

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3470 of 2015

Sambhunath Rout

....

Petitioner

None

-versus-

State of Orissa & others

....

Opp.parties

Mr. N.K. Praharaj, AGA

CORAM:

JUSTICE M.S.SAHOO

ORDER

23.12.2022

Hybrid Mode

Order No.

2. 1. None appears for the petitioner when the matter is called.

2. When the matter was last taken up on 12.07.2022, after considering the submissions of the learned counsel for the parties as well as the pleadings in some detail, the following order was passed :

"2. The writ petition has been registered before this Court on 21.12.2021, 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 notices were issued by the learned Tribunal on 15.10.2015, the matter was never taken up/pursued after 16.03.2016.

4. It is submitted by the learned counsel for the petitioner that the case brief has been misplaced, the matter being an old one and he may be accommodated to trace out/reconstitute the brief.

5. The Original Application was filed before the learned Tribunal challenging the order of suspension dated 24.03.2011 in contemplation of a departmental proceeding when the petitioner was working as Social & Education Organizer Harichandanpur Block, Keonjhar.

6. It is submitted by the learned Additional Standing Counsel that since the suspension was in

contemplation of a departmental proceeding on allegation of grave misconduct and in the meantime, the enquiry report was submitted, nothing would survive at present for adjudication. It has also to be noted that the learned Tribunal in its own wisdom had passed the following interim order dated 15.10.2015 :

“So far as, prayer for interim order is concerned, let inquiry may proceed, but no final order shall be passed without leave of the Tribunal”

7. Since the learned counsel for the petitioner is praying for accommodation to trace out the file, the matter is adjourned to 24.08.2022.

8. Learned Additional Standing Counsel shall obtain up-to-date instructions regarding the disciplinary proceeding that was initiated against the petitioner.”

3. Having heard learned Additional Government Advocate for the State, the writ petition is disposed of granting liberty to the petitioner to revive the same within ninety days for any surviving cause of action.

(M.S.Sahoo)
Judge