

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C). No. 4271 of 2009**

***State of Orissa and others***

***.... Petitioners***

**Mr. P.K. Muduli, AGA**

***-versus-***

***Smt. Bandana Bera and another***

***.... Opposite Parties***

**None**

**CORAM:**

**THE CHIEF JUSTICE**

**JUSTICE R. K. PATTANAİK**

**ORDER**

**21.07.2022**

**Order No.**

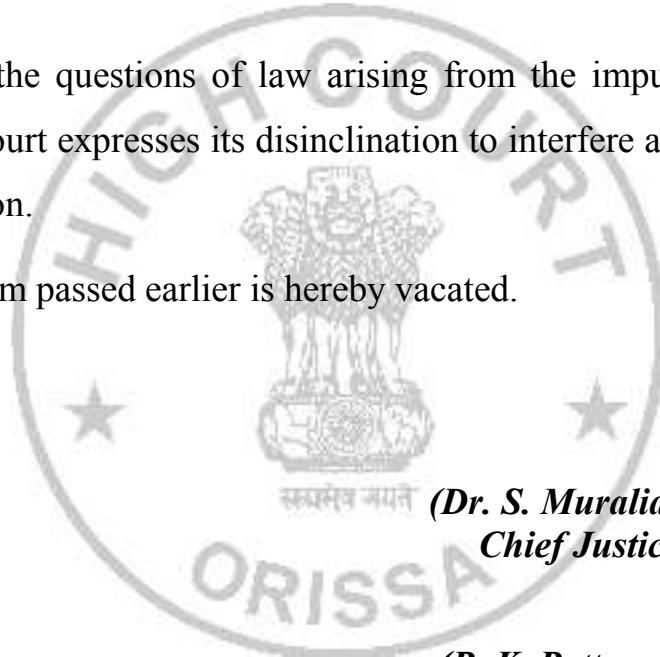
07. 1. Against the order dated 22<sup>nd</sup> February, 2007 the State has come before this Court with the present writ petition on 18<sup>th</sup> March 2009, almost two years thereafter. There is no explanation in the petition for the delay in filing it.
2. It is noticed that while issuing notice in the present petition on 21<sup>st</sup> October 2009, a stay was granted of the impugned order of the Tribunal. Thereafter, the matter did not come up for almost thirteen years. When it came up last for hearing on 8<sup>th</sup> March 2022, the Court had required learned counsel for the Petitioner to obtain instructions on the current status of Opposite Party No.1. On the next date, i.e., on 4<sup>th</sup> May 2022, the Court was informed that the petition will be served at her present place of service. That, however, has not been done till date. The only information

available with the Petitioner is that Opposite Party No.1 is still in service.

3. Considering that despite the interim order passed by this Court, the Opposite Party No.1 is still in service and for more than fourteen years has not been able to be served in the present petition, it would not serve the interest of justice to keep the present petition pending by giving more and more opportunities to the State to do so.

4. Leaving the questions of law arising from the impugned order open, the Court expresses its disinclination to interfere and disposes of the petition.

5. The interim passed earlier is hereby vacated.



**(Dr. S. Muralidhar)**  
**Chief Justice**

**(R. K. Pattanaik)**  
**Judge**

S. Behera