

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.2803 of 2011

Prasan Kumar Bastia

....

Petitioner

Mr. Satyajeeet Rout, Advocate

-versus-

State of Odisha & others

....

Opp.parties

Mr. B.P. Tripathy, Addl. Govt. Advocate

CORAM:

JUSTICE M.S.SAHOO

ORDER

11.08.2023

Hybrid Mode

Order No.

3. I.A.No.1202 of 2022.

1. The I.A. has been filed to recall/modify the order dated 22.02.2022 and revive the writ petition.

2. Learned counsel for the petitioner submits that he has inadvertently did not mark the liberty granted in the order dated 22.02.2022 to revive the petition and amends the prayer of the petitioner to revive the petition.

Prayer is allowed.

3. The writ petition is revived to be taken up on merits.

The I.A is disposed of.

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

WPC(OAC) No.2803 of 2011

4. 1. By order dated 22.02.2022 in the writ petition, the following was observed and the writ petition was

disposed of, in view of the non-appearance of the learned counsel for the petitioner on 14.02.2022 and again on 22.02.2022 :

“This matter is taken up through hybrid mode.

None appears for the petitioner.

The writ petition has been registered before this Court on 24th November, 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 the matter was never taken up after 30.08.2011.

The original application was filed by the applicant, who has stated to be a Class-IV employee of the Major Settlement, Cuttack in the office at Jobra, Cuttack and was disengaged/retrrenched from service. The relief prayed for before the Tribunal was to re-engage the applicant/petitioner as a Job Contract employee against any Class-IV vacant post and disposal of the representations those were filed by the petitioner.

It is submitted by the learned Addl. Govt. Advocate that since the matter was not pursued before the Tribunal after 2011, by efflux of time, nothing survives for determination.

None had appeared on behalf of the petitioner to pursue the writ petition when the matter was listed on 14.02.2022.

In view of the above, the writ petition is dismissed as not pressed grating liberty to the petitioner to revive the same within a period of ninety days for any surviving cause of action.”

2. Learned counsel for the petitioner submits that the writ petition may be disposed of granting liberty to the petitioner to pursue his remedy available under law by approaching the appropriate authority for redressal of his grievances, if any.

Accordingly, the writ petition is disposed of with the liberty as sought for.

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

Gs



Signature Not Verified

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Signed by: GAGAN BIHARI SAMAL
Designation: Secretary
Reason: Authentication
Location: ohc
Date: 14-Aug-2023 11:48:42

