

Order dated 23.1.2004

None appeared for the applicant when called nor the applicant did appear in person. However, Shri S.B.Jena, learned Addl. Standing Counsel was present. With his aid and assistance we have perused the materials placed on record.

The grievance ventilated by the applicant in this O.A. is that he having worked in the post of Machine Assistant w.e.f. 1.2.1993, the Respondents-Department should be directed to appoint him against the said post on regular basis, instead of inviting applications from the outsiders for selection to the post. He has also prayed for directing the Respondents to regularise his service in the post of Machine Assistant.

The Respondents have contested the O.A. by filing a detailed counter and also additional counter. It has been disclosed in their counter that the post of Machine Assistants is filled 50% by Departmental promotion and 50% by direct recruitment.

Following the recruitment rules the Respondents have advertised one of the posts for direct recruitment under 50% quota. With regard to the posts under promotee quota, they have stated that the D.P.C. recommended the names of one Mangj Kumar Das, who is senior to the applicant and one Shri Akhya Kr. Behera, being a candidate belonging to Scheduled Caste. Therefore, the posts under promotee quota having been filled up

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with due regard to recruitment rules, it is the contention of the Respondents that the applicant cannot have any grievance in this regard. With the above submissions, the Respondents have stated that the applicant's case for promotion under the promotee quota having not yet arisen, this O.A. is devoid of merit and is liable to be dismissed. What has been submitted by the Respondents in their counter has not been rebutted by the applicant by filing any rejoinder.

We are too ^{are} convinced that the Respondents Department have taken all steps in accordance with the recruitment rules and therefore, their action as called in question by the applicant in the present O.A. is without any basis.

For the reasons aforesaid, the O.A. is dismissed.
No costs.


VICE-CHAIRMAN


MEMBER (JUDICIAL)
23/01/04

Copies of same
may be served
to court in sole.


S. O. 16/29


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