

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Mr. B. Dash, LA, ASC  
appeared for all Resps.  
Counter not filed.

27/4/01

Reggr.

30-4-2001

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

30/4/2001  
REGISTRAR

1. Mr. A.K. Bose, LA, SSC  
filed counter for the  
Resps without A.Memo -  
Copy served.

2. Mr. B. Dash, LA, ASC  
filed A.Memo on 13/5/01  
for all Resps.

18/5/01

Reggr.

Sd/-

21-5-2001

Counter is filed by  
Sh. A.K. Bose learned Sr. S.C.  
without Memo of Appearance.  
Sh. B. Dash, learned ASC had  
filed the Memo of Appearance  
for the Respondents. A.K.  
Bose 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 2.6.93 (Annexure-1) inviting applications from

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Orders since  
communicated -  
compliance still  
awaited.

19.6.01

Reggr.

Dt. 20.6.2001

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, adjourn  
to 13.7.2001.

20/6/2001  
REGISTRAR

Orders dt. 21.5.2001  
since communicated  
on 25.5.2001 - Compliance  
still awaited.

12/7/01

Reggr.

Dt. 13.7.2001

Counter filed after  
service on applicant. The  
applicant is absent on  
call.

Put up on 25.7.2001 for  
rejoinder if any.

13/7/2001  
REGISTRAR

S. Sam.

the general public. Respondents have  
stated that in response to the public notice,  
six candidates offered their candidature of  
this 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 fill up  
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 fill up the post by an  
UR candidate but this was only a proposal and no  
selection was actually made and no general  
candidate was appointed to the post. As the  
post was reserved for <sup>S.C.</sup> ~~general~~ candidate it was  
open for the Departmental Authorities to make  
another effort to get SC candidate to fill up  
the post. In view of this we find no illegality  
in the order of the postmaster general direc-  
ting the Supdt. of Post Offices to renotify  
the vacancy inviting applications from the

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Rejoinder not filed.

12  
24/7/01

Regr.

Ref. Registration Court's  
or. dt. 25.7.01

Pleadings completed.

12  
7/8/01

Bench

Rejoinder not filed.

12  
27/8/01

Bench

For Admission

12  
2/10/01

Bench

Case Records received  
on 16.10.2001

Four copies of final  
order dt. 4.10.2001 issued  
to counsel for both sides.

12  
16/10/01

Reg.  
S.O.C.J.

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)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
4.10/2001

KNM/CM.