

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WPC(OAC) No.3247 of 2013**

***Amaresh Kumar Sethy***

....

***Petitioner***

*Mr.K. Husain along with Mr. K.P.  
Mishra, Advocate*

*-versus-*

***State of Odisha & others***

....

***Opp.Parties***

*Mr. T.K.Praharaj, Standing Counsel*

**CORAM:**

**JUSTICE M.S.SAHOO**

**ORDER**

**17.03.2022**

**Order No.**

1. 1. This matter is taken up through hybrid mode.
2. The writ petition has been renumbered and registered before this Court on 03.12.2021 after being transferred, upon abolition of State Administrative Tribunal, Cuttack.
3. On perusal of the available order-sheet of the learned Tribunal, it is found that the matter was never taken up after 27.09.2013.
4. On 27.09.2013 the following order was passed by the learned Tribunal :-

“O.A. No.3247 (C)/2013

Taken up on mention.

As it appears, the applicant in this O.A. has prayed to quash the order of dismissal dated 05.07.2010 (Annexure-1). This case has been filed on 20.09.2013, as such this O.A. has been filed more than 3 years after the cause of action.

In that view of the matter, Registry is directed to furnish proper stamp reporting or the maintainability of the O.A.

Put up this matter thereafter.”

5. It is submitted by the learned counsel for the petitioner that he has no up-to-date instruction to pursue the matter at present.

6. The original application was filed in the year 2013 and has not been admitted before being transferred to this Court and registered as writ petition.

7. Challenge in the original application was to the order dated 05.07.2010 passed by the opposite party no.4-Commandant, OSAP, 6<sup>th</sup> Battalion, Cuttack dismissing the petitioner in view of pendency of a criminal case for absconding from service with effect from 20.09.2008. It has been noted in the order of dismissal that the petitioner/applicant was informed at his place of residence at Cuttack by posting the notice (issued in the proceeding initiated after his absconding from duty) to submit explanation.

8. In the original application, it has been stated the likely cause of absconding from service was a criminal case that was initiated after F.I.R. was lodged by the father of a girl on the allegation that the girl was kidnapped by the petitioner.

9. It is submitted by the learned Standing Counsel that since the order was passed in the year 2010 and nothing has been happened for the last 12 years and the matter

was never pursued before the learned Tribunal for about nine years, nothing would survive for adjudication.

10. Accordingly, the writ petition is disposed of due to lack of instructions from the petitioner granting liberty to revive the same within sixty days for any surviving cause of action.

**( M.S.Sahoo )**  
**Judge**

Gs

