

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 3219 of 2011

Sudam Charan Nayak

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. Rajesh Ku. Tripathy, Addl.
Standing Counsel*

CORAM:

JUSTICE M.S. SAHOO

Order No.

04.

**ORDER
19.04.2022**

1. This matter is taken up through hybrid mode.
2. None appears for the petitioner, when the matter is called. None had appeared for the petitioner, when the matter was taken up on 15.02.2022, 24.02.2022 and 29.03.2022.
3. On 29.03.2022, the following order was passed after hearing learned counsel for the State :-

“2. None appears for the petitioner when the matter is called.

3. On 15.02.2022 and 24.02.2022 none had appeared for the petitioner.

4. On 24.2.2022, following order was passed:-

“This matter is taken up by hybrid mode.

The writ petition has been renumbered and registered before this Court on 25th November, 2021 after having been transferred from the file of learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

On perusal of the available records of the learned Tribunal, it is found that the matter was never listed after 29.10.2014 and on that date also none appeared for the petitioner.

None appears for the petitioner when the matter is called.

Learned Standing Counsel is requested to

inform the learned counsel for the other side.

List this matter on 29.3.2022.”

*5. To grant another opportunity to the petitioner,
list on 19.4.2022.*

4. The O.A. was filed in the year 2011, when the petitioner was aged about 55 years challenging the Notification dated 27.07.2011 (Annexure-1 to the O.A./writ petition).

5. It is submitted by the learned Addl. Standing Counsel that as the challenge was to a Rule made under Article 309 of the Constitution of India i.e. Orissa Revenue Service (Recruitment) Rules, 2011, nothing would survive for determination after a long lapse of time. It is further submitted that referring to the counter affidavit filed on behalf of the State that the Rule as notified by the Government is just and proper and intra-vires the Constitution.

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

(M.S. Sahoo)
Judge