

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3312 of 2012

Tuna Panda

....

Petitioner

Mr. Umesh Chandra Mohanty, Advocate

-versus-

State of Odisha & others

....

Opp.Parties

Mr. T.K. Praharaj, Standing Counsel

CORAM:

JUSTICE M.S.SAHOO

ORDER

23.02.2022

Order No.

- 1.** This matter is taken up through hybrid mode.

The writ petition has been renumbered and registered before this Court on 29.11.2021 after being transferred, upon abolition of State Administrative Tribunal, Cuttack.

On perusal of the available order-sheet of the learned Tribunal, it is found that the matter was never taken up after 06.11.2015.

The original application was filed before the learned Tribunal in the year 2012 by the petitioner when he was 47 years of age, inter alia, seeking a relief for regular appointment as Additional Collection Peon/Class-IV (Group-D) Post.

Counter affidavit has been filed by the Collector & District Magistrate, Malkangiri verified on 22.01.2013, which forms part of the record of the learned Tribunal, where the paragraph-6 reads as follows :

“6. That in obedience to the order of Hon’ble Tribunal, the representation of the applicant along with 03 others has been examined with reference to the decision of the Hon’ble Apex Court and guide lines framed by the Govt. in

Finance Department, Odisha vide Resolution No.22764 dated 15.05.1997, letter no.21601 dated 27.04.2002 of Govt. of Odisha, Revenue Department and letter No.45123/RDM dated 23.10.2008 of Govt. of Odisha, Revenue & Disaster Management Department and passed an order vide this office order no.1263 dated 17.7.2012 informing the applicant that their case will be considered whenever direct recruitment in Class-IV posts will be held in Malkangiri District under Revenue Cadre.”

Learned counsel for the petitioner submits that he does not have up-to-date instruction in the matter from the petitioner and since it is a old case pending since last ten years, the matter may be disposed of granting liberty to the petitioner to move the authority for any surviving cause of action, in view of the averments made in the counter affidavit, particularly, as at paragraph-6 and Annexure-G.

Learned Standing Counsel on behalf of the opposite parties submits that apparently there is no up-to-date instruction regarding the status of any recruitment, as contended in the counter affidavit, therefore, the petitioner may be granted liberty to move the authority for any surviving cause of action.

Having heard the learned counsel for the parties, the writ petition is disposed of granting liberty to the petitioner, as prayed for.

(M.S.Sahoo)
Judge