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O. A. No. 643 OF 2000

ORDER DATED 21-12-2001.

The applicant, who was provisionally appointed in the post of E.D.M.C., Lakhamara Branch Post Office from 1-6-1996 and continued to work in the said post till 31-10-2000, has filed the present Original Application for a direction to the Respondents to appoint/adjust him in any of the two vacancies lying under the Respondent No. 3 and further he has prayed for a direction to the Respondent No. 2 to empanel the applicant as per the EDA Rules to be appointed/adjusted in future vacancies of any EDAs.

We have heard learned counsel for the parties and have also perused the pleadings of the parties. It is not necessary to go into too many facts of this case. The admitted position in this case, is that the petitioner was provisionally appointed as E.D.M.C. on 1.6.1996 till 31.10.2000 and thereby he has completed more than three years of service in the said post. Instructions dated 13th May, 1979 issued by the Director General of posts, printed at page-33 of the Swamy's Compilation of Service Rules for Postal ED Staff (7th edition) provide as follows:

2. Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' service. In such cases their names should be included in the waiting list of ED Agents discharged from service, prescribed in DG P&T letter No. 43-4/77-Pen. dated 23.2.1979.

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Contd.....Or.Nated 21-12-2001.

After going through the pleadings of the respective parties, it is seen that the applicant has not gone through the selection process, before provisionally appointed in the post of EDMC, Kakhamara Branch Post Office. In that view of the matter, neither the applicant nor the Respondents have stated anything as to whether the applicant fulfils all the criteria including educational qualification for the post of E.D.M. C.

So far as first prayer of the applicant is concerned regarding a direction to the Respondents for appointing or adjusting the applicant against any of the two vacancies lying under the Respondents No. 3 is concerned, it has been submitted by learned counsel for the applicant that the said two posts have already been filled up and hence he does not press tfor that prayer. r of applicant.

So far as the second prayer of the applicant is concerned regarding a direction to the Respondents to empanel the applicant as per the instructions, stated above to be appointed/adjusted against any future vacancy of the ED Posts, is concerned, no material is available in the record to show as to whether the applicant was having the requisite qualification and eligibility to be appointed as EDMC in which post he was provisionally appointed in 1996. It is also an admitted that the applicant when was appointed to the post of EDMC, was not sponsored through the employment exchange nor was selected through a process of selection. In that view of the matter, we permit the applicant to give a detailed representation alongwith all documents indicating that he fulfills all the


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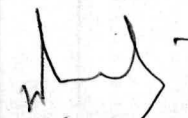
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Cond.....Order dt.21-12-2001.

criteria to be appointed as EDA within a period of two weeks from today and in case such^{an} application is filed within the time stipulated, then the Respondent No.2 is directed to consider his case to be empanelled for appointment against future vacancy in accordance with the above instructions which is quoted above, since he has already completed three years of service in the post.

With the above observations and directions, the O.A. is disposed of. No cost .


(SOMNATH SOM)
VICE-CHAIRMAN/


(NI TYANANDA PRUSTY)
MEMBER (JUDICIAL)

KNM/CM.