

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
5.	14.10.96.	<p style="text-align: center;"><u>O.A. NO.636/96.</u></p> <p>This case was listed for admission today, but on the request of the learned counsel for the parties, the same is taken up for final disposal.</p> <p>2. Admit.</p> <p>3. Heard Shri D.P. Dhalsamant, learned counsel for the applicant and Shri Ashok Mohanty, learned Senior Standing Counsel for the respondents. The claim in this application is for issuance of a direction to the respondents to appoint the applicant against the vacant post of E.D.B.P.M., Radhikadeipur.</p> <p>The short facts leading to the claim of the applicant are that one Dambarudhar Mahanta while working as E.D.B.P.M. was put off duty and in his place Sri Gour Mohan Mahanta was appointed provisionally as E.D.B.P.M. Again Gour Mohan Mahanta was put off duty pending enquiry against him. XXXXX Mahanta. The applicant was provisionally appointed in place of Sri Gour Mohan Mahanta on 11.4.1984 vide Annexure-1. It was clearly stipulated that the appointment was provisional. Sri Dambarudhar Mahanta, the first appointee, was directed to be reinstated in service by the order of this Tribunal dated 18.3.1987. He was accordingly reinstated on 9.4.1987, and the applicant was relieved from XXXXX his appointment. Said Dambarudhar Mahanta expired on 26.10.1995. The process of fresh selection started after obtaining candidates sponsored by the Junior Employment Exchange office, Champua. His name has been sponsored by the Employment Exchange Officer along with the names of two lady candidates of S.C. community and one from S.T. community.</p> <p>4. The claim of the learned counsel Shri Dhalsamant rests on para.2 of the circular</p>	<p style="text-align: right;">for admission & further orders reg. stay.</p> <p style="text-align: right;">10/10 Bam</p>

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continued.

of the D.G., P. & T. dated 18.5.1979. It is stated therein that efforts should be made to give alternative employment to E.D.Aagents who have put in not less than three years of service as provisional appointees. The applicant states that he comes into this category. Learned Senior Standing Counsel has pointed out that this circular of the D.G., P&T. is based on the circular dated 23.2.1970 vide Annexure-R/2., according to which, the appointees who have put in three years of service will be kept in the waiting list for one year for providing alternate appointment, and if no vacancy arises during the period of one year, their names will be removed from the waiting list.

5. It is stated thatthere was no vacancy in the vicinity of the village during that period of one year and therefore, the applicant could not be appointed and his name was removed from the waiting list after one year. It is also stated thatthe selecting authorities are prepared to consider the applicant's candidature if he applies for the post. It is agreed that the applicant has applied for the post.

6. After considering the submissions of the learned counsel for the parties and in view of the earlier decisions of this Bench, the applicant shall be considered along with others while the appointing authorities select a candidate for the post of E.D.B.P.M. Radhikadeipur. In the process of selection, besides the other weightage points mandated by the existing instructions, due weightage shall be given to the experience of three years of the applicant as E.D.B.P.M. of Radhikadeipur.

With the above observations and directions, the Original application is disposed of.

K. Venkateswaran
MEMBER (ADMINISTRATIVE). 14-7-96.