

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.534 of 2015

***Upendra Prasad Parida and
others*** ***Appellants***

Mr. P.K. Nayak, Advocate

-versus-

***Orissa Lift Irrigation Corporation
Ltd. and others*** ***Respondents***

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

**ORDER
26.09.2022**

Order No.

Misc. Case No.721 of 2015

03. 1. This is an application for condonation of delay in filing the appeal.
2. For the reasons stated therein, the delay in filing the appeal is condoned. The Misc. Case is disposed of.

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3. Learned counsel for the Appellant relies on the judgment of the Division Bench of this Court in ***Ashok Kumar Prusty v. State of Odisha (2013) III OLR 451*** to urge that it covers the case on hand as well.
4. The Court is unable to agree with the above submission. The said decision dealt with issue of regularization of the worker and the paragraph referred to by the learned counsel for the Appellant talks of arrears of salary for the period of

work performed. However, in the present case as pointed out by the learned Single Judge, the Appellant knowingly applied for the Voluntary Retirement from Service (VRS) aware that once it is accepted, it would relate back to 30th April, 2003. Consequently, the prayer of the Appellant that he should be paid arrears of salary up to the date of actual acceptance of the VRS i.e. 20th May, 2004 was without merit and has been rightly rejected by the learned Single Judge. Consequently, the Court finds no grounds to interfere. The appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

KC Bisoi

