

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Mr. B. Dash, Ld. ASC
appeared for all Reprs.
Counter not filed.

DR
27/4/01

Regrs.

30 - A - 2001

Learned Counsel for the
Respondents prays for time
to file Counter. Heard
Prayer allowed to file
Counter by 21-5-2001

REGISTRAR

1. Mr. A.K. Bose, Ld. ASC
filed Counter for the
Reprs without A. Memo -
Copy served.

2. Mr. B. Dash, Ld. ASC
filed A. Memo on A. 31st
for all Reprs.

DR
18/5/01

Regrs.

SJM

21-5-2001
Counter is filed by
Sh. A K Bose learned Sr. S. C.
without Memo of Appearance.
Sh. B. Dash, learned ASC and
filed the Memo of Appearance
for the Respondents. Alik
for the Respondents to clarify as to
who will appear for Respondents.
(Call on 20-6-2001 for compliance)

21/5/2001

REGISTRAR

ORDER DATED 4-X-2001.

Learned counsel for the applicant
and his associates are absent. There is also
no request for adjournment. As in this case
pleadings have been completed long ago, it is
not possible to drag on the matter indefinitely.
moreso, in the absence of any request for
adjournment, we have, therefore, heard Shri A.K.
Bose, learned Senior Standing Counsel (Central)
appearing for the Respondents and have also
perused the records.

In this original application, the
applicant has prayed for quashing the notification
dated 15-2-2000 at Annexure-3 calling for
applications for the post of EDBPM, Chhamunda
Branch Post Office and for a direction to the
Respondents to give appointment to the applicant
to the post. Respondents have filed counter
opposing the prayer of applicant. No rejoinder
has been filed.

For the present purpose, it is not
necessary to go into too many facts of this
case. The admitted position is that in order to
fillup the post of EDBPM, Chhamunda BO under
Telkoi SO in Keonjhar postal division, Junior
Employment Officer, Telkoi was requested to
sponsor names of candidates. In the letter
addressed to him it was specifically mentioned
that preference will be given to SC candidate.
The Dist. Employment Officer sent a list of
15 candidates which did not include any SC
candidate. Thereupon public notice was issued
on 2.6.98 (Annexure-1) inviting applications from

seen
Bimal
for Mr. A.K. Bose
on 5-5-2001
Dated 25.5.2001

NOTES OF THE REGISTRY

Orders were communicated -
compliance still awaited.

19.6.81

Regr.

Dt. 20.6.2005

The CAT Bar Association
Secretary in a resolution
seconding the resolution of High
Court Bar Association resolved
to abstain from the Court work

In view of this, addition
to 13.4.2001.

REGISTRAR

Orders of 21.5.2009
since communicated
on 25.5.2009 - Compliance
still awaited.

१८८५

Regr.

DT. 13.4.2001

counter fixed after
service on applicant. The
applicant is absent on
call.

Put up on 25.7.2001 for
reposting on 12 Aug.

REGISTRAR

6-203

ORDERS OF THE TRIBUNAL

the general public. Respondents have stated that in response to the public notice six candidates offered their candidature of which there was also no SC candidate. In the notice at Annexure-1 it was mentioned that if adequate number of SC candidate is not available the post will be treated as unreserved. In view of this it was tentatively decided to fillup the post out of six applicants and postmaster General Sambalpur was requested to approve the proposal for filling up of the post by an UR candidate. The postmaster general Sambalpur, has however, desired that fresh public notice should be issued so that SC candidate may apply. In view of this, the second notice dated 15.3.2000 at Annexure-3 was issued.

From the above recital of fact, it is clear that the post was initially reserved to be filled up by SC candidate and it was mentioned that if SC candidate is not there, the post will be treated as UR. Through the Employment Exchange as also through public notice no SC candidate applied. That is why a proposal was made to fillup the post by angh UR candidate but this was only a proposal and no selection was actually made and no general candidate was appointed to thepost. As the post was reserved for ~~general~~ ^{S.C.} ~~J.W.D.~~ candidate it was open for the Departmental Authorities to make another effort to get SC candidate to fillup the post. In view of this we find no illegality in the order of the postmaster general directing the Supdt. of Post Offices to renotify the vacancy inviting applications from the

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not filed.

12/29/01

Regr.

Ref. Rejoinder Court's
or. dt. 25/7/01

Proceedings completed.

12/7/01

Bench

Rejoinder not filed.

12/27/01

Bench

for Admission

12/27/01

Bench

Case Records received
on 16.X.2001

Free copies of final
order dt. 4.X.2001 issued
to counsel for both sides.

12/16/01

R. J. P.
S. OCT

general public. In pursuance of this public notice at Annexure-3 was issued. In view of the above, we hold that the applicant is not entitled to the prayer for quashing the public notice at Annexure-3. This prayer is accordingly rejected. His second prayer for appointment to the post in pursuance of selection which was taken up after the first notice at Annexure-1 is also held to be without any merit.

In the result, therefore, the OA is rejected. No costs.

—
(G. NARASIMHAM)
MEMBER (JUDICIAL)

S. Somnath
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.