

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 3078 of 2013

Abhimanyu Naik

....

Petitioner

Mr.J.K.Mishra-2, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Debasis Mohapatra, SC,

S&ME Department

CORAM:

JUSTICE M.S.SAHOO

ORDER

8.4.2022

Order No.

1. This matter is taken up by hybrid mode.
2. The Original Application having been transferred from the learned Orissa Administrative Tribunal, Bhubaneswar upon its abolition, has been registered before this Court as a writ petition on 11.8.2021.
2. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued on 11.11.2013 and the matter was never taken up/pursued thereafter.
3. The applicant before the learned Tribunal was aged 51 years and filed the O.A. in the year 2013 while working as Level IV Teacher in Brundabahal Centre Primary School challenging the gradation list of the Level IV Teachers with a further prayer to count his period of service from 14.8.1981 to 23.8.1988 towards seniority.
4. It is further submitted by learned counsel for the petitioner that he does not have up-to-date instruction to pursue the litigation at present.
5. Learned Standing Counsel on behalf of O.Ps. submits that considering the nature of grievance regarding position of the petitioner in the gradation list, nothing would survive after

lapse of nine years and in view of the fact that the petitioner would have retired in the year 2021 on attaining the age of superannuation.

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

(M.S.Sahoo)
Judge

dutta

