

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 1345 of 2016

Narasingha Naik

....

Petitioner

Mr. D.K.Pattnaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mrs. S. Patnaik, AGA

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

ORDER

28.7.2022

Order No .

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1. This matter is taken up through hybrid mode.
 2. The writ petition has been registered before this Court on 28.12.2022 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Cuttack.
 3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued on 7.4.2016 on the question of admission directing to file counter within four weeks and rejoinder within two weeks thereof.
 4. Thereafter the matter was listed on two occasions and after 2.8.2018 the matter was not taken up/pursued.
 5. Counter on behalf of the O.Ps. dated 25.4.2017 is available on record. It is submitted by learned counsel for the petitioner that he has no up-to-date instruction to pursue the matter at present on behalf of the petitioner.
 6. The O.A. was filed in the year 2016 by the applicant before the learned Tribunal then working in the establishment of O.P. No.3-Executive Engineer, Rural Works Division, Baripada, inter alia, challenging his transfer from Rural Works Division, Baripada to Rural Works Division, Dhenkanal.

7. It is submitted by learned AGA referring to the counter that in view of the applicant being found surplus at his place of employment, i.e. in Rural Works Division, Baripada, during his employment he was directed to be posted at Rural Works Division, Dhenkanal. Therefore, order impugned in the petition is just and proper. It is further submitted that the applicant would have attained the age of superannuation in the year about 2017. Therefore, nothing would survive for adjudication.

8. Having heard learned counsel for the parties, the writ petition is disposed of granting liberty to the petitioner to revive the same within sixty days for any surviving cause of action.

(M.S.Sahoo)
Judge

dutta

