

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.2135 of 2016

Surjyanarayan Patra

....

Petitioner

None

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. R.C. Pattnaik, Standing Counsel
for School and Mass Education

CORAM:

JUSTICE M.S. RAMAN

ORDER

08.08.2022

Order No.

05. 1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 2135 of 2016 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 2135 of 2016.
3. This matter relates to transfer.
4. The learned Administrative Tribunal has passed the following order on 22nd June, 2016:-

“Learned standing counsel submitted that the applicant Surjyanaraya Patra has filed this OA with a prayer to quash the transfer order dated 13th June, 2016 as at Annexure-I whereby he has been transferred from Buguda, Ganjam to Kashipur, Rayagarda. The applicant has challenged the said order on the ground that he has only one year left for his superannuation. So, transfer of the applicant to a far distance at the fag end of his service career is arbitrary, malafide and intentional. He further submitted that his old ailing parents are suffering from various diseases.

Learned Standing Counsel for SME submitted that the applicant is holding a civil and transferable post and the authority has the right to transfer the applicant. Hence, no malafide has been committed by the respondents by transferring the applicant.

In view of the above, issue notice on admission. Counter be filed within four weeks. Rejoinder, if any, be filed two weeks thereafter.

List this matter after six weeks.

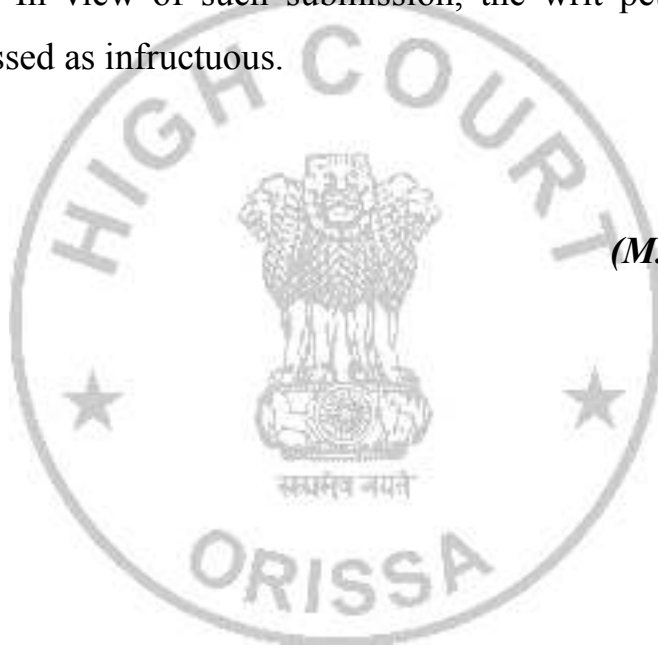
So far as prayer in the misc. petition is concerned, the order dated 13.6.2016 as at Annexure-1 so far as it relates to the applicant shall not be given effect to, if he is not relieved in the meantime till filing of counter and its adjudication.

MP 739 (C)/2016 is disposed of accordingly.”

5. Mr. R.C. Pattnaik, Standing Counsel for School and Mass Education submitted that by efflux of time, the matter has become rendered infructuous.

6. In view of such submission, the writ petition stands dismissed as infructuous.

Laxmikant



(M.S. Raman)
Judge