

23.9.98

In this case petitioner was appearing in person, but he has not appeared to-day. On the last five occasions also the petitioner had not appeared. It is submitted by the learned Govt. Advocate Shri K.C. Mohanty and learned Addl. Standing Counsel Shri B.K. Nayak, that the application has become infructuous.

The matter was fixed to to-day for final disposal, but the petitioner has not appeared nor any request has been made on his behalf for an adjournment. In view of this no further time can be allowed and the matter is taken up for final disposal at the admission stage.

Heard Shri K.C. Mohanty, learned Government Advocate and Shri B.K. Nayak, learned Addl. Standing Counsel appearing on behalf of Union of India. In this case the petitioner, who is a Member of Indian Forest Service of Andhra Pradesh cadre ^{and} was on deputation for three years to the State Government of Orissa had prayed for quashing the order dated 4.2.1998 at Annexure-A by which on completion of his period of deputation of three years he had been relieved of his duties with effect from 5.2.1998 to enable him to join his parent cadre in Andhra Pradesh. The petitioner has prayed that he joined the State Government of Orissa on inter-cadre deputation for a period of three years on 6.2.1995, but he did not get any immediate posting and he joined the regular posting in Government of Orissa only on 3.5.1998. Accordingly he has stated that his three years period of inter-cadre deputation should be counted from 3.5.1998 and that should be deemed to be over on 2.5.1998 and not from 6.2.1998. At the time of admission of this application on 5.2.1998, i.e. ~~on~~ the last date ~~of~~ deputation period was over according to impugned order at Annexure-A, stay was asked for and the prayer for stay was rejected in order dated 13.2.1998. Against that order the petitioner had gone to Hon'ble High Court of Orissa and their Lordships of the Hon'ble High Court had passed certain orders. Learned Govt. Advocate and learned Addl. Standing Counsel are unable to indicate the nature of the order passed by the Hon'ble High Court. In any case it is submitted by the learned Government Advocate that the petitioner has

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already been relieved from Government of Orissa. It has been submitted by the respondents in the counter that on expiry of the fixed term deputation, the petitioner is bound to be relieved by the Government to whom he was deputed for a fixed term and on that ground learned Government Advocate and learned Addl. Standing Counsel have opposed the prayer of the petitioner. We find that the petitioner has already been relieved by Government of Orissa long ago and he is also not appearing in this case in spite of several adjournments. In view of this the petition is dismissed for non-prosecution. No order as to costs.

Hand over copies of the order to learned counsels appearing for the respondents and a copy of the order be sent to the petitioner.

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VICE-CHAIRMAN
MEMBER (JUDICIAL)

A copy of
the trial
order dt 23.9.98
may be given
to the resp't's
counsel & sent
to the applicant
by post.

*S. J. M.
28/9*

as order

& Nirmal

*Received (C.M.)
28.09.98
S. O*

*Received (C.M.)
28.09.98
S. O*

*Received (C.M.)
28.09.98
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