

C.A.No.391/1999.

7. ORDER DATED 05-09-2000.

In this original Application, the applicant has prayed for quashing the selection process for the post of E.D.M.C., Jatla Branch Post office. Second prayer is for a direction to the Respondents to implement the orders at Annexures-3 and 4. Respondents have filed counter opposing the prayer of the Applicant.

For the purpose of considering this original Application, it is not necessary to go into too many facts of this case. The averments made by the parties in their pleadings will be referred to while considering the submissions made by the learned counsel for both sides.

We have heard Mr.A.Deo, learned counsel for the Applicant and Mr.B.K.Nayak, learned Additional Standing Counsel (Central) appearing for the Respondents and have also perused the records.

Jm. The admitted position between the parties is that the regular incumbent for the Post of EDBPM, Jatla-Sirgida Branch post office was placed under put off duty and this applicant was appointed against that post of EDBPM in order at Annexure-1, and on the reinstatement of the regular incumbent, he had to make way for the regular incumbent. In this process, the applicant worked in that post of EDBPM, little over one year. Applicant was again appointed on adhoc basis to work as EDMC, Jatla Bo as stop gap arrangement but he could not join in that post as the villagers objected to his joining. Learned counsel for the applicant has pointed out that in Annexure-3 of the CA, the Asst. Supdt. of Post offices, Bargarh Sub Division had called the EDBPM to explain for inducting one Gitanjali Nayak

as EDMC without any order from the higher authorities and in this letter, the Asst. Supdt. of Post offices has also directed the EDBPM to immediately terminate the services of Gitanjali Nayak and to take the applicant as EDMC. It is submitted by Mr. Deo, learned counsel for the applicant that notwithstanding this order, the EDBPM did not allow the applicant to join and thus, he has been deprived of the benefit of working against that post.

The admitted position is that in the meantime the regular selection process has been initiated and in the selection process, the applicant is also one of the candidates for consideration. In view of this, we direct the Departmental Authorities to complete the selection process within a period of 60 (sixty) days from the date of receipt of a copy of this order. In that process of selection the case of applicant should be considered strictly in accordance with rules alongwith other candidates and the person who is found ~~most~~ ^{more} meritorious among the candidates, should be appointed. For the intervening period, till the appointment of regular EDMC, Jatla Bo, the Departmental Respondents are directed to allow the applicant to join in that post of EDMC on a stop gap arrangement as ordered by them on a clear understanding that on completion of regular selection the applicant will make way for the selected person if he is a person other than him. It is submitted by Mr. Deo that this stop gap arrangement is purely adhoc and the applicant could not try to stick on that post, if he is not selected in the regular selection.

In the result, therefore, the original Application is allowed with the observations and directions made above. No Costs.

Vijay Nath Jom
vice-chairman
5/9/2000
Member (Judicial)