

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

for appearance of
Counsel for applicant
and receiving copy of
counter

B
23/3/01

for Admission

R
24/1/01

Bench

Bench

Order dated 16.4.2001

Learned counsel for the petitioner and Associates are absent. No request on their behalf has been made seeking adjournment. We find that in this case on the last three occasions learned counsel for the petitioner was also absent. In view of this it is not possible to drag on the matter indefinitely, more so when the pleadings have been completed long ago. We have, therefore, heard Shri A.K.Bose, learned Sr.St.Counsel and also perused the records.

In this O.A. the petitioner has prayed for direction to respondents to issue call letters to him or otherwise allow him for interview to be held on 18.1.2000 for recruitment/appointment as Sweeper in the Office of the Manager, Postal Printing Press. He has also prayed that while considering his candidature for appointment to the post of Sweeper, his seniority and experience should also be taken into consideration. He has further prayed that he should be allowed to continue as part-time Sweeper till he is absorbed in the regular Establishment. Respondents have filed counter opposing the prayer of the applicant. No rejoinder has been filed.

The admitted position is that for filling up of the post of Sweeper in the Postal Printing Press, Bhubaneswar an interview was scheduled to be held on 18.1.2000. In order dated 17.1.2000, i.e. the date the O.A. was taken up for admission, Respondent No.3 was directed to allow the applicant to appear at the interview for the post of Sweeper, without prejudice to the rights of the either parties in this O.A. Respondents in their counter have pointed out that the applicant had not applied for the post of Sweeper. On 18.1.2000 he was interviewed by the Recruitment Committee and he was asked to indicate the name of any other casual workers who had been called to appear at the interview even though they did not apply. But the applicant was not in a position to give any of such name. From this it is clear that no casual worker was called to

J.M.

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interview and assertion of the respondents that the petitioner did not apply for the post has not been denied by the applicant by filing any rejoinder.

The basic point is that for being considered for any post a person must apply for that post. As in the instant case the petitioner has not made any application, for the post of Sweeper, his prayer to give direction to respondents to consider his candidature is held to be without any merit and the same is rejected.

His second prayer is for taking into account his past experience while considering his candidature for the post of Sweeper merits no consideration in view of rejection of the 1st prayer and the same is accordingly is rejected.

The third prayer of the applicant is for allowing him to continue as Sweeper till he is regularised in that post. Applicant has stated in his petition that he joined service on 3.11.1993 as Sweeper on daily wage basis and has been working since then satisfactorily and getting his wage on monthly basis. He has prayed that because of his long period of engagement he is entitled to be absorbed against a regular post. Respondents have pointed out in their counter and this has not been denied by the applicant that he was working as daily rated Sweeper for few days and was paid as a contingent staff. Respondents have further stated that his name was not sponsored through the employment exchange nor was he selected through any selection procedure for ~~or~~ being given daily wage appointment. In view of this the applicant cannot claim regularisation or even conferment of temporary status, because, rules are very clear that temporary status cannot be granted to a casual ^{labourer} who has not come through the employment exchange. In the result O.A. is held to be without any merit and the same is rejected. No costs.

Free copies of final order
dt. 16.4.2001 issued to
counsel for both sides.

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17-A-01

AM
S.O.(J)

MEMBER (JUDICIAL)

Journally
16.4.2001
VICE-CHAIRMAN