

## NOTES OF THE REGISTRY

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Order dated 08.10.2002

Heard Mr. S. Das, the Counsel for the Applicant and Mr. B. Dash, learned Additional Standing Counsel appearing for the Respondents.

The Applicant, a Post-Graduate in History of the year 1992, was in search of an employment. By Notification dt. 31.08.1998 of the Postal Department (Superintendent of Post offices of Cuttack North Division) a post of Extra Departmental Branch Post Master for Bhakuda Branch Post office under Kuangpal Sub-Post office was sought to be filled up; for which the applications were called for from the intending candidates. The Applicant applied for the said post. The Respondents/Department, however, cancelled the selection under the said Notification dt. 31.08.1998 and renotified the said vacancy under another Notification dt. 19.01.1999. The Applicant again became a candidate for the said post under the second Notification dt. 19.01.1999. However, he was not selected. By filing the present Original Application, under Section-19 of Administrative Tribunal Act, 1985, the Applicant has, virtually, challenged the cancellation of the selection process initiated under first Notification dt. 31.08.1998.

It is the case of the Applicant that the last date of receipt of the applications under first Notification dt. 31.08.1998 was 30.09.1998 and he having applied for the said post before 30.09.1998 (and several other

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candidates having applied for the said post before 30.9.1998), the said Advertisement/Notification dt.31.08.1998 ought not to have been cancelled. It is a further case of the Applicant that had the selection under Notification dt.31.08.1998 not been cancelled ; then he would have been selected.

It is the case of the Respondents, as disclosed in the counter, that the first Advertisement/Notification dt.31.08.1998 was issued fixing the last date to be 21.09.1998 ( and not 30.09.1998) and in order to substantiate that 21.09.1998 was the cut off date, the Respondents placed before ~~us~~ us at the hearing, the original recruitment file of the Department from which the Advertisement/Notification dt.31.08.1998 was issued ; which displayed the truth that the Advertisement/Notification dt.31.08.1998 required the candidates to put their applications before 21.09.1998. As a consequence, it appears that the Applicant was totally mislead himself by treating the last date of application to be 30.09.1998.

Having been confronted with the original document (Advertisement/Notification dt.31.08.1998) the Advocate for the Applicant, in the midst of the hearing, prayed for withdrawal of this Original Application. On the face of the said prayer of the Advocate for the Applicant, for withdrawal of this

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Original Application, this case is dismissed as withdrawn. No costs.

Send copies of this order to both the parties and to the Counsels of both the parties.

*[Signature]*  
( B. N. SOM ) <sup>08/10</sup>  
VICE CHAIRMAN

*[Signature]*  
( M. R. MOHANTY )  
08/10/2022  
MEMBER (JUDICIAL )

Copies of order may be sent to all concerned by Post and copy of mail order may be sent to the concerned for reference.

*✓*  
18-10-02

*DRS*  
S.C. 1810.02