

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WPC(OAPC) No. 302 of 2014**

**Kailash Chandra Behera**

....

**Petitioner**

None

-versus-

**State of Odisha & others**

....

**Opp. Parties**

Mr. D. Mund, AGA

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

**ORDER  
22.06.2022**

**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 for the petitioner when the matter was last taken up on 07.04.2022 and was adjourned to 22.06.2022 for granting another opportunity to the petitioner. On 07.04.2022 after considering the matter in some detail and the submissions of the learned counsel for the State, the following order was passed:-

*"2. The writ petition has been registered before this Court on 14<sup>th</sup> December, 2021, after the original application was transferred from the learned State Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.*

*3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the O.A. was presented on 26.06.2014, was taken up on 26.06.2018. Learned Tribunal issued notice on limitation and maintainability as the challenge was to a order of punishment dated 22.09.2008 (Annexure-3) and the order passed by the appellate authority dated 21.04.2010 (Annexure-4).*

*4. The O.A. was filed in the year 2014 by the petitioner/ applicant aged about 43 years working as Jail Warder in the District Jail,*

RJ

*Dhenkanal challenging the order imposing punishment dated 22.09.2008 and the order passed by the appellate authority dated 21.04.2010 on the grounds that the order imposing punishment was not in consonance with the relevant rules of O.C.S. (C.C.A.) Rules, 1992.*

*5. It is submitted by the learned Standing Counsel referring to the averment made in the O.A. that the matter was never admitted by the learned Tribunal and notices were issued only on the ground of limitation as the challenge was to the orders passed in the year 2008 and 2010 and nothing would survive for adjudication at present after a long lapse of time.*

*6. Having heard learned Standing Counsel and to grant another opportunity to the petitioner, the case is adjourned to 22.06.2022.”*

*7. Having heard learned Standing Counsel, to grant another opportunity to the petitioner, list on 22<sup>nd</sup> June, 2022.*

3. Learned AGA reiterates the submissions on behalf of the State as indicated in the order dated 07.04.2022.

4. Having heard learned AGA, the writ petition is dismissed for non-prosecution.

**(M.S. Sahoo)**  
**Judge**