

LATER15.12.99

Applicant Bhaskar Chandra Mallik was provisionally selected and appointed to the post of F.D.B.P.M., Jagannathpur Bachhada Branch Office under Annexure-3 dated 8.6.1998. In O.A. 240/98 filed by one Chinmayee Behera (Res.4) in this application challenging the selection and appointment of the applicant by impleading him as Res.4 in that application. This Tribunal on 1.6.1999 allowed that application on merit and quashed the selection and appointment of Res.4 to that post. There was also direction to the Superintendent of Post Offices to select one among the four candidates whose applications were received in response to letter dated 16.1.1998, as per rules and not on caste basis within a period of 30 days from that date. In that application the present applicant as Res.4 though received notice did not appear. The matter was decided on merit and after hearing the applicant in that application and the Department represented through Sr.Standing Counsel. On 26.7.1999 the present applicant, i.e., Res.4 in that application filed application praying for setting aside the order dated 1.6.1999 terming it as exparte. This application was Registered as Misc.Application 775/99. After hearing his counsel and learned Sr.Standing Counsel, this Misc.Application was dismissed through an elaborate order dated 29.11.1999.

In the present Original Application(O.A.523/99) the applicant prays for the following relief(s):

- a) To allow him to continue in the present place of posting; (b) in case of any disturbance in view of the previous Original Application(O.A.240/98) the applicant may be adjusted in any nearby Branch Office and (c) applicant's seniority and experience and higher educational qualification shall be taken into account.

Since the selection and appointment had been quashed in O.A.240/98 on merit through an elaborate order

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which has since become final, prayer to allow him to continue in that post is no longer maintainable. This Tribunal cannot assume the role of recommending authority to give any direction to the Department to adjust the applicant in any Branch Office and to take his seniority and experience into account. If we give such direction, we would be usurping the functions of the competent departmental authorities, who in case of this applicant being a candidate to any other E.D. post in normal course are expected to consider his case along with other candidates as per departmental rules and instructions.

In the result, the application merits no consideration and the same is therefore, dismissed as not admitted.

*Donnan Singh*  
VICE-CHAIRMAN  
15/12/99.

*[Signature]*  
MEMBER (JUDICIAL)

Copy of order  
with copy of  
applications may  
be sent to all  
respondents by  
regd. post/A.D.

17.1.2000

*[Signature]*  
17/1/2000