

23.10.98

Heard Shri B.S.Mishra, learned counsel for the petitioner, Shri Ashok Mishra, learned senior counsel appearing on behalf of the departmental respondents and Shri G.A.R.Dora, learned counsel for Res.4 on Misc.Application 580/98. In the Original Application the petitioner has prayed for quashing the order dated 13.12.1992 appointing Res.4 to the post of Extra Departmental Branch Post Master, Kusumi B.O. and for a further direction to departmental authorities to appoint her as E.D.B.P.M., Kusumi retrospectively from 30.11.1992. The petitioner has based her claim on the decision of the Tribunal in O.A.655/92 disposed of on 6.1.1993. In that order the Tribunal was pleased to observe that <sup>they</sup> ~~we~~ would be happy if the Superintendent of Post Offices, Dhenkanal tries to adjust Smt.Sanjarekha, the present applicant, in someother post, if it is possible. The respondents in their counter have mentioned that they could not adjust the applicant as per the direction of the Tribunal because there was no vacancy in the vicinity. In the Original Application the petitioner has come up for getting appointed to the post of E.D.B.P.M., Kusumi. In the present M.A.580/98, it has been submitted that in the meantime a vacancy in the post of E.D.B.P.M./E.D.S.P.M. has arisen in ~~Baji~~ Chouk Post Office in Dhenkanal Town, for which applications have been invited from the general public. It is submitted by the learned counsel for the petitioner that in response to the advertisement the petitioner has made an application within the last date of receipt of applications with all necessary documentations and she prays that a direction be issued to departmental authorities to consider her candidature for the above said post along with others in persuance of the order of the Tribunal in O.A.655/92. It is submitted by the learned counsel for the petitioner that in view of her prayer in M.A.580/98, she does not press the prayer made in the Original Application for quashing appointment of Res.4 to the post of EDBPM, Kusumi. In view of this it is submitted by Shri G.A.R.Dora, learned counsel for Res.4 that he has no objection to this M.A. being allowed. Shri Ashok Mishra, learned senior counsel

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appearing on behalf of the departmental respondents wants time for obtaining instructions and filing counter to this M.A., but since the prayer in this M.A. is only for consideration of her application, it is not possible to give time to the departmental authorities for obtaining instruction on this.

In consideration of submissions made by the learned counsels for the parties, M.A.580/98 is disposed of with a direction to departmental respondents to consider candidature of the petitioner along with other candidates for the post of EDBPM/SPM, Bajji Chouk Post Office in Dhenkanal Town; provided the petitioner has applied for the said post in proper form with all necessary documentations within the last date of receipt of applications. While considering the candidature of the petitioner along with others, observations of the Tribunal in O.A.655/92 and the averment of the Res.1 to 3 in para-2 of the counter that the applicant could not be adjusted so far in view of lack of vacancy should be kept in view.

With the above direction both M.A.580/98 as also the O.A.225/93 are disposed of.

Hand over copies of the order to learned counsels appearing for the parties.

*S. Jm.*  
22/12/98  
VICE-CHAIRMAN  
MEMBER (JUDICIAL)