

7  
G.A.NO. 574 of 1998

ORDER DATED : 03-11-2003.

Heard Mr. Surya Narayan Diwivedi, learned Counsel appearing for the Applicant, and Mr. S. B. Jena, Learned Additional Standing Counsel appearing for the Respondents and perused the materials placed on record.

The Grievance of the Applicant in this original Application is that although he worked for nine months as EDSBM, Bhejaguda Branch Post Office, the benefit of his past experience was not taken into consideration while considering his case for appointment to this post on regular basis.

The Respondents opposed the application by filing a counter to the effect that the applicant could not be selected on the ground that there were more meritorious candidates than him in the zone of consideration and keeping all the eligibility conditions in view, they had selected one Laxminarayan Pattnaik, who had secured highest marks in HSC examination, over and above fulfilling all other conditions for recruitment to the post in question. It was averred by them that question of giving preference/weightage for his past experience also does not arise as no such condition is available in the recruitment rules for making selection to this post.

8

O.A.No.574 of 1998

We have considered the rival contentions placed before us. We agree with the submissions of the Respondents that the recruitment rules do not provide for giving any weightage for past experience, we see no merit in this Original Application which therefore, must fail. Before closing the matter we would like to observe that such an inaccurate statement has been made by the Respondents in the counter at the penultimate <sup>portion of</sup> paragraph <sup>of the counter</sup> which should not remain in the documents. Learned Additional Standing Counsel admitting that there has been error committed by the Respondents at paragraph -4 he sought permission of this Tribunal to amend the said paragraph -4 to make the record ~~set~~ right. Considering the facts and circumstances of the case, permission is granted to the Respondents to file an amendment petition to ~~set~~ right the counter submitted by them on 8.3.1999. It has also been submitted before us by the learned counsel for the Applicant that the allowances/remuneration for the period he worked as EDBPM of Bhejaguda BO has not been paid to him. We notice from Annexure-R/4 that the Sr. Supdt. of Post Offices, Koraput Division had issued a direction to the Postmaster, Jeypore (K) HO to draw the allowances in favour of the Applicant for the period worked by the applicant. However, we direct the Respondents to verify as to whether payment <sup>was</sup> actually made to the applicant <sup>& pursuant to this order</sup>

9

CA. 574/98

and if not the same may be made to him within a period of 30 days from the date of receipt of a copy of this order.

With the above observations and directions, this O.A. is disposed of having no merit. No costs.

With the disposal of this original Application, M.A.Nos. 639/98 & 640/98 are accordingly disposed of.

Free copies of  
final order  
dt. 3.11.03 issued  
to counsel for  
both sides.

*[Signature]*  
3-11-03  
S O C

DS  
7/11/03

*[Signature]*  
Vice-Chairman 3/11

*[Signature]*  
Member(Judicial)