLs and they have been paid. It was also stated that 88 number of beneficiaries have not started construction of their IHHLs, as a result of which they have not been paid and that one beneficiary, namely, Anandabilas, S/O- Nava (Siba) does not exist in village- Brahmatikiri of Khadalpokhari Gram Panchayat. The reply of the BDO, Chandbali did not explain about correctness of the entries in SBM (G) Portal about completion of 191 IHHLs by the beneficiaries and payment of Rs.12,000/- to each of them. The SDO, RWS&S, Chandbali Sub-Division representing the Superintending Engineer, RWS&S Division, Bhadrak filed reply dated 17.09.2021 on behalf of the Superintending Engineer stating that the entire funds, function, functionaries with all records in respect of Rural Sanitation Wing of DWSM were transferred from his division to the office of the PD, DRDA, Bhadrak as per letter dated 30.06.2020 of PR & DW Department. It was further stated that the construction of IHHLs and payments thereof under sanitation programme have been taken up by the BDO, Chandbali. It was further stated that on an internal inquiry conducted through RWS&S Sub-Division, Chandbali it was ascertained that out of 190 beneficiaries as per list, 95 IHHLs have been constructed through SHGs and 03 numbers have been constructed by the beneficiaries concerned and accordingly payments have been made to the SHGs and the beneficiaries respectively by the BDO, Chandbali, and that 92 IHHLs have neither been constructed nor any payment in respect of thereof has been made and therefore there is no misappropriation of Government money.

3. On the direction of the bench, the BDO, Chandbali to explain specifically about the correctness of the entries made in the SBM (G) Portal about completion of construction of 191 IHHLs by the beneficiaries and payment of Rs.12,000/- to each of them, no explanation was submitted by him, consequent upon which the Lokayukta directed for a Preliminary Inquiry to be conducted by the Director of Inquiry, Inquiry Wing of the Lokayukta, Odisha. The Deputy Director of Inquiry (Finance), Inquiry Wing, office of the Lokayukta, Odisha, submitted the Inquiry Report.
4. The inquiry found that in respect of Khadalpokhari Gram Panchayat the SBM (G) Portal revealed that 191 numbers of IHHLs have been constructed with full physical and financial progress. But in fact, out of 191 beneficiaries IHHLs were constructed only in respect of 98 beneficiaries through some SHGs and a few beneficiaries themselves whereas 93 numbers of IHHLs have not been constructed so far. The then BDO, Chandbali, Shri Shyamasundar Tudu and the present BDO admitted that such wrong figure of construction of 191 IHHLs with full payment was entered in the SBM (G) Portal in order to show achievement of 100 % ODF status. Such wrong figures were entered in the SBM (G) Portal by Shri Sanantan Singh, Junior Engineer, RWS&S-I, Shri Pankaj Tripathy, Junior Engineer, RWS&S-II, Priyanka Priyadarshini Bhuian, BRC and the Ex-BDO, Chandbali, Shri Shyamasundar Tudu. Smt. Priyanka Priyadarshini Bhuian, the contractual BRC has already resigned from her service in 2020. During field visits it was found that out of 98 IHHLs which have been constructed and incentives have been paid, 9 nos. of IHHLs have no soak pits installed and the beneficiaries are not using the latrines and in one case the beneficiary, Shri Surendra Das has not constructed latrine but received the incentive amount through the SHG, 'Ashrita' entrusted to execute the work. It is however found that out of the incentive of Rs.12,000/-, Rs.10,000/- has been paid to the beneficiary, Surendra Das and Rs.2000/- has

been kept by the SHG. The SHGs however received payment in full in respect of all the IHHLs they had been entrusted to construct. It is also found that no misappropriation of funds has taken place in respect of 93 IHHLs which have not been constructed though they are shown to have been constructed with full physical and financial progress in the SBM (G) Portal. It is further found that out of 98 IHHLs four nos. of beneficiaries themselves constructed their IHHLs and received the incentives directly through their bank accounts. The rest of the beneficiaries out of 98 entrusted the construction of their IHHLs to the local SHGs, namely, Ashrit SHG, Akhandalmani SHG and Shibasakti SHG.

5. Notices with copy of the Preliminary Inquiry Report dated 04.05.2022 were sent to (1) Shri Shyamsundar Tudu, Ex- BDO, Chandbali Block, (2) Shri Sanantan Singh, JE, RWS&S-I, (3) Shri Pankaj Tripathy, Junior Engineer, RWS&S-II, (4) Miss. Priyanka Priyadarshini Bhuian, Ex-BRC, Chandbali Block (now resigned) and (5) Shri Gadadhar Sahu, Geo-tagger, SBM (G) Portal, Chandbali Block asking them to file their explanation. Notice with copy of the inquiry report was also sent to the Collector, Bhadrak for submitting his explanation. Except the Collector, Bhadrak and Shri Shyamsundar Tudu, Ex-BDO, Chandbali Block, presently, BDO, Thakurmunda in the District of Mayurbhanj, no other respondent submitted explanation. Subsequently, the present BDO, Chandbali Block also submitted his explanation on the Preliminary Inquiry Report. A copy of the Preliminary Inquiry Report was also sent to the Competent Authority i.e., Hon'ble Minister PR & DW Department, Government of Odisha, asking him to submit his views. Views of the Competent Authority were received under letter No.16498 dated 29.08.2022 of the Additional Secretary to Government, PR & DW Department. The views of the Competent Authority are to the effect that "no major financial irregularities have been found, and that regarding the minor lapses, concerned are being cautioned and directed to take up remedial measures".
6. In his explanation dated 29.08.2022 the Collector, Bhadrak has intimated that the wrong data uploaded in the web portal of SBM (G) showing completion of the 93 nos. of IHHLs which have not been constructed yet physically, create confusion due to putting of intentional errors in the web portal of SBM (G), for which all officials in the entire process have been called for show causes and BDO, Chandbali has been instructed to take immediate steps to complete 93 numbers of incomplete IHHLs within 15 days. Further, the BDO, Chandbali and former and present officials have been warned not to commit such type of mistakes in future. In his letter 2941 dated 30.11.2022 the present BDO, Chandbali has intimated that the 9 IHHLs which were found incomplete for non-fixation of soak pits have now been completed with fixation of soak pits.
7. Having taken a copy of the Preliminary Inquiry Report, the complainant challenged correctness of some findings therein. He stated that the inquiring officer has not verified all the toilets constructed and further that several IHHL beneficiaries constructed their toilets from their own funds but they have not been paid incentive amounts and, on the contrary, their incentives have been paid to the SHGs who have misappropriated the same. In this respect, on the direction of the Lokayukta, the complainant submitted affidavits of four beneficiaries, namely, (1) Jagabandhu Mahunta, (2) Harihar Mahunta, (3) Jitendra Nayak and (4) Nilamadhab Das, all are of village- Khadalpokhari. They have stated in the affidavits that they constructed their toilets under SBM Scheme, but due to incomplete work the incentive amount of Rs.12,000/- has not been paid to them, and that the Government authorities in connivance with the SHGs involved

in the Mission have misappropriated the amount sanctioned in their favour. In view of such affidavits of four beneficiaries, the Deputy Director of Inquiry-Inquiring Officer was directed to make a further verification as to whether payment in respect of IHHLs of those four beneficiaries have been released or not, and if released, in whose favour, and submit a report. Accordingly, the Deputy Director of Inquiry has submitted an Additional Inquiry Report dated 28.07.2023.

8. In his Additional Inquiry Report the Deputy Director of Inquiry has stated that he verified the documents of the four beneficiaries who have filed affidavits through the complainant before the Lokayukta about construction of IHHLs by themselves which have not been completed and the incentives in respect of thereof has not been paid to them. The Inquiring Officer also recorded the statements of those four beneficiaries, namely, (1) Shri Jitendra Nayak, (2) Shri Nilamadhab Das, (3) Shri Jagabandhu Mahunta and (4) Shri Harihar Mahunta. The records show that these beneficiaries consented for construction of their toilets through the SHGs. The beneficiary, Shri Jitendra Nayak during the field inquiry stated that he entrusted the construction of his IHHL to Shibasakti SHG but the SHG did not construct the same, for which he constructed it by utilising his own funds, but could not instal the concrete rings for construction of soak pits. He further stated that during the visit of the Inquiry Team earlier on 10.03.2022, neither he nor his family members were present. Beneficiary, Shri Nilamadhab Das was absent during field visit and his wife, Saraswati Das stated that they had consented for construction of toilet by Akhandalmani SHG but the SHG did not construct the toilet, for which her husband constructed from his own funds. She further stated that they have purchased concrete rings for construction of soak pits which could not be installed. She also stated that during the earlier visit of the Inquiry Team on 10.03.2022 neither she nor her husband was present, but her daughter, Namita Das gave statement without knowing the facts. Beneficiary, Shri Jagabandhu Mahunta stated during field visit before the Inquiring Officer that he consented for construction of his IHHL by the SHG but the SHG did not construct the same, for which he constructed by utilising his own funds and recently converted the latrine into a bathroom. He further stated that during the earlier field visit of the Inquiry Team on 10.03.2022 he was not present and his mother, Panchali Mahunta had given statement without knowing the facts. Beneficiary, Shri Harihar Mahunta stated that during earlier field visit by the Inquiry Team on 10.03.2022 he was not present but his daughter, Nirupoma Mahunta has given the statement without knowing the facts.
9. Smt. Sujata Bal, Motivator-Cum-Secretary of Shibasakti SHG and Smt. Shantilata Panda, Secretary of Akhandamani SHG filed affidavits dated 27.07.2023 before the Deputy Director, Inquiry denying the allegations made by the aforesaid beneficiaries. They have stated that as per consent given by the beneficiaries, the SHGs constructed their IHHLs and that Shri Jitendra Nayak and Shri Nilamadhab Das demanded exorbitant labour charges and did not cooperate in construction of soak pits of their latrines, for which soak pits could not be constructed though concrete rings have already been transported by the SHGs to the sites of construction. It is further stated by them that the IHHLs of Jagabandhu Mahunta and Harihar Mahunta were constructed by the SHGs and they have already received payment in respect of IHHLs of all the four beneficiaries. Finally, the Deputy Director of Inquiry has concluded that in view of the contradictory statements of the beneficiaries and the SHG office bearers and that the comments in this respect of the present BDO, Chandbali having not been received as yet, nothing can be concluded finally.

10. On going through the Additional Inquiry Report we are of the view that the SHGs have admitted for having received the incentives in respect of the IHHLs of the four beneficiaries after construction, even though two of the beneficiaries did not cooperate for installation of soak pits. The statements of the four beneficiaries filed by way of affidavits and also given to the Inquiring Officer on field visit run contrary to the statements given by their family members to the Inquiry Team earlier. Therefore, it cannot be held conclusively that the four beneficiaries constructed their IHHLs out of their own funds. Besides, the Lokayukta is not an Adjudicating Body to make adjudication on such rival claims of the beneficiaries on the one hand and the office bearers of the SHGs (Executing Agencies) on the other about who constructed the IHHLs of the beneficiaries.
11. The complainant urged during hearing that the matter be handed over to the State Vigilance for a further detail Inquiry about construction of IHHLs of 98 beneficiaries in Khadalpokhari Gram Panchayat since several other beneficiaries claim to have constructed their toilets out of their own funds, but did not receive incentives. We are not inclined to accept the contention/prayer of the complainant in this regard. At most we can say that any beneficiary who claims the incentive amount on the ground that he himself constructed his IHHL and not through any executing agency, may approach the appropriate court or forum and prove his case.

The Hon'ble Bench of Lokayukta held thus:-

12. On consideration of the Inquiry Report dated 04.05.2022 and the Additional Inquiry Report dated 28.07.2023 we recommend as follows: - (1) Appropriate action shall be taken against Shri Syamsundar Tudu, former BDO, Chandbali Block and all other officers involved in uploading wrong data about construction of 191 IHHLs though only 98 IHHLs were constructed and 93 IHHLs were not at all constructed. Such false data entered in the SBM (G) Portal tends to misguide and misrepresent not only the general public about actual facts, but also it tarnishes the image and trustworthiness of the Government and its officials. (2) Besides, officials in charge of execution of beneficial and public welfare programmes should be strictly advised not to upload wrong, false or misleading data in different Government Portals. (3) It having already been found that Rs.10,000/- out of the incentive amount of Rs.12,000/- in respect of IHHL of beneficiary, Shri Surendra Das having been paid to the beneficiary and Rs. 2,000/- having been kept by the concerned SHG without constructing the toilet of the beneficiary, the said amounts shall be recovered from the beneficiary and the concerned SHG and with the aforesaid recommendations disposed of this proceeding, directing further to send a copy of the order to the Principal Secretary, Panchayati Raj and Drinking Water Department, Government of Odisha for information and compliance.

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Awareness Camp on the Lokayukta Act 2014 held at Bhawanipatna (Kalahandi) on 28.12.2023 attended by Shri Justice B.K. Nayak, Hon'ble Judicial Member and Dr. Debabrata Swain, Hon'ble Member.



Circuit Bench of Lokayukta held at Bhawanipatna on 28.12.2023.



Address by Shri Justice Bijaya Kumar Nayak, Hon'ble Judicial Member, Lokayukta, Odisha in the Awareness Camp held at Bhawanipatna on 28.12.2023



Address by Dr. Debabrata Swain, Hon'ble Member, Lokayukta, Odisha in the Awareness Camp held at Bhawanipatna on 28.12.2023



**PROPOSED LOKAYUKTA BHAWAN
ODISHA**



Progress of the construction of the Lokayukta Bhawan.

LOKAYUKTA, ODISHA

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