

GOVERNMENT OF ODISHA  
HOME DEPARTMENT

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MEMORANDUM

No 30016 / IPS Dated. 21<sup>st</sup> August 2024  
HOME-IPS-CASE1-0004-2024

1. Shri Dharendra Sambhaji Kutey, IPS (RR-1997), Ex- Special Secretary to Chief Minister and now O.S.D., Home Department is hereby informed that it is proposed to take action against him as per Rule-8 of AIS (D&A) Rules, 1969. The substance of the imputation of misconduct in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure-I). A statement of the imputation of misconduct in support of each article of charge is enclosed (Annexure-II). Memo of evidence on which the article of charge is proposed to be sustained is enclosed (Annexure-III).

2. He is directed to submit within 30 days of the receipt of this Memorandum, a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an enquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny each article of charges.

4. He is further informed that, if he does not submit his written statement of defence on or before the date specified in Para-2 above or does not appear in person before the inquiring authorities or otherwise fails or refuses to comply with the provision of the AIS (D&A) Rules, 1969 or orders/directions issued in pursuance of the said rule, the inquiring authority may hold the enquiry against him ex-parte.

5. Attention of Shri Dharendra Sambhaji Kutey, IPS is invited to Rule-18 of the A.I.S. Conduct Rules, 1968, under which no Govt. servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under Govt. If any representation is received on his behalf from another person in respect of any matter dealt with in those proceedings, it will be presumed that Shri Dharendra Sambhaji Kutey, IPS is aware of such representation and that it has been made at his instance and action as deemed proper will be taken against him for violation of Rule 18 of A.I.S. (Conduct) Rules, 1968.

6. The receipt of this Memorandum along with its enclosures may be acknowledged.

By order of Governor.

*Ar*  
20/8/2024

Additional Chief Secretary to Government.

Memo No. 30017 / Dated. 21<sup>st</sup> August, 2024

Copy along with copy of its enclosures in triplicate forwarded to the D.G. of Police, Odisha, Cuttack for information and necessary action.

He is requested to serve one copy on Shri Dharendra Sambhaji Kutey, IPS and return the 2nd copy with his dated acknowledgement to this Department immediately. The 3rd copy is for record in State Police Headquarters.

*Mul*  
20.08.2024

OSD-cum-Additional Secretary to Government.

Memo No. 30018 / Dated. 21<sup>st</sup> August, 2024

Copy forwarded to the Under Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi for information and necessary action.

*Mul*  
20.08.2024

OSD-cum-Additional Secretary to Government.

Memo No. 30019 / Dated. 21<sup>st</sup> August, 2024

Copy forwarded to the General Administration (Services-I) Department/ for information and necessary action.

*Mul*  
20.08.2024

OSD-cum-Additional Secretary to Government.

## ANNEXURE-I

### ARTICLE OF CHARGE

Additional Chief Electoral Officer, Office of the Chief Electoral officer, Odisha vide letter dated 28.05.2024 had conveyed the directions of Election Commission of India (ECI) for placing Shri Dharendra Sambhaji Kutey, IPS, Special Secretary to Chief Minister, Odisha under suspension under relevant service rules for unduly interfering in conduct of election. Subsequently, Shri Dharendra Sambhaji Kutey, IPS was placed under suspension vide Order No. 18952 dated 29.05.2024 pending initiation of disciplinary proceeding.

Sri D.S.Kutey, IPS had unduly interfered in the conduct of election during Simultaneous General Election-2024. As per the instructions of ECI, there is a State Level Media Certification and Monitoring Committee (MCMC) functioning under the Chairmanship of Additional CEO. This Committee had approved a newspaper advertisement of a political party for publication during the silence period (day of poll and the previous day). Shri Kutey had repeatedly called the Addl. CEO and Chairman of the MCMC on 24/05/2024 late evening and expressed his displeasure over approval of the advertisement. He also asked him to withdraw the approval immediately, so that the advertisement could not get published in the newspapers on 25/05/2024.

Further, the MoS had asked Shri Chanchal Rana, IAS, District Election Officer and Collector, Khurdha and the police officers to get a contesting candidate arrested on the day of poll i.e. 25/5/2024.

As per the Job profile of Sri D.S.Kutey, as Special Secretary to Chief Minister, he had no reason to interfere with the work of election related officials during Simultaneous General Election-2024, particularly when the Model Code of Conduct issued by the ECI was in force.

Thus, the above conduct of Shri Dharendra Sambhaji Kutey, IPS, amounts to gross misconduct which is unbecoming of a member of the All India Service and violates Rule 3 and Rule-5 (4) of AIS (Conduct) Rules, 1968.

  
20/8/2024  
Additional Chief Secretary to Government

## ANNEXURE-II

### **STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SHRI DHIRENDRA SAMBHAJI KUTEY, IPS**

The Additional Chief Electoral Officer, Office of the Chief Electoral Officer, Odisha, vide letter No. 10730/Elec, dated 28<sup>th</sup> May 2024, communicated the directives of the Election Commission of India (Letter No. 434/OR dated 28.05.2024 of Secretary, ECI) for placing Shri Dharendra Sambhaji Kutey, IPS, Special Secretary to the Chief Minister, under suspension under the relevant service rules for unduly interfering in the conduct of the election. The above directives of the Election Commission of India (ECI) had been passed basing on the information received from the Office of the Chief Electoral Officer, Odisha and various other inputs received from the field. Accordingly, Shri Dharendra Sambhaji Kutey, IPS, was placed under suspension vide order No. 18952 dated 29.05.2024 and his designated headquarters was fixed at the Office of the Resident Commissioner, Odisha, New Delhi.

In accordance with ECI instructions, a State Level Media Certification and Monitoring Committee (MCMC) operates under the Chairmanship of the Additional Chief Electoral Officer. This Committee had approved a newspaper advertisement of a political party for publication during the silence period (i.e., the day of the poll and the preceding day). On late evening of 24.05.2024, Shri Kutey made repeated calls to the Additional CEO and Chairman of the MCMC, expressing his displeasure over approval of the advertisement. He also asked the Additional CEO to withdraw the approval immediately, so that the advertisement could not get published in newspapers on 25.05.2024.

Further, Shri Dharendra Sambhaji Kutey had asked Shri Chanchal Rana, IAS, District Election Officer and Collector, Khurdha and police officers to get a contesting candidate arrested on the day of poll i.e. on 25.05.2024.

Thus, Shri Dharendra Sambhaji Kutey, IPS, had unduly interfered in the conduct of election during Simultaneous General Election-2024. Above action of the MoS is certainly an act of undue interference in the election process by misuse of his power and position.

This type of interference by Shri D.S.Kutey with the election machinery violates Rule-5 (4) of the All India Services (Conduct) Rules, 1968 as well as the Model Code of Conduct issued by the Election Commission of India for smooth conduct of election in a free and fair manner. Such action of the MoS is unbecoming of a member of the all India Service of his rank and seniority.

Therefore, the aforementioned conduct of Shri Dhirendra Sambhaji Kutey, IPS, constitutes gross misconduct which violates Rule-3 and Rule-5 (4) of the All India Services (Conduct) Rules, 1968.

  
20/8/2024  
Additional Chief Secretary to Government

ANNEXURE-III

MEMO OF EVIDENCE

Sl. No.	Points to prove	Documents by which the charge is proposed to be sustained.	Witness by whom the charge is proposed to be sustained.
1.	Shri Dhirendra Sambhaji Kutey, IPS, (RR-1997), was posted Spl. Secretary to Hon'ble C.M.	(1).Home Department Notification No-46564/IPS dated 30.12.2021.	<u>PW-I.</u> Concerned ASO of Home(IPS)Department dealing with transfer matter of IPS officers.
2.	That the ECI directed to place him under suspension.	(II) CEO, Odisha letter No. 10730/Elec dated 28.05.2024 and Letter No. 434/OR (HP/LA)/ES-II/2024, Dated 28.05.2024 of Secretary, ECI	<u>PW-II.</u> Concerned SO/Under Secretary, Office of Chief Electoral Officers.
3	That Shri Kutey, IPS was placed under suspension.	(III) Order No. 18952 dated 29.05.2024	<u>PW-I</u> Concerned ASO of Home (IPS) Department
4	Direction of ECI for revocation of suspension of Shri . Kutey, IPS	(IV). Letter No. 11582/Elec dated 07.06.2024 along with enclosure from the Office of Chief Electoral officer, Odihsa	<u>PW-II</u> Concerned SO/Under Secretary, Office of Chief Electoral Officers.

5	That Shri Kutey had repeatedly called the Addl. CEO and Chairman of the MCMC on 24/5/2024 late evening and expressed his displeasure over approval of the advertisement. He also asked him to withdraw the approval immediately, so that the advertisement could not get published in the newspapers on 25/5/2024.	(V). Letter No. 11824/Elec dated 21.06.2024 from Office of Chief Electoral officer, Odihsa (VI) Letter No. 12041/Elec dated 29.06.2024 from Office of Chief Electoral officer, Odihsa	<u>PW-III</u> Dr N.Thirumula Naik, IAS, Additional Chief Electoral Officer
6	That Shri Kutey, IPS had asked to one District Election Officer and the police officers to get a contesting candidate arrested on the day of poll (25/5/2024).	-do-	<u>PW-IV.</u> Shri Chanchal Rana, IAS, DEO & Collector, Khurdha

*Dr*  
20/8/2024

Additional Chief Secretary to Government