

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 8.5.2001

Learned counsel for the petitioner Shri P.K.Mohapatra and Associates are absent. There has been no request seeking adjournment. As pleadings in this matter have been completed long ago, it is not possible to drag on the matter indefinitely, more so, in the absence of any request for adjournment.

We have, therefore, heard Shri A.K.Bose, learned Senior Standing Counsel and perused the records.

In this O.A. the petitioner has prayed for quashing the appointment of Bhanja Kishore Sahoo (Respondent No.4) to the post of E.D.B.P.M., Sasanipada B.O. The second prayer is for direction to Superintendent of Post Offices, Cuttack (N) Division (Res. 2) to conduct a selection/interview amongst the eligible candidates and thereafter to appoint the petitioner against the said post of EDBPM. Departmental respondents have filed show cause and counter opposing the prayer of the applicant.

In order dated 23.3.2001 it was noted that address of Respondent No.4 given by the applicant was defective as he mentioned only the name of the village and name of the District. In view of this learned counsel for the petitioner was directed to file correct and full address of Res.4. For this, adjournments were also allowed to him with the stipulation that if the correct address of Res.4 was not filed, then the O.A. would be dismissed as against Res.4. As the -correct address of Res.4 was not filed even after giving adjournments to the petitioner, vide order dated 9.4.2001, the O.A. was dismissed as against Res.4. In view of this the first prayer of the applicant for quashing the appointment of Res.4 to the post of EDBPM, Sasanipada merits no consideration. In any case, the departmental respondents have pointed out that for filling up of the post of EDBPM, Sasanipada, a regular process of selection was undertaken and in that selection one Sri Alekh

Sdm

Chandra Behera, was selected for the post in question on merits. But before he could be appointed, it was reported by the A.S.P.O. In-charge that Shri Behera had passed away because of a road-accident. In view of this, the next person, who has got the highest percentage of marks, i.e. Res. 4 in the present O.A. was selected. As we find no illegality in this process, the prayer of the applicant for quashing appointment of Res.4 is held to be without any merit and the same is, therefore, rejected.

As regards the prayer of the applicant for considering his case through a fresh process of selection the departmental respondents have pointed out that the applicant, while applying for the post of EDBPM did not even sign the application. ~~Ex~~ Xerox copy of the application submitted by the applicant has been enclosed to the counter as Annexure-R/2 and from this we find that the petitioner has not signed in the application. A person who applies for a civil post must know ~~as~~ ~~to~~ how to fill in the application. As the petitioner did not sign the application the departmental respondents were right in rejecting his application. In view of this the 2nd prayer of the applicant is held to be without any merit and the same, is therefore, rejected.

In the result, we hold that the applicant has not been able to make out a case for any of the reliefs prayed. The O.A. is held to be without any merit and the same is, therefore, rejected, but without any order as to costs.

MEMBER (JUDICIAL)

Somnath
VICE-CHAIRMAN
8/5/2001

Free copies of final
order dt. 8.5.2001
issued to counsel
for both sides

Pr
S.O (C)

14.5.01