

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3908 of 2017

Pradipta Kumar Das

Petitioner

....
Mr. S. P. Jena on behalf of
Mr. S.B. Jena, Advocate

-versus-

State of Orissa & others

Opp.parties

....
Mr. N.K. Praharaj, G. A (SAT)

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

ORDER

19.12.2022

Hybrid Mode

Order No.

2. 1. When the matter was last taken up on 12.10.2022, the following order was passed :

“2. The writ petition has been registered before this Court on 21.1.2022 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

3. On perusal of the available order sheets of the learned Tribunal, it is indicated that the O.A. was admitted by order dated 09.02.2018 directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter. In the interim, learned Tribunal directed that the pendency of the O.A. shall not be a bar for the authority to consider the representation of the applicant as at Annexure-10.

4. It is submitted by the learned counsel for the petitioner that counter affidavit has not yet been filed.

5. Learned Addl. Govt. Advocate refers to the memo dated 30.08.2022 filed before this Court by which it is indicated that counter affidavit filed in WPC (OAC) No.3946 of 2017 is adopted in the present petition.

6. Registry is to locate the said memorandum along with copy of the counter affidavit.

7. *Learned Addl. Govt. Advocate serves copy of the memo and the counter affidavit in the Court today.*

8. *Learned counsel for the petitioner submits that he may be granted accommodation to obtain up-to-date instruction and file rejoinder, of so advised.*

9. *As prayed for, list on 21st November, 2022.”*

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

3. Learned counsel for the State reiterates his submissions as noted in the earlier order.

4. Having heard learned counsel for the parties, the writ petition is disposed of granting liberty to the petitioner to revive the same within sixty days for any surviving cause of action.

*(M.S.Sahoo)
Judge*