

06.11.2000

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

heard counsel for the applicant. Supplementary affidavit has been filed annexing therewith the impugned orders dated 24.10.2000 and 15.10.2000. We have heard counsel for the applicant at length. The order has been passed by the Post Master Genral in pursuance of the order of this Tribunal dated 31.7.2000 passed in OA 820/2000. The respondent no.2 in his order has stated that the advertisement of the post was not proper as it was not mentioned that the post <sup>was a</sup> reserved in respect of any category. From perusal of the copy of the advertisement, we are of the view that it was not in order. If the advertisement is read closely it appears that the conditions <sup>were</sup> ~~xxx~~ numbered serially OBC/SC/ST has been added subsequently. If it was also a condition in normal course it could have been, without any difficulty, mentioned in the same seriatum. This creates serious doubt about the correctness of the document.

The learned counsel for the applicant has also placed before us the extract of record of rights(khatauni) but it does not appear necessary to examine the document and <sup>to</sup> ~~we~~ express any opinion as in pursuance of the order of Post Master <sup>General</sup> ~~Haneral~~ a fresh notification may be issued and the applicant may <sup>be</sup> ~~be~~ appeared and his case shall be considered <sup>in accordance with law</sup> ~~sympathetically~~. Copy of this order be given to counsel for the respondents Shri D.K.Dwivedi.

  
MEMBER(A)  
VICE CHAIRMAN

Uv/