

6
D.A. No. 189/1996

6

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED 5-2-2001.

Learned Counsel for the Petitioner and his associates are absent. No request has also been made for adjournment. As in this matter pleadings have been completed long ago, it is not possible to drag on the matter indefinitely. We have therefore, heard Mr. A. K. Bose, learned Senior Standing Counsel appearing for the Respondents and have also perused the records.

In this Original Application, the applicant prays for quashing the relieve order dated 1.2.1996 at Annexure-4, relieving him from the post of EDBPM, Hesda BO (wrongly mentioned by the applicant in para-4 of the petition is the post of EDMC, Hesda BO). He has also prayed for a direction to the Respondents to give him appointment to that post.

Respondents have filed counter opposing the prayer of the applicant.

No rejoinder has been filed.

JSm
The case of the applicant is that he has been working as postal runner in Hesda BO w.e.f. 16.2.1987 and while he was working as postal runner he was appointed as EDBPM w.e.f. 18.3.1995 in order dated 1.3.1995 and he accepted the post and worked as such. Subsequently, he also represented for getting regular appointment to that post but his representation was not considered and the impugned order at Annexure-4 he has been relieved from the post of EDBPM. Respondents have pointed out that vacancy in the post of EDBPM arose because of the regular incumbent Sri Chandra Mohan Hembram has been put off duty. The Overseer mail managed the work from

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

7-12-1994 to 17-3-1995 and w.e.f. 18-3-1995, the applicant who was working as EDMC was engaged to work as EDBPM with the express provision that the provisional appointment will be terminated when the regular appointment is made. For regular appointment employment exchange was asked to sponsor names and the employment exchange/sponsored four names but the name of the applicant was not sponsored, Of the four names sponsored by the employment exchange, all of them were found unsuitable and public notice was issued. In response to the public notice, four persons whose names appeared in the check list at Annexure-R/1 including the applicant have applied. Respondents have pointed out that this has not been denied by the applicant that the last date of filing of petition in response to the public notice was 16.8.1995 and the application of the applicant was received only on 17.8.1995. On the above grounds the Respondents have opposed the prayer of the applicant. On going through the records we find that from the check list it appears and it is also submitted by the Respondents in their counter that the application of the applicant was received after the last date which was 16.8.1995. Therefore, Respondents have been right in not considering the application of the applicant. Moreover, the applicant has got less mark i.e. 242 out of 700 in the HSC examination whereas the selected candidate has got 291 out of 700 in the HSC examination. Lastly, the applicant has not made the selected candidate Dakshyaraj Soren who has relieved him from the post of EDBPM as Respondent. In view of this we hold that the applicant is not entitled to get any of the reliefs claimed in this O.A. which is accordingly

✓/om

8

8

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

rejected. There shall be no order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.

Free copy of order
dt. 5.2.2001 may
be given to the
Counsel for both
sides.

Ans
6/2
S.C.

ms
6/2/2001