

Order dated 12.4.2004

Applicant, Shri M.K.Rana, in this O.A. has prayed for quashing the selection/appointment of Res.No.4 to the post of E.D.D.A. cum E.D.M.C., Pairatpur B.O. made under Annexure-6 on the ground that the same is illegal and arbitrary.

The Respondents-Department, by filing a detailed counter have contested the Original Application to which applicant has also filed rejoinder.


We have heard Shri P.K.Mohapatra, learned counsel for the applicant and Shri S.Behera, learned Addl.Standing Counsel appearing on behalf of the Respondents-Department and also perused the records. On our direction issued earlier, Shri ^{S.}~~X.~~Swain, Director of Postal Services(HQ), Bhubaneswar did appear in person and we have also heard him. During pendency of this case, we had directed the D.P.S.(HQ) to review the selection process for the post in question carried out by Respondent No.3 and to report his findings before us. Accordingly, DPS has carried out a detailed investigation into the matter and by his communication dated 8.4.2004 addressed to Addl.Standing Counsel, the report of the inquiry was furnished before us. Shri Behera submitted that on inquiry several irregularities were found out in the process of selection to the post of EDDA-cum-MC and therefore, the DPS was of the opinion that the selection to the said post was not undertaken in accordance with rules and procedure as laid down in this regard. It is

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in this background, the DPS came to the conclusion that there should be a fresh selection to the post in question conducted.

Having regard to the facts and circumstances of the case and having perused the report including the report of the DPS, we are of the view that as the original selection is marred by irregularities, in the interest of justice, equity and fair-play it would be proper to conduct the selection for the post in question afresh by calling applications from the open market. Accordingly, we quash the selection/appointment to the post of EDDA-cum-EDMC, Bairatpur B.O. made under Annexure-6 and direct the Res.No.3 to carryout de novo recruitment to the said post and select the most meritorious candidate strictly in accordance with rules. We also grant liberty to the applicant as well as private Res.No.4 to apply for the post in pursuance of the public notification to be issued by the Respondents-Department, if so advised.

The O.A. is disposed of accordingly. No costs.


VICE-CHAIRMAN


MEMBER (JUDICIAL)