

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) NO.1959 OF 2009

Sankarsan Panda

....

Petitioner

Mr.S.Behera, Adv.

-versus-

State of Orissa & ors..

....

Opposite Party(s)

Mr.U.K.Samal, SC

CORAM:

JUSTICE BISWANATH RATH

ORDER

2.8.2022

Order

No.

10.

1. Heard learned counsel for the Parties.

2. This Application was filed originally in the Tribunal involving the following relief :-

“Under the circumstances, it is humbly prayed that this Hon’ble Tribunal may graciously be pleased to quash the letter dated 8.8.08 under Annexure-7;

And further be pleased to direct the Respondent No.3 to accept the joining report of the applicant.

And further be pleased to direct the Respondents to allow the applicant to discharge the duties of Asst., Teacher in Lambadaro Primary School.

And further be pleased to direct the Respondents to give all consequential service benefits to the applicant.

Or pass any other order/orders as this Hon’ble Tribunal may deem fit and proper;

And allow this Original Application with cost.”

3. From the sum and substance of the case, it appears, the application herein involving a challenge to the rejection of the representation of the Petitioner directed to be disposed of in accordance with law in disposal of O.A. No.2634(C)/2003 by the Tribunal. Considering the submission of the learned counsel for the Petitioner, this Court finds, learned counsel for the Petitioner

advances his submission by involving illegal retrenchment taken place on 1.12.1996. Unfortunately there is no involvement of such issue in filing the present Application. Further for the clear disclosure from Annexure-7 intimating the Petitioner to have already been retrenched from 1.12.1996 and the Petitioner in spite of being aware of such retrenchment already taken effect did not take care even bringing appropriate pleading, bringing appropriate challenge and consequently bringing appropriate relief, in absence of which this Court has no scope to entertain any plea involving retrenchment order with effect from 1.12.1996.

4. For the opinion of this Court, the Petitioner raising the question on the retrenchment of the Petitioner on unauthorised absence on the basis of same situation cannot be also taken into account looking to the nature of challenge involving the Original Application. This Court observes, unless the Petitioner challenges the retrenchment order, if any, there is no scope for interfering with the rejection of representation, vide Annexure-7. In the circumstance, this Court finds, there is no merit involving the Writ Petition, which is dismissed accordingly.

(Biswanath Rath)
Judge

M.K.Rout