

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 1329 of 2016

Gangadhar Patra

....

Petitioner

Mr. N. Biswal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mrs. S. Patnaik, AGA

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

ORDER

28.7.2022

Order No .

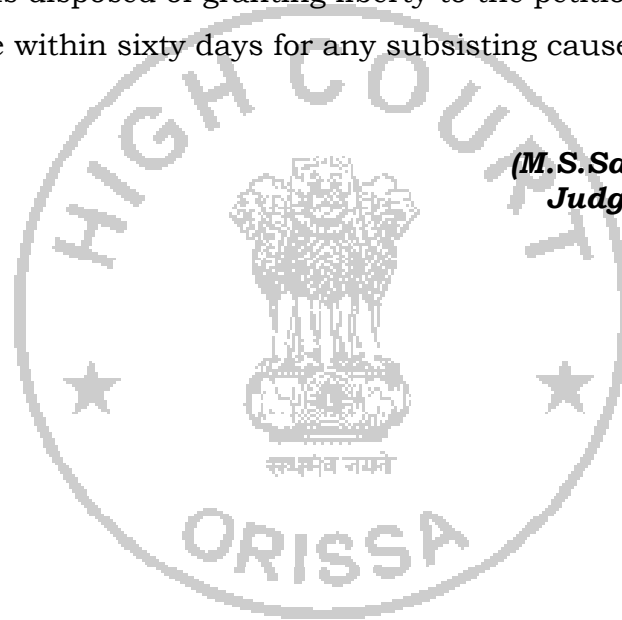
1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 28.12.2022 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Cuttack.
3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued on 8.4.2016 directing to file counter within four weeks and rejoinder within two weeks thereof with a further direction to the State counsel to obtain instructions regarding payment of subsistence allowance to the applicant who had been suspended.
4. The matter was not taken up/pursued thereafter nor there is further pleading by any of the parties.
5. The O.A. was filed in the year 2016 by the applicant before the learned Tribunal then working as Panchayat Extension Officer challenging the order dated 21.1.2016 (Annexure-2) by which the applicant was placed under suspension by the Collector and District Magistrate, Keonjhar in contemplation of a disciplinary proceeding.
6. It is fairly submitted by learned counsel for the petitioner that in view of challenge to a suspension order dated

21.1.2016 in contemplation of disciplinary proceeding, after a long lapse of time, cause of action would not survive.

7. Learned AGA referring to the annexures of the writ petition as well as the contentions raised, submits that since the petition was filed at the stage of contemplation of DP, in every likelihood, the matter would have proceeded further and, therefore, at the most, the subsequent cause of action may arise for the petitioner, post completion of the DP.

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 subsisting cause of action.

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(M.S.Sahoo)
Judge