

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 3089 of 2013

Ashok Kumar Behera

....

Petitioner

Mr. P.K.Behera, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. T.K.Praharaj, SC

for OPs.1 to 3

Miss B.K.Patnaik, Advocate

for O.No.4

CORAM:

JUSTICE M.S.SAHOO

ORDER

8.4.2022

Order No.

1. This matter is taken up by hybrid mode.
2. The Original Application having been transferred from the learned Orissa Administrative Tribunal, Cuttack upon its abolition, has been registered before this Court as a writ petition on 3.12.2021.
3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued on the question of admission on 1.11.2013 and the matter was never taken up thereafter.
4. Learned Standing Counsel submits that in essence the petitioner's prayer is to continue his engagement as constable under the control of O.P. No.3-Superintendent of Police, Jagatsinghpur and in view of long pendency of the petition, nothing would survive more so, for the fact that the petitioner approached the learned Tribunal after he was discharged from service upon implementation of the order of the learned Tribunal dated 21.8.2013 passed in O.A. No. 2382(C) of 2012.

5. Learned counsel for the opposite party no.4 further submits that the relief sought for before the learned Tribunal as marked in para-7(i) is thoroughly misconceived as the petitioner could have raised the grievance in the said O.A. by filing appropriate objection/reply.

6. Learned counsel for O.P. No.4 also reiterates the submissions of learned Standing Counsel that nothing would survive for adjudication as the applicant was disengaged from service for implementation of the order passed by the learned Tribunal.

7. Learned counsel for the petitioner submits that he has no up-to-date instruction to pursue the matter at present on behalf of the petitioner.

8. Having heard learned counsel for the parties, the writ petition is disposed of as not pressed.

(M.S.Sahoo)
Judge

dutta