

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.780 of 2012

Indramani Panigrahi

.... ***Petitioner***
Mr. G.R. Sethi, Advocate

-versus-

State of Odisha & others

.... ***Opp.parties***

*Mr. Sonak Mishra, Standing Counsel for the
School and Mass Education Department*

CORAM:
JUSTICE M.S.SAHOO

ORDER
16.02.2022

Order No.

1.

This matter is taken up through hybrid mode.

The writ petition has been registered before this Court on 26th November, 2021 after being transferred from the learned State Administrative Tribunal, Cuttack Bench, Cuttack.

On perusal of the available order-sheets of the learned Tribunal, it is found that the matter was never listed after 11.03.2015.

Mr. Sethi, learned counsel for the applicant/petitioner submits that the Original Application was filed in the year 2012 challenging the order of transfer and in the meanwhile, the applicant/petitioner has retired from service on attaining the age of superannuation and, therefore, nothing survives in the writ petition to be adjudicated.

Mr. Mishra, learned Standing Counsel for the School and Mass Education Department brings to the notice of the Court, the order dated 25.02.2013 passed by the then Chairman of the O.A.T. directing the Superintendent of Police, CID, C.B to take appropriate step, which is quoted herein below:-

“ the Superintendent of Police, Crime Branch is directed to do the needful in the matter and take appropriate steps for investigation of the matter by an Officer not below the rank of D.S.P. (Crime Branch) and submit the report before this Tribunal. The entire exercise be completed within two months from the date of communication of the order along with copy of letter of D.E.O., Nuapada addressed to the Senior Standing Counsel, O.A.T., Bhubaneswar and copy of both the orders No.3 dated 12.12.2012 to do the needful in the matter.”

Pursuant to the said order dated 25.02.2013, memo no.1719 dated 01.03.2013 was issued by the Registry of the erstwhile Tribunal to the Superintendent of Police, CID, CB, Cuttack. In pursuance to the said memo dated 01.03.2013, by letter no.15998 dated 24.04.2013, the Superintendent of Police, CID, CB had submitted the enquiry report dated 20.04.2013 pursuant to enquiry conducted by the DSP.

Subsequently, the Registry of the learned Tribunal by letter no.5832 dated 25.07.2013

requested the Superintendent of Police, CID, CB for lodging of FIR on the basis of the enquiry report dated 20.04.2013 of the CID, CB. In response thereto, by letter no.32928 dated 29.07.2013, the Superintendent of Police, CID, CB has intimated the Deputy Registrar, OAT, that CID P.S. Case No.13, dated 22.05.2013, under Sections 465/466/467/471/472/167/120-B/34 of the I.P.C. was registered against Anil Kumar Mohapatra, Senior Assistant, Pramod Kumar Padhi, Assistant Teacher of J.M. High School, Komna, Nuapada.

Though not mentioned in the said letter dated 29.07.2013, it is indicated from the records that the accused-Anil Kumar Mohapatra, Senior Assistant, was attached to the office of the Senior Standing Counsel, School and Mass Education Department, Cuttack.

In view of the aforesaid developments, the records of the present case may be kept in a sealed cover, after being produced before the Registrar (Judicial) and the matter be placed for obtaining kind orders of Hon'ble the Chief Justice in the Administrative side for future course of action.

(M.S.Sahoo)
Judge