

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 3401 of 2013

Tapan Kumar Behera

....

Petitioner

Mr. D.P. Panigrahi, Advocate

-versus-

State of Odisha & others

....

Opp. Parties

Mr. T.K. Praharaj, Standing Counsel

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

ORDER

06.04.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. It is submitted by the learned counsel for the petitioner that he has no up-to-date instruction to pursue the matter on behalf of the petitioner at present.
3. When the matter was last taken up by this Court on 10.03.2022, the following order was passed:-

“ The Original Application having been transferred from the learned Orissa Administrative Tribunal, Bhubaneswar upon its abolition, has been registered before this Court on 11.8.2021.

2. On perusal of the available order sheets of the learned Tribunal it is indicated that the matter was never taken up after 21.12.2018.

3. The Original Application was filed by the petitioner in the year 2013 when the petitioner was working as Asst. Engineer in the office of O.P. No.4-Executive engineer, Malkangiri R & B Division, Jeypore, Koraput challenging the decision to withdraw the incentive of grant of two advance increments, granted to the petitioner after the petitioner had undergone surgery for permanent sterilization.

4. It is submitted by learned Addl. Standing Counsel that grant of incentive for adopting family planning methods is a policy decision and scope of judicial review is very limited. It is further submitted that after a long lapse of time, nothing would survive considering the nature of grievance raised in the writ petition.

5. To grant another opportunity to the petitioner, list on 6.4.2022.”

4. Learned Standing Counsel reiterates the submissions on behalf of the opposite party-State as indicated in the order dated 10.03.2022.

5. Having heard learned counsel for the parties, the writ petition stands disposed of for lack of up-to-date instruction from the petitioner to pursue the litigation granting liberty to revive the same within sixty days for any surviving cause of action.

(M.S. Sahoo)
Judge

