

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 222 of 2012

Manmohan Swain

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. Rajesh Ku. Tripathy, Addl. Standing
Counsel*

**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.
3. When the matter was last taken up on 21.02.2022, none had appeared and after considering the matter in some detail, the following order was passed:-

"None appears for the petitioner.

The writ petition has been registered before this Court on 29th November, 2021, after the original application was transferred from the learned State Administrative Tribunal 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 09.02.2012.

The original application was filed in the year 2012, when the applicant was 68 years of age and had retired as Junior Engineer, working under the Executive Engineer, Mahanadi South Division, Jobra, Cuttack.

The prayer made in the original application was to restore the provisional pension amount and disburse the same w.e.f. July, 2011 till disposal of the CRLA No.411 of 2008, that was filed by the petitioner challenging the judgment dated 04.09.2008 passed by the Special Judge (Vigilance), Cuttack in T.R. Case No.106/2007/T.R. Case No.7/1999 (arising out of Cuttack Vigilance G.R. Case No.17/93) U/s.13(2) read with 13(1)(e) of the Prevention of Corruption Act.

It is submitted by the learned Standing

Counsel that conviction in a criminal case entails forfeiture of the past service for counting towards pensionary benefit as per Rules 6 & 7 of the Odisha Civil Services (Pension) Rules, 1992 (as amended till date).

To grant another opportunity to the petitioner, list on 24th March, 2022.”

4. Learned Addl. Standing Counsel reiterates the submissions made on behalf of the opposite party-State as noted in the order dated 21.02.2022.

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

(M.S. Sahoo)
Judge

