

## NOTES OF THE REGISTRY

Counter by  
R-5 not filed.

Parties Resh  
7811

19-1-2001.

Parties absent on 19/1.  
No steps taken by R-5 to  
file counter. This is an old  
case and therefore put up  
before the Bench for further  
order.

  
19-1-2001

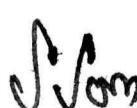
REGISTRAR

Counter by  
R-5 not filed.

Parties Bench

For hearing.

Parties Bench

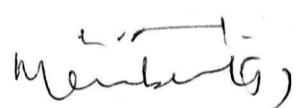


## ORDERS OF THE TRIBUNAL

11. 5.2.2001.

In this 1996 matter private Respondents have not filed counter. Further time can not be allowed to file counter. Pleadings are taken to be complete. Adjd. to 20.2.2001 for hearing and final disposal.

  
V.R. Sahoo  
5/2

  
Member (G)

12. ORDER DATED 20-2-2001.

Learned counsel for the Applicant and his Associates are absent without any request for adjournment. This is a 1996 matter where pleadings have been completed long ago. In view of this, we have heard Shri A.K. Bose, learned Senior Standing Counsel for the Respondents and learned counsel for the private Respondent, Shri Bhimsen Sahoo is also absent. Perused the records.

2. In this Original Application, the applicant has prayed for quashing the public notice dated 11-12-1995 at Annexure-1 inviting applications from general public for the post of EDBPM, Garnial BO and for a further direction to complete the process of selection by issuing appointment order in favour of the applicant.

3. Departmental Respondents have filed counter opposing the prayers of the applicant. Private Respondent has appeared through his counsel

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but not filed any counter.

4. No rejoinder has been filed.

5. for the purpose of considering this petition, it is not necessary to go into too many facts of this case. The admitted position is that the vacancy in the post of EDBPM, Garchhia BO arose as the regular incumbent was promoted to the cadre of Postman.

Departmental Respondents have stated that for filling up of the

post of EDBPM, the employment exchange, Khurda was moved in letter dated 27.10.1995 (Annexure-R/1) to sponsor names of eligible candidates within thirty days.

Letter dated 24.11.1995 of employment exchange, Khurda was received in the Office of the Sr. Supdt. of Post Offices Puri, Respondent No. 3 on

28.11.1995 i.e. after 33 days. Departmental ~~respondents~~ ~~xxx~~

Rules provide that if the Employment Exchange does not sponsor names of candidates within 30 days, the Departmental Authorities are required to issue public notice inviting applications from general public. As in this case, Employment Exchange Authorities had sent names which has been received after 30 days the action of the Departmental Authorities in issuing public notice has been in accordance with the Departmental Rules/instructions and no fault can be found with this.

6. Moreover, by inviting applications from general public, the applicant is not prejudiced in any way. Respondents have enclosed the check list showing names and the marks obtained by candidates including the applicant. This list is at Annexure-R/6. From this we find that the applicant has secured 45.2% marks in matriculation examination whereas many other candidates who have got much more marks than the applicant. Some of those candidates

J. J. M.

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OA. 7196

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also belong to OBC category like the applicant.

Departmental instructions are clear that amongst the eligible candidates, person who has got highest percentage of marks in matriculation examination is to be considered as more meritorious. In view of this, we hold that by calling for names from the general public the applicant has suffered no prejudice. Application is, therefore, held to be without any merit and the same is rejected. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

(SOMNATH SOM  
VICE-CHIEF JUDGE)

KNM/CM.