

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 4.4.2001

Heard Shri P.K.Padhi, learned counsel for the petitioner and Shri A.K.Bose, learned Sr.Standing Counsel for the respondents and perused the records.

In this O.A. the petitioner has prayed for quashing the orders dated 12.6.2000 at Annexure-5 series and to direct the departmental authorities to reinstate him. His second prayer is for direction to respondents to absorb in in any other nearby vacant E.D.Post. The departmental respondents have filed their counter opposing the prayer of the applicant and applicant has also filed rejoinder. We have also perused the pleadings.

For the purpose of considering this petition it is not necessary to go into too many facts of this case. The admitted position is that a vacancy arose in the post of EDEPM, Atanati on account of regular incumbent being put off duty. For filling up of the post of put off duty vacancy a selection process was undertaken and after due process of selection the applicant was appointed to that ED Post, where he joined on 3.12.1998. Prior to joing he was given training on 2.12.1998 and 3.12.1998. It is also the admitted position that the applicant worked for one and half years uninterruptedly as EDEPM, Atanati. Disciplinary proceedings against the incumbent EDEPM who was under put off duty was finally disposed of on 1.5.2000 and it was decided to reinstate him into service. Accordingly the incumbent EDEPM was reinstated in service and the applicant's appointment as EDEPM, Atanati was terminated in order dated 12.6.2000. As the applicant was appointed only against the put off duty vacancy of the regular incumbent and as after conclusion of the proceedings against the regular incumbent he was ordered to be reinstated, the applicant cannot claim to have any right to continue in that post in office of the regular incumbent. This being the only ground urged for quashing the orders at Annexure-5 series, the prayer of the applicant is rejected.

It has been submitted by the learned counsel for the petitioner and this is also borne out in letter dated 11.7.2000 of the Superintendent of Post Offices

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Mayurbhanj vide Annexure-7 that applicant was informed that his case would be considered sympathetically against a future vacancy, which might arise. It is submitted by Shri Padhi that a posts of E.D.M.C. are lying vacant in Khuta and Bada Karanjia. In case the petitioner applies for any of these posts then his candidature should be considered in accordance with rules and in pursuance of letter vide Annexure-7 of Superintendent of Post Offices, Mayurbhanj and while considering the candidature of the applicant his experience of one and half years as regular EDEPM, Atanati, the post to which he was appointed after a due process of selection, should also be taken into consideration.

With the above direction and observation O.A. is disposed of. But without any order as to costs.

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MEMBER (JUDICIAL)

Renukath Jans
VICE-CHAIRMAN
4.4.2001

For copies of final
order dt. 4.4.01 issued
to counsel for both parties.

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of 4.4.01

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