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OA, 546/99.

NOTES OF THE REGISTRY

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16. 11. 05. 2001

Learned Counsel for the petitioner and his associates are absent. It is reported that copy of Counter has been served on 04.07.2000. No further time can be allowed to file rejoinder. Pleadings are taken to be complete. Adjournd to 29.06.2001 for hearing and final disposal at the stage of admission.

for Admission

28/6/01

Beret

J. Dom
vice-chairman
11/5
Member (J).

17. 29.06.2001

Learned Counsel for the petitioner Shri A.K. Mohapatra and his associates are absent. There is also no request from them for any adjournment. As in this case pleadings have been completed long ago, it is not possible to drag on the matter indefinitely more so in the absence of any request for adjournment. We have therefore heard Shri A.K. Bose, Learned Senior Standing Counsel and have perused the record.

J. Dom.

2. In this original application the petitioner has prayed for quashing the appointment of Respondent No.5 and Respondent No.6 and for a direction to the Respondents to appoint the applicant either as EDDA or ADMC in Arandua Branch Post Office.

3. The departmental Respondents have filed counter opposing the prayer of the applicant. No rejoinder.

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has been filed. Private Respondents No.5 and 6 were issued notice but they did not appear or file counter.

4. For considering the prayers of the applicant it is not necessary to go into too many facts of the case. The admitted position is that in Arandua branch office there is one post of EDDA and another post of EDMC. These two posts fell vacant w.e.f. 26.9.98 and 16.5.99 respectively due to superannuation of existing incumbents. Employment Exchange authorities were moved for sponsoring names for these two posts. Seven names were sponsored by Employment Exchange for the two posts. In response to public notice 16 candidates including the applicant applied for the post of EDDA and 18 candidates applied for the post of EDMC. Departmental Respondents have averred that the petitioner did not apply for the post of EDMC. This averment has not been denied by the applicant by filing rejoinder. In view of this the prayer of the applicant for quashing the appointment of Upendra Prasad Nayak Respondent No.6 to the post of EDMC is held to be without any merit and is rejected as the applicant did not apply for that post. As regards the post of EDDA the applicant did apply and his candidature was taken into consideration. It is the admitted position that for the post of EDDA preference was to be given to OBC candidate. The applicant and the selected candidate, Respondent No.5 both belong to OBC. Applicant has stated that he got the highest percentage of mark. This has been disputed by the Respondents. From the counter it appears that the selected candidate Prafulla Kumar Behera got 474 out of 750 representing

J. Som.

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60.3% where as the applicant got 436 out of 750 representing 58.1%. As the applicant did not get the highest percentage of mark and as the selected private respondent No.5 got the highest percentage of mark and ~~was~~^{S. Jom} selected on that basis we hold that the prayer of the applicant to quash the appointment of Respondent No.5 to the post of EDDA is without any merit and the same is rejected. Consequently his third prayer for a direction to give him appointment as EDDA or EDMC. also fails.

5. In the result therefore the original application is held to be without any merit and is rejected.

No costs.

Jonathan Jom
 Vice-Chairman
 29.6.2001
 Member (J)

Free copies of
 of final order
 dt. 29.6.01 issued
 to counsel of
 both sides.

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 2/7/01

ASD
 S.O(G)