

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1676 of 2012

Subala Swain

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. P.K. Panda, Standing Counsel
(School and Mass Education Deptt.)*

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

**ORDER
25.03.2022**

Order No.

02.

1. This matter is taken up through hybrid mode.
2. None appears for the petitioner, when the matter is called. None had appeared, when the matter was taken up on 24.02.2022 and was considered in some detail and the following order was passed:-

"The writ petition is registered before this Court on 07.08.2021 before this Court after the O.A. was transferred from the Orissa Administrative Tribunal, Bhubaneswar upon its abolition.

On perusal of the available order sheets of the learned Tribunal it is indicated that the matter was never taken up after 31.03.2017.

The Original Application was filed by the petitioner/applicant before the learned Tribunal in the year 2012 when the petitioner was 56 years of age working as Junior Accountant in the office of Block Development Officer, Khorda seeking a direction to finalise the Disciplinary Proceeding on the basis of final order passed by the Special Judge (Vigilance), Bhubaneswar in T.R. Case No.63 of 2000.

RJ

It is submitted by the learned Standing Counsel that considering the nature of grievance raised in the O.A., nothing would survive for determination after long lapse of

time. It is further submitted that the nature of evidence in a criminal case is “beyond all reasonable doubt” whereas nature of proof in the case of Disciplinary Proceeding is “preponderance of probabilities”. Therefore, the prayer made in the O.A. is misconceived.

To grant another opportunity to the petitioner, list on 24.3.2022.”

3. In view of non-appearance of the petitioner, the writ petition is dismissed for non-prosecution.

(M.S. Sahoo)
Judge

