

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 97 of 2012

Dhansingh Dip

....

Petitioner

None

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Rajesh Kumar Tripathy, ASC

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

ORDER

7.4.2022

Order No.

- 3.**
1. This matter is taken up by hybrid mode.
 2. When the matter was taken up on 23.2.2022, it was adjourned on the prayer of the learned counsel for the petitioners and again adjourned on 09.03.2022.
 3. On 23.2.2022, after considering the matter in some detail, the following order was passed :

"This matter is taken up through hybrid mode.

The writ petition has been renumbered and registered before this Court on 06.08.2021 after being transferred, upon abolition of State Administrative Tribunal, Bhubaneswar.

On perusal of the available order-sheet of the learned Tribunal, it is found that the matter was never taken up after 28.06.2017.

The original application was filed by the applicant in the year 2012 when he was 30 years of age seeking a direction to the opposite party-State Authority to treat him, as a NMR workmen and to bring him to work-charged establishment and further to regularize his services in view of similarly situated NMRs

having been brought over to the work-charged establishment.

The counter affidavit has been filed on behalf of the State-respondent before the learned Tribunal verified on 30.01.2013 by the Executive Engineer, Sambalpur Irrigation Division-opposite party no.4 on behalf of the opposite party, inter alia, stating therein that the retrenchment of the applicant was pursuant to the direction of the learned Labour Court, Sambalpur in Case nos.12/03, 13/03 and 7/03 (Annexure-A series) wherein the learned Labour Court had observed that the workmen (second party) voluntarily abandoned the work with effect from November, 1997. Further the issue was raised by some workmen challenging the continuance of the present petitioner on the ground that he was junior most and following last come first go principle he was to be retrenched earlier. It is further stated in the counter affidavit that the petitioner along with other two workmen were served with one month notice and disengaged with effect from 16.03.2002. All the NMRs, except the present petitioner accepted the compensation amount.

Learned Additional Government Advocate further submits that in view of the long lapse of time of about 10 years, nothing survives for adjudication in the present writ petition and more so, in view of the adjudication by the learned Labour Court of jurisdiction.

The learned counsel for the petitioner submits that he does not have up-to-date instruction and the brief has been misplaced, the matter being old and prays for accommodation to grant another opportunity to the petitioner.

List this matter on 7th March, 2022.”

4. Learned Standing Counsel reiterates the submissions as recorded in the order dated 23.2.2022.
5. The writ petition is dismissed for non-prosecution.

(M.S.Sahoo)

Judge

dutta

