

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 7.2.2001

Shri B.K.Nayak, learned Addl. Standing Counsel has filed M.A.923/2000 bring certain facts to the notice of the Tribunal, reserving his right to file counter in this case, if necessary.

In this case the petitioner has prayed for a direction to the departmental authorities to give him appointment to the post of EDBPM, Dundukot. In the Misc. Application the departmental authorities have pointed out that with the same prayer the applicant has earlier filed an Original Application bearing No.83/99, but he has suppressed this fact in the present O.A. by stating that he has not filed any petition earlier before this Tribunal. On a reference to O.A.83/99, we find that the prayer in that O.A. is for a direction to the departmental authorities to appoint him to the post of EDBPM, Dundukot B.O. From this it is clear that in the present O.A. filed in August/2000 he has made the same prayer which has already been made by him in O.A.83/99 filed in February/99. In view of this we hold that the present O.A. is not maintainable. It is submitted by Shri S.Mohanty, learned counsel for the petitioner that in the present O.A. he has ~~not~~ made the additional prayer to give him appointment ~~in~~ another ~~of~~ B.O. as EDBPM. He could have as well made this prayer in the earlier O.A. but he cannot be permitted to agitate this prayer which is incidental to the main prayer in the present O.A. In this view of the matter, we hold that the present O.A. is not maintainable before this Tribunal, which is accordingly rejected, but without any order as to costs.

M.A.923/2000 is disposed of accordingly.

S. Mohanty
VICE CHAIRMAN
MEMBER (JUDICIAL)

Free copies of
final order ex
H.F.201 given
to both sides.

*Pray
S.C.J.*

2/10