

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

**WPC(OAC) No. 4229 of 2013**

**Braja Gopal Das**

....

**Petitioner**

Ms. Saswati Mohapatra, Advocate

-versus-

**State of Odisha and others**

....

**Opp. Parties**

Mr. Rajesh Kumar Tripathy, ASC

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

**ORDER**

**5.4.2022**

**Order No.**

**2.**

1. This matter is taken up by hybrid mode.

2. Learned counsel for the petitioner submits that she has no up-to-date instruction to pursue the matter on behalf of the petitioner at present.

3. On 7.3.2022 when the matter was listed, after considering the matter in detail, the following order was passed :

*"None appears for the petitioner when the matter is called.*

*The writ petition has been registered before this Court on 7<sup>th</sup> December, 2021, after the original application was transferred from the learned State Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.*

*On perusal of the available order sheets of the learned Tribunal, it is indicated that the matter was never taken up after 28.02.2014.*

*The original application was filed in the year 2013 by the petitioner/applicant before the learned Tribunal who was then 56 years of age, having retired from Government service w.e.f. 31.01.2009 during pendency of the departmental proceeding, seeking a direction for payment of 7% interest on*

*gratuity till the amount was released on 23.07.2013.*

*It is submitted by the learned Addl. Standing Counsel that the delay in release of gratuity is due to pendency of the departmental proceeding which is a valid reason and the writ petition is liable to be dismissed.*

*To grant another opportunity to the petitioner, list on 5<sup>th</sup> April, 2022.”*

4. Learned Additional Standing Counsel reiterates the submission on behalf of the learned counsel for O.P.-State as indicated in the order dated 7.3.2022.

5. Having heard learned counsel for the parties, the writ petition is disposed of for lack of instruction from the petitioner at present to pursue the litigation granting liberty to revive the same within sixty days for any surviving cause of action.

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

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