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OA 596/2000

# NOTES OF THE REGISTRY

# ORDERS OF THE TRIBUNAL

For admission  
with M.A-103/03

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ad 22 20.5.03.

18.11.03

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Copies of order  
may be sent to  
the counsel for  
both parties.

18/11/03  
S.O.T.

Order dated 20.5.2003

None appeared for the applicant when called nor the applicant in person did appear to represent his case. No request has also been made on behalf of the applicant seeking an adjournment. It is also to be noted here that this matter has been listed repeatedly from the month of February, 2003 and at the instance of the learned counsel for the applicant this matter was adjourned to this day. In this view of the matter it is not possible to adjourn this matter any further. We have, therefore, perused the pleadings and heard Shri P.K.Padhi, learned counsel for the Res.No.4 and Shri S.B.Jena, learned Addl.Standing Counsel appearing on behalf of the Respondents-Department.

The applicant, in this O.A. under Section 19 of the A.T.Act, 1985, had approached this Tribunal to issue direction to Respondents 1 to 3 and 5 to allow him to join and function as E.D.B.P.M. of Gumadalab Branch Office and to declare appointment of Res.4 as illegal and arbitrary. We also heard the matter earlier for interim order on 20.1.2003, when we had directed that pending disposal of this O.A. the Respondents should examine the merit of the case of Res.No.4 and to provide him employment as E.D.B.P.M., Gumadalab Branch Office and that the appointment if so given shall abide by the result of this O.A. We are now being informed by the learned Addl.Standing Counsel Shri Jena that the Respondents have already

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completed the selection process and found the candidature of Res.No.4 good in all respects, but they have not as yet given him formal appointment pending disposal of this O.A.

During hearing of this matter it has been disclosed by the learned counsel for Res.No.4 and also this fact has been corroborated by the Respondents-Department that the selection of Res.4 was the result of public notification of the vacancy and because of the fact that the other selected candidates, viz., one Ram Chandra Behera, one Miss.P.Lakhmi Reddy and one Braja Bandhu Pradhan found fit for appointment could not be selected as each of them failed to offer accommodation for setting up the Post Office. The applicant also though provisionally selected could not <sup>be</sup> offered regular appointment on the ground that he could not offer suitable accommodation for setting up of the Post Office. At the end, the Respondents-Department have found the candidature of Res. 4 good in all respects and that he has been able to provide suitable accommodation for running the post office and therefore, they have provisionally selected him for appointment to the post in question.

Having regard to the facts and circumstances of this case, we find no shortcoming in the selection of Res. No.4 to the post in question and we are satisfied that the selection has been done with care and <sup>in</sup> transparent manner. In view of this, while dismissing this O.A., we direct the Respondents-Department to issue appointment letter to the selected candidate/Respondent No.4 as quickly as possible to mitigate the public inconvenience. No costs.

VICE-CHAIRMAN

MEMBER (JUDICIAL)