

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1660 of 2014

Durga Charan Pattnaik ***Petitioner***

Mr. Laxman Pradhan, Advocate

-versus-

State of Odisha & others ***Opp. Parties***

Mr. L. Samantaray, AGA

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

ORDER

20.12.2022

Hybrid Mode

Order No.

03. 1. When the matter was last taken up on 26.10.2022, after considering the submissions of the counsel for the parties, the following order was passed:-

“1. This matter is taken up through hybrid mode.

2. The writ petition has been registered before this Court on 09.12.2021 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon abolition.

3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that though notices were not issued by order dated 12.11.2016 in presence of the Under Secretary to Government in Forest & Environment Department. Such order was passed as the lawyers were not present in the proceeding. Thereafter, the matter was not taken up/pursued.

RJ

4. Learned counsel for the petitioner submits that when the O.A. was filed in the year 2014 the petitioner was aged about 74 years and the pendency of the petition has not helped in any manner.

5. *Learned Government Advocate, OAT is directed to obtain up-to-date instruction regarding the status of payment of pension and other retiral dues to the petitioner by the next date. It would be apposite to observe here that the Government shall have the liberty to deduct any amount, i.e., may be received from the petitioner before releasing of his dues, as would be calculated after fixation of final pension. The exercise shall be without prejudice to the rights of the petitioner to challenge such deduction, as far as the present O.A. is concerned.*

6. *As prayed for, list on 28.11.2022.*

Copy of the order be uploaded in the official website."

2. Learned counsel for the petitioner submits that in terms of the earlier order, he tried to contact the petitioner by Registered Post dated 27.10.2022 which has been returned un-served due to unfortunate passing away of the petitioner.

3. Learned Addl. Govt. Advocate has also not received any further instruction in terms of the order dated 26.10.2022.

In view of the above, the writ petition is disposed of granting liberty to the legal heirs of the petitioner to pursue the matter for any surviving cause of action, if so advised within ninety days.

(M.S. Sahoo)
Judge