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O.A. NO. 612 of 2000

ORDER DATED 13-01-2004.

None appears for the Applicant; nor the Applicant is present in person. However, Mr. A. K. Bose, Learned Senior Standing Counsel, for the Union of India, appearing for the Respondents is present. This being a year old case of 2000; with the aid and assistance of Mr. A. K. Bose, we have perused the materials placed on record.

2. By filing this Original Application U/s. 19 of the Administrative Tribunals Act, 1985, the Applicant has prayed for implementation of the order of his appointment as E.D.B.P.M. of B. Fata-kara Branch Post Office, vide Annexure-1. The Applicant's case is that he having been selected by the Res. No. 2 on the basis of the vacancy circular dated 23.9.1999, his appointment to the post could not have been held in abeyance.

3. Respondents by filing a detailed counter, have submitted that the selection of the Applicant, by virtue of the vacancy circular dated 23.9.1999 was found to be defective on a review of the matter by the Director of Postal Services, Sambalpur Division, Sambalpur on the ground that though the post was notified to be filled up by ST candidate, the post was filled up from OBC category. Secondary, it was pointed out that there

was no three OBC candidates in the zone of consideration as required under the Recruitment Rules and, lastly, it was pointed out that there was no short fall in the OBC community candidate. In view of all the irregularities, the Director of Postal Services, Sambalpur Division, Sambalpur was of the view that the selection of the Applicant made in this case by the Respondent No.2 was illegal as per the Director General of Posts instruction at Annexure-R/4 and, therefore, he ordered cancellation of the appointment of the Applicant.

4. From the facts of the case as placed before us by the Respondents, we see no illegality in the order passed by the Director of Postal Services, Sambalpur Region in ~~cancelling~~ the selection and appointment of the Applicant. Having upheld the action taken by the Respondents, we hereby direct them to take fresh action in filling up of the vacancy according to the rules.

5. In the result, this Original Application is disposed of in the aforesated terms. No costs.

*W.P.*  
Vice-Chairman (B)

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Member (Judicial)

13/01/04