

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1755 of 2015

Pradip Kumar Panda

....

Petitioner

Mr. Debendra Ku. Majhi along with
Mr. K.C. Sahu, Advocate

-versus-

State of Odisha & others

....

Opp. Parties

Mr. D. Mund, AGA

**CORAM:
JUSTICE M.S. SAHOO**

ORDER

22.06.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The writ petition has been registered before this Court on 21st August, 2021, after the original application was transferred from the learned State Administrative Tribunal, Principal Bench, Bhubaneswar upon its abolition.
 3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the matter was never taken up/pursued after 17.04.2019.
 4. The O.A. was filed in the year 2015 by the petitioner/applicant before the learned Tribunal, who was working as Deputy Executive Engineer & P.A. to Supt. Engineer, Rural Works Circle, Sambalpur, challenging the non-acceptance of his joining report after he was transferred and submitted the joining report before opposite party no.4-Superintending Engineer, Rural Works Circle, Sambalpur.
 5. By interim order dated 14.07.2015, the Tribunal protected the applicant to the extent that no coercive action shall be taken and also taking note of the guideline as at Annexure-5, the relieving order dated 16.06.2015 was also allowed to be continuing as an interim measure. Operative portion of the interim order is quoted herein below:-

“xxx xxx xxx

So far as the prayer for interim order is concerned, as the applicant has already been relieved from 16.6.2015, his joining report ought to have been accepted as per order of Engineer-in-Chief vide Annexure-5, However, as the Superintending Engineer has not accepted the joining report, no coercive action should be taken against the applicant till the next date of hearing and in the event the O.A. is allowed in his favour, his joining report shall be treated to have been accepted with effect from 4.7.2015.”

6. Learned AGA referring to the averments made in the writ petition and the instructions dated 20.08.2015 received from the Engineer-in-Chief, Rural Works, Odisha, Bhubaneswar (opposite party no.3), submits that in fact there is another Pradip Kumar Panda, name sake of the petitioner who had got the promotion but the present petitioner was inadvertently relieved by the Executive Engineer.

7. The fact remains that the interim order passed by the learned Tribunal dated 14.07.2015 protecting the petitioner was never varied. Further the petitioner would have retired in the year about 2021 on attaining age of superannuation.

8. It is further submitted by the learned counsel for the petitioner that he may be granted liberty to revive the petition for any subsisting cause of action.

9. Having heard learned counsel for the parties, the writ petition is disposed of in terms of the interim order dated 14.07.2015, in view of the fact that the petitioner has already retired from government service, granting liberty to revive the same within sixty days for any subsisting cause of action.

(M.S. Sahoo)
Judge