

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) 214 OF 2013

Parsusam Majhi

Petitioner

None

-versus-

State of Odisha and others* *Opposite Parties

Mr.Prabhat Kumar Panda,SC, S&ME
Department for OPs.1, 2 & 5.

Mr. T.K.Praharaj, SC for OPs 3, 4 & 7.

CORAM:

JUSTICE M.S.SAHOO

ORDER

25.3.2022

Order No.

2. 1. This matter is taken up by hybrid mode.
2. None appears for the petitioner when the matter is called.
3. When the matter was last taken up on 24.02.2022 none had appeared for the petitioner and considering the matter in some detail, the following order was passed :

“This matter is taken up through hybrid mode.

The writ petition has been registered before this Court on 2nd December, 2021, after the original application was transferred from the learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack 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 27.09.2013.

None appears for the petitioner.

The petitioner, a retired Primary School Teacher had filed the original application in the year 2013 challenging the letter dated 29.11.2012 as at Annexure-3 issued by the Sub-Treasury Officer, Kesinga (opposite party no.7) for withholding/stoppage of payment of provisional pension that was received by the petitioner w.e.f. July, 2012 after retirement from service on 30.06.2010.

Learned Standing Counsel relying on the counter affidavit submits that the applicant would have got the relief sought for in the original application by now. Relevant portion of the counter affidavit dated 05.08.2013 reads as follows:-

"4. That in reply to para 6.7, it is submitted that meanwhile authority bearing No.41153 of 05/2013 for payment and deduction of CVP was received by this office from Controller of Accounts, BBSR vide their letter No.28542 and date 30.05.2013 and on appearance of the pensioner applicant was accordingly paid first pension rs.1,20,030.00 Vide TV No.KTV No.352/date 19.06.2013 at this sub-Treasury. The pensioner will receive further monthly pension from SBI. Kesinga as per option exercised by the pensioner applicant. In the circumstances put forth above, there has been no lapse by the Respondent No.7 i.e. Sub-Treasury Officer, Kesinga and therefore the OA is devoid of

merit and is liable to be dismissed.”

To grant another opportunity to the petitioner, list on 25th March, 2022.”

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

(M.S.Sahoo)
Judge

dutta

