

## NOTES THE REGISTRY

## ORDERS OF THE TRIBUNAL

Counter not  
filed.  
Pat 18/8 Bench

Counter not  
filed.  
Pat 29/9 Bench

Counter not  
served.  
Pat 21/11 Bench

Rejoinder not filed.  
Pat 21/11 Bench

Rejoinder not filed.  
Pat 29/10 Bench

Rejoinder not filed.  
Pat 2/11 Bench

Rejoinder not  
filed.  
Pat 2/12/2007 Bench  
For Admission  
Pat 2/12/2007 Bench

14. 02.07.01

No hearing (at admission stage) matter was taken up to-day due to a reference made by the Bar regarding a sad demise of a member.

Adjourned to 12.07.01.

vice-Chairman  
2/11

Member (J)

15. ORDER DATED 12-07-2001.

Being aggrieved with his non-selection for the post of E.D.B.P.M., Balidihi Branch Post Office, the applicant has approached the Tribunal with the prayer for quashing the selection of Respondent No.4 to that post and for a direction to Respondent No.3, the S.D.I.P. to appoint the applicant to the post under physically handicapped quota.

Learned counsel for the applicant Shri K.C. Mishra and his associates are absent without any request for adjournment. As in this matter pleadings have been completed long ago, it is not possible to drag on the matter indefinitely specially in the absence of any request for adjournment.

We have heard Shri A.K. Bose, learned Senior Standing Counsel for the Respondents and perused the records.

Admittedly, the vacancy in the post arose on the superannuation of the earlier incumbent and names were called from the employment exchange as

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For ~~Admission~~

Bmr

h  
12/2/11

These five

applicants belonged to neither SC/ST/OBC community.

S. Som

There were three Physically Handicapped candidates including applicant and Respondent No.4, the selected candidate. Respondents have pointed out and this has not been denied by the applicant by filing any rejoinder that amongst these three Physically Handicapped candidates, the selected candidate, Respondent No.4 has got highest percentage of marks i.e. 55.33% whereas the applicant has got only 43.71% of marks. According to the instruction, the candidate who has got highest percentage of marks is to be adjudged most meritorious candidate and accordingly, the Departmental Authorities have rightly selected the Respondent No.4. Applicant has given much ~~reference~~ <sup>emphasis</sup> in this ~~submission~~ <sup>OA</sup> that the notice originally sent to him his name has been wrongly mentioned as Arun Ku. Samantray instead of Arun Ku. Khuntia. Respondents have pointed out that this was ~~an~~ inadvertently done but later on the name of applicant was mentioned correctly and notice was sent to him and his candidature was considered alongwith others. As the applicant has got lowest marky amongst three Physically handicapped candidates and the person getting the highest mark out of three was selected. We find no infirmity

S. Som

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OA. 655/99

in the selection and appointment of Res.No.4 to the post of E.D.B.P.M. Prayer to quash the appointment is accordingly held to be without any merit and is rejected. His second prayer for a direction to appoint him to the post also necessarily fails.

In the result, therefore, the OA is rejected. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*12.7.2001*

Free copies of  
final order  
dt. 12.7.2001 issued  
to counsel of  
both sides.

*12/7/01*

*S.O. 143*