

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.4002 of 2013

Nimain Charan Biswal **Petitioner**
None
-versus-
State of Odisha & others **Opp.parties**

Mr. R.N. Mishra, AGA

CORAM:
JUSTICE M.S.SAHOO

ORDER
04.04.2022

Order No.

2.

This matter is taken up through hybrid mode.

None appears for the petitioner when the matter is called.

When the matter was taken up on 07.03.2022, it was submitted on behalf of the learned counsel for the petitioner, who was appearing earlier that he had no instruction from the petitioner, as the brief has been taken back and after hearing the learned counsel for the State, the following order was passed :

“The writ petition has been registered before this Court on 4th 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 matter was never taken up after 08.09.2014.

Learned counsel, Mr. Kanungo who was earlier appearing for the petitioner/applicant submits that he has no instruction, as the brief has been taken back by the petitioner.

Learned Addl. Govt. Advocate relying on the counter filed on behalf of opposite party no.4, Commandant of the 3rd India Reserve Battalion, Kalinganagar, Jajpur, verified on 21.01.2014, submits that the original application before the Tribunal was filed challenging the initiation and continuation of a departmental proceeding against

the petitioner in accordance with the relevant service rules. It is submitted that the writ petition is liable to be dismissed being devoid of any merit as the employer-authority was well within its right to initiate the departmental proceeding on serious allegations of misconduct, as per the provision of Rule-16 of Orissa Govt. Servant Conduct Rules, 1959 read with other applicable rules governing the service of the petitioner.

To grant another opportunity to the petitioner, list on 4th April, 2022.”

Learned Additional Government Advocate reiterates the submissions on behalf of the opposite parties-State as noted in the order dated 07.03.2022.

The writ petition is dismissed for non-prosecution.

(M.S.Sahoo)
Judge

Gs

