

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) 4226 OF 2013

Pitambar Pradhan

Petitioner

None

-versus-

State of Odisha and others

.... Opposite Parties

Mr.Prabhat Kumar Panda,SC, S&ME Department

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

**ORDER
20.04.2022**

Order No.

- 2.
1. This matter is taken up by hybrid mode.
 2. None appears for the petitioner when the matter is called.
 3. When the matter was last taken up on 25.3.2022, after hearing learned Standing Counsel and considering the matter in some detail, the following order was passed :

“1. This matter is taken up by hybrid mode.

2. The Original Application having been transferred from the learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition, has been registered before this Court on 7.12.2021.

3. On perusal of the available order sheets of the learned Tribunal it is indicated that the matter was never taken up after 29.1.2015.

4. None appears for the petitioner when the matter was called.

5. The O.A. was filed in the year 2013 by the petitioner who was aged about 71 years challenging the order dated 4.4.2013 (Annexure-3) passed by the O.P.No.3-District Inspector of Schools, Balasore-1 by which the petitioner's claim to opt trained graduate scale of pay retrospectively from 01.04.1975 was rejected. It is submitted by learned Standing Counsel that the petitioner moved the learned Tribunal in the year 2009 by filing O.A. No.2503(C) of 2009 which was

disposed of by order dated 23.10.2009 for consideration of the grievance of the petitioner.

6. It is submitted that cause of action that arose in 1975 could not have been agitated in the year 2009 after 34 years by filing representation. It is submitted that as per the law laid down by the Hon'ble Supreme Court as well as by this Court, filing of representation cannot resurrect the cause of action after 34 years.

7. To grant another opportunity to the petitioner, list on 20.4.2022.”

4. Learned Standing Counsel reiterates the submissions on behalf of the State as noted in the order dated 25.3.2022.

5. The writ petition is dismissed for non-prosecution.

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