

[O. H. C.-97-A]

MANOJA KUMAR KHUNTIA

In the High Court of Orissa
ORDER SHEET

mt. Saneer Kumar Das
P. K. Balar, mt. Perna
(Counselors)

BLAP/W. P. (C) No. WA No. 675/2024 of 20

ODISHA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY



& Asst.
Petitioner

Versus

DR. MANOJ KUMAR ROUT

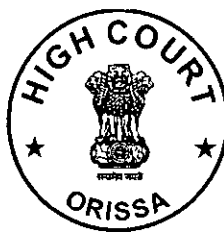
& Asst.

Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			<p>PRESENTED ON 12/04/2024 Register and Put up for Orders</p> <p> Registrar (Judicial)</p> <p>Consent Petition no. 35/24 filed by mt. Saneer Kumar Das & his associates which is matched with this file & attached herewith.  12/04/24</p>



FC191689



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 675 of 2024

Odisha University of Agriculture and Technology and another *Appellants*

Mr. M.K. Khuntia, Additional Government Advocate
-versus-

Dr. Manoj Kumar Rout and another *Respondents*
Mr. P.K. Behera, Advocate

CORAM:

THE CHIEF JUSTICE

MR. JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER


15.05.2024

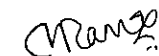
I.A. No.1633 of 2024

01. This matter is taken up through Hybrid mode.
2. This application has been filed by the applicants/appellants seeking condonation of delay of 51 days in preferring the present intra-Court appeal.
3. For the reasons stated therein, the application is allowed. Accordingly, the delay of 51 days in preferring the present intra-Court appeal stands condoned.

W.A. No.675 of 2024

4. List this matter for "Admission".


(Chakradhari Sharan Singh)
Chief Justice


(M.S. Raman)
Judge



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 675 of 2024

*Odisha University of Agriculture
and Technology, Bhubaneswar &
Another*

Appellants

-versus-

Dr. Manoj Kumar Rout & Another

Mr. M.K. Khuntia, Advocate

Respondents

Mr. P.K. Behera, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER


13.11.2024

Order No.

02.

This matter is taken up through hybrid Mode.

2. List this matter on 18.11.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

Sukanta/Puspa



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 675 of 2024

***Odisha University of Agriculture and
Technology, Bhubaneswar and
Another***

Appellants

Mr. M.K. Khuntia, Advocate

-versus-

Dr. Manoj Kumar Rout and Another

Respondents

Mr. N. Jena, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER


18.11.2024

Order No.

03. This matter is taken up through Hybrid mode.

2. As requested on behalf of the respondents, list this matter on
26.11.2024 within the first five cases.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

puspa/sukanta



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 675 of 2024

Odisha University of Agriculture and Technology and another *Appellants*

Mr. M.K. Khuntia, Advocate

-versus-

Dr. Manoj Kumar Rout and another *Respondents*

Mr. S.K. Das, Advocate for Respondent No.1

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO


Order No.

ORDER
26.11.2024

04. This matter is taken up through Hybrid mode.

2. As requested by Mr. S.K. Das, learned counsel appearing on behalf of respondent No.1, list this matter on 10.12.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

S. Behera/A Nanda

D-124-14672/24
IN THE HIGH COURT OF ORISSA

Case No. 675/24


OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>S R made Cue 524.24</p> <p>Defect - 5(d) is removed, vide AG Copy. No Defect.</p> <p><u>Pm</u> 12.4.24</p> <p>(i) IA no - 1633/24 is at flag 'A' for condonation of delay.</p> <p>(ii) cancel petition no - 35/24 is at flag 'C'.</p> <p><u>For orders</u> Alongwith wr(c) - 762/23 (a disposed of case) D.B</p> <p><u>Banaswree Sarda</u> 11/5/24</p>

IN THE HIGH COURT OF ORISSA

Case No. WA - 675/24

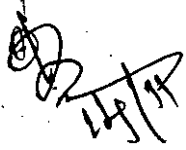
OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01	15.5.24	<p><u>For admission</u></p> <p>(i) caveat petition no - 35/24 is at flag 'C'.</p> <p>(ii) Counter affidavit dt. 30.6.24 filed by R-1 is at flag 'D'. (Copy served)</p> <p>Alongwith WP(C) - 762/23 (a disposed of case)</p> <p><u>Banashree Sahoo</u> 6/11/24</p> <p></p> <p>D.B</p>
2	13.11.24	<p><u>For admission</u></p> <p>(i) caveat petition no - 35/24 is at flag 'C'.</p>

IN THE HIGH COURT OF ORISSA

Case No. WA - 675/24

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>(i) Counter affidavit dt 30.6.24 filed by R-1 is at flag 'D'. (copy served)</p> <p>(ii) IA no - 1634/24 is at flag 'B' for stay.</p> <p>Alongwith WP(c) - 762/23. (a disposed of case)</p> <p><u>Adj to 18/11/24</u></p> <p><u>Banashree Sahoo</u> 14/11/24</p> <p> 14/11/24</p> <p style="text-align: right;">D.B</p>
3.	18.11.24	<p style="text-align: center;"><u>For admission</u></p> <p>(c) caveat petition no - 35/24 is at flag 'c'.</p>

IN THE HIGH COURT OF ORISSA

Case No.

WA - 675/24

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>(i) Counter affidavit dt 30.6.24 filed by R-1 is at flag 'D' (copy served)</p> <p>(ii) IA no - 1624/24 is at flag 'B' for stay.</p> <p>Alongwith wp(c) - 762/23 (a disposed of case)</p> <p><u>Adj to 26/11/24</u></p> <p><u>Banashree Sahoo</u> 22/11/24</p> <p>25/11</p>

D.B

IN THE HIGH COURT OF ORISSA

Case No.

UOA - 675/24

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
4	26.11.24	<p><u>For admission</u></p> <p>(i) caveat petition no - 35/24 is at flag 'C'.</p> <p>(ii) Counter affidavit dt 20.6.24 filed by R-1 is at flag 'D'</p> <p>(iii) IA no - 1634/24 is at flag 'B' for stay. (copy served)</p> <p>Alongwith WP(C) - 762/23 (a disposed of case)</p> <p><u>Adj to 10/12/24</u></p> <p><u>Banashree Sahoo</u> 9/12/24</p> <p>D.B</p>



CNR
Filing No
Date and Time
Case No
Registration Date and Time
Misc Case/IA
Petitioner Name
Petitioner Advocate Name
Respondents Name
Respondents Advocate
Amount
Police Station
FIR

ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

ODHC010244082024

D- WA/0014672/2024

02/04/2024-15:40:20

WA/675/2024

12/04/2024

1633/2024,1634/2024

**ODISHA UNIVERSITY OF AGRICULTURE AND
TECHNOLOGY**

MANOJA KUMAR KHUNTIA

DR. MANOJ KUMAR ROUT



Friday 12th of April 2024 03:41:13 PM

REGISTRAR



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR
Filing No
Date and Time
Case No
Registration Date and Time
Misc Case/IA
Petitioner Name
Petitioner Advocate Name
Respondents Name
Respondents Advocate
Amount
Police Station
FIR

ODHC010244082024
D- WA/0014672/2024
02/04/2024-16:11:00

1633/2024,1634/2024
ODISHA UNIVERSITY OF AGRICULTURE AND
TECHNOLOGY
MANOJA KUMAR KHUNTIA
DR. MANOJ KUMAR ROUT



Tuesday 02nd of April 2024 04:14:54 PM

D-W.A - 14672/2024
PH-943768044

1. RFA/RSA/FAO/SAO/LPA/SPA/CRP/Review Pet/O.Ref/EXFA/EXSA/SM/APP Tr. P(c)
WP (c) / WA/SCLP/Co. Appl / Co. Pet / Co. Case / Co. App / Bkg. P/Mat. A/Mat Ref/
RP (FAMCT) Test Case / Intest. Case / L.A. Ref / RCFA / L.A.A. / RCSA / RE Rev/
MAC / MAC APP / EL Pet / ELAPP / Arb. P / Arb. A / Insurance Ref. / Cont. Cas(c)
Coud. App (c) / MFA (name of the Act) MSA / SP. JC (name of the Act) Cri. A / Cri.
Rev / Ckl. M.C. / BLAPI / Cal. MAPPI / WP (cri) CUSREF STREV.

Case Type W.A No. 675 / 2024 Date of Regn. 2/4/2024

2. If 'State' is Party, Name of the Deptt. (Pet / Res) [Put Mark]

If Public Undertakings (Specify name) : (Pet / Res) [Put Mark]

3. (a) Number of Category under which the matter falls :

3	1
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0	7
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9	9
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If Others, Specify the subject _____

(b) Which is applicable 2 [Put Mark]

(Single Bench / Div. Bench / Three Judge Bench / Five Judge Bench)

4. Article of the Constitution / Act (Central / State) [Put Mark]

An application u/c-10 of Letters patent read with
Order-II(1) of Chapter-3 of OTC Rules, 1948.

5. Section / Sub-Section Involved _____

6. Rules Involved _____

7. Whether any other matter is pending in this Court on the same point of law. If so give the number of matter : No

8. Whether any other matter is pending against the impugned order / Judgement ?
if so, give the number of matter _____

9. Whether any other matter is covered by any judgement of the Supreme Court or any other High Court, if so give the details of the judgement

10. Point of law involved in the matter _____

Date 2/4/2024

cert
Signature of the Advocate

IN THE HIGH COURT OF ORISSA;CUTTACK

WRIT APPEAL 875 OF 2024

CODE NO. 310799


Orissa University of Agriculture & Technology

And another Appellants

-Versus


Dr. Manoj Kumar Rout & another... Respondents

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Cuttack

Date 2/4/2024


Advocate for the Appellants

A

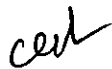
Appendix –I

SYNOPSIS

That the appellants interalia challenge the order dtd.12.01.2024 in W.P.(C) No. 762 of 2023 wherein the Hon'ble Single Judge quashed the office order dtd. 30.12.2022 with a further direction to extend the benefit of pay protection as due and admissible in favour of the respondent in terms of Annexure-8 & 9 on the ground the said order is complete erroneous and contrary to the materials on record.

Cuttack


Date: 2/4/2024

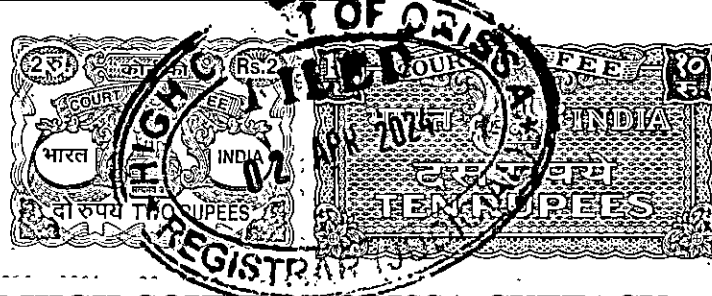

Advocate for the Appellants

B

LIST OF DATES AND EVENTS

- 23.06.2006 Respondent joined as Training Associate, Plant Protection in Krushi Vigyan Kendra, Boudh on contractual basis.
- 18.11.2014 Advertisement was issued by the University for recruitment to the post of Asst. Professor and in its equivalent cadre on regular basis.
- 02.09.2015 Board of Management of OUAT issued a resolution to allow pay protection to its employees who have been continuing as subject specialist/programme coordinator in KVKS under OUAT on appointment and joining as Asst. Professor.
- 31.12.2015 Respondent No.1 was appointed as a Junior Pathologist.
- 17.11.2021 W.P.(C) No.34221 of 2021 filed by the respondent No.1 was disposed of by the Hon'ble Court.
- 30.12.2022 Representation of the respondent no.1 was rejected by the OUAT.
- 12.01.2024 W.P.(C) No.762 of 2023 was disposed of and impugned order was passed.


Advocate for the Appellants



IN THE HIGH COURT OF ORISSA;CUTTACK

WRIT APPEAL 675 OF 2024

CODE NO. 310799

IN THE MATTER OF :

An application under Clause-10 of letters
patent readwith Order -II(1) of Chapter-
8 of Orissa High Court Rules, 1948.

AND

IN THE MATTER OF:

Presented on 12/1/2024
fm
Registrar (Judicial)

An application challenging the validity of
Order dtd.12.01.2024 passed in W.P©
No.762 of 2023.

AND

IN THE MATTER OF:

1. Odisha University of Agriculture and
Technology, represented through its Registrar,
Siripur, Bhubaneswar, Dist Khurda.
2. Vice Chancellor, Odisha University of
Agriculture and Technology, Siripur,
Bhubaneswar, Dist-Khurda

.... Appellants

Vrs.

1. Dr.Manoj Kumar Rout, aged about 50 years,
Son of Purna Chandra Rout, at present
working as Jr. Scientist (Pathology) in All

cel
scu
MANOJ KUMAR KHUNTIA
EN.NO-0-98/1994

Lopamudra Mohanty
REGISTRAR
Odisha University of Agriculture & Technology
Bhubaneswar - 751003

Date of Judgement/Awards

Date of Valid Presentation
 11/11/2011

Total Period Occupied 21 day

Limitation

Certified Copy Performed

Delay in filing 1 day

in Time.....

Expired on

2. Period of delay

3. Court Fee

4. Authentication fee due on the

(a) Copy of Trial Court Judgements

Rs..... Decree Rs.....

(b) Appellate Court Judgement Rs.....

Decree Re.....

5. (a) Copy of Trial Court Judgement/Order

(b) Appellate Court/Revisional Order

Judgement

(c) Second Copy of Petition

~~(d)~~ Receipt showing copy on A.G.

(e) Vakalatnama properly stamped.

Executed and accepted

(6). (a) Cause Title

(ii) Provision of Law

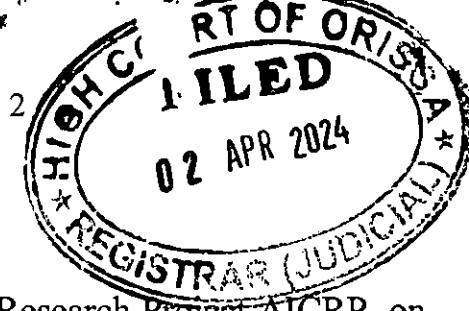
7. Code

8. Single Judge/Division Bench Case

9. Other Defects.

STAMP REPORT: A

12-1-24
2-4-24



India coordinate Research Project AICRP on
Seed Technology Research (STR), Odisha,
University of Agriculture and Technology,
(OUAT), Bhubaneswar, Dist-Khurda.

... Respondent

2. State of Odisha, represented through its
Principal Secretary to Government,
Agriculture and Farmers Empowerment
Department, Krushi Bhawan, Bhubaneswar,
Dist-Khyurda.

... Proforma Respondent

The matter out of which this Writ
Petition arises was before this Hon'ble
Court in W.P.(C) No.762 of 2023,
disposed of on 12.01.2024.

To

Hon'ble the Chief Justice of Orissa High
Court and His Lordships Companion
Justices of the said Hon'ble Court.

The humble petition of the
Appellants above named

MOST RESPECTFULLY SHEWETH;

1. That the appellants inter alia challenge the order
dtd.12.01.2024 in W.P.(C) No. 762 of 2023 wherein
the Hon'ble Single Judge quashed the office order

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Odisha University of Agril & Technology
Bhubaneswar - 751003

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dtd. 30.12.2022 with a further direction to extend the benefit of pay protection as due and admissible in favour of the respondent in terms of Annexure-8 & 9 on the ground the said order is complete erroneous and contrary to the materials on record. The factual back drop of the case is more fully stated hereunder.

2. That the respondent No.1 was appointed as a training associate, plant protection (subsequently redesignated as SMS/Scientist) as per office order No.17750/ UAT dtd.16.6.2006 of the Registrar on contractual basis and he joined the post on 23.6.2006 in Krushi Vigyan Kendra , Boudh in the scale of pay of Rs.8000 – Rs.13,500/- which was subsequently revised to Rs.15,600/- to Rs.39,100/- with AGP Rs.6000/-. While continuing as such the post of Training Associate re-designated as Subject Matter Specialist. It was also case of the respondent No.1 while continuing on contractual basis another advertisement was issued on 18.11.2024 by the University for recruitment to the post of Asst. Professor and in its equivalent cadre on regular basis. The respondent No.1 in response to said advertisement applied for the post and was selected in the process of recruitment. After being duly selected he was issued with an appointment order on 31.12.2015 and

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Odisha University of Agril & Technology
Bhubaneswar - 751003

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on being relieved from the post of Scientist (Plant Protection) he joined on 13.1.2016.

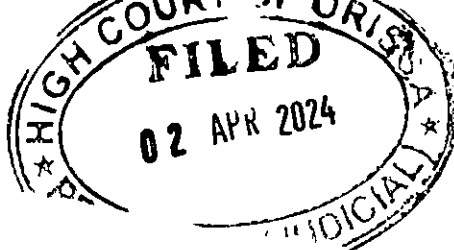
3. That, it was also further case of the respondent No.1/petitioner the Board of management OUAT had taken a decision in its resolution No.3942 dtd.02.09.2015 to allow pay protection to its employees who have been continuing as subject matter specialist/programme coordinator in KVKS under OUAT on appointment and joining as Asst. Professor or in equivalent post in constituent colleges and research Unit under OUAT. Pursuant to such decision the University issued a notification allowing pay protection to the Subject Matter Specialist and in equivalent post or joining as Assistant Professor on its equivalent post.

4. That, it was also further case of the respondent No.1 though he was holding the post of Subject Matter Specialist and subsequently posted as Jr. Pathologist which is equivalent to Assistant professor, he is entitled to the benefit flowing from the notification dtd.26.09.2015. Though this Hon'ble Court vide order dtd.17.11.2021 in W.P.(C) No.34221 of 2021 filed by respondent No.1 direction was issued to consider the representation but the same was rejected without assigning the reasons as per his grievance. When similarly situated persons have been granted pay

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Bhubaneswar - 751003

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protection, rejection of his representation not in accordance with the resolution and notification under Annexure - 8 & 9 of the writ petition and more over the provisions of Rule -50(1) and Rule -51 of the OUAT Statute, 1966. Accordingly the respondent No.1 in his writ petition has sought for the following reliefs:

“ Under the above circumstances, it is therefore humbly prayed that the Hon'ble Court be graciously pleased to quash the order dtd.30.12.2022 of the Opposite Party No.2 under Annexure-15 and direct the Opposite Parties No. 2 & 3 to grant the benefit of pay protection to the petitioner of his earlier post on joining the regular post as per the resolution of the Board of Management dtd.02.09.2015 and the consequential notification dtd.26.09.2015 under Annexure-8 and 9 respectively read with Rule-50(1) and 51 of the OUAT Statute, 1966, within a stipulated period as deem fit and proper;

And further the Hon'ble Court be pleased to direct the Opposite Party No. 2 and 3 to calculate the differential arrears of such pay revision of the petitioner on granting pay protection and pay the same to him within a stipulated period as deem fit and proper.”

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Bhubaneswar - 751003

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A copy of the writ petition is filed herewith as
ANNEXRUE-1.

5. That, the appellants filed their counter stating interalia that the petitioner was initially appointed as Training Associate, Plant Protection at KVK, Boudh as per advertisement issued vide No.19396/UAT, dtd. 16.07.2004 (Annex-1) and appointment order issued vide office order No.17750/UAT, dt.16.06.2006 (Annex-2). As per the said appointment order, he joined on 23.06.2006 (F.N) on contractual basis with certain terms and Conditions in the scale of pay of Rs.8,000-275-13,500/- with usual DA & other allowances as admissible from time to time. As per SL.No.6 of the said appointment order, it has been clearly mentioned that "the past services if any (regular/temporary) shall not be counted and there shall be no continuity of the past services. So also the service during contractual period shall not be counted in the regular service". While the petitioner was continuing in KVK Kendrapara, he was selected for the post of Junior Pathologist (Asst. Professor equivalent) through proper selection procedure. The OUAT is administrative authority for both the post of Training Associate (re-designated as SMS/Scientist) under KVK and also the post of Junior Pathologist (Asst.Professor/Equivalent) under regular

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Bhubaneswar - 751003

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establishment of OUAT. But the KVK employees under OUAT are the contractual project staff till 100% funding of ICAR continues. The Service condition of KVK employees have been notified vide OUAT Notification No.19832/UAT, dt. 27.08.2014 after receipt of instruction from Govt. of Odisha vide letter No. 12043/Ag, dt. 18.07.2014 which is binding to all KVK employees under OUAT. According to the said notification the service conditions of contractual staff in KVKs under OUAT are as follows:

1. The KVK employees are contractual staff and allowed regular scale of pay with annual increments and other benefits as per the CAR guidelines till 100% funding of ICAR continues.
2. The KVK employees are not entitled to terminal benefits and their service is coterminous with the central project i.e. till the period 100% funds are made available by ICAR.
3. The State Government and OUAT will not shoulder any kind of liability pertaining to KVKs.
4. The transfer of KVK employees will be within the KVKs only

It is a fact that after receipt of representation from some of the SMSs and Programme Coordinators in

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Bhubaneswar - 751003

Adv.

the KVKs for protection of pay in their new appointment in the regular post of Asst. Professor/equivalent or Associate Professor/equivalent as the case may be, their cases were placed before the Board of Management through the memorandum. After approval of the BOM vide Resolution No.3942 dt.02.09.2015, a notification was issued vide No.21880/UAT, dt. 26.09.2015 to allow the protection of pay of the SMS/ Programme Coordinator of KVKs who are to be appointed as Asst. Professor/equivalent and Associate Professor/ equivalent respectively in the regular post under OUAT. The petitioner while working as SMS in KVK prior to his joining as Junior Pathologist on 13.01.2016 in the regular establishment under OUAT, his scale of pay was Rs. 15,600-39,100/GP-6,000/- (pre-revised scale). Accordingly, he was drawing the pay of Rs.22,220/ as basic pay and GP-Rs.6,000/- as on 12.01.2016 i.e. on the date of relief from KVK to join in the regular post under OUAT. Since the post of Junior Pathologist was Carrying the scale of pay of Rs.15,600-39,100 + AGP Rs.6,000/- the petitioner was appointed in the above scale of pay and accordingly his pay was fixed at Rs.15,600 + AGP Rs.6,000/- on dt.13.01.2016 i.e. the date of his joining

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Bhubaneswar - 751003

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in the post of Junior Pathologist. In the counter it was further clarified that 13 persons as per Annex-12 of writ petition were appointed as regular employees of OUAT. Subsequently, they were selected and appointed as contractual employees under KVKs. They were again re-absorbed to regular posts vide court orders and approval of the Board of Management, OUAT. The case of the petitioner is not similar with that of the 13 employees referred under Annexure-12. No similar employee like the petitioner has ever been given the protection of pay being absorbed into a regular post.

A copy of the counter is filed herewith as **ANNEXURE-2.**

6. That, the respondent No.1 filed a rejoinder stating inter alia chapter-2 of Article-4 of the OUAT statute, 1989 provides the benefits of pay protection to the initial appointees in the OUAT subject to the condition the employee concerned are working in State Govt. or Central Govt. or any College affiliated to any University or an aided Institution or statutory institutions immediately before joining the University. As he was working in Krushi Vigyan Kendra as per Article-4 of Chapter-2 of OUAT Statute, he is entitled to the benefit of pay protection on joining in the

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REGISTRAR
Odisha University of Agril & Technology
Bhubaneswar - 751003

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OUAT cadre as a Jr. Pathology. A copy of the rejoinder is filed herewith as **ANNEXURE-3**.

7. That, the matter was taken up on 12.01.2024 and the Hon'ble Court after hearing the parties disposed of the writ petition by quashing the office order dtd.30.12.2022 under Annexure-15 to the writ petition with a further direction to extend the benefit of pay protection as due and admissible in favour of him in terms of Annexure- 8 & 9 . The said order is complete erroneous, non-application of mind and liable to be set aside. A copy of the order dtd.12.01.2024 is filed herewith as **ANNEXURE-4**.

8. That, the appellants seek to challenge the order dtd.12.01.2024 on the following amongst other grounds:

GROUND

A. For that the Hon'ble Single Judge, while deciding the matter has not taken into account the materials on record and decided the matter in an erroneous manner. Hence the same is liable to be quashed.

B. For that the specific stand of the appellants is that the Service condition of KVK employees has been notified vide OUAT Notification No.19832/UAT, dt. 27.08.2014 after receipt of

Lopamudra Mohanty

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

cel
Adv



instruction from Govt. of Odisha vide letter No12043/Ag, dt. 18.07.2014 which is binding to all KVK employees under OUAT. According to the said notification the KVK employees are contractual staff and allowed regular scale of pay with annual increments and other benefits as per the ICAR guidelines till 100% funding of ICAR continues. They are not entitled to terminal benefits and their service is coterminous with the central project i.e. till the period 100% funds are made available by ICAR. The State Government and OUAT will not shoulder any kind of liability pertaining to KVKs. The Hon'ble single judge while deciding the writ petitions has not been taken into account the said aspect. Hence the same is liable to be quashed.

C. For that, in the counter affidavit the specific stand of appellants is that thirteen (13) nos. of employees (Annexure-12 of the writ petition) are not similar to respondent no-1 but the Hon'ble single judge while deciding the writ petitions has not been taken into account the said aspect. Hence the same is liable to be quashed.

Lopamudra Mohanty

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

*cel
for*

D. For that, though the respondent No. 1 was not covered under Statute 50 & 51 of OUAT statute which is applicable only to regular employees but the said aspect has not been taken into account while deciding the writ petitions. Hence the same is liable to be quashed.

E. For that though it is the specific case of the appellants the respondent No.1 is not covered by resolution under Annexure-8 and notification under Annexure-9, but the Hon'ble Single Judge, erroneously directed to extend the said benefit to respondent No.1 in terms of the said resolution. Hence the same is liable to be quashed.

F. For that, the respondent No.1 has never objected to the terms and conditions of his appointment order, after accepting the terms and conditions of his appointment he cannot turn around for protection of pay at a later stage. Hence the order passed by the Hon'ble Court being erroneous, the same is liable to be quashed.

9. That the Appellants have no speedy and efficacious remedy than to invoke the extraordinary jurisdiction of this Hon'ble Court.

Lopamudra Mohanty
REGISTRAR
 Odisha University of Agril & Technology
 Bhubaneswar - 751003

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P R A Y E R

It is therefore humbly prayed that this Hon'ble Court may graciously be pleased to admit the case, call for the records and after hearing both the parties pass the following reliefs;

- i. To quash the Order dtd.12.01.2024 passed in under Annexure-~~4~~
- ii. And pass such other order/orders as may be deemed fit and proper for the interest of justice.

And for this act of kindness, the Appellant as in duty bound shall ever pray.

By the Appellants through,

Cuttack

Date 2/4/2024

cel
Advocate

Certificate

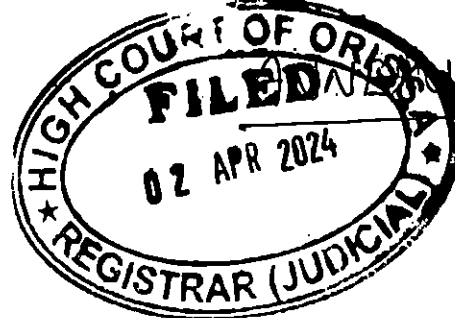
The grounds set forth in the appeal memo are good grounds and I undertake to support the same at the time of hearing. Due to non-availability of catridge papers this matter has been typed in thick white papers.

Cuttack

Date 2/4/2024

cel
Advocate.
MANOJA KUMAR KHUNTIA
EN.No-0-98/1994

Lopamudra Mohanty
REGISTRAR
 Odisha University of Agril & Technology
 Bhubaneswar - 751003



SAMEER KUMAR DAS

Enrollment No. O-635/92

Ph. No. 9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

(Original Jurisdiction Case)

W.P. (C) No. 762 of 2023

Manoj Kumar Rout

... Petitioner.

-Versus-

State of Odisha & others

... Opposite Parties.

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REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

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TRUE COPY ATTESTED

Sohandy Cuttack
Dated

By the Petitioner through
Advocate

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

A-16

SAMEER KUMAR DAS
Enrollment No.O-635/92
Ph. No.9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

W.P. (C) No. _____ of 2023

(Code No. 310799)

Manoj Kumar Rout

...Petitioner

-Versus-

State of Odisha and others

...Opp. Parties

SYNOPSIS:

The petitioner in this case prays for quashing of the office order no. 21309 dtd: 30.12.2022 of the Odisha University of Agriculture and Technology (OUAT) under Annexure-15 and further prayed for a direction to the Opposite Parties No. 2 and 3 to allow him the pay protection as per the decision of the Board of Management in its resolution no. 3942 dtd: 02.09.2015 under Annexure-8 and consequential administrative notification no.21880/UAT dtd: 26.09.2015 under Annexure-9 read with Rule-50 and 51 of the OUAT Statute, 1966 with all consequential service and financial benefits including differential arrears.

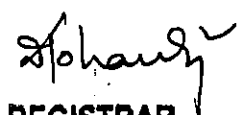
Cuttack

Dtd: 09.01.2023

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(Sameer Kumar Das)

Advocate for the petitioner.



REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

LIST OF DATES AND EVENTS:

16.07.2004:- Advertisement was issued by OUAT to fill up the post of Training Associate. (Annexure-1, Page-15)

16.06.2006:- The petitioner was selected and appointed (contractual basis) as a Training Associate (Plant Protection) (Annexure-2, Page-16)

23.06.2006:- The petitioner joined as a Training Associate (Plant Protection) in Krusi Vigyan Kendra, Boudha in the scale of pay of Rs. 8000-13,500/- which was subsequently revise to Rs. 15,600- 39, 100/- with AGP of Rs. 6000/-.

05.06.2006:- The post of Training Associate was re-designated as Subject Matter Specialist by the Indian Council of Agriculture Research (ICAR), New Delhi. (Annexure-3, Page-17)

18.11.2014:- An advertisement was issued by the OUAT to fill up the post of Assistant Professor and its equivalent cadre on regular basis. (Annexure-4, Page-18).

31.12.2015:- The petitioner was duly selected and appointed as a Junior Pathologist which is equivalent to the post of Asst. Professor. (Annexure-5, Page-22-23)

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Bhubaneswar - 751003

12.01.2016:- The petitioner was relieved from the post of Scientist (Plant Protection) (Annexure-6, Page-24).

13.01.2016:- That petitioner joined as a Junior Pathologist in Jute Research Station, Kendrapara under OUAT. (Annexure-7, Page-25-27)

02.09.2015:- Board of Management, OUAT passed a resolution to grant pay protection to the Subject Matter Specialist on joining as Asst. Professor or any equivalent post in the Constituent Colleges and Research Units under OUAT. (Annexure-8, Page-28-30)

26.09.2015:- OUAT notified the aforesaid decision of the BOM and issued the administrative order. (Annexure-9, Page-31)

08.10.2015:- Some employees of the OUAT similarly situated that of the petitioner were given pay protection as per OUAT notification dtd: 26.09.2015. (Annexure-12, Page-40-41)

17.11.2021:- Despite series of representations the OUAT did not allow pay protection to the petitioner for which he has filed W.P.(C) No. 34221 of 2021 which was disposed of on 17.11.2021

TRUE COPY ATTESTED directing the Opposite Party-University to consider his

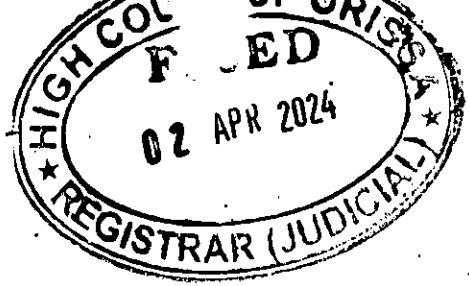
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REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

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-19-



representation by taking note of the orders allowing identical relief to others.

31.03.2022:- When no action was taken on the order of the Hon'ble Court the petitioner has filed CONTC No. 1813 of 2022 which was disposed of with a direction to comply the order within two months.

09.09.2022:- Having been moved by the University the State Government clarified and directed the University to comply the order without any delay as the pay protection has already been granted to the similarly situated persons. (Annexure-14, Page-43)

30.12.2022:- To the misfortune of the petitioner the University rejected the claim of the petitioner all his pay protection vide order dtd: 30.12.2022, hence this case. (Annexure-15, Page-44-45)

Cuttack
Dtd: 09.01.2023

(Sameer Kumar Das)
Advocate for the petitioner.

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REGISTRAR
Odisha University of Agri & Technology
Bhubaneswar - 751003

SAMEER KUMAR DAS
Enrollment No.O-635/92
Ph. No.9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

(Original jurisdiction case)

W.P. (C) No. _____ of 2023

(Code No.310799)

In the matter of:

An application under Article 226 and 227 of the Constitution
of India.

And

In the matter of:

An application for quashing of the order no. 21309/UAT dtd:
30.12.2022 of the OUAT-Opposite Party No.2 under
Annexure-15 and for a direction to the Opposite Parties to
allow the benefit of pay protection to the petitioner as per
OUAT Notification No.21880 dtd: 26.09.2015 under
Annexure-9 read with Rule-50 and 51 of the OUAT Statute,
1966.

And

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In the matter of:



REGISTRAR
Odisha University of Agril & Technology
Bhubaneswar - 751003

Manoj Kumar Rout, aged about 49 years, son of Purna Chandra Rout, at present working as Junior Scientist (Pathology) in All India Coordinate Research Project (AICRP) on Seed Technology Research (STR), Odisha University of Agriculture and Technology (OUAT), Bhubaneswar, Dist-Khurda.

.... Petitioner.

-Versus-

1. State of Odisha, represented through its Principal Secretary to Govt., Agriculture and Farmers Empowerment Department, Krushi Bhawan, Bhubaneswar, District- Khurda.
2. Odisha University of Agriculture and Technology, represented through its Registrar, Siripur, Bhubaneswar, Dist.-Khurda.
3. Vice Chancellor, Odisha University of Agriculture and Technology, Siripur, Bhubaneswar, Dist.-Khurda.

.... Opposite parties.

The matter out of which this writ petition arises was before this Hon'ble Court in W.P.(C) No. 34221 of 2021 disposed of on

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[Signature]

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

22 -



17.11.2021 and CONTC No. 1813 of 2022 disposed of on
31.03.2022.

To

The Hon'ble Chief Justice of Orissa High Court and His
Lordships Companion Justices of the said Hon'ble Court.

The humble petition of the

Petitioner above named;

MOST RESPECTFULLY SHEWETH:

1. That the petitioner in this case prays for quashing of the office order no. 21309 dtd: 30.12.2022 of the Odisha University of Agriculture and Technology (OUAT) under Annexure-15 and further prayed for a direction to the Opposite Parties No. 2 and 3 to allow him the pay protection as per the decision of the Board of Management in its resolution no. 3942 dtd: 02.09.2015 under Annexure-8 and consequential administrative notification no.21880/UAT dtd: 26.09.2015 under Annexure-9 read with Rule-50 and 51 of the OUAT Statute, 1966 with all consequential service and financial benefits including differential arrears.

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Bhubaneswar - 751003

2. That the petitioner is a citizen of India and a permanent resident of the state of Odisha. The cause of action for filing this case arises within the territorial jurisdiction of this Hon'ble Court.

3. That the Odisha University of Agriculture and Technology (OUAT) has issued an advertisement on 16.07.2004 to fill up the post of Training Associate. The petitioner having the eligibility for the post was duly selected and appointed as a Training Associate (Plant Protection) in office order no. 17750/UAT dtd: 16.06.2006 of the Registrar and he joined the post on 23.06.2006 (F/N) in Kursi Vigyan Kendra, Boudh in the scale of pay of Rs. 8000-275-13, 500/-, (pre-revised), which has been subsequently revised to Rs. 15600/- to 39100/- with the AGP Rs. 6000/-. While continuing as such the post of training associate was re-designated as Subject Matter Specialist in letter dtd: 05.06.2006 of the Indian Council of Agricultural Research (ICAR), New Delhi. For better appreciation of the case the copy of the advertisement dtd: 16.07.2004, the appointment order dtd: 16.06.2006 and the letter dtd: 05.06.2006 of the ICAR, New Delhi are annexed herewith as Annexure-1, 2 and 3 respectively.

4. That while the petitioner was continuing as a Scientist (Plant Protection) on Contractual basis, on regular scale of pay, another

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Bhubaneswar - 751003

advertisement was issued on 18.11.2014 by the University for recruitment to the post of Assistant Professor and in its equivalent cadre on regular basis. The petitioner having the eligibility for the post of Asst. Professor in Plant Pathology had applied as per advertisement dtd: 18.11.2014 and was also duly selected in the process of recruitment and issued with an appointment order in office order no. 29858/UAT dtd: 31.12.2015 of the Vice Chancellor, OUAT. Pursuant to such order he was relieved from the post of Scientist (Plant Protection) on 12.01.2016 (AN) in order to enable him to join as Junior Pathologist, AICRP on Jute Research Station, Kendrapara under OUAT, Bhubaneswar and he joined on 13.01.2016 (FN). For better appreciation of the case the copies of the Advertisement dtd: 18.11.2014, the appointment order dtd: 31.12.2015, the relieve order dtd: 12.01.2016 and the relevant extract of the service book of the petitioner disclosing of his joining as Junior Pathologist on 13.01.2016 are annexed herewith as Annexure-4, 5, 6 and 7 respectively.

5. That it is not out of place to mention here that the petitioner was continuing in OUAT and having been selected in the next advertisement he was also appointed by the same authority in the

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Odisha University of Agril & Technology
Bhubaneswar - 751003

same university. Many such persons have also been appointed in the same nature of post to which the petitioner has now been appointed and therefore this is a common phenomenon. Accordingly the Board of Management, OUAT has taken a decision in its resolution No. 3942 dtd: 02.09.2015 to allow pay protection to its employees who have been continuing as Subject Matter Specialist/Programme Coordinator in KVKs under OUAT on appointment and joining as Assistant Professor or in equivalent posts in the Constituent Colleges and Research Units under OUAT. Pursuant to such decision, the Vice Chancellor of the University has issued a notification bearing no. 21880 dtd: 26.09.2015 allowing pay protection to the Subject Matter Specialist and in equivalent posts on joining as Assistant Professor or its equivalent posts. For better appreciation of the case the copy of the resolution of the Board of Management, OUAT dtd: 02.09.2015 and the consequential notification dtd: 26.09.2015 are annexed herewith as Annexure-8 and 9 respectively.

6. That it is respectfully submitted that since the petitioner was also holding the post of Subject Matter Specialist and subsequently posted as Junior Pathologist which is equivalent to Asst. Professor, he is entitled to the benefit flowing from the notification under

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S. Mohanty
REGISTRAR

Annexure-9. It is needles to mention here that when the petitioner was relieved from the post of Subject Matter Specialist he was in the scale of pay of Rs. 15600/- to 39100/- with AGP of Rs. 6000/- in the PB-1 and his last pay drawn was Rs. 22220/- with AGP Rs. 6000/-. Therefore, pursuant to the notification dtd: 26.09.2015, he is get the benefit of pay protection in joining as Junior Pathologist which is also carry the scale of pay of Rs. 15600/- to 39,100/- with AGP of Rs. 6000/- as it evident from Annexure-5. However on joining as Junior Pathologist the pay of the petitioner was paid at the initial of the basic pay instead of the pay protection available to him under the notification dtd: 26.09.2015. For better appreciation of the case the last pay drawn by the petitioner as a Subject Matter Specialist and the initial pay in the post of Junior Pathologist as it evident from the relevant extract of the service book of the petitioner are annexed herewith as Annexure-10 and 11 respectively.

7. That it is respectively submitted that not allowing the pay protection to the petitioner in the post of Junior Pathologist under Annexure-11 by the OUAT is nothing but violation of its own notification dtd: 26.09.2015 and the Board of Management

Resolution dtd: 02.09.2015 under Annexure-8. However the same

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S. Chandra

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

authorities have allowed the identical relief of pay protection to as many as 13 persons in office order no. 22880 dtd: 08.10.2015. Even the contractual employees have also been granted the pay protection prior to such decision/notification of OUAT as it evident from letter no. 16272 dtd: 28.04.2005. For better appreciation of the case the copy of the order dtd: 08.10.2015 and dtd: 28.04.2005 are annexed herewith as Annexure-12 and 13 respectively.

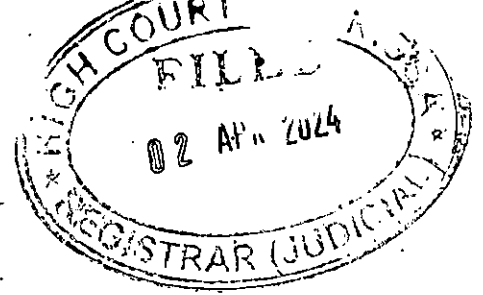
8. That it is humbly submitted that being aggrieved by such illegal, arbitrary and discriminatory action of the Opposite Parties No.2 and 3 the petitioner has moved the Registrar, OUAT with a request to do the needful in the matter by allowing him the pay protection. On receipt of the series of representations of the petitioner, the Registrar, OUAT has requested the State Government to get his opinion in the matter, even though no such advice was required from Government, because OUAT is an autonomous body and it has to take its own decision. Furthermore the decision of the University is already there under Annexure-8 and 9, so no advice of State Govt. was required at all. Getting no alternative the petitioner has moved this Hon'ble Court in W.P.(C) No. 34221 of 2021 which

was disposed of vide order dtd: 17.11.2021 with a direction to the

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S. Chandra
REGISTRAR

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Opposite Parties to consider the representation of the petitioner. The order dtd: 17.11.2021 passed in W.P.(C) No. 34221 of 2021 is quoted as hereunder:

W.P.(C) No. 34221 of 2021

ORDER

17.11.2021

Order No. 1

This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to sanction the benefits of pay protection pursuant to notification dated 26.09.2015 under Annexure-16 with arrear salary, annual increments and allowances as due and admissible to the post of Jr. Pathologist in accordance with law within a stipulated period.

4. In course of hearing, learned counsel for the petitioner stated that highlighting the grievances, the petitioner has made representation to opposite party no.3 vide Annexure-17 series and the same may be directed to be considered taking into consideration Annexures-13 & 14 Page 2 of 2 within a stipulated time.

5. Considering the limited grievance of the petitioner, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing opposite party no.3 to consider the representation filed by the petitioner vide Annexure-17 series and pass appropriate order in accordance with law taking into consideration Annexures-13 & 14 within a period of three months from the date of production of certified copy this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI) JUDGE

9. That despite the order of the Hon'ble Court no action was taken by the authorities, for which the petitioner has filed CONTC

No. 1813 of 2022 which was disposed of on 31.03.2022 with a

further direction to the university to comply the same within a period

[Signature]
REGISTRAR

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of further two months. However on receipt of the order of this Hon'ble Court and the communication from the university the State Government in his letter no. 18660 dtd: 09.09.2022 clarified that since similarly situated persons have extended the benefits there is no reason to delay the matter in case of the present petitioner and as such direction was issued to the University to take decision in this regard at its end. Copy of the Government order dtd: 09.09.2022 is annexed herewith as Annexure-14.

10. That to the misfortune of the petitioner the Opposite Party No.2 without application of mind and without taking note of its own decision under the Board of Governors' resolution dtd: 02.09.2015 and the consequential notification dtd: 26.09.2015, rejected the claim of the petitioner on the flimsy ground that the other similarly situated persons referred to in the earlier writ petition are not in the same footing as that of the petitioner and therefore rejected the claim of the petitioner. Copy of the order no. 21309 dtd: 30.12.2022 of the Registrar, OUAT is annexed herewith as Annexure-15.

11. That it is humbly submitted that the undisputed case of the petitioner with regard to claim of pay protection is that the Board of

Management in its resolution dtd: 02.09.2015 have already resolved


REGISTRAR

to allow pay protection to the employees continue in KVKs on their appointed/absorption in the University either as Asst. Professor/Associate Professor in the constituency College or in the Research Unit. Here in this case the petitioner was given regular appointment in the research unit of OUAT and now continuing as a Junior Scientist (Pathology). Therefore he is entitled to the benefits of such notification of the OUAT dtd: 26.09.2015 under Annexure-9 and the pay protection ought to have been given to him. In the earlier writ petition he has referred to the orders granting pay protection to other similarly situated persons including this notification dtd: 26.09.2015. In fact those are the persons similarly placed as that of the petitioner. While not admitting but for the argument sake, if those persons are not similarly situated but granted the benefits of pay protection, the petitioner is to be granted the pay protection in view of the BOM Resolution dtd: 02.09.2015 and consequential notification dtd: 26.09.2015 which are still hold the field. The University cannot moved beyond these resolution and notification under Annexure-8 & 9 and moreover the provision of Rule-50 (1) and 51 of the OUAT Statute, 1966. For better appreciation of the case the relevant

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[Signature]

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

provisions of the OUAT Statue relating to pay protection is quoted as hereunder:

"50 (1) When a University employee holding a post in a substantive, temporary or officiating capacity for a period of not less than one year is promoted or appointed in a substantive Temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the pay scale of pay of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.

Provided that this benefit shall not be admissible in the case of promotions or appointments of University employees above the rank of Assoc. Professors Readers but in their cases, the initial pay shall be determined under clause (2) or (3) as the case may be.

51. The past service, if any rendered in a post under the University on an identical pay scale of pay, of an employee whose initial pay is regulated under statute 50 may be taken into account for the purpose of fixation of initial pay on reappointment except when the past service has been interrupted by resignation on removal from University Service."

12. That from the aforesaid clear provisions of law and decision of the Apex Body of the OUAT i.e. the Board of Management and their notification dtd: 26.09.2015 and the petitioner is entitled to the benefit of pay protection and accordingly the order dtd: 30.12.2022 under Annexure-16 is unsustainable in law and liable to be quashed.

13. That for ends of justice and proper adjudication of the matter the petitioner has got no other speedy and efficacious remedy other than invoking the extra-ordinary jurisdiction of this Hon'ble Court

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under Article 226 and 227 of the constitution of India.

S. Chandra

REGISTRAR

PRAYER

Under the above circumstances it is therefore humbly prayed that the Hon'ble Court be graciously pleased to quash the order dtd: 30.12.2022 of the Opposite Party No.2 under Annexure-15 and direct the Opposite Parties No.2 and 3 to grant the benefit of pay protection to the petitioner of his earlier post on joining the regular post as per the resolution of the Board of Management dtd: 02.09.2015 and the consequential notification dtd: 26.09.2015 under Annexure-8 and 9 respectively read with Rule-50 (1) and 51 of the OUAT Statute, 1966, within a stipulated period as deem fit and proper;

And further the Hon'ble Court be pleased to direct the Opposite Party No. 2 and 3 to calculate the differential arrears of such pay revision of the petitioner on granting pay protection and pay the same to him within a stipulated period as deem fit and proper;

And/or issue any other appropriate writ/writs, order/orders, direction/directions as deem fit and proper in the fitness of the case;

And for this act of this kindness as in duty bound the petitioner shall ever pray.

Cuttack

By the petitioner through

Advocate

TRUE COPY ATTESTED
Dtd:

[Signature]

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

AFFIDAVIT

I, Manoj Kumar Rout, aged about 49 years, son of Purna Chandra Rout, at present working as Junior Scientist (Pathology) in All India Coordinate Research Project (AICRP) on Seed Technology Research (STR), Odisha University of Agriculture and Technology (OUAT), Bhubaneswar, Dist-Khurda, do hereby solemnly affirm and state as follows:

1. That I am the petitioner in this case.
2. That the facts stated in this petition are all true to the best of my knowledge and belief.

Identified by

Manoj Kumar Rout

Advocate

Deponent.

Certificate.

Certify that in want of cartridge paper this petition is typed in this thick white papers.

Advocate.

TRUE COPY ATTESTED

Shahid

REGISTRAR.

Odisha University of Agril & Technology
Bhubaneswar - 751003

SAMEER KUMAR DAS
Enrollment No. O-635/92
Ph. No. 9437172660

IN THE HIGH COURT OF ORISSA;CUTTACK.
W.P.(C) NO.762 OF 2023

Manoj Kumar Rout Petitioner
Versus
State of Odisha & others .. Opp.parties

INDEX

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1. Counter Affidavit 1 to

2. **Annexure-A/2**

Copy of notification dt. 27 08.2014

Cuttack

Date

Advocate

For the Opp.Parties No.2 & 3

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S. Mohanty
REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

IN THE HIGH COURT OF ORISSA;CUTTACK.
W.P.(C) NO.762 OF 2023

Manoj Kumar Rout Petitioner
Versus

State of Odisha & others .. Opp.parties

COUNTER TO THE FILED BY THE OPPOSITE
PARTY NO. 2 & 3

I, Smt. Lopamudra Mohanty, aged about- 50
years years, W/O- Sri Biswaranjan Mohanty, at
present working as Registrar, Odisha University of
Agriculture & Technology do hereby solemnly
affirm and state as follows: -

1. That I am the Opp.Party no- 2 in the above
noted case. I have gone through the contents of the
writ petition filed by the petitioner and understood
the contents thereof. I do herewith file my preliminary
objection in the following manner.

2. That, the writ petition is not maintainable in
the eye of law on the ground of limitation. Hence
the writ petition is liable to be dismissed on the
ground of limitation .

3. That, petitioner Dr. Manoj Kumar Rout, Junior
Pathologist, OUAT in this writ petition has prayed to

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quash the order No.21309/UAT, dt. 30.12.2022 under Annexure-15 of this writ petition passed by Registrar, OUAT ie. Opposite Party No-2. He has also prayed to direct the Opposite Parties No.2 & 3 to grant benefit of pay protection of his earlier post of Training Associate (Subsequently re-designated as SMS/Scientist) under KVK on joining in the regular post of Junior Pathologist as per resolution No.3942 dt. 02.09.2015 of BoM and OUAT Notification No.21880/UAT, dt. 26.09.2015 (under Annexure-8 & 9 respectively) with all consequential service and financial benefits including differential arrears within the scheduled time.

4. That, in reply to para-1 to para-3 of the writ petition, it is submitted that the petitioner was initially appointed as Training Associate, Plant Protection at KVK, Boudh as per advertisement issued vide No.19396/UAT, dt. 16.07.2004 (Annex-1) and appointment order issued vide office order No.17750/UAT, dt. 16.06.2006 (Annex-2). As per the said appointment order, he joined on 23.06.2006 (F.N) on contractual basis with certain terms and Conditions in the scale of pay of Rs.8,000-275-13,500/- with usual DA & other allowances as admissible from time to time. As per SL.No.6 of the said appointment order,

Registrar
 Odisha University of Agril & Technology
 Bhubaneswar - 751003

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it has been clearly mentioned that "the past services if any (regular /temporary) shall not be counted and there shall be no continuity of the past services. So also the service during contractual period shall not be counted in the regular service"

The post of Training Associate was subsequently redesignated as SMS/ Scientist by OUAT. Similarly, the scale of pay of Rs.8.000-275-13.500/- was revised to Rs.15,600-39,100 + GP - 6,000/- w.e.f. 23.06.2006 in 6th CPC.

5. That, in reply to para-4 of the writ petition, it is submitted that while the petitioner was continuing in KVK Kendrapara, he was selected for the post of Junior Pathologist (Asst. Professor equivalent) through proper selection procedure. After being selected, he was appointed vide office order No.29858/UAT, dt. 31.12.2015 (Annex-5) and joined as Junior Pathologist, AICRP on Jute Research Station, Kendrapara under OUAT on 13.01.2016 (FN) (Annex-7) on regular basis after being relieved from KVK, Kendrapara on 12.01.2016 (AN) (Annex-6).

6. That, in reply to para-5 of the writ petition. it is submitted that the OUAT is administrative authority for both the post of Training Associate (redesignated

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as SMSI Scientists) under KVK and also the post of Junior Pathologist (Asst. Professor/ Equivalent) under regular establishment of OUAT. But the KVK employee under OUAT are the contractual project staff till 100% funding of ICAR continues. The Service condition of KVK employees have been notified vide OUAT Notification No.19832/UAT, dt. 27.08.2014 after receipt of instruction from Govt. of Odisha vide letter No12043/Ag, dt. 18.07.2014 which is binding to all KVK employees under OUAT. The copy of notification dt. 27 08.2014 is enclosed as Annexure A/2. According to the above notification the service conditions of contractual staff in KVKs under OUAT are as follows:

1. The KVK employees are contractual staff and allowed regular scale of pay with annual increments and other benefits as per the ICAR guidelines till 100% funding of ICAR continues.
2. The KVK employees are not entitled to terminal benefits and their service is coterminous with the central project i.e. till the period 100% funds are made available by ICAR.
3. The State Government and OUAT will not shoulder any kind of liability pertaining to KVKs.

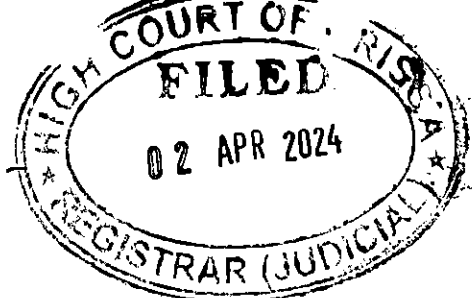
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4. The transfer of KVK employees will be within the KVKs only

It is a fact that after receipt of representation from some of the SMSs and Programme Coordinators in the KVKs for protection of pay in their new appointment in the regular post of Asst. Professor/ equivalent or Associate Professor/ equivalent as the case may be, their cases were placed before the Board of Management through the memorandum (Annex-8). After approval of the BOM vide Resolution No.3942 dt.02.09.2015, a notification was issued vide No.21880/UAT, dt. 26.09.2015 (Annex 9) to allow the protection of pay of the SMS/ Programme Coordinator of KVKs who are to be appointed as Asst. Professor/ equivalent and Associate Professor/ equivalent respectively in the regular post under OUAT.

7. That in reply to para-6 of the writ petition, it is submitted that the petitioner while working as SMS in KVK prior to his joining as Junior Pathologist on 13012016 in the regular establishment under OUAT, his scale of pay was Rs. 15,600-39, 100/ GP-6,000/- (pre-revised scale). Accordingly, he was drawing the pay of Rs22,220/ as basic pay and GP-Rs.6,000/- as on 12.01.2016 i.e. on the date of relief from KVK to join in the regular post under OUAT. Since the post of Junior Pathologist was Carrying the scale of pay of

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Rs.15,600-39,100 + AGP Rs.6,000/- the petitioner was appointed in the above scale of pay and accordingly his pay was fixed at Rs.15,600 + AGP Rs.6,000/- on dt.13.01.2016 i.e. the date of his joining in the post of Junior Pathologist.

8. That in reply to para-7 of the writ petition, it is submitted that the petitioner in this paragraph has averred that the University authority has allowed the identical relief of pay protection to as many 13 persons in office order No.22880 dt. 08.10.2015 as per Annexure-12 of this writ petition. This allegation of the petitioner is misconceived. The fact is that the said 13 persons as per Annex-12 had been appointed as regular employees of OUAT. Subsequently, they were selected and appointed as contractual employees under KVKs. They were again re-absorbed to regular posts vide court orders and approval of the Board of Management, OUAT. The case of the petitioner is not similar with that of the 13 employees referred under Annexure-12. No similar employee like the petitioner has ever been given the protection of pay being absorbed into a regular post after serving as contractual employee in KVK.

9. That in reply to para-8 to para-13 of the writ petition, it is submitted that the proposal was sent to Govt. in Agriculture Department, Odisha vide

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University letter No. 15615/UAT, dt. 09.07. 2018 for consideration of protection of pay in favour of the petitioner alongwith 09 (nine) others as the basic pay of the post of Asst. Professor/ equivalent was Rs. 15,600 + AGP Rs.6,000/- and they were getting higher pay from the basic pay of Rs.15,600/- + AGP Rs.6,000/-. Since the proposal for protection of pay of the petitioner was not considered by the University, he filed case before the Hon'ble High Court of Odisha in W.P (C) No.34221 of 2021. The Hon'ble Court disposed of the case vide order dt. 17.11.2021 without expressing any opinion on the merits of the case. The order of the Hon'ble Court is on record, hence no comments. However, in obedience to the order dt. 17.11.2021 of the Hon'ble Court, the opposite party University has finally passed speaking order vide ofce order No.21309/UAT, dt.30.12.2022 (Annex-15) as per merit of the case.

It is further submitted that as stated in earlier paragraph that although the University has issued notification dt. 26.09.2015 for protection of pay of the SMS/ Programme Coordinator of KVKs under OUAT on their appointment in the regular posts under OUAT but due to the restrictions made vide notification dt. 27.08.2014 (Annexure-A/2), the University felt necessary to send the proposal to Govt. as because

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the notification dt. 2708,2014 has been issued on the basis of the guidelines received from Govt. vide their letter No. 120-3/Ag, dt. 18.07 2014. So the opposite party University has not done any irregularities by sending the proposal to Govt. for consideration of protection of pay in favour of the petitioner along with similar situated employees in this category.

As regards implication of Statute 50 (1) & 51 of OUAT Statute, 1906 it is submitted that the petitioner was holding the post of SMS in KVK which was a contractual post and project based under OUAT. Subsequently he was posted in the post of Junior Pathologist which is a regular post under OUAT. So the provision enumerated under Statute 50 & 51 of OUAT Statute, 1966 for protection of pay will not be applicable in favour of the petitioner. However, after receipt of instruction of Govt. vide letter No. 18660/A&FE DL 09.09.2022 the case of the petitioner was examined and appropriate decision was taken. After due consideration of the case of the petitioner, the University authority passed office order No.21309/UAT, dt. 30.12 2022 (Annexure-15) and finally disposed the grievance of the petitioner in obedience to order dt. 17.11.2021 passed by the Hon'ble Court in WP (C) No.34221 of 2021 filed by the petitioner earlier.

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In view of the facts stated above, the averment made by the petitioner in this writ petition has no merit for consideration and is liable to be dismissed.

10. That the averments made in the writ petition which are not specifically denied are deemed to be denied.

11. That the facts stated above are true to the best of my knowledge and belief.

Identified by

Advocate

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Odisha University of Agril & Technology
Bhubaneswar - 751003
Lopamudra Mohanty
REGISTRAR
Odisha University of Agril & Technology
Bhubaneswar - 751003
DEPONENT

Certificate

Due to non-availability of catridge papers this matter has been typed in thick white papers.

Cuttack

Date

Advocate

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Mohanty
REGISTRAR
Odisha University of Agril & Technology
Bhubaneswar - 751003

SAMEER KUMAR DAS
Enrollment No.O-635/92
Ph. No.9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

W.P. (C) No. 762 of 2023

Manoj Kumar Rout

... **Petitioner**

-Versus-

State of Odisha & Others

... **Opposite Parties.**

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Sl. No.	Description of the documents.	Pages.
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1.	Rejoinder to the Counter Affidavit	
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	filed by the Opp. Party No.2 and 3 1-6
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2.	<u>Annexure-16</u>	
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	Copy of the Chapter-II of the University Statute	-7-8-
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3.	<u>Annexure-17</u>	
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	Copy of the order no.6847/UAT dtd: 02.12.2009	-9-
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Cuttack

By the Petitioner through

Dated

Advocate

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SAMEER KUMAR DAS
Enrollment No.O-635/92
Ph. No.9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

W.P. (C) No. 762 of 2023

Manoj Kumar Rout

... Petitioner

-Versus-

State of Odisha & Others

... Opposite Parties.

Rejoinder to the Counter Affidavit filed by the Opp. Party No. 2 & 3:

I, Manoj Kumar Rout, aged about 49 years, son of Purna Chandra Rout, at present working as Junior Scientist (Pathology) in All India Coordinate Research Project (AICRP) on Seed Technology Research (STR), Odisha University of Agriculture and Technology (OUAT), Bhubaneswar, Dist-Khurda, do hereby solemnly affirm and state as follows:-

1. That I am the petitioner in this case. I have gone through the counter affidavit filed by the Opp. Party No.2 and 3 and have understood the contents made therein.

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2. That the petitioner in this case prays for quashing of the order dtd: 30.12.2022 of the Opp. Party No.2 under Annexure-15 and further prays for a direction to the Opp. Party No.2 and 3 to grant him the benefit of pay protection as per the resolution of the Board of Management dtd: 02.09.2015 and the consequential notification of the OUAT dtd: 26.09.2015 under Annexure-8 and 9 respectively with all differential arrear salary.

3. That it is humbly submitted that the Chapter-II of Article-4 of OUAT Statute 1989 provides the benefit of pay protection to the initial appointees in the OUAT subject to the condition the employee concern was working in State Government or Central Government or any College affiliated to any University or an Aided Institution or Statutory institution immediately before joining the University. Here in this case the petitioner was working in Krishi Vigyan Kendra (KVK) established with the functioning of the Government of India through Indian Council of Agricultural Research was administered and managed by the OUAT. Therefore KVK is a Government of India Institution managed and administered by the OUAT. Therefore as per Article-4 of Chapter-II of the

OUAT Statute the petitioner is entitled to the benefit of pay protection on

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joining in the OUAT cadre as a Junior Pathologist, which is the research



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post. It is not out of place to mention here that in office order no. 6847/UAT dtd: 02.12.2009 of the Board of Management, OUAT was communicated, wherein and wherefrom it is clarified that the contractual employees of the KVK are to be governed under principle of OUAT Statute. Copy of the Chapter-II of the University Statute and order no.6847/UAT dtd: 02.12.2009 are annexed herewith as Annexure-16 and 17 respectively.

4. That it is not out of place to mention here that there were 13 regular employee of the OUAT in different lower grade (Research Assistant Cadre) having been selected and appointed in KVK against contractual post of Training Associate/re-designated as Subject Matter Specialist in a regular salary and in a higher pay scale. Since those employees holding a regular post, selected against contractual post in KVK which give rises to a litigation. However without prejudice to their claim the Opp. Party had allowed them to join in KVK in OUAT. All those 13 persons though have filed writ petition before the Hon'ble High Court as reflected in Annexure-12. All those cases were disposed in the premises that since the OUAT has taken care of the benefits of all those employees, the matters were remitted to the OUAT to take a decision in their favour. All these 13 persons while

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continuing in KVK in a higher grade have subsequently being selected

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against another regular post in OUAT, which is higher than their earlier original post. Upon joining the OUAT against those new posts, all these 13 employees working in the KVK in the higher scale of pay were granted the benefit their pay protection on joining in OUAT. In other words, those 13 employees working in KVK on contractual basis on joining back in OUAT against a different cadre post than their original post have given the benefit of pay protection. In such view of the matter, the petitioner who is originally working in KVK on joining in OUAT against a sanctioned post is entitled to the pay protection in view of the orders under Annexure-8 and 9 and also for the reason that another 13 numbers similarly situated persons got such benefit. But unfortunately and surprisingly the authorities of the OUAT have disclosed half-truth in the matter and therefore stated that the petitioner is not similar to that of those 13 numbers. But the fact remains, the petitioner is quite similar and identical to those 13 persons and they have been given the benefit of pay protection, the petitioner is also entitled to the pay protection. Besides this in view of the order under Annexure-8 and 9 the Opp. Party-University cannot take a different stand now at this stage. Hence the statements made in the counter affidavit are strongly denied and disputed herewith to be true.

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5. That though a voluminous counter affidavit is filed by the Opp. Party No.2 and 3 but the petitioner failed to found substantial ground taken in the counter affidavit filed by the Opp. Party No.2 and 3. The Opp. Party No.2 and 3 failed to reply their own documents under Annexure-8 and 9 in any manner whatsoever. Therefore this writ petition is to be allowed on the principles of nontraverse.

6. That it is humbly submitted that instead of replying the core issue involved in this case as to whether an erstwhile employee of KVK on joining a teaching post or an equivalent post thereof in the OUAT is entitled to the benefit of any pay protection. This particular issue has already been answered in the documents under Annexure-8 and 9, which has also been accepted and approved by the State Government in order dtd: 09.09.2022 under Annexure-14. But surprisingly and unfortunately to deny the legitimate claim of the petitioner for the pay protection. To which he is legally entitled a novel stand has been taken in the counter affidavit that all these 13 employees were extended the identical relief by the OUAT are not similarly placed as that of the petitioner. With due respect it is humbly submitted that it is a blatant lie on the face of the record. All these

13 employees were continuing in the KVK and on joining against a new post under OUAT, they have been given their pay protection and they are

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in receipt of the salary having been allowed this pay protection. In such circumstances the statements made in this counter affidavit as against the petitioner designed to mislead this Hon'ble Court and to deprive the petitioner for his pay protection, which flows from the decision under Annexure-8 and 9.

7. That for the reason stated above the statements made in the counter affidavit filed by the Opp. Party No.2 and 3 which are not specifically replied are denied herewith to be true. However the petitioner reserves his right to file further affidavit, if required at the time of hearing of the case.

8. That the facts stated above are all true to the best of my knowledge and belief.

Identified by

Manoj Kumar Rout

Deponent.

Advocate.

Certificate

Certified that due to want of cartridge papers this affidavit is typed in this thick white papers;

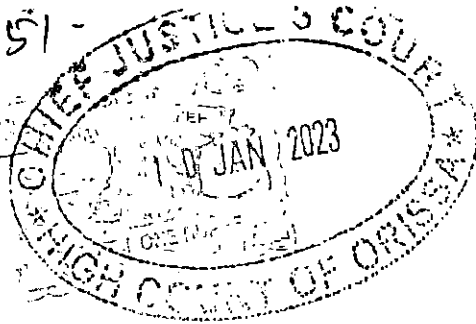
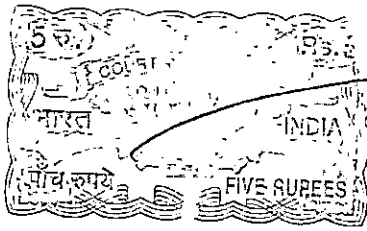
Advocate.

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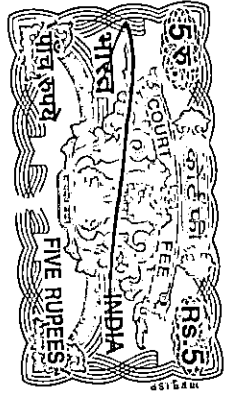
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Bhubaneswar - 751003



ANNEXURE-4



SAMEER KUMAR DAS
Enrollment No. O-635/92
Ph. No. 9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

(Original jurisdiction case)

W.P. (C) No. 762 of 2023

(Code No.310799)

In the matter of:

An application under Article 226 and 227 of the Constitution of India.

And

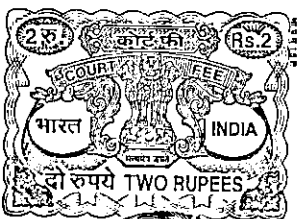
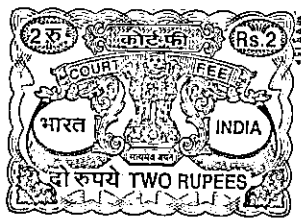
In the matter of:

Presented in Court
[Signature]
10.01.23 B.O.

An application for quashing of the order no. 21309/UAT dtd: 30.12.2022 of the OUAT-Opposite Party No.2 under Annexure-15 and for a direction to the Opposite Parties to allow the benefit of pay protection to the petitioner as per OUAT Notification No.21880 dtd: 26.09.2015 under Annexure-9 read with Rule-50 and 51 of the OUAT Statute, 1966.

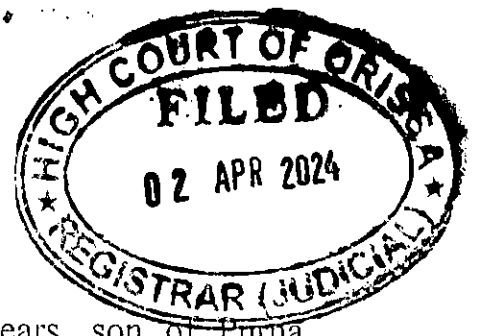
And

In the matter of:



Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

[Signature]
8/2023



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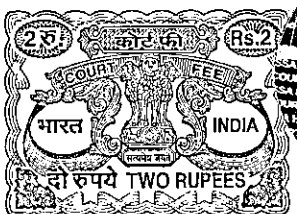
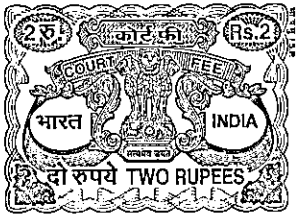
Manoj Kumar Rout, aged about 49 years, son of Purna
Chandra Rout, at present working as Junior Scientist
(Pathology) in All India Coordinate Research Project
(AICRP) on Seed Technology Research (STR), Odisha
University of Agriculture and Technology (OUAT),
Bhubaneswar, Dist-Khurda.

.... Petitioner.

-Versus-

1. State of Odisha, represented through its Principal Secretary to
Govt., Agriculture and Farmers Empowerment Department,
Krushi Bhawan, Bhubaneswar, District- Khurda.
2. Odisha University of Agriculture and Technology,
represented through its Registrar, Siripur, Bhubaneswar,
Dist.-Khurda.
3. Vice Chancellor, Odisha University of Agriculture and
Technology, Siripur, Bhubaneswar, Dist.-Khurda.

.... Opposite parties.



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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.762 of 2023

Monoj Kumar Rout

....

Petitioner

Mr.S.K. Das, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

*Mr. M. Khuntia, Adv. for O.P.2
and 3*

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.01.2024**

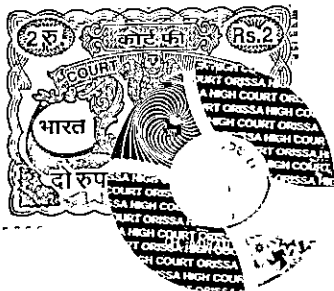
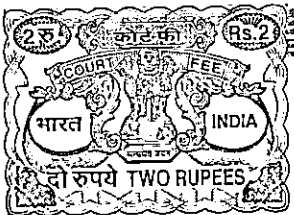
Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. Petitioner has filed the present Writ Petition *inter alia* challenging the order dtd.30.12.2022 so passed by Opposite Party No.2 under Annexure-15. Vide the said order, the claim of the Petitioner to get the benefit of pay protection in terms of the decision taken in the proceeding of the meeting of the Board of Management held on 02.09.2015 under Annexure-8 and consequential Notification issued by the University on 26.09.2015 under Annexure-9 has been rejected.

4. Learned counsel for the Petitioner contended that Petitioner was initially engaged as a Training Associate on



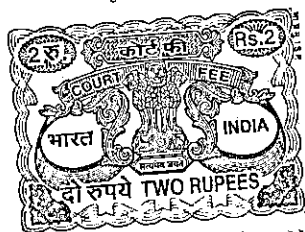
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contractual basis, where he joined on 23.06.2006. The post of Training Associate was subsequently redesigned as Subject Matter Specialist vide communication issued on 05.06.2006 under Annexure-3.

4.1. It is contended that Petitioner while continuing on contractual basis he was regularized w.e.f. 23.06.2006 vide order dtd. 28.12.2010 under Annexure-10.

4.2. It is contended that in terms of the decision taken by the Board of Management in its proceeding under Annexure-8 and consequential notification issued under Annexure-9, Petitioner became eligible to get the benefit of pay protection. But on the face of Annexures-8 & 9 when the benefit was not extended, Petitioner approached this Court in W.P.(C) No.34221 of 2021. Pursuant to the order passed by this Court Opposite Party No.2 vide the impugned order under Annexure-15 rejected the claim of the Petitioner to get the benefit of pay protection only on the ground that Petitioner is not a regular employee of the University and the decision taken under Annexure-8 so notified under Annexure-9 is only meant for regular employees.

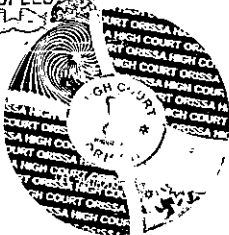
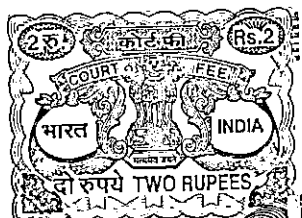
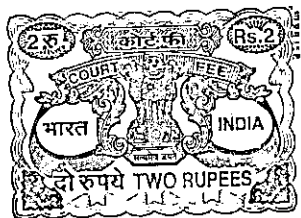
4.3. Learned counsel for the Petitioner contended that since Petitioner vide order dtd.28.12.2010 under Annexure-10 was regularized w.e.f.23.06.2006 he will be treated as a regular employee of the University w.e.f. 23.06.2006 and accordingly his claim is squarely covered by the decision taken under Annexure-8 and the Notification issued under Annexure-9.



4.4. It is accordingly contended that the impugned order is not sustainable in the eye of law and it requires interference of this Court.

5. Mr. M. Khuntia, learned counsel appearing for the University on the other hand made his submission basing on the stand taken in the counter so filed by Opposite Party Nos.2 and 3. It is the case of the Opposite Parties that since the Petitioner was engaged on contractual basis on 23.06.2006 the decision taken by the Board under Annexure-8 and consequential notification issued under Annexure-9, since is applicable for regular employees, Petitioner cannot get the benefit of pay protection and it has been rightly rejected vide order under Annexure-15.

6. Having heard learned counsel for the Parties and after going through the materials available on record, this Court finds that even though the Petitioner was engaged on contractual basis w.e.f. 23.06.2006 but vide order dtd.28.12.2010 under Annexure-10, he was regularized in his service from the said date. Therefore it is to be held that the Petitioner is a regular employee of the University w.e.f. 23.06.2006. Considering the submissions of Mr. Khuntia that the decision taken under Annexure-8 and the notification issued under Annexure-9 is applicable to regular employees since by the time Annexures-8 and 9 was issued, Petitioner was already regularized w.e.f. 23.06.2006, as per the considered view of this Court,



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11/11

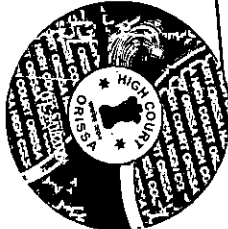
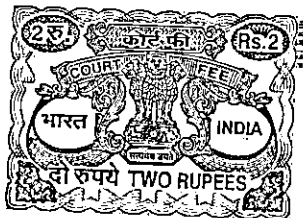
Petitioner is also eligible and entitled to get the benefit of pay protection in terms of Annexures-8 & 9.

7. Therefore, this Court is inclined to quash the office order dtd.30.12.2022 so passed by Opposite Party No.2 under Annexure-15. While quashing the same, this Court directs Opposite Party No.2 to extend the benefit of pay protection as due and admissible in favour of the Petitioner in terms of Annexures-8 & 9 with passing of an appropriate order in that regard within a period of two (2) months from the date of receipt of this order.

8. Accordingly, the Writ Petition stands disposed of.

Dr. B. P. Satapathy, J

Subrat



Impd by Rat
18.01.2024

Date of Application : 18
 Date of Notification : 18
 Date of Supply :- 18
 Date of Ready :- 18
 Date of Delivery : 19

S.A. No- 5270 / 2024
MEMO OF COSTS

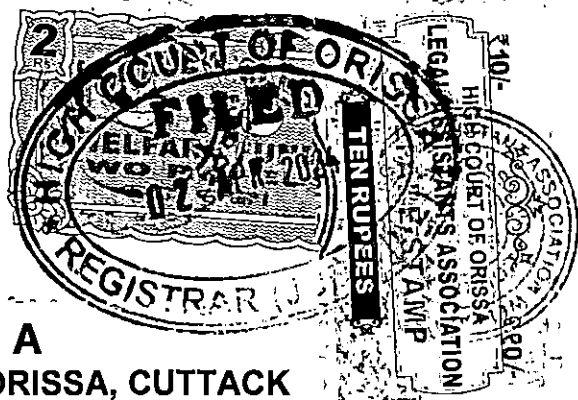
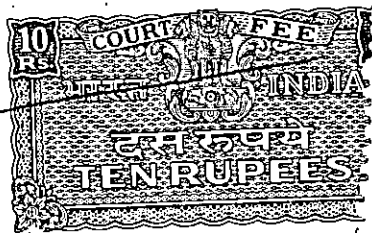
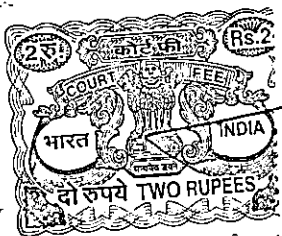
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Hologram Fees 6 x 1	6	00
Photo Copier Fee 6 x 1	6	00
Total	34	00

(Rupees Thirty Four only)

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CERTIFIED TO BE A TRUE COPY
 Assistant Registrar (Estt.)
ORISSA HIGH COURT
 Authorised Under Section-76, Act-I of 1950





VAKALATNAMA
IN THE HIGH COURT OF JUDICATURE ORISSA, CUTTACK

W.A. NO- 675 OF 2024

(Arising out of W.P.(C) No- 762 of 2023, disposed of on 12.01.2024)

Between

Lopamudra Modra Mohanty, Registrar, ... Appellant
OUAT, BBSR & Another

-Versus-

Manoj Kumar Rout ... Respondent

Know all men by these presents, that by this VAKALATNAMA

①

I, Prof. Pravat Kumar Roul, S/o- Late Padmanav Roul, Aged about- 56 years, Vice-Chancellor, disha University of Agriculture & Technology, and Smt. Lopamudra Mohanty, Aged about- 52 years, W/o- Sri Biswaranjan Mohanty, Registrar, Odisha University of Agriculture & Technology, (OUAT), Bhubaneswar.

Caveator / Petitioner / Appellant / Opp. Party / Plaintiff / Defendant / Appellant / Respondent in the aforesaid suit/appeal/caveat case do hereby appoint and retain **MANOJA KUMAR KHUNTIA** . ENROLMENT NO - 0-98/1994,

MOBILE NO - 9437168044

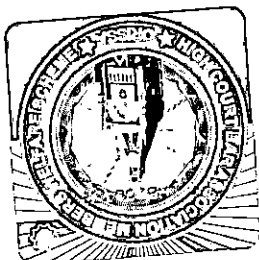
Advocate(s), to appear for me/us, in the above case and to conduct and prosecute or defend in the same and all the proceedings that may be taken in respect of any application connected with the same, or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me / us in the said case and also in application for review in appeals under Orissa High Court order and in applications for leave to appeal to Supreme Court, and I / We authorise my / our Advocate (s) to admit any compromise lawfully entered in the said case.

Mob. No.
e-mail id

Dated 21/4/..... 2024
Received from the executant(s)
satisfied and accepted & certify that
I hold no brief for the other side.

cert

Advocate
Accepted as above



①

(PRAVAT KUMAR ROUL)
VICE-CHANCELLOR
OUAT, BHUBANESWAR

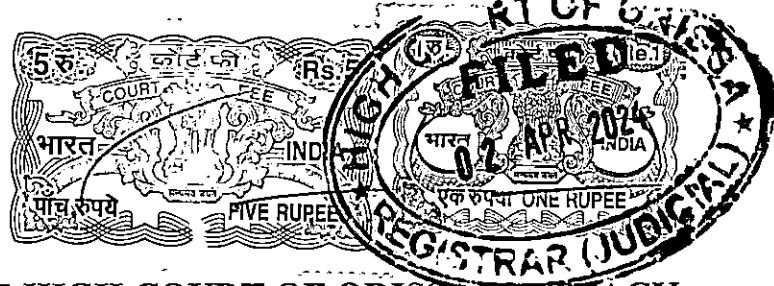
Mohanty

②

(LOPAMUDRA MOHANTY)
REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

SIGNATURE OF EXECUTANT (S)



IN THE HIGH COURT OF ORISSA, CUTTACK

I.A. No. 1633 of 2024

(Arising out of W.A. No. 675 of 2024)

In the matter of :

D - W.A - 14672/2024

An application under Section -5 of
Limitation Act, 1963.

AND

In the matter of :

Orissa University of Agriculture & Technology

And another Appellants

-Versus

Dr. Manoj Kumar Rout & another... Respondents

To

Hon'ble The Chief Justice of Orissa
High Court and His Lordships
Companion Justices of the said Hon'ble
Court.

The humble petition of the
petitioner above named;

MOST RESPECTFULLY SHEWETH:

1. That the appellants inter alia challenge the order
dtd. 12.01.2024 in W.P.(C) No. 762 of 2023 wherein
the Hon'ble Single Judge quashed the office order

cert
for
MANOJ KUMAR KHUNTIA
EN. No - 0-98/1994

22-4-2024
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Surendra Mohanty
REGISTRAR
Odisha University of Agril & Technology
Bhubaneswar - 751003

dtd. 30.12.2022 with a further direction to extend the benefit of pay protection as due and admissible in favour of the respondent in terms of Annexure-8 & 9 on the ground the said order is complete erroneous and contrary to the materials on record.

2. That, though the present Writ Appeal was to be filed by 11.02.2024 but the same could not be filed in time. The certified copy of the order was received on 09.02.2024.

3. That after thorough examination of the matter it was decided to challenge the same. Accordingly the matter was entrusted to the counsel for appellants on 12.03.2024 for filing of writ appeal.

4. That after necessary discussion, the learned counsel prepared the Memorandum of appeal which was filed before this Hon'ble court on 02.04.2024. In the process there is delay of 21 days. It is therefore prayed this Hon'ble Court may graciously be pleased to condone the delay for filing of Writ Appeal. The delay in filing

Lopamudra Mohanty
REGISTRAR

Odisha University of Agri & Technology
Bhubaneswar - 751003

*cert
for*

429
Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

the Writ appeal is not intentional. For the ends of justice 21 days of delay may be condoned.

P R A Y E R

It is therefore prayed that this Hon'ble Court may be pleased to condone the delay of 21 days for filing the Writ appeal and pass such other order/orders as would be deemed fit and proper;

And for this act of kindness, the petitioners as in duty bound shall ever pray.

By the petitioners through,

Cuttack

Date 2/4/2024

cel
Advocate

Lopamudra Mohanty
REGISTRAR
Odisha University of Agril & Technology
Bhubaneswar - 751003

Surendra Prasad Dyer
Advocate
NOTARY, CUTTACK

IN THE HIGH COURT OF ORISSA : CUTTACK

I.A. No. 1633 of 2024

(Arising out of W.A. No. 675 of 2024)

In the matter of :

OUAT & another ... Petitioners

Versus.

Dr. Manoj Kumar Rout & another... Opp. Parties

AFFIDAVIT

I, Smt. Lopamudra Mohanty, aged about 52 years,
Occupation- Govt. servant, working as Registrar
Odisha University of Agriculture and Technology,
Bhubaneswar, Dist-Khurda.

2. Husband's name: Biswaranjan Mohanty
3. Number of proceedings pending in the High Court or would be instituted (Caveat) : No
4. Statement of Facts: As per averments in the I.A.
5. The facts stated are true to the best of the knowledge and belief of the deponent.

Lopamudra Mohanty
REGISTRAR
Odisha University of Agril & Technology
Bhubaneswar - 751003

92-9
Surenara Prasad Dhal
Advocate
NOTARY, CUTTACK

certified

5

Declaration

I, Smt. Lopamudra Mohanty, aged about 52 years, being the deponent / petitioner No. above named, looking after this case on behalf of other petitioners do hereby solemnly affirm that the facts stated in paragraphs 1 to 4 are true to my own knowledge and are true to the best of my information which I obtained from the personal sources.

I believe the information to be true for the following reasons: Basing upon official records and information.

Solemnly declare at the above said this 2nd day of April, 2024.

Identified by

Advocate

✓
Lopamudra Mohanty

Deponent

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

Signature before me

Notary Public, Cuttack

Solemnly affirm before me by ... Lopamudra Mohanty
who is identified before me by ... M.K.S. Khuntia
whom I personally known

This the 2 day of April, 2024

Certificate

Due to non-availability of catridge papers this matter has been typed in thick white papers.

Cuttack

Date 2/4/2024

Advocate.

MANOJA KUMAR KHUNTIA

EN. NO-0-98/1994

The above named Deponent

Solemnly affirm on.....

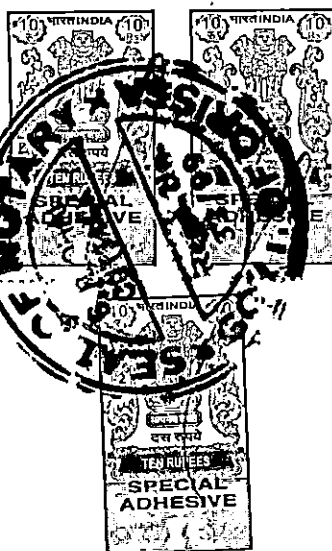
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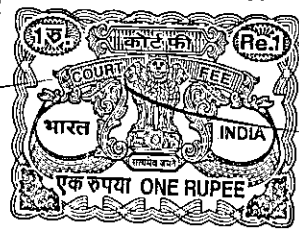
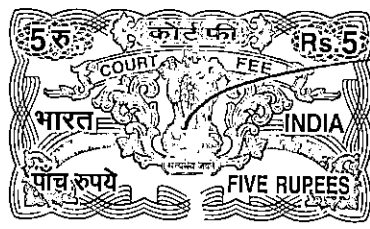
by.....

Surendra Prasad Dhal

Advocate

NOTARY, CUTTACK





IN THE HIGH COURT OF ORISSA;CUTTACK

I.A. No. 1634 of 2024

(Arising out of Writ Appeal No. 675 of 2024)

In the matter of :

An application under Chapter-VI,

Rule-27(a) of the Orissa High Courts;

A N D

In the matter of :

An application for stay operation of orders
order dtd. 12.1.2024 passed in W.P.(C) No.
762 of 2023.

A N D

In the matter of :

Orissa University of Agriculture & Technology
And another ... Petitioners

-Versus

Dr. Manoj Kumar Rout & another ... Opp.Parties
To

The Hon'ble Chief Justice and His Lordships
Companion Justices of the Odisha High Court.

The humble petition of the
petitioners above named;

MOST RESPECTFULLY SHEWETH:

1. That the appellants interalia challenge the
order dtd.12.01.2024 in W.P.(C) No. 762 of 2023
wherein the Hon'ble Single Judge quashed the office
order dtd. 30.12.2022 with a further direction to
extend the benefit of pay protection as due and
admissible in favour of the respondent in terms of

Lopamudra Mohanty
REGISTRAR
Odisha University of Agri & Technology
Bhubaneswar - 751003

ced
Manoj
MANOJ KUMAR KHUNTIA
EN.No-0-98/1994

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Annexure-8 & 9 on the ground the said order is complete erroneous and contrary to the materials on record. This I.A. may be read as part and parcel of the writ appeal.

2. That the petitioners have a prima facie case and the balance of convenience lies in their favour.

3. That in the interest justice, equity and fair play this Hon'ble Court may graciously be pleased to stay operation of the order dtd.12.1.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 762 of 2023 till final disposal of the writ Appeal, otherwise the appellants will be highly prejudiced and suffer irreparable loss.

PRAYER

It is therefore prayed that this Hon'ble Court may graciously be pleased to stay operation of the order dtd.12.01.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 762 of 2023 till disposal of the writ appeal and pass such other order/orders as would be deemed fit and proper;

And for this act of kindness, the petitioners as in duty bound shall ever pray.

By the petitioners through,

Cuttack

Date 24/2/2024

cel
Advocate

Pr-4
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Lopamudra Mohanty
REGISTRAR
Odisha University of Agri & Technology
Bhubaneswar - 751003

IN THE HIGH COURT OF ORISSA : CUTTACK

I.A. No. 1634 of 2024

(Arising out of W.A. No. 675 of 2024)

In the matter of :

OUAT & another ... Petitioners

Versus.

Dr. Manoj Kumar Rout & another... Opp. Parties

AFFIDAVIT

I, Smt. Lopamudra Mohanty, aged about 52 years,
Occupation- Govt. servant, working as Registrar
Odisha University of Agriculture and Technology,
Bhubaneswar, Dist-Khurda.

2. Husband's name: Biswaranjan Mohanty
3. Number of proceedings pending in the High Court or would be instituted (Caveat) : No
4. Statement of Facts: As per averments in the I.A.
5. The facts stated are true to the best of the knowledge and belief of the deponent.

Lopamudra Mohanty

REGISTRAR

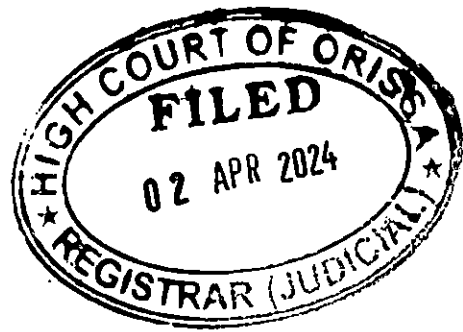
Odisha University of Agril & Technology
Bhubaneswar - 751003



*cert.
sa*

42-9
Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

- 4 -



Declaration

I, Smt. Lopamudra Mohanty, aged about 52 years, being the deponent / petitioner No.1 above named, looking after this case on behalf of other petitioners, do hereby solemnly affirm that the facts stated in paragraphs 1 to 3 are true to my own knowledge and are true to the best of my information which I obtained from the personal sources.

I believe the information to be true for the following reasons : Basing upon official records and information.

Solemnly declare at the above said this 2. day of April, 2024.

Identified by
Advocate

Lopamudra Mohanty

Deponent

REGISTRAR

Odisha University of Agril & Technology
Bhubaneswar - 751003

Signature before me

Notary Public, Cuttack

Solemnly affirm before me by Lopamudra Mohanty who is identified before me by M.K. Khuntia whom I personally known

This the 2 day of April, 2024

Certificate

Due to non-availability of catridge papers this matter has been typed in thick white papers.

Cuttack

Date 2/4/2024

Advocate.

MANOJA KUMAR KHUNTIA

EN. NO - 0-98/1994

The above named Deponent

Solemnly affirm on

by

M.K. Khuntia

Surendra Prasad Dhal

Advocate

NOTARY, CUTTACK

D
SCANNED

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO: 448115

Date:

10-Apr-24

TIME:

11:40

CASETYPE:

DWA

No:

14672

YEAR:

2024

PETITIONER / APPELANT:

ORISSA UNIVERSITY OF
AGRICULTURE

RESPONDENT / OPP PARTY:

STATE



PETITION & MEMO



IA



EXTRA COPY APR 2024



COUNTER



ADDL

SET:

CLEARANCE



REJOINDER



CONSOLIDATED

DEPUTY REGISTRAR (J&E)

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ADDL. STANDING
COUNSEL

SAMEER KUMAR DAS
Enrollment No.O-635/92
Ph. No.9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

Caveat Petition No. 35 of 2024

(Arising out of W.A. No. 675 of 2024)

Manoj Kumar Rout

... Caveat-Petitioner

-Versus-

State of Odisha & Others

... Opposite Parties

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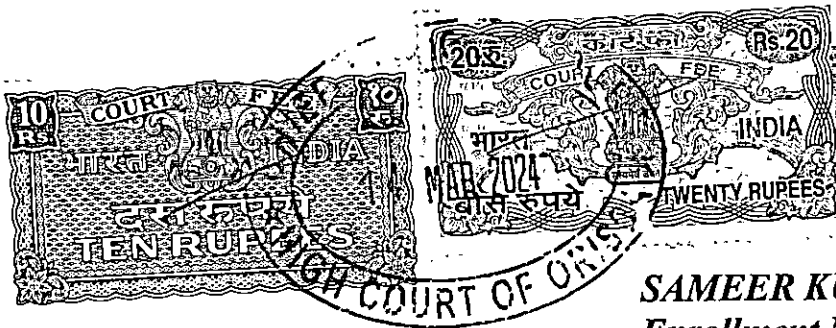
<u>Sl. No.</u>	<u>Description of the documents.</u>	<u>Pages.</u>
1.	Caveat Petition 1-4
2.	VAKALATNAMA	

Cuttack

By the Caveat-Petitioner through

Dated 10.3.24

Advocate



SAMEER KUMAR DAS
Enrollment No. O-635/92
Ph. No. 9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

Caveat Petition No. 85 of 2024

(Arising out of W.A. No. 675 of 2024)

In the matter of:

An application under Section 148-A of the Civil Procedure
Code read with Orissa High Court Rules;

AND

In the matter of:

Manoj Kumar Rout, aged about 50 years, son of Purna
Chandra Rout, at present working as Junior Scientist
(Pathology) in All India Coordinate Research Project
(AICRP) on Seed Technology Research (STR), Odisha
University of Agriculture and Technology (OUAT),
Bhubaneswar, Dist-Khurda.

... **Caveat-Petitioner**

Vrs.

1. State of Odisha, represented through its Principal Secretary to
Govt., Agriculture and Farmers Empowerment Department,
Krushi Bhawan, Bhubaneswar, District- Khurda.

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

2. Odisha University of Agriculture and Technology, represented through its Registrar, Siripur, Bhubaneswar, Dist.-Khurda.

3. Vice Chancellor, Odisha University of Agriculture and Technology, Siripur, Bhubaneswar, Dist.-Khurda.

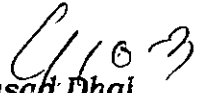
... **Opposite Party**

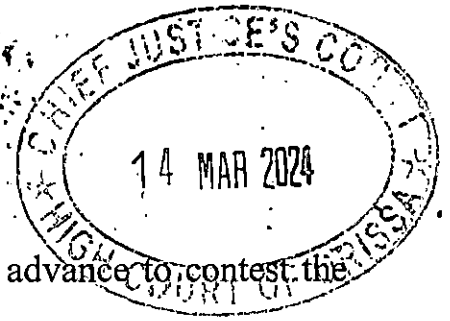
The humble petition of the
above named caveat-Petitioner;

MOST RESPECTFULLY SHEWETH:

1. That W.P. (C) No. 762 of 2023 was allowed on contest vide order dtd: 12.01.2024 by the Hon'ble Single Judge of this Hon'ble directing the Opp. Party No.2-OUAT, Bhubaneswar to extend the benefit of pay protection to the petitioner in terms of the orders under Annexure-8 and 9 therein within a period of two months. The Hon'ble Court was also pleased to quash the order of rejection of his claim of the petitioner dtd: 30.12.2022.

2. That the petitioner has every apprehension that the Opp. Parties may challenge the order dtd: 12.01.2024 passed in W.P. (C) No. 762 of 2023 in a Writ Appeal. In the event Writ Appeal is filed by any of the Opp. Parties they may be directed to serve the copy of their Writ Appeal on the learned counsel for the Caveat-Petitioner, **Sri Sameer Kumar**


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK



Das, Advocate, Orissa High Court, Cuttack in advance to contest the case on behalf of the caveat-petitioner- Manoj Kumar Rout or else he will be highly prejudice.

PRAYER

Under the above circumstances it is therefore humbly prayed that the Hon'ble Court be pleased to allow this caveat petition and the caveat-petitioner be given an opportunity of hearing before passing any interim or final order in the Writ Appeal, if filed by the Opposite Parties challenging the order dtd: 12.01.2024 passed in W.P.(C) No. 762 of 2023 of the Hon'ble Single Judge before this Hon'ble Court and copy of the Writ Appeal be served well in advance upon learned counsel the caveat-petitioner **Sri Sameer Kumar Das**, Advocate, Orissa High Court, Cuttack to contest the case on behalf of the writ petitioner;


And for this act of kindness as in duty bound the caveat Petitioner shall ever pray.

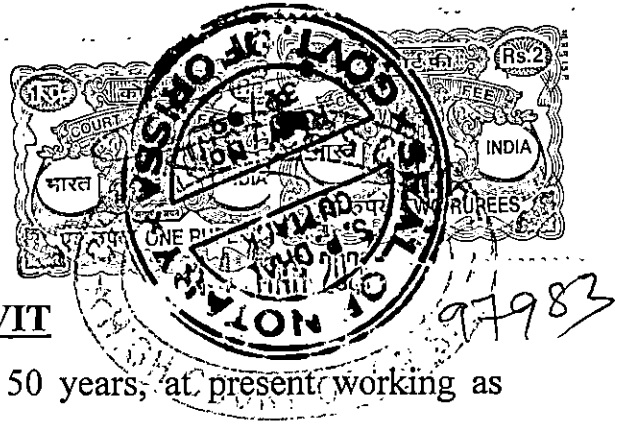
Cuttack.

By the Caveat-Petitioner through

Dtd: 16.3.24


Advocate


Surendra Prasad Dhali
Advocate
NOTARY, CUTTACK



AFFIDAVIT

1. Manoj Kumar Rout, aged about 50 years, at present working as Junior Scientist (Pathology) in All India Coordinate Research Project (AICRP) on Seed Technology Research (STR), Odisha University of Agriculture and Technology (OUAT), Bhubaneswar, Dist-Khurda.
2. Father's name: Purna Chandra Rout
3. Number of proceedings pending in the High Court or would be instituted (Caveat): No
4. Statement of Facts: As per averments in the Caveat Petition.
5. The facts stated are true to the best of the knowledge and belief of the deponent.

Declaration

I, Manoj Kumar Rout, is the Petitioner in the Caveat Petition and Deponent in this affidavit. The above named deponent do hereby solemnly affirm that the facts stated in paragraphs 1 to 02 are true to my own knowledge and in paragraph 1 to 02 are true to the best of my information which I obtained from my personal sources:-

I, believe the information to be true for the following reasons:
Basing upon official records and personal information.

Solemnly declare at the above said this 10 day of March, 2024.

B.K. Swain

Identified by Advocate

Solemnly affirm before me by Manoj Kumar Rout who is identified before me by B.K. Swain whom I personally know.

This 10 day of March, 2024.

Manoj Kumar Rout
Deponent

Advocate

The above named Deponent

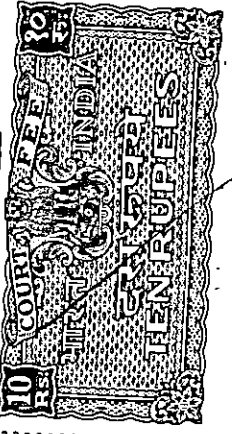
Solemnly affirm on

Being identified

by

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK





W.P.(C) No. 675 of 2024

menorj kumaw Roof ... Opp. Party.

Manoj Kumar Roul
Signature of the Executants

SAMEER KUMAR DAS
Enrollment No. O-635/92
Ph. No. 9437172400

IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No. 675 of 2024

Odisha University of Agriculture
and Technology & another

... Appellants

-Versus-

Manoj Kumar Rout & Another

... Respondents

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Sl. No.	Description of the documents.	Pages.
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1.	Counter Affidavit filed by the Respondent No. 1	1 - 08
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2.	<u>Annexure-A/1</u>	
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Copy of the notification dtd: 16.10.2010

- 9 -

3.	<u>Annexure-B/1</u>	
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Copy of the order dtd: 28.12.2010

- 10 - 14

4.	<u>Annexure-C/1</u>	
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Copy of the order dtd: 27.08.2014

- 15 -

5.	<u>Annexure-D/1</u>	
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Copy of the office order dtd: 30.09.2014

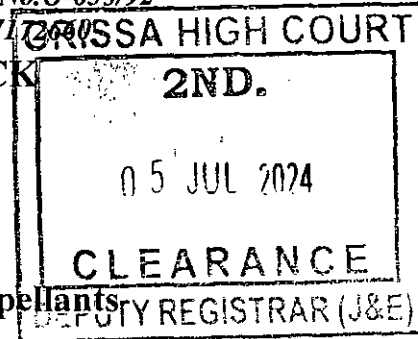
- 16 -

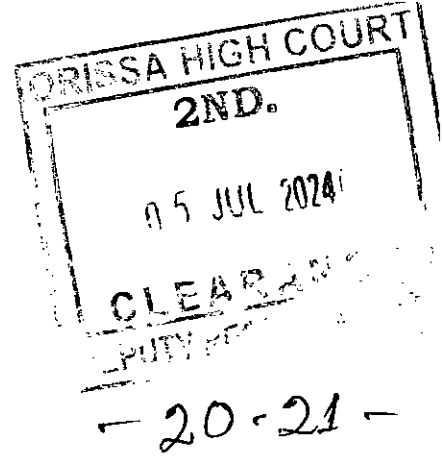
6.	<u>Annexure-E/1</u>	
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Copy of the order dtd: 05.10.2015 passed in

W.P.(C) No. 18254 of 2014

17-19





7. **Annexure-F/1**

Copy of the appointment order dtd: 31.12.2015

8. **Annexure-G/1**

Copy of the proceeding dtd: 02.09.2015

9. **Annexure-H/1**

Copy of the notification dtd: 26.09.2015

10. **Annexure-J/1**

Copy of the order dtd: 12.04.2016

11. **Annexure-K/1**

Copy of the Govt. order dtd: 09.09.2022

Cuttack.

(Sameer Kumar Das)

Dtd: 30.6.24

Advocate for the Respondent No.1.

D

SAMEER KUMAR DAS
Enrollment No.O-635/92
Ph. No.9437172660

IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No. 675 of 2024

Odisha University of Agriculture

and Technology & another

... **Appellants**

-Versus-

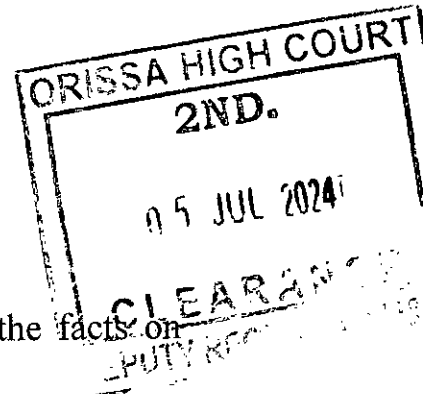
Manoj Kumar Rout & Another

... **Respondents**

Counter Affidavit filed by the Respondent No.1:

1. That the Writ Appeal No. 675 of 2024 is filed against the order dtd: 12.01.2024 of the Hon'ble Single Judge in W.P.(C) No. 762 of 2023 directing inter-alia to grant pay protection to the Respondent No.1 as per the decision of the OUAT under Annexure-8 and 9 of the writ petition.
2. That the Respondent No.1 knows his limitation in filling a counter affidavit in Appeal. But because the appellants have suppressed the material facts before this Hon'ble Court, it incumbent upon the Respondent No.1 to bring all these facts on record to justify the order of the Hon'ble Single Judge and the claim.
3. That in the Writ Petition, the Respondent No.1 challenged the order dtd: 30.12.2022 of the Registrar, OUAT rejecting the claim for pay


8/30.6.2024
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

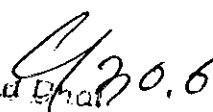


protection. The Hon'ble Single Judge on consideration of the facts on records was pleased to pass order in favour of the Respondent No.1. Both in the impugned order under Annexure-15 of the Writ Petition so also in the counter affidavit filed therein, the stand of the present Appellants was that the Respondent No.1 was not a regular employee of the OUAT and thereby he is not entitled to the benefits flowing from the order under Annexure-8 and 9 of the writ petition. To clarify the facts vis-à-vis the law, the Respondent No.1 place the brief facts in the following paragraphs.

- (i) The Respondent No.1 appointed as Training Associate (Plant Protection) in office order no. 17750 dtd: 16.06.2006 of the Registrar, OUAT by the order of the Vice Chancellor. However the Training Associates were re-designated as Subject Matter Specialist by the order of the authorities.
- (ii) The Respondent No.1 was however regularised as a regular Subject Matter Specialist in office order no. 63330 dtd: 28.12.2010 pursuant to University Notification No. 53602 dtd: 16.10.2010 from his initial date of joining i.e. 23.06.2006. Copy of the notification dtd: 16.10.2010 and order dtd: 28.12.2010 are annexed herewith as Annexure-A/1 & B/1 respectively.

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

- (iii) However vide notification no. 19832 dtd: 27.08.2014 OUAT superceeded its earlier notification dtd: 16.10.2010, meaning thereby the order of regularisation of the petitioner and others in order dtd: 16.10.2010 were affected. Copy of the order dtd: 27.08.2014 is annexed herewith as **Annexure-C/1**.
- (iv) Being aggrieved by such an order dtd: 27.08.2014 the Respondent No.1 has moved this Hon'ble Court in **W.P. (C) No. 18254 of 2014**. However in office order no. 23335 dtd: 30.09.2014 the Registrar of the University by the order of the Vice Chancellor kept the Notification dtd: 27.08.2014 in abeyance. Therefore the Notification dtd: 16.10.2010 and consequential office order dtd: 28.12.2010 came into operation and the Respondent No.1 was also allowed the benefit of a regular employee. For better appreciation of the case copy of the office order dtd: 30.09.2014 is annexed herewith as **Annexure-D/1**.
-  (v) W.P. (C) No. 18254 of 2014 was disposed of by this Hon'ble Court vide order dtd: 05.10.2015 holding inter-alia in view of the order dtd: 30.09.2014 no cause of action survive. Copy of


Surendra Prasad
 Advocate
 NOTARY, CUTTACK

the order dtd: 05.10.2015 passed in W.P. (C) No. 18254 of 2014 is annexed herewith as Annexure-E/1.

- (vi) While the Respondent No.1 was so continuing as a regular employee on disposal of his writ petition, on the recommendation of the Standing Selection Committee, he was appointed as Asst. Professor and its equivalent post of Junior Pathologist in the scale of pay of Rs. 15,600-39,100/- plus AGP Rs. 6000/-. This document was before this Hon'ble Single Judge at Annexure-5 in the writ petition and once again filed herewith as Annexure-F/1. It is worthwhile to mention here that the Board of Management of the OUAT in the proceeding meeting dtd: 02.09.2015 allowed pay protection to the Subject Matter Specialist of erstwhile Krushi Vigyana Kendra (KVK) and appointed as Asst. Professor and its equivalent post of Junior Pathologist in the Constituent Colleges and Research Unit of OUAT. Such proceeding of the Board of Management was notified in University Notification No. 21880 dtd: 26.09.2015. Copies of the proceeding dtd: 02.09.2015 & the notification dtd: 26.09.2015 are annexed herewith as Annexure-G/1 and H/1 respectively.

Surentra Prasad Dha
Advocate
NOTARY, CUTTACK

6/10/16

4. That it is humbly submitted that considering all these vital aspects of the matter the Hon'ble Single Judge rightly held that the Respondent No.1 is entitled to the benefits flowing from the decision under Annexure-8 and 9 of the writ petition (Annexure-G/1 & H/1), as he was already regularised as a regular employee by a valid notification of the OUAT. Hence there is no illegality or infirmity.

5. That it is profitable to mention here that the order dtd: 30.09.2014 keeping the notification dtd: 27.08.2014 in abeyance was only revoked in office order no. 6354 dtd: 12.04.2016. With due respect such order dtd: 12.04.2016 in categorical terms provides that the notification dtd: 27.08.2014 will come into force with immediate effect i.e. from 12.04.2016. But as on 12.04.2016 the Respondent No.1 was not under the KVK service, as he has already joined as Asst. Professor and its equivalent post of Junior Pathologist in the Research Unit of OUAT and thereby such order dtd: 12.04.2016 is of no consequence on the petitioner and rightly the Hon'ble Court has granted the benefit of pay protection. Copy of the order dtd: 12.04.2016 is annexed herewith as Annexure-J/1.

6. That from the aforesaid clear and undisputed facts on record read with the University Statute 50 and 51, there is no illegality or infirmity in the order of the Hon'ble Single Judge allowing the benefit of pay

protection to the Respondent No.1 pursuant to the decisions under Annexure-8 and 9 of the writ petition. Hence the writ appeal is devoid of merit. The moot question was the effect of the order dtd: 30.09.2014 and order dtd: 12.04.2016. The OUAT very consciously held that the notification dtd: 27.08.2014 was given effect only from 12.04.2016. The Respondent No.1 having been appointed as a Junior Pathologist of OUAT prior to 12.04.2016, the notification dtd: 27.08.2014 has not application on him. The Hon'ble Court be pleased to take judicial notice of the fact and confirm the order of the Hon'ble Single Judge by directing the OUAT to allow the benefits as directed by the Hon'ble Single Judge forthwith.

7. That it is worthwhile to mention here that 13 similarly situated persons who have joined OUAT on regular basis had joined to the KVK service against contractual posts as that of the Respondent No.1 with similar terms and conditions. These 13 persons appearing the interview for the post of Asst. Professor as that of the Respondent No.1 have been appointed as regular Asst. Professor and its equivalent posts and have also granted the pay protection. In other words all those 13 persons were continuing on KVK on contractual post, have been allowed pay protection on joining back in OUAT as Asst. Professor and its equivalent

Surenara Prasad Dhal
Advocate
NOTARY, CUTTACK

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in constituent colleges and research units of OUAT. Therefore the Respondent No.1 who is similarly placed as that of those 13 persons cannot be singled out and discriminated. The State Government on proper consultation with the Finance Department, in office letter no. 18660 dtd: 09.09.2022 directed OUAT to grant pay protection to the Respondent No.1 as it has been extended to those 13 employees referred above. Hence the stands taken in the writ appeal are unsustainable and as such the writ appeal is liable to be dismissed. Copy of the Govt. order dtd: 09.09.2022 is annexed herewith as Annexure-K/1.

Cuttack

Date: 23.09.2024

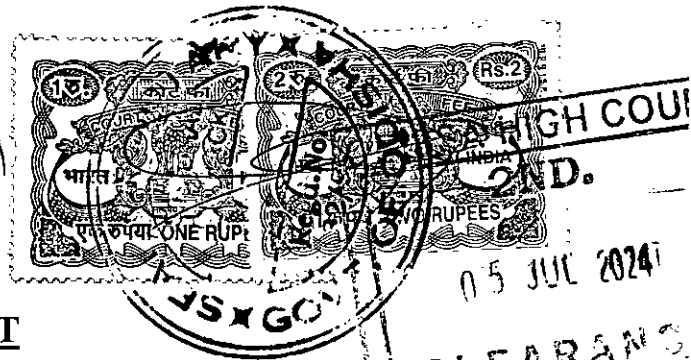
(Sameer Kumar Das)

Advocate for the Respondent No.1

Surendra Prasad Das
Advocate
NOTARY, CUTTACK

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AFFIDAVIT

1. Manoj Kumar Rout, aged about 50 years, at present working as Junior Scientist (Pathology) in All India Coordinate Research Project (AICRP) on Seed Technology Research (STR), Odisha University of Agriculture and Technology (OUAT), Bhubaneswar, Dist-Khurda.
2. Father's name: Purna Chandra Rout
3. Number of proceedings pending in the High Court or would be instituted (Caveat): No
4. Statement of Facts: As per averments in the Counter Affidavit.
5. The facts stated are true to the best of the knowledge and belief of the deponent.

Declaration

I, Manoj Kumar Rout, is the Respondent No.1 in the Counter Affidavit and Deponent in this affidavit. The above named deponent do hereby solemnly affirm that the facts stated in Paragraphs 1 to 08 are true to my own knowledge and in Paragraph 1 to 08 are true to the best of my information which I obtained from my personal sources:-

I, believe the information to be true for the following reasons:
Basing upon official records and personal information.

Solemnly declare at the above said this 30th day of July, 2024.

Identified by

Manoj Kumar Rout

B.K. Sahoo
Advocate

Deponent

Solemnly affirm before me by M.K. Rout who is identified before me by B.K. Sahoo whom I personally know.

This 30th day of July, 2024.

The above named Deponent

Solemnly affirm on 30/07/2024

by M.K. Rout Being identified by B.K. Sahoo

Surendra Prasad Dhal
Advocate
30/07/2024





E-II-IV- 01 / 2009 - 53602

IUAT.

dated. 16/10 October, 2010

NOTIFICATION

In pursuance of the Letter No. PRE (UAT)-42/2010- 22803/Ag, dated. 11.10.2010 of the Additional Secretary to Government, Agriculture Department, Govt. of Orissa, Bhubaneswar, 27 (Twenty seven) posts of Programme Coordinator / Associate Professor / Equivalent, 162 (One hundred sixty two) posts of Subject Matter Specialist (SMS) / Assistant Professor / Equivalent and 81 (Eighty one) posts of Programme Assistant / Equivalent are created in the prescribed scale of pay in regular basis. These posts are interchangeable with teaching or research.

(2) In the posts so created the incumbents who are continuing on contractual basis but in regular scale of pay without any increment and other service benefits shall continue on probation till completion of 06 (six) years from the date of appointment to contractual post. On completion of six years of probation from the date of original appointment in the contractual post, they shall move over to the corresponding time scale of pay in the newly created posts. This will not be applicable to those who are getting regular scale of pay with periodical increments.

(3) These posts so created in regular scale of pay may be co-terminus till the period for which 100% funds are made available by ICAR. Other wise, University will provide alternative employment in equivalent cadre to KVK employees as per MOU with ICAR.

(4) All the posts and appointment may be prospective, i.e. shall be new appointment in a regular post carrying a time scale of pay. However, this will be retrospective for those who are getting regular scale of pay with periodical increments from the date of joining and completed probation as per statute of OUAT.

(5) This appointment against the new regular post, proposed to be created will not have any retrospective effect. In other words, services already rendered by them upto the date of their appointment in the newly created regular posts will not be counted for the purpose of any service benefits including terminal benefits, if any.

BY ORDER OF THE VICE-CHANCELLOR

Sd/- Sangram Keshari Ray

REGISTRAR

Memo No. 53603 IUAT., dated. 16.10.10

Copy forwarded to the Joint Secretary (HE), Office of the Hon'ble Chancellor, Raj Bhawan, Bhubaneswar for information and necessary action.

Memo No. 53604 IUAT., dated. 16.10.10

Copy forwarded to the Deputy Director General (Agril. Extension), Indian Council of Agricultural Research, Krishi Anusandhan Bhavan, Pusa, New Delhi-110012 for information and necessary action.

Memo No. 53605 IUAT., dated. 16.10.10

Copy forwarded to the All Deans/ Directors/ Associate Deans/ All Heads of the Department of constituent Colleges of OUAT / All Associate Director of Research of RRTS/ All Programme Coordinators of KVK of OUAT/ All Officer-in-charge of Research Stations/ Schemes / Controller of Examination, OUAT/ Chief Librarian, Central Library, OUAT/ Coordinator, NSS, TOC, OUAT for information and necessary action.

Memo No. 53606 IUAT., dated. 16.10.10

Copy forwarded to the Comptroller, OUAT, Bhubaneswar for information and necessary action.

Memo No. 53607 IUAT., dated. 16.10.10

Copy forwarded to the Assistant Registrars, OUAT / Accounts Officers, OUAT/ Secretary to Vice-Chancellor, Bhubaneswar for information and necessary action.

C.C. to Audit-cum-Inspection Officer, OUAT / Section Officer, Budget / Scheme / Teaching / Pension / Funds / Superintendent (issue) / G.F. / 5 extra copy

Manoj*3946-10-10

TECHNICAL
Sd/-

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23-20
ANNEXURE-1B/1

ORISSA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY
BHUBANESWAR-751003

No. E-II-IV-1/09 63320 UAT., Dated 28/11 December, 2010

OFFICE ORDER

The following subject matter specialist who have been appointed in K.V.K.s under OUAT on contractual basis in the regular scale of pay of Rs.8000-275-13500/- (pre revised) with periodical increments from the date of their joining and completed probation period of two years as per the statute 48 of OUAT statutes 1966 and subsequently allowed the revised scale of pay of Rs.15600-39100 plus AGP of Rs.6000/- with effect from 01.01.06, are regularized in their respective posts on the dates as mentioned against each as per the terms and conditions laid down in the letter No. PRE (UAT)-42/10-22803/Ag. dated 11.10.2010 of the Government of Orissa in Agriculture Department, Bhubaneswar and notified by the University vide No.53602/UAT, dt.16.10.2010.

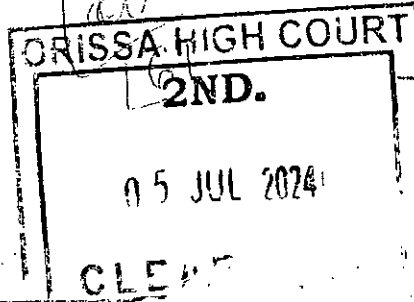
Sl. No.	Name, Designation and address of the incumbents	Date of joining in KVK on Contractual basis	Date from which treated as regular in their respective posts.
1	2	3	4
1.	Jibanjit Sen, SMS (Soil Sc.) & PC(I/C), KVK, Keonjhar	26.06.06 (F.N)	26.06.06
2.	Dr. Satyajit Ku. Bhuyan, SMS, (Fishery), KVK, Keonjhar	06.02.06 (F.N)	06.02.06
3.	Uma Shankar Nayak, SMS (Pl. Protection), KVK, Keonjhar	11.05.05 (F.N)	11.05.05
4.	Mrs. Saswati Pattnaik, SMS (Home Science), KVK, Keonjhar	02.01.06 (F.N)	02.01.06
5.	Sunil Kumar Mohapatra, SMS (Horticulture), KVK, Keonjhar	10.01.06 (F.N)	10.01.06
6.	Biswanath Sahoo, SMS (Horticulture) KVK, Balasore	22.07.06 (F.N)	22.07.06
7.	Ranjan Kumar Kar, SMS (Forestry) KVK, Balasore	17.03.06 (F.N)	17.03.06
8.	Debendra Ku. Debatia, SMS (Pl. Protection), KVK, Ganjam	09.01.06 (F.N)	09.01.06
9.	Dr. (Mrs.) Geetanjali Subhdhi, SMS (Home Science) KVK, Ganjam	25.02.05 (F.N)	25.02.05
10.	Sufanu Kumar Satapathy, SMS (Horticulture) KVK, Ganjam	04.01.06 (F.N)	04.01.06
11.	Debasis Sarangi, SMS (Soil Sc.) KVK, Ganjam	04.02.06 (F.N)	04.02.06
12.	Mrs. Pravamaye Acharya, SMS, (Home Sc.) & PC (I/C), KVK, Koraput	24.03.05 (F.N)	24.03.05
13.	Mrs. Jyotsnarani Maharana, SMS (Horticulture) KVK, Koraput	31.12.05 (A.N)	01.01.06
14.	Lalita Kumar Mohanty, SMS (Agro.), KVK, Koraput	24.02.06 (F.N)	24.02.06
15.	Dr. Prasanna Kumar Samanta, SMS, (Soil Sc.) KVK, Kendrapara	14.02.06 (F.N)	14.02.06
16.	Dr. Laxmikanta Das, SMS (Agro), KVK, Kendrapara	27.05.05 (F.N)	27.05.05
17.	Manoj Kumar Rout, SMS (PL. Protection) KVK, Kendrapara	23.06.06 (F.N)	23.06.06

Sl. No.	Name, Designation and address of the incumbents	Date of joining in KVK on Contractual basis	Date from which treated as regular in their respective posts.
1	2	3	4
18.	Mrs. Shradhanjali Mohapatra, SMS, (Home Sc.) & PC (I/C), KVK, Kandhamal	07.04.05(F.N)	07.04.05
19.	Amitabha Panda, SMS, (Hort.), KVK, Kandhamal	09.01.06(F.N)	09.01.06
20.	Samir Ranjan Das, SMS (Extn.) KVK, Kandhamal	12.01.06(F.N)	12.01.06
21.	Pramod Kumar Pristry, SMS (PL Protection) KVK, Kandhamal	22.08.06(F.N)	22.08.06
22.	Gobinda Chandra Sahoo, SMS (Soil Sc.), KVK, Kalahandi	05.05.06(F.N)	05.05.06
23.	Sushanta Kumar Patra SMS (Fishery), KVK, Kalahandi	10.01.06(F.N)	10.01.06
24.	Dr. Pabitra Mohan Mohapatra, SMS (PBG), KVK, Baragarh	16.06.06(F.N)	16.06.06
25.	Mrs. Sasmita Pal, SMS (Home Sc.), KVK, Dhenkanal	19.08.05(F.N)	19.08.05
26.	Bijaya Kumar Routray, SMS (PL Protection), KVK, Dhenkanal	08.09.06(F.N)	08.09.06
27.	Biswaranjan Pattnaik, SMS (Extn.) KVK, Dhenkanal	04.01.06(F.N)	04.01.06
28.	Tanmay Lalitendu Mohanty SMS (Forestry), KVK, Dhenkanal	04.02.06(F.N)	04.02.06
29.	Dr. Bhagaban Kabat, SMS, (Soil Sc.), KVK, Dhenkanal	06.02.06(F.N)	06.02.06
30.	Mrs. Bineta Satapathy, SMS (Extn.), KVK, Angul	12.01.06(F.N)	12.01.06
31.	Dr. Debabrata Panigrahi, SMS (PL Protection), KVK, Angul	07.04.05(F.N)	07.04.05
32.	Debasis Behera, SMS (Hort.), KVK, Angul	20.03.06(F.N)	20.03.06
33.	Bimalendu Mohanty, SMS (Ag. Engg.), KVK, Angul	14.03.05(F.N)	14.03.05
34.	Mrs. Pramila Naik, SMS (Agro.), KVK, Jajpur Now deployed at AICRP on Maize, BBSR	01.03.06(F.N)	01.03.06
35.	Ashok Baran Das, SMS (Extn.), KVK, Jajpur	06.01.06(F.N)	06.01.06
36.	Mrs. Anita Mohanty, SMS (Hort.), KVK, Jajpur	02.01.06(F.N)	02.01.06
37.	Mrs. Pravasini Behera, SMS (PL Protection) KVK, Jajpur	09.01.06(F.N)	09.01.06
38.	Mrs. Dharitri Patra, SMS (Home Sc.), KVK, Jajpur	19.01.05(F.N)	19.01.05

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Sl. No.	Name, Designation and address of the incumbents	Date of joining in KVK on Contractual basis	Date from which treated as regular in their respective posts.
1	2	3	4
39.	Mahamaya Prasad Nayak, SMS (Extn.) & PC (I/C) KVK, Bhadrak	28.02.05(F.N)	28.02.05
40.	Debasis Panda, SMS (Pl. Protection), KVK, Bhadrak	07.01.06(F.N)	07.01.06
41.	Ambika Prasad Nayak, SMS (Fishery), KVK, Bhadrak	24.03.05(F.N)	24.03.05
42.	Dr. Manas Ranjan Sahoo, SMS (Hort.), KVK, Bhadrak	25.08.06(F.N)	25.08.06
43.	Manoj Kumar Jena, SMS (Soil Sc.), KVK, Bhadrak	13.02.06(F.N)	13.02.06
44.	Manoranjan Mohanty, SMS (Forestry), KVK, Nabarangapur	14.02.06(F.N)	14.02.06
45.	Mrs. Monalisa Pradhan, SMS (Home Sc.) KVK, Sambalpur	30.12.05(F.N)	30.12.05
46.	Arjun Mohan Prusty, SMS (PBG), KVK, Nayagarh	18.04.07(F.N.)	18.04.07
47.	Trinath Khandayatray, SMS (Pl. Protection) KVK, Nayagarh	03.07.06(F.N)	03.07.06
48.	Anil Kumar Swain, SMS (Fishery), KVK, Nayagarh	11.03.05(F.N)	11.03.05
49.	Jayanta Kumar Pati, SMS (Extn.) & PC (I/C), KVK, Sundargarh	21.02.05(F.N)	21.02.05
50.	Samarendra Baral SMS (Pl. Protection), KVK, Sundargarh	19.06.06(F.N)	19.06.06
51.	Manoranjan Mohapatra, SMS (Extn.) & PC (I/C), KVK, Nuapara	10.03.05(F.N)	10.03.05
52.	Kshirod Kumar Biswal, SMS (Pl. Protection) KVK, Nuapara	26.07.06(F.N)	26.07.06
53.	Ashis Kumar Das, SMS (Pl. Prot.) & PC (I/C) KVK, Rayagada	16.01.06(F.N)	16.01.06
54.	Subrat Kumar Behera, SMS (Ag. Engg.) KVK, Rayagada	20.03.06(F.N)	20.03.06
55.	Mrs. Susmita Mohanty, SMS (Home Sc.) KVK, Rayagada	02.01.06(F.N)	02.01.06
56.	Nityananda Das, SMS (Fishery) KVK, Jagatsinghpur	02.05.05(F.N)	02.05.05
57.	Ashis Kumar Mohanty, SMS (Hort.) KVK, Jagatsinghpur	14.01.05(F.N)	14.01.05
58.	Arabinda Dhal, SMS (Pl. Protection) KVK, Jagatsinghpur	12.05.05(F.N)	12.05.05
59.	Mrs. Bijayalaxmi Sahoo, SMS (Home Sc.) KVK, Jagatsinghpur	17.01.05(F.N)	17.01.05
60.	Sanat Kumar Dwivedi, SMS (Agro.) KVK, Jagatsinghpur	24.01.06(F.N)	24.01.06

6-2-24
28/7/10

Sl. No.	Name, Designation and address of the incumbents	Date of joining in KVK on Contractual basis	Date from which treated as regular in their respective posts.
1	2	3	4
61.	David James Bage, SMS (Extn.), KVK, Gajapati	16.01.06(F.N)	16.01.06
62.	Prasanta Kumar Panda, SMS (Pl. Protection) KVK, Gajapati	05.01.07(F.N)	05.01.07
63.	Jagannath Patra, SMS (Extn.) & PC(I/C), KVK, Mayurbhanj	18.02.05(F.N)	18.02.05
64.	Mrs. Manashi Bhol, SMS (Home Sc.) KVK, Mayurbhanj	02.01.06(F.N)	02.01.06
65.	Mrs. Sanghamitra Pattnaik, SMS (Hort.) KVK, Mayurbhanj	10.01.06(F.N)	10.01.06
66.	Tushar Ranjan Molianty, SMS (Agro.) KVK, Mayurbhanj	24.03.06(F.N)	24.03.06
67.	Bhakta Charan Dhir, SMS (PP) & PC(I/C), KVK, Boudh	25.05.05(F.N)	25.05.05
68.	Subrat Kumar Panigrahi, SMS (Extn.) KVK, Boudh	16.01.06(F.N)	16.01.06
69.	Madhab Chandra Behera, SMS (Forestry), KVK, Boudh	21.03.06(F.N)	21.03.06
70.	Bishnu Pada Giri, SMS (Hort.) KVK, Boudh	17.09.06(F.N)	17.09.06
71.	Uttam Kumar Behera, SMS (PP) & PC I/C KVK, Sonepur	08.04.05(F.N)	08.04.05
72.	Biswaranjan Samantaray, SMS (Fishery), KVK, Sonepur	12.01.06(F.N)	12.01.06
73.	Niranjan Das, SMS (PP) & PC(I/C), KVK, Jharsuguda	11.04.05(F.N)	11.04.05
74.	Mrs. Sushree Choudhury, SMS (Hort.), KVK, Jharsuguda	28.07.06(F.N)	28.07.06
75.	Mrs. Jyotirmayee Udagata, SMS (Home Sc.) KVK, Jharsuguda	01.02.05(F.N)	01.02.05
76.	Manoj Kumar Barik, SMS (Extn.) KVK, Jharsuguda	04.01.06(F.N)	04.01.06
77.	Sukanta Kumar Sahoo, SMS (Hort.) KVK, Deogarh	19.07.06(F.N)	19.07.06
78.	Deepak Kumar Mohanty, SMS (Ag. Engg.) KVK, Deogarh	11.03.05(F.N)	11.03.05
79.	Sujit Kumar Nath, SMS (Extn.) KVK, Deogarh	17.01.06(F.N)	17.01.06
80.	Dr. (Mrs) Diptimayee Jena, SMS (Home Sc.) & PC(I/C) KVK, Puri	30.03.05(F.N)	30.03.05
81.	Prasanta Kumar Nanda, SMS (Pl. Protection), KVK, Puri	25.08.06(F.N)	25.08.06

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Sl. No.	Name, Designation and address of the incumbents	Date of joining in actual basis	Date from which treated as regular in their respective posts
82	Mrs. Babita Mishra, SMS (Hort.) KVK, Puri	11.10.06(F.N)	11.10.06
83	Bannu Kumar Mohanty, SMS (Ext. & PC (I/C) KVK, Malkangiri	17.01.06(F.N)	17.01.06
84	Mrs. Smita Purohit, SMS (Home Sc.), KVK, Bolangir	01.02.05(F.N)	01.02.05

BY ORDER OF THE VICE-CHANCELLOR.

Sd/- S.K. Ray.

REGISTRAR.

Memo No. 63331 /UAT.,DI. 28-12-10

Copy for persons concerned for information and necessary action.

ASST. REGISTRAR (EST.)

Memo No. 63332 /UAT.,DI. 28-12-10

Forwarded to All Deans/ Directors Associate Deans/All HODs of Colleges under OUAT/All ADR of RRIIS/ All Programme Co-ordinators of KVKs/ OUAT/All Officer-in-Charge of Research Stations/Schemes/Controller of Extension/ OUAT/Medical Officer, OUAT Health Centre/ Co-ordinator NSS/ TOC, OUAT/OC Librarian, OUAT for information and necessary action.

ASST. REGISTRAR (EST.)

Memo No. 63333 /UAT.,DI. 28-12-10

Copy forwarded to the Comptroller, OUAT for information and necessary action.

ASST. REGISTRAR (EST.)

Memo No. 63334 /UAT.,DI. 28-12-10

Copy forwarded to the Asst. Registrar (Admin. Asst. Registrar Academic) Accounts Officers, OUAT/Secretary to Vice-Chancellor for information and necessary action.

ASST. REGISTRAR (EST.)

C.C. 16 (i) Audit-cum-Inspection Officer, OUAT.

(ii) Section Officer Budget/Scheme/Teaching Pension/Funds/Suptd. Issue).

(iii) Guard File/Personal File/extra copies.

28-12-10

[Signature]

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ANNEXURE-C/1

Website: www.ouat.ac.in

U-0674-2337818/919, Fax-0674-2337424

ଓଡ଼ିଶା କୃଷି ଓ ଭେତ୍ସିକା ବିଶ୍ୱବିଦ୍ୟାଳୟ, ଭୁବନେଶ୍ୱର-୭୫୧୦୦୩, ଓଡ଼ିଶା

ORISSA UNIVERSITY OF AGRICULTURE & TECHNOLOGY

Bhubaneswar - 751 003, Odisha

ଉପାଧ୍ୟକ୍ଷ

E-II-IV- 05 / 2011 - 19832 /UAT.,

dated.

27th August, 2014

NOTIFICATION

In pursuance of the letter No: PRE(UAT)-1/2014(Pt)-12043/Ag, dated. 18.07.2014 of the Additional Secretary to Government, Agriculture Department, Govt. of Odisha, Bhubaneswar and as per approval of the Board of Management, OUAT under Resolution No.3873, dated. 01.08.2014, the service conditions of contractual staff in KVKs under OUAT as follows :

- (1) The KVK employees are contractual project staff and allowed regular scale of pay with annual increments and other benefits as per the ICAR Guidelines, till 100% funding of ICAR continues.
- (2) The KVK employees are not entitled to terminal benefits and their service is co-terminus with the contractual project i.e. till the period 100% funds are made available by ICAR.
- (3) The State Government and OUAT will not shoulder any kind of liability pertaining to KVKs.
- (4) The transfer of KVK employees will be within the KVKs only.

Consequent upon the above decision of the Government of Odisha, the services of the contractual employees of KVKs regularized in different orders from time to time as per the terms and conditions laid down in the letter No. PRE (UAT)-42/2010-22803/Ag, dated.11.10.2010 of the Govt. in Agriculture Department, Govt. of Odisha and Notification of OUAT vide No.53602/UAT, dated.16.10.2010 are hereby superseded and their service conditions shall be carried out as per the revised terms and conditions approved by the Government.

Further, the terms and conditions which mentioned in the appointment orders of different KVK employees in pursuance to the letter No.22803/Ag, dated. 11.10.2010 of the Government in Agriculture Department, Govt. of Odisha and Notification No. 53602/UAT, dated. 16.10.2010 of OUAT are also superseded and their service conditions will be guided by the revised terms and conditions approved by the Government.

PRE (UAT)-42/2010

dated. 11.10.2010

11.10.2010

By Order of the Vice-Chancellor,

Sd/-27.08.2014

Registrar

T E Handby
am



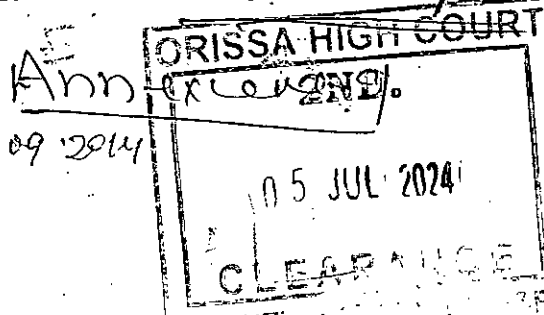
ORISSA UNIVERSITY OF AGRICULTURE & TECHNOLOGY
Bhubaneswar-751003, Odisha

- 16 -

ANNEXURE - D/1

E-II-IV-5/2011- 23335 /UAT

Date. 30.09.2014



OFFICE ORDER

The notification issue vide no 19832/UAT, Dated 27.08.2014 regarding the service condition of the Contractual KVK employee as per the minutes of the meeting held on 23.05.2014 communicated by the Addl. Secretary Agriculture Dept., Govt. of Odisha vide his letter No.PRE (UAT) 1/2014(pt) 12043/Ag, Dt 18.07.2014 is hereby kept in abeyance until receipt of further orders from the Govt. in Agriculture Department, Govt. of Odisha.

By Order of the Vice Chancellor

[Signature]
Registrar 30/9/2014

Memo No. 23336 /UAT, Date. 30.09.2014

Copy forwarded to the Joint Secretary to Hon'ble Chancellor, Raj Bhawan, Bhubaneswar for kind information and necessary action with reference to this office memo no 19833/UAT, Date 27.08.2014.

[Signature]
Registrar 30/9/2014

Memo No. 23337 /UAT, Date. 30.09.2014

Copy forwarded to the Deputy Director General (Agril. Extension). Indian Council of Agricultural Research, Krishi Anusandhan Bhawan, Pusa, New Delhi-110012 for information and necessary action with reference to this office memo No.19834/UAT Dt 27.08.2014.

[Signature]
Registrar 30/9/2014

Memo No. 23338 /UAT, Date. 30.09.2014

Copy forwarded to the Additional Secretary to Government, Agriculture Department, Govt. of Odisha, Bhubaneswar for information and action with reference to this office memo no 19835/UAT, Date 27.08.2014.

[Signature]
Registrar 30/9/2014

[Handwritten signature]

IN THE HIGH COURT OF ORISSA : CUTTACK-17 -

(WRIT PETITION CIVIL)

Annexure-E/1

W.P. (C) No. 18254 of 2014

Code No.310800

IN THE MATTER OF

An application under Article- 226 and 227 of the Constitution of India.

AND

IN THE MATTER OF

ted in Court An application for quashing of the Notification No- E- II- IV- 05 / 2011-19832 dtd. 27.08.2014 passed by O.P. No.-2 & 3 in respect of the petitioner which preventing to get the same benefit as the employees of same footing and the juniors than the petitioner, which is illegal & not applicable to the petitioner as the same footing persons as well as the juniors were regularised by the by getting all sorts of financial benefits ,i.e., terminal benefits, CPE, Pension & interchangeable-facilities ,where as even if the petitioner has been appointed under regular vacant post as contractual basis as per the letter No-126/UAT dtd 03.01.2006,joined on 23.06.2006 & became regular as per order No- E-II-IV-1/09 63330 / UAT dtd. 28.12.2010 found at Sl. No- 17, passed by the OP No- 2 & 3.

AND

IN THE MATTER OF

2 = 18 =

The Orissa University of Agriculture & Technology Act. - 1999
and the Rules framed there under.

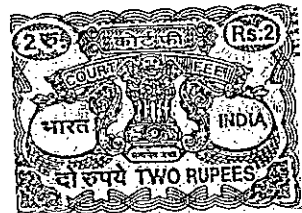
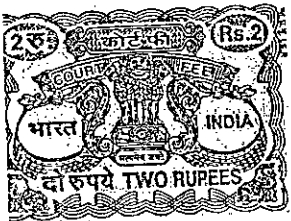
AND

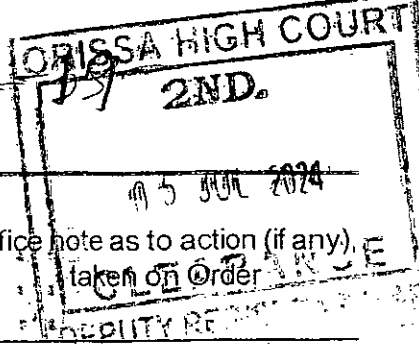
IN THE MATTER OF

Manoj Kumar Rout, aged about 40 years, S/o. PurnaChandra
Rout, Village : Plot No-427, Saneigadia, PO - Rasulgarh
,Bhubaneswar, Dist: Khurda.. Now working as Subject Matter
Specialist (SMS), Plant Protection, Krishi Vigyan Kendra (KVK)
Kendrapara, At/PO: Jajanga, PO- Kapaleswar , PS: / Dist:
Kendrapara. PETITIONER

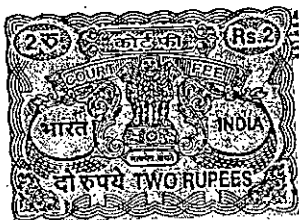
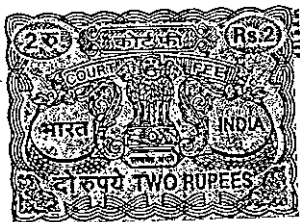
- Versus -

- 1.State of Odisha, represented through its Secretary
Agricultural Department, Secretariat Building, Bhubaneswar.
2. ~~Orissa University of Agriculture and Technology~~
represented by its vice-chancellor Bhubaneswar. At/Po: Bhubaneswar, Dist: Khurda-
3. ~~Orissa University of Agriculture and Technology,~~
represented by its Registrar Bhubaneswar, At/Po: Bhubaneswar, Dist: Khurda-751003.
4. Dean, Extension Education, OUAT, Bhubaneswar. At/Po:
Bhubaneswar, Dist: Khurda-751003
5. Assistant Registrar, Establishment Orissa University of
Agriculture and Technology, Bhubaneswar. At/Po:
Bhubaneswar, Dist: Khurda-751003.
6. Programme Co-ordinator, Krushi Vigyan Kendra (KVK)
Kendrapada, At/PO: Jajanga, PO- Kapaleswar , PS: / Dist:
Kendrapara. OPPOSITE PARTIES.





Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order DEPUTY REGISTRAR
04.	05.10.2015	<p>Heard Mr. Dillip Ray learned counsel for the petitioner.</p> <p>The petitioner files this application seeking to quash the notification dated 27.08.2014 vide Annexure-6 and further seeking for a direction to the opposite parties to consider him as regular employee under the OUAT with all financial and terminal benefits.</p> <p>Mr. Dillip Ray, learned counsel for the petitioner states that by virtue of the notification dated 27.8.2014 under Annexure-6 the status of the petitioner has been changed from regular employee to contractual employee, which is not permissible under law.</p> <p>During the course of hearing, it appears that the notification dated 27.8.2014 vide Annexure-6 has been kept in abeyance vide Office Order No.23335/UAT dated 30.09.2014. Since the impugned notification in Annexure-6 has been kept in abeyance, no cause of action is available for the petitioner at this moment to challenge the same. In any case, if any cause of action survives for the petitioner, he is at liberty to approach the appropriate forum in accordance with law.</p> <p>Accordingly the writ petition stands disposed of.</p> <p>Issue urgent copy as per Rules.</p>	



PKSahoo



Sd/- D.N. B.R. Sanangi,
(J)

TC awarded by
[Signature]

[Signature]

07.11.15



2015

E-II-II-42/2009-

29858 /UAT..

Dated.

31.12.2015

OFFICE ORDER

On recommendation of the Standing Selection Committee, the following persons are appointed as Assistant Professor/ Equivalent in Plant Pathology in Teaching and Research project under OUAT as mentioned against each in the scale of pay of Rs 15,600-39,100/- plus AGP of Rs 6,000/- with usual DA and other allowances as admissible from time to time. Their appointment is subject to final result of W.P.(C) No. 24278 of 2014.

They will remain under probation of 02(Two) years from the date of their joining and if their performance are found unsatisfactory during the period of probation, their appointment will be terminated at any time without assigning any reasons thereof.

The candidate has to furnish an affidavit at the time of joining in the teaching post that he/she has to serve for a minimum period of 3(Three) years and should not leave in mid academic session. The candidate who is joining in the research scheme has to furnish an undertaking that he/she has to serve for minimum period of 5(Five) years and should not make any representation in between for change.

SL. No.	Name and Address of the Candidate	Categ ory	Place of Posting	To whom report for duty
1.	Manoj Kumar Rout Plot No-427, At-Samei Gadia Po-Rasulgarh, BBSR, Odisha, Pin-753010 Mob-9938793431	UR	Jr. Pathologist AICRP on Jute Research Station, Kendrapara	Office-in-Charge JRS, Kendrapara
2.	Dr.Srujani Behera HIG-391, K-5, Kalinga Vihar BBSR, Pin-751019 Mob-8763506570	UR	Assistant Professor (Pl. Patho.) College of Agriculture, Bhawanipatna	Associate Dean, College of Agriculture, Bhawanipatna
3.	Sushri Sangita Bal Maa Jhadeswari Girl's Hostel Hostel No-3, Room No-74, Po-Ganganagar, BBSR, Pin-751003 Mob-9861855997	UR (w)	Jr. Pathologist AICRP on MULLaRP (Sub-centre), Keonjhar	ADR RRTTS, Keonjhar
4.	Sunita Behera Lecture, Plant Pathology, Institute of Agril. Science, IBSC Campus, SPS Building, Near Sum Hospital, Kalinga Nagar SOA Univ.,BBSR, Pin-751003	SC	Jr. Scientist (Pl. Patho.) HARS, Pottangi	ADR RRTTS, Semiliguda
5.	Swagatika Mohanty Room No-82, Hostel No-03, OUAT Campus, BBSR, Pin-751003 Mob-09438639301	SEBC	Jr. Scientist (Pl. Patho.) RRTTS, Nayagarh	Office-in-Charge RRTTS, Nayagarh

By order of the Vice-Chancellor
Sd/- Prof. R.K Das
Registrar

By Registered Post

Memo No. 29859 /UAT.. Date. 31.12.2015

Copy to the persons concerned for information and necessary action. He/She should report for duty before the officers concerned as mentioned against each within 15 days from the date of issue of this order, failing which the appointment order shall stand, cancelled. The candidate is required to furnish the following documents at the time of his/her joining in the post.

1. Medical Fitness certificate from a Medical Officer not below the rank of CDMO.
2. Conduct certificate from the head of the Institution last attended and from two different Gazetted officers.
3. Self Attested copy of the certificates in support of date of birth, educational qualification and research publication etc.
4. Caste certificate is to be produced by the candidate, who have selected in the reserve category. SEBC category candidate has to produce the current year SEBC certificate.
5. An affidavit to serve for a minimum period of 3(three) years and should not leave in mid academic session. (For appointment in Teaching Post)
6. An undertaking to serve for minimum period of 5 years should not make any representation for change. (For appointment in Research Scheme).
7. The candidate, who has no knowledge of odia has to pass odia upto 7th standard within period of one year.

Memo No. 29860 /UAT.. date. 31.12.2015 Asst. Registrar (Estt.)

Copy forwarded to the Dean, C.A. OUAT, Bhubaneswar/ Dean of Research/ Dean, Extension Education/ Associate Dean, C.A. Bhawanipatna/ ADR, RRTTS, Keonjhar/ ADR, RRTTS, Semiliguda/ OIC, RRTTS, Nayagarh/ OIC, JRS, Kendrapara/OIC, HARS, Pottangi/OIC, AICRP on MULLaRP(Sub-centre), Keonjhar/ P.C.KVK, Kendrapara for information and necessary action. It is requested to verify all the documents with the original at the time of the joining of the incumbent and sent the joining report along with the affidavit/ undertaking furnished by the candidate and the copy of the above self attested documents submitted by the candidate to this office for record. The joining of the candidate shall be ensured with furnishing of the affidavit/ undertaking.

Memo No. 29861 /UAT.. date. 31.12.2015 Asst. Registrar (Estt.)

Copy forwarded to the Comptroller, OUAT Bhubaneswar for information and necessary action.

Memo No. 29862 /UAT.. date. 31.12.2015 Asst. Registrar (Estt.)

Copy forwarded to Sri Ashok Mishra, Sr. Advocate (Orissa High Court), Mangalabag, Cuttack-753001, Odisha for information with reference to W.P. (C) No.24278 of 2014 and necessary action.

Memo No. 29863 /UAT.. date. 31.12.2015 Asst. Registrar (Estt.)

Copy forwarded to the Dean, Institute of Agril. Science, SOA, University (Near Sum Hospital) with reference letter No. 414 date 27.12.2014 for information and necessary action.

Memo No. 29864 /UAT.. date. 31.12.2015 Asst. Registrar (Estt.)

Copy forwarded to the Asst. Registrar (Admn.)/Asst.Registrar (Academic) OUAT Bhubaneswar for information and necessary action.

C.C. to Secretary to V.C/ S.O (Budget)/S.O (Scheme)/S.O (Teaching) PA to Registrar/ Personel Files/ C.F/ A.L.O, Legal Cell/ Superintendent issue to be kept in the guard file.

[Handwritten Signature]
[Handwritten Initials]

PROCEEDINGS OF THE MEETING OF THE BOARD OF MANAGEMENT OF OUAT
 OF 02.09.2015 AT 11.00 A.M IN THE DR. S. RADHAKRISHNAN CONFERENCE
 HALL, OUAT, BHUBANESWAR-3.

Members Present

- | | |
|--|---|
| 01. Prof. M. Kar,
Vice-Chancellor | : Chairman |
| 02. Shri Dukhishyam Paik,
Additional Secretary,
Agriculture Department,
Govt. of Odisha, Bhubaneswar. | : Member
Representing, Principal-Secretary to
Govt. of Odisha, Agriculture Department,
Bhubaneswar |
| 03. Sj. Samir Ranjan Dash,
Hon'ble MLA | : Member |
| 04. Dr. Khageswar Pradhan,
Former Vice-Chancellor, OUAT | : Member |
| 05. Sri Suresh Chandra Pattnaik | : Member |
| 06. Sri Khetrabasi Behera | : Member |
| 07. Sri Trilochan Mohapatra,
C.R.R.I., Cuttack. | : Member |
| 08. Shri Dhananjay Hembram,
Additional Secretary,
Fisheries & Animal Resources
Development Department,
Govt. Of Odisha, Bhubaneswar. | : Co-opted Member
Representing Principal Secretary to
Govt. of Odisha, Forestry & Environment
Department, Bhubaneswar. |
| 09. Shri Debidutta Biswal,
Special Secretary,
Forest & Environment Department,
Govt. of Odisha, Bhubaneswar. | : Co-opted Member
Representing Principal Secretary to
Govt. of Odisha, Forest & Environment
Department, Bhubaneswar. |
| 10. Registrar and Secretary to the Board of
Management, OUAT. | : Secretary |
| 11. Comptroller, OUAT. | : Invitee |

At the outset the Vice-Chancellor and Chairman and all the Members congratulated Dr. Trilochan Mohapatra for his joining as Director, IARI, New Delhi & also Shri William Billung, IAS for his joining as new Registrar and Secretary of the Board of Management.

Resolution No.3924

Confirmation of the Proceedings of the meeting of the Board of Management of OUAT held on 09.03.2015 at 11.00 A.M in Dr. S. Radhakrishnan Conference Hall of OUAT.

Confirmed.

While the House confirmed the proceedings of the last meeting observed to expedite the complition of vision documents 2030. The steps may be taken to place the documents in the next meeting of the BoM

Consider the police verification report on the bonafide citizenship of Dr. M. M. Hossain, Dean (In-Charge) College of Forestry, OUAT, Bhubaneswar.

The House observed to move to Govt. in Agriculture Department intimating the contradictory report received in the matter of bonafide citizenship of Dr. Md. M. Hossain for clarification from the Home Department.

Resolution No.3940

Information to the Board of Management, on the withdrawal of Special Leave Petition / Civil Appeal No.8513 / 2009 (Chancellor, OUAT and another-Vrs.- P. K. Pradhan).

The House noted that the Hon'ble Chancellor after considering the communication from the University reversed the earlier decision on withdrawal of Special Leave Petition.

The matter regarding allegation received from different corner be dealt separately as decided earlier by the BoM.

Resolution No.3941

Consider the compliance report regarding recruitment of Professor and other posts in the College of Forestry as per advertisement No.50695/UAT., dt.25.08.2011.

The House observed to make a fresh advertisement for recruitment of teaching personnel at the earliest.

Resolution No.3942

- (i) Consideration of pay protection of Subject Matter Specialist / Programme Coordinator of KVKs under OUAT.
- (ii) Subject Matter Specialist/ Programme Coordinator of KVKs appointed and joined as Asst. Professor/ Associate Professor in the constituent Colleges and Research Units of OUAT.

Approved

Resolution No.3943

Promotional Avenue for Primary Investigator / Feldman in Comprehensive Scheme (Cost of Cultivation Scheme).

Approved. Before implementation, the Funding Agency may be consulted accordingly

MEMORANDUM

- Sub:- (i) Consideration of pay protection of Subject Matter Specialist/ Programme Coordinator of KVKs under OUAT.
- (ii) Subject Matter Specialist/ Programme Coordinator of KVKs appointed and Joined as Asst. Professor / Associate Professor in the constituent Colleges and Research Units of OUAT.

The Subject Matter Specialist of KVKs under OUAT, who appointed as Programme Coordinator in KVKs have submitted representation for their pay protection in the post of Programme Coordinator as detailed below.

1. Some Subject Matter Specialists of KVKs under OUAT have been appointed as Programme Coordinator in the KVKs through selection Committee. They have represented for protection of their pay as they were drawing higher pay than the minimum pay of the Programme Coordinator at the time of their joining.
2. Some Subject Matter Specialists/ Programme Coordinators while working in the KVK have been selected and appointed as Asst. Professor/ equivalent or Associate Professor/ equivalent against the sanctioned post in the constituent Colleges/ Research Units under OUAT. They were drawing higher pay than the pay scale of Asst. Professor and Associate Professor at the time of their joining and have requested to protection of their pay.

As per Provisions of Statute 46 of OUAT Statute- 1966, "Subject to the terms of transfer, when any Government servant whose services have been transferred to the University exercises his option for absorption in the service of the University within the period specified in the provision to sub-section (3) of Section- 37, the University shall employ him in its service in a post whose grade, pay scale and pay shall not be less than what he enjoyed at the time of absorption in the service of the University".

As per Provision of O.S.C. Rule- 74 (b) "Where a Government Servant holding a post, is promoted or appointed to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued".

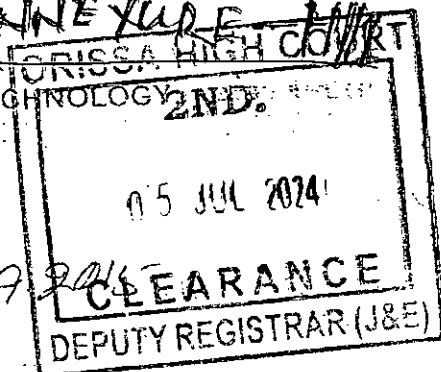
"Provided that where a Government servant, immediately before his promotion or appointment to a higher post; is drawing pay at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage, next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to his last increment in the time-scale of the lower post."

In view of the above aspects, the matter is placed before the Board of Management for consideration of the pay protection in respect of Subject Matter Specialist appointed as Programme Coordinator in KVKs under OUAT or Subject Matter Specialist/ Programme Coordinator appointed as Asst. Professor/ Associate Professor in constituent Colleges and Research Units under OUAT as per Rule

TC *Am* *by*
Sd/-
21.08.2015
Registrar



ORISSA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY
BHUBANESWAR-751003



No.E-II-IV-1/2010 - 21880 /UAT.

Date: 26.09.2015

NOTIFICATION

In pursuance of Resolution No.3942, dt.02.09.2015 of the Board of Management, OUAT, the Subject Matter Specialists appointed as Programme Coordinators in KVKs and Subject Matter Specialist / Programme Coordinator appointed as Assistant Professor / Associate Professor in constituent colleges and Research Units under OUAT are allowed protection of pay in the newly appointed post as per Rule.

Arrear claim, if any arising out of pay protection will be disbursed after receipt of funds from the ICAR / State Government.

By Order of the Vice-Chancellor,
Sd/- William Bilung,
Registrar

Memo No. 21881 /UAT.

Dt. 26.09.2015

Copy forwarded to All Deans / Directors/ Associate Deans / All H.Os of constituent colleges of OUAT / All A.D.Rs of RRTS / All Programmes Coordinators of KVK of OUAT / All O.I.C of Research Stations / Schemes for information and necessary action.

Assistant Registrar(Estt.)

Memo No. 21882 /UAT.

Dt. 26.09.2015

Copy forwarded to the Comptroller OUAT, Bhubaneswar for information and necessary action.

Assistant Registrar(Estt.)

Memo No. 21883 /UAT.

Dt. 26.09.2015

Copy forwarded to the Assistant Registrar (Admin.) OUAT, Bhubaneswar for information and necessary action.

Assistant Registrar(Estt.)

C.C. to Audit-cum-Inspection Officer, OUAT/Section Officer, Budget/ Scheme/ Teaching / G.F.

pp/-

W
24.9.2015

CC Aundley

DM

-26-

Annexure-1/1

Website: www.oua.ac.in
E-mail: registrar@oua.ac.in
20674-2337818/19 Fax: 0674 2397422



ORISSA UNIVERSITY OF AGRICULTURE & TECHNOLOGY
BHUBANESWAR-751003, ODISHA
80 80 80



E-II-IV-78/2007.

6354

/UAT.,

Dated.

12.04.2016

OFFICE ORDER

The office order no. 23335/UAT., dated 30.09.2014 issued regarding abeyance of the notification no. 19832/UAT., dated 27.08.2014 is hereby revoked. The Notification No. 19832/UAT., dated 27.08.2014 notified in pursuant to the letter no. 12043/Ag., dated 18.07.2014 of the Govt. in Agriculture Department, Govt. of Odisha and as per Resolution No.3873 dated 01.08.14 of Board of Management, in connection with service condition of the KVK employees is hereby came into force with immediate effect.

BY ORDER OF THE VICE-CHANCELLOR

Sd/- Sri. William Bilung

REGISTRAR

Memo No. 6355 /UAT.,

Date.

12.04.2016

Copy forwarded to the Special Secretary to Hon'ble Chancellor, Raj Bhawan, Bhubaneswar for kind information and necessary action with reference to this office memo no 19833/UAT, Date 27.08.2014.

Registrar

Memo No. 6356 /UAT.,

Date.

12.04.2016

Copy forwarded to the Deputy Director General (Agril. Extension). Indian Council of Agricultural Research, Krishi Anusandhan Bhawan, Pusa, New Delhi-110012 for information and necessary action with reference to this office memo No.19834/UAT Dt 27.08.2014.

Registrar

Memo No. 6357 /UAT.,

Date.

12.04.2016

Copy forwarded to the Additional Secretary to Government, Agriculture Department, Govt. of Odisha, Bhubaneswar for information and action with reference to this office memo no 19835/UAT, Date 27.08.2014.

Registrar

Memo No. 6358 /UAT.,

Date.

12.04.2016

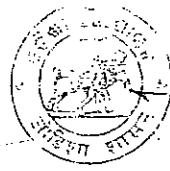
Copy forwarded to the Special Secretary to Government, Finance Department, Govt. of Odisha, Bhubaneswar for information and necessary action.

Registrar

TC sundy

mm

P.T.O



27 -

ANNEXURE-K/1

GOVERNMENT OF ODISHA
DEPARTMENT OF AGRICULTURE & FARMERS' EMPOWERMENT

No. DAFE-RESH-MISC-0022-2022/ 13660 /A&FE Dated- 09.09.2022

From,

Shri Managovinda Dalai,
Under Secretary to Government

To,

The Registrar,
OUAT, Bhubaneswar

Sub: Protection of pay of Dr. Manoj Kumar Rout, Jr. Pathologist, OUAT.

Madam,

In inviting a reference to your letter No. 4147/UAT dt.08.03.2022 on the subject cited above, I am directed to say that Finance Department have observed that since similar cases have been considered at OUAT vide Order No. 22880/UAT, dated 08.10.2015 (Annexure 18 series in the plaint copy of W.P.(C) No. 34221 of 2021), there is no point to delay the existing case which has already undergone a CONTC disposal. As the cases come under the University Statute, the cases may be decided as per the decision taken in previous cases and appended at Annexure 18 series in the plaint copy of W.P.(C) No. 34221 of 2021 filed by Manoj Kumar Rout.

It is, therefore, requested to take further necessary action at your end in order to comply the order of Hon'ble High Court under intimation to this Department.

Yours faithfully,

Q. Dalai
09/09/2022
Under Secretary to Government

Manoj Kumar Rout
Manoj

SCANNED

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT, CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 4

Branch No : WRIT APPEAL

Receipt No : 81743/2024

Filing No : D- WA 14672/2024

Case No : WA 675/2024

Received From : Respondent (1)

Filed By: ADVOCATE FOR THE RESPONDENT

Document(s) Filed :

2- Counter Affidavit --- Court Fee -Rs.3 (19701/2024)

3- RECEIPT (GOVT)

Date Of Receiving : 05/07/2024

Time : 03:53:15 PM

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO:

448220

Date:

05-Jul-24

TIME:

15:45

CASETYPE:

WA

No:

675

YEAR:

2024

PETITIONER / APPELLANT:

STATE

RESPONDENT / OPP PARTY:

MANOJ KU. ROUT

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PETITION & MEMO

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EXTRA COPY

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COUNTER

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ADDL

SET:

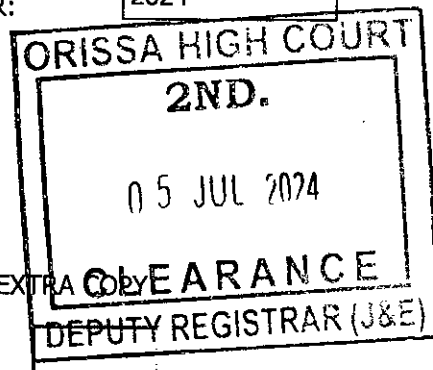
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REJOINDER

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