

Order dated 20.11.2003

The applicant was a candidate, who states that he applied for the post of E.D.D.A. in the Office of Kathajuri S.O. It is his claim that his case has not been considered for the said post and therefore, he has come before the Tribunal seeking the following reliefs:

"... a direction be given to OP No.4 to give appointment the applicant in the post of E.D.D.A. of Raipur B.O. without any further delay".

Briefly stated the facts of the case are as follows :

The applicant had functioned as E.D. Stamp Vendor in Kathajuri S.O. from 4.5.1990 to 1.10.1990. In support of this, he has placed reliance on a certificate issued by the Sub-divisional Inspector, Cuttack (West) Sub-division (Annexure-1). Further, the applicant relies on the application purported to have been submitted by him for consideration vide Annexure-4.

The learned counsel for the applicant strenuously on argued/the point that the Respondents have issued a certificate in recognizing his service for the period from 4.5.1990 to 1.10.1990 and therein, it has also been clearly mentioned that the experience certificate is issued for consideration of his case in future employment in any post. It was also urged before us that the applicant had applied in time for the post and therefore, the Respondents were duty bound to consider his case.

In support of his argument, the learned counsel for the applicant relied upon a decision in the case of *Susanta Kumar Kar vs. Registrar(Judicial) Orissa High Court, Cuttack* (reported in 83 (1997) CLT 335) rendered by the High Court of Orissa.

Respondents have filed a detailed counter-reply. The crux of the reply is that the Respondents issued a notification on 18.2.2000 calling for applications from the public and simultaneously the District Employment Officer, Cuttack was requested to forward names for consideration to fill up the post of E.D.D.A., in response to which, it is stated that they received 17 applications. Further it is specifically averred that the applicant has neither applied in response to public notification nor his name was sponsored by the Employment Exchange. Therefore, there is no question of considering his case for selection to the post of E.D.D.A., Raipur.

There are two aspects of this case, which needs consideration. One is the reliance placed by the applicant in support of the certificate issued by the Respondents regarding his experience as ED Stamp Vendor and the other is about the application filed by him in response to the notification.

In so far as the past experience of any ED post is concerned, it is by now the settled law that no past experience in the ED post will be qualification for future employment. The selection is purely based on merit. Therefore, the argument putforward by the applicant

- and the reliance placed by him ~~support of~~ the certificate about his experience has no basis and must fail.

In so far as the application purported to have been sent by the applicant to the SDI(P) Cuttack(West) Sub-division is concerned, there is no proof that in fact the said application was sent on 12.5.2000. What has been filed as Annexure-4 is only a typed copy of a letter. It does not in any way show or prove that the applicant had in fact sent an application pursuant to the notification issued by the Respondents on 18.2.2000. Further, we notice that the Respondents had filed their reply in March, 2001, specifically denying any receipt of application from the applicant (Page-2 Para-3 of the counter). Therefore, if the applicant had any proof about his forwarding of the application, there was ample time for him to have produced the same before the Tribunal, which we could have considered. In the absence of any such proof placed before us, we take it for granted that the applicant ~~has~~ in fact had not applied on time in response to the notification dated 28.2.2000. Further, we notice that the applicant has not filed any rejoinder rebutting this fact.

In view of the discussions held above, we do not think that the applicant has made out a case in his favour. The O.A. is devoid of merit and is therefore, liable to be dismissed. Ordered accordingly. No costs.

Sy. Dm. Thang...
20.11.03.
MEMBER (ADMINISTRATIVE)
J. Saha
20/11/03
MEMBER (JUDICIAL)