

O.A.540/98

Order dated 21.11.2003

Applicant in this Original Application, while working as E.D.M.C. in the Office of Bisoi S.O. appeared for examination for promotion to Postman/Mail Guard cadre. He qualified in the said examination, but he was not given appointment and therefore, aggrieved about this, he has come before the Tribunal seeking a direction to the Respondents for consideration of his case for appointment as Postman against any vacancy in any Division.

The Respondents have filed a detailed reply. The procedure for selection and appointment of Postman from among the Departmental Class-IV and E.D.As are explained in detail. It is admitted that 161 candidates from the EDAs including the applicant appeared in the Examination. It is also admitted that the applicant qualified in the examination, but did not come in the merit list in the O.C. category. Since there was no O.C. category vacancy and the applicant being a surplus O.C. candidate of this Division, it was not possible to offer him an appointment.

We find that this O.A. belongs to the year 1998 and the counter has been filed in the year 1999 itself. Thereafter the case has been posted for a number of occasions, the last of which was on 7.11.2003. When the matter was called to-day, none represented the applicant and the applicant himself was not present. However, Shri J.K.Nayak, learned Addl.Standing Counsel was present and heard. Therefore, in view of the fact

this is a very old case of the year 1998, we proceed to decide the matter on merit.

It is not in dispute that the applicant was permitted to participate in the examination to try his chance for selection and appointment to the post of Postman. It is also not in dispute that he qualified in the examination. However, it so happened that he did not come within the merit list and within the number of vacancies available for O.C. candidates since the Department did not have adequate number of vacancies for O.C. candidates. It is in this background, the Respondents were not in a position to offer him any appointment or promotion. Under these circumstances, we do not find anything wrong on the part of the Respondents. Therefore, we do not find any merit in this O.A., which is accordingly dismissed, leaving the parties to bear their own costs.

*Syhmthung S...*  
21.11.03  
MEMBER (ADMINISTRATIVE)  
*Canoranjant Ghe*  
MEMBER (JUDICIAL) 21/11

Free copies of  
final order  
dt. 12.11.03 issued  
to counsel for  
both sides.

*Bh*  
22/11/03  
S.O. (J)

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27/11/03