

O.A.No.530 OF 1998

ORDER DATED 02-01-2004.

Heard Mr.P.K.Padhi, Learned Counsel appearing for the Applicant. Mr. U.B.Mohapatra, Learned Additional Standing Counsel appearing for the Respondents is not present. This being a year old case of 1998, we have heard the learned Counsel appearing for the Applicant and also perused the records placed before us with the aid and assistance of Mr.Padhi.

The grievance of the Applicant is that although he had qualified in the examination of P.O. and R.M.S. Accounts in the year 1986, alongwith the private Respondent No.4, the Respondent No.3, though had promoted the private Respondent No.4 to the post of A.P.M. (Accounts), Keenjhar Head Post Office, but he had not considered the claim of the Applicant for that post; on the ground that being a SC candidate, he should have been given the benefit of reservation as first point in the roster for promotion to the post of APM (Accounts). Accordingly, he has prayed in this case that a direction be issued to the Respondents to promote him to the post of A.P.M. (Accounts) w.e.f. 01-06-1992.

We have heard<sup>ed</sup> learned counsel appearing for the Applicant and have also perused the counter submitted

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by the Respondents contesting the claim of the Applicant. By submitting a copy of the Director General of Posts and Telegraphs's letter No.9/10/68-SPB.II dated 12-3-1970, they have submitted that as per the scheme for filling up of the post of PO & RMS(Accounts), the Applicant was not due for promotion as during the year 1986, when he passed this PO & RMS (Accounts) Examination, the Res.No.4 had also cleared the said examination and in the divisional gradation list, Res.No.4 stood senior to the Applicant. In the said premises, in terms of the DG Posts letter dated 12-3-1970 the seniormost of the two qualified candidates was to be given promotion to the post of PO&RMS available at Keonjhar HO and accordingly, Res.No.4 was given appointment/promotion. They have further submitted that in the matter of promotion/appointment to the post of PO & RMS(Accounts), the principles of reservation roster are not applicable. Learned Counsel for the Applicant has not disputed that between the two i.e. the Applicant and Respondent No.4, the latter is senior one. In the said premises, we see no infirmity in the appointment/promotion made by the Respondents to the post of APM(Accounts) Keonjhar HO and in the result, this O.A. is disposed of being devoid of any merit. No costs.

*Y. G. A. 02/01/04*  
(MANORANTAN MOHANTY)  
MEMBER (JUDICIAL)

*B. N. S. M.*  
(B.N. S. M.)  
VICE-CHAIRMAN

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Free copies of final  
order dt. 2/1/04  
issued to counsel  
for both sides.

DS  
2/1/04

DB  
SEC 2/1/04