

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.461 of 2016

Dr. Nadia Bihari Pattnaik ***Appellant***

Mr. S.K. Pattnaik, Senior Advocate
-versus-

***Vice-Chancellor, Orissa University of
Agriculture and Technology and others*** ***Respondents***

None

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
11.10.2022**

Order No.

Misc. Case No.778 of 2016

02. 1. For the reasons stated therein, the delay in filing the writ appeal is hereby condoned.
2. The application for condonation of delay is allowed.

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3. The challenge in the present writ appeal is to an order dated 22nd June 2016, passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.9531 of 2009. The prayer in the writ petition was for a direction to the Orissa University of Agriculture and Technology (OUAT) to count the service rendered by the Petitioner with the National Coal Development Corporation Limited (NCDCL) from 3rd March, 1970 to 14th November, 1978

towards qualifying service for the purposes of gratuity, leave salary and pension.

4. The Appellant was initially appointed as a Horticultural Inspector in the NCDCL, a Government of India undertaking by an order dated 9th January, 1997. While he was serving as such, the OUAT issued an advertisement for the Post of Research Officer. He applied through the proper channel and was appointed by an order dated 21st September, 1978. Admittedly, the Appellant tendered a resignation from NCDCL which was accepted and thereafter, he joined OUAT as a Research Officer on 15th November, 1978.

5. The learned Single Judge has found that since the Appellant had applied for a new post pursuant to an advertisement and had in fact resigned from the earlier post with the NCDCL, he could not claim continuity of service or count the period of service rendered in the NCDCL for the purposes of his retiral benefits.

6. The above position in law is unexceptionable and the Court is unable to find any error having been committed by the learned Single Judge. The writ appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge