

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Amendment petition
not filed.
for orders

12.5.99

Amendment petition not filed. Learned Counsel for the petitioner wants the matter to be taken up after vacation. In view of this, posted to 5.7.99. Amendment petition be filed in the meantime, failing which on the next date the matter will be taken up as it is. No further time.

V. V. M. 2-99.
12.5.99
Vice-Chairman
Member (J)

Order of 5.7.99

A copy of Order
May be given to both
the counsels.

5.7.99

Learned counsel for the petitioner and his Associates are not present when called nor any request made on his behalf seeking adjournment. In this case in spite of several adjournments amendment petition has not been filed and on the last occasion on 12.5.1999 it was indicated that the matter will be taken up on 5.7.1999 even in the absence of amendment. In view of this we have gone through the O.A. and also heard Shri S. Behera, learned Addl. Standing Counsel appearing for the respondents. The petitioner in this O.A. has prayed for quashing notification at Annexure-2 through which applications have been invited for filling up of the post of E.D.D.A. The applicant wants the public notice to be quashed on the ground that he had worked under the respondents as casual labourer and therefore, he has a right to be absorbed. There is no averment in this O.A. as to whether he was appointed as casual labourer through a process of selection. Hon'ble Supreme Court in a series of decisions have laid down that persons who have come through without ^{any} process of selection cannot be absorbed ~~thereby~~ ^{merely by} applying for the post and have to face selection if they are qualified for the post. But to the extent of previous service as casual labourer they are to be given age relaxation. In this case there is ~~no~~ ^{no} averment ~~whether~~ ^{that} the applicant has not applied for the post of E.D.D.A. in response to public notification which he wants to be quashed. In consideration of this we are not inclined to admit this O.A. The O.A. is, therefore, rejected at the admission stage.

V. V. M. 2-99.
12.5.99
Vice-Chairman
Member (J)

MEMBER (JUDICIAL)