

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1899 of 2013

Jayaram Nayak

....

Petitioner

Mr. R.K. Swain, Advocate

-versus-

State of Odisha & others

....

Opp.Parties

Mr. Rajesh Kumar Tripathy, ASC

CORAM:

JUSTICE M.S.SAHOO

ORDER

29.03.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. On 3.3.2022 the matter was taken up and after considering in some detail, following order was passed :

“1. This matter is taken up through hybrid mode.

The writ petition has been renumbered and registered before this Court on 02.12.2021 after being transferred, upon abolition of Odisha Administrative Tribunal, Cuttack Bench, Cuttack.

2. On perusal of the available order-sheet of the learned Tribunal, it is found that the matter was never listed after 13.03.2014.

3. The matter was never taken up by the learned Tribunal for admission as none had appeared before the learned Tribunal on 30.07.2013, 30.01.2014 and 13.03.2014 on behalf of the petitioner.

4. Learned counsel for the petitioner appearing today submits that he is unable to trace out the file, the matter being old one and may be granted a short accommodation.

5. Learned Additional Government Advocate submits that as the matter was never taken up before the learned Tribunal for admission, nothing would survive for adjudication, more so,

when the petitioner was dismissed from service upon his conviction in a criminal case vide judgment dated 25.11.2006 passed by the learned CJM-cum-Asst. Sessions Judge, Cuttack in S.T. Case No.2 of 2004 (arising out of G.R.Case No.692 of 2019) under Section 452/307 of the I.P.C. which was confirmed by the learned Sessions Judge, Cuttack in Criminal Appeal No.120 of 2006 against which Criminal Revision No.847 of 2008 was pending before this Court when the O.A. was filed in 2013.

6. Learned Additional Government Advocate further submits that in view of the substantive provision contained in OCS (CCA) Rules, the authorities were well within their jurisdiction to remove the petitioner from service under the provisions of the Rule 828(a) of the Orissa Police Manual read with Article 311 (2)(a) of the Constitution of India.

To grant another opportunity to the petitioner, list on 29.03.2022.”

3. It is submitted by learned counsel for the petitioner that he has no up-to-date instruction to pursue the matter for the present on behalf of the petitioner.

4. Learned Standing Counsel reiterates the submissions as recorded in the order dated 23.2.2022.

5. Having heard learned counsel for the parties, the writ petition is disposed of due to lack of instruction from the petitioner granting liberty to revive the same within sixty days for any surviving cause of action.

(M.S.Sahoo)
Judge