

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 4010 of 2012

Bhanumati Nayak

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. D. Mohapatra, SC (S & ME) for
O.P. Nos.1 to 3*

*Mr.T.K. Praharaj, Standing Counsel
for opposite party no.4*

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
27.04.2022**

Order No.

- 04.
1. This matter is taken up through hybrid mode.
 2. None appears for the petitioner, when the matter is called. The matter was listed before this Court on 17.02.2022 after the last listing before the learned Tribunal on 12.11.2016, as prayed for by the learned counsel for the petitioner, the matter was adjourned to 16.03.2022 on which date, none had appeared for the petitioner. Again the matter was listed on 28.03.2022 and after hearing the learned counsel for the petitioner as well as the learned Standing Counsel and after considering the matter in some detail, the following order was passed:-

“2. When the matter was taken up on 17.2.2022, the matter was adjourned on the ground of personal difficulty of the learned counsel for the petitioner.

3. On 16.3.2022 none had appeared for the petitioner and the following order was passed :

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 17.02.2022, the following order was passed :-

“The writ petition has been renumbered and registered before this Court on 01.12.2021 after being transferred, upon abolition of the State Administrative Tribunal, Cuttack Bench, Cuttack.

On perusal of the available order-sheets of the learned Tribunal, it is found that the matter was never listed after 12.11.2016.

Learned counsel for the petitioner is directed to serve a copy of the petition on Mr. Mishra, learned Additional Government Advocate for opposite party no.4.

Learned counsel for the petitioner submits that he may be accommodated as he is indisposed due to personal difficulty.

List this matter on 15.03.2022.

To grant another opportunity to the petitioner, list this matter on 28.03.2022.”

4. O.A. was filed in the year 2012 when the petitioner was aged about 50 years was working as an Assistant Teacher in G.N.Pur U.P. (M.E.) School, Sampei in the district of Balasore, inter alia, praying for a direction to the opposite parties to deposit the amount of Rs. 34,185/- in the G.P.F. account of the petitioner.

5. It is submitted by learned Standing Counsel that as the matter was not pursued before the learned Tribunal for the last about nine years, nothing would survive for adjudication in view of the fact that the petitioner would have retired in the year 2022.

6. Though the applicant has stated in the subject before the learned Tribunal that she has

challenged the action of the respondent-opposite parties who have withdrawn the amount of his G.P.F. account, no specific order has been indicated which has been challenged before the learned Tribunal.

7. It is submitted by learned counsel for the petitioner that since the matter is old one, he has not been able to trace out the case brief and may be accommodated for some further time.

8. As prayed for by learned counsel for the petitioner, to grant another opportunity, list on 27.4.2022.”

3. Learned Standing Counsel reiterates the submissions as noted in the order dated 28.03.2022 on behalf of the opposite party-State.

4. Having heard learned Standing Counsel and in view of repeated non-appearance of the petitioner, the writ petition is dismissed for non-prosecution.

