

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

**WPC(OAC) No.3776 of 2012**

**Kishore Kumar Behera** .... **Petitioner**  
None

-versus-  
**State of Odisha & others** .... **Opp.Parties**

Mr. R.N. Mishra, AGA

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

**ORDER**

**18.02.2022**

**Order No.**

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

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-sheet of the learned Tribunal, it is found that the matter was never taken up after 15.03.2013.

The applicant before the learned Tribunal had prayed for a direction to regularize in the post of Lunch Driver with consequential service benefits.

Learned Addl. Government Advocate submits that there is a specific Rule of recruitment for the selection of lunch driver, i.e., the Orissa State Port Engineering (Boat Crew) Recruitment Rules, 2011. Therefore, regularization contrary to the said Rules, 2011 cannot be made. Further by efflux of

time nothing survives in the present writ petition to be adjudicated.

In view of the above, the writ petition is disposed of granting liberty to the petitioner to revive the same within 90 days for any surviving cause of action.

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

Gs

