

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3642 of 2015

Ashesa Kumar Nayak

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

Mr. P.K. Muduli, AGA

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

ORDER

28.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. None appears for the petitioner, when the matter is called.
3. When the matter was last taken up on 13.07.2022, none had appeared and the following order was passed after hearing the learned counsel for the State granting another opportunity to the petitioner:-

"2. The writ petition has been registered before this Court on 20th December, 2021, after the original application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the learned Tribunal directed to obtain instruction from the opposite party-State by order dated 07.10.2015, thereafter the matter was listed as many as on twelve occasions, never admitted, on some occasions learned counsel for the petitioner did not appear as well as the lawyers were abstained on certain dates. After 05.05.2017, the matter was never taken up/pursued nor there is any further pleadings by any of the parties.

4. The O.A. was filed in the year 2015 by the applicant when he was working as Addl. Tahasildar, Kishore Nagar, District-Cuttack, challenging the order dated 23.09.2015 which has not been annexed to the O.A. purportedly relieving the applicant from his place of posting on transfer to be posted at another place.

5. Learned Standing Counsel referring to the submissions made in the writ petition as well as

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annexures submits that the order relieving the applicant before the learned Tribunal is pursuant to the order passed by the O.A.T. in a connected O.A.:O.A. No.3356(c)/2015 dated 08.09.2015 and considering the nature of grievance that the petitioner challenged the order of transfer, nothing would survive for adjudication at present before this Court.

6. *Having heard learned Standing Counsel, to grant another opportunity to the petitioner, the case is adjourned to 29th July, 2022.”*

4. Learned Addl. Govt. Advocate reiterates the submissions on behalf of the State as noted in the order dated 13.07.2022.

5. Having heard learned Addl. Govt. Advocate, the writ petition is disposed of granting liberty to the petitioner to revive the petition within sixty days for any surviving cause of action.

