

2 OA 46/2000.

TESTS OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 19.11.2003

For Admin & Hrsg Pl.

Bench

18.11.03

None appeared for the applicant nor the applicant appeared in person when called. However, with the ~~xx~~ aid and assistance of Shri B.Dash, learned Addl. Standing Counsel, we have perused the records and also heard him.

Two applicants have joined together and filed this O.A. as they have a common cause. Applicant No.1 was working as Lady Attendant on daily wage basis in Jawhar Navodaya Vidyalaya, Hadagarh effective from 26.11.1990. Applicant No.2 has been working as Office Attendant since March, 1990. It is stated both of them have good service record. The Respondents issued a circular dated 3.12.1999 calling for applications to fill up one post of Chowkidar, one post of Chowkidar-cum-Sweeper and one post of Mess Helper. It is also stated in the said notification that the Chowkidar post is reserved for S.T. category, the Chowkidar-cum-Sweeper post is reserved for S.C. category and the Mess Helper is <sup>for</sup> un-reserved (UR) category. The applicants state that they had applied for the post, but they were not considered and therefore, aggrieved of the situation, they have come before the Tribunal challenging the selection.

The Respondents have filed a detailed counter. Admittedly in order to fill up three posts in the Group-D cadre, a notification was issued on 3.12.1999 calling for applications and it was specifically mentioned in the notification that the last date for receipt of

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applications was 10.12.1999. It is the case of the Respondents that the applications from the applicants were received on 5.1.2000, i.e., much later than the last date of receipt of applications, as was notified in the notification. Therefore, their cases were not considered and hence there is no merit in this O.A.

When the matter was called for final disposal, we heard Shri B.Dash, learned Addl. Standing Counsel for the Respondents, who explained that the applications from the applicants were received much later than the last date fixed in the notification and therefore, their cases were not considered. Accordingly, it was submitted that there is no merit in the O.A.

There was nobody to represent the applicants and accordingly based on the records and the submissions made by the learned counsel for the Respondents the matter is being disposed.

It is very clear that a notification was issued by the Respondents on 3.12.1999, specifically mentioning that the last for receipt of applications as 10.12.1999. According to the statement made by the Respondents, the applications from the applicants were received only on 5.1.2000. Thus, obviously the applications of the applicants were not received within the stipulated time. Therefore, the applicants, cannot have any grievance, since they did not apply in time.

It is in the fitness of things, we would

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like to note that though the applicants were given time to file rejoinder, no rejoinder has been filed. Therefore, we take it for granted that the submissions made by the Respondents stand ~~unopposed~~ uncontested *le..*

Under these circumstances, we do not find any merit in this O.A., which is accordingly dismissed, leaving the parties to bear their own costs.

*Syamal Thangaraj*  
(9.11.)  
MEMBER (ADMINISTRATIVE)

*J. Chand*  
(9.11.2003)  
MEMBER (JUDICIAL)

(Order or order dated 19/11/03)  
may be directed  
to Counsel for both

*L*  
20.11.03

*Dh*  
20.11.03  
S.O.J