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O.A.No.241/98

ORDER DATED : 11-12-2002.

The Applicant, Shri Gobardhan Swain, has filed this Original Application under section 19 of the Admn. Tribunals Act, 1985 seeking the following relief:-

"To pass appropriate order directing the respondent No.2 to sponsor his name for the post of EDMC/Packer in daily market Sub post Office".

Fact remains that for filling up of the post of E.D.Packer, Daily Market Post Office, Rourkela the Respondent No.2 (Sub divisional Inspector (Postal), Rourkela West Sub-Division, Rourkela) <sup>Called for names from Employment Exchange.</sup> The name of the Applicant did not sponsor by the Employment Exchange, Rourkela. Employment Exchange, Rourkela, Respondent No.3, has also not filed any counter, even though notice was issued to him. Earlier, prior to 19.8.1998, instruction on the subject was that the vacancies of ED Agents would be notified to the Employment Exchange calling the nominations within 30 days and recourse to issue of open advertisement should be taken only when the Employment Exchange fails to nominate candidates as per requirement within the stipulated date. But as per the decisions of the Hon'ble Supreme Court of India in the case of Excise Superintendent, Malkapatnama, Krishna District, A.P. V.K.B.N. Visweswara Rao and others (1996 (6) Scale 676), the said instruction was revised and it was directed that in respect of all vacancies of

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EDAs, excluding those where the process of recruitment through Employment Exchange/open advertisement has already commenced, in addition to notifying through the Employment Exchange the vacancies shall be simultaneously notified through public advertisement and the candidates nominated by the employment exchange as also those responding to the open advertisement will be considered. Admittedly, the post in question was fallen vacant much prior to the issuance of this instructions.

Apart from the above, on the face of the prayer made in this Original Application, this Original Application <sup>not</sup> is/maintainable in this Tribunal.

In the said premises, this O.A. is dismissed as not being maintainable. No costs.

*Manoranjan Mohanty*  
11/12/2002  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

Free copies of  
final order  
dt. 11.12.02 issued  
to counsel for  
both sides.

*DB*  
6/1/03  
SCTJ

*DB*  
6/1/03