

(834)

Government of Orissa  
Cooperation Department.

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No. II-Legal-64/99- 11130/Coop.,  
Bhubaneswar, dated the 12.7.2001.

From:-

Sri B.B. Jagadev, O.A.S.,  
Under Secretary to Government.

To

The A.G.C.S., Orissa, Bhubaneswar.

Sub:-

Clarification regarding holding of any  
Office of profit as required under  
section 28(3) of the O.C.S. Act, 1962.

Sir,

I am directed to invite a reference to your letter No. 8087/Legal., dt. 12.10.2000 on the above noted subject and to say that the Law Department was requested to clarify as to whether the holding of the post of "Chief Whip" of the Orissa Legislative Assembly would be considered as holding an "Office of Profit" or not with reference to the provisions. Under Section 28(3)(i) of the O.C.S. Act, 1962 and to define the words "Office of Profit" to avoid legal complications in future. In response to the same, the Law Department have opined as follows :-

"An Office of profit involves two elements, namely,

- ✓ (i) that there should be an office, and
- ✓ (ii) that it should carry some remuneration.

Government Chief Whip is entitled to salary, other allowances and other privileges like, service of staff etc.

So, he holds an office which carries remuneration.

The Chief Whip to Government holds an office of profit under the Government."

You are therefore requested to take necessary action in the matter as per the aforesaid clarification of the Law Department.

Yours faithfully,

Sd/-

Under Secretary to Government.

Memo No. \_\_\_\_\_/Coop. dt.

Copy forwarded to the R.C.S., Orissa,  
Bhubaneswar for information & necessary action.

P.T.O.

Sd/-  
Under Secretary to Government

