

O.A.No.54 OF 2001.

ORDER DATED 21-12-2001.

Heard Shri D.P.Dhalsamant, Learned Counsel for the Applicant and Shri A.K.Bose, learned Senior Standing Counsel appearing for the Respondents.

In this Original Application, the applicant has prayed for a direction to the Respondents to appoint the applicant in any of the two vacancies under Sub-Divisional Inspector(postal), Jharsuguda sub Division. His second prayer is for a direction to the Respondents to empanel the applicant as per the Rules/instructions to be appointed and adjusted against future vacancies.

Respondents have filed counter and we have perused the pleadings of the parties. Admitted position is that one Shri Birendra Neti was working as EDDA-Cum-EDMC of Atabira Branch Post Office and he passed away while in service on 13.10.1997. In order to manage the work the applicant was inducted to the post of EDDA Cum EDMC on 13.10.1997. Thereafter, names were called for from Employment Exchange and provisional appointment was given initially from 13.10.1997 to 15.1.1998 and again by another order from 16.1.1998 till regular appointment to the post is made. Departmental Authorities took up the question of giving compassionate appointment to the widow of the deceased EDDA cum EDMC and ultimately, the widow of the deceased ED employee, Smt. T. Neti was appointed to the post and the applicant's provisional appointment was terminated w.e.f. 20.12.2000. The applicant, however, avoided

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to receive the notice but ultimately notice could be served on him on 1-1-2001. From the above it is clear that the applicant had worked in the post of EDDA-Cum-EDMC, after having been provisionally selected from 13.10.1997 till 20.12.2000. Instructions dated 18.5.1979 of the DG(Posts) gist of which has been printed at page-33 of Swamy's Compilation of ED Rules(7th edition) provide that when ED Agent has been provisionally appointed and later on his service is terminated due to administrative reasons and in case he has completed three years of service, his name should be kept in the waiting list and he should be offered appointment on the vacancy arising nearabout. In consideration of this, we direct the Departmental Authorities to keep the name of the applicant in the waiting list in accordance with the circular as above and consider him appointment to the vacant post which arose in future.

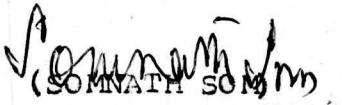
It is submitted by learned counsel for the applicant that in the petition he has made a prayer for considering him against two posts which are lying vacant under Respondent No.3 but the posts have in the meantime been filled up. He has submitted that in the meantime, the applicant has applied in response to a notice for the post of EDBPM, Kapilapur BC. In case the applicant has actually applied for the post within the last date and he has the requisite qualification, his case may be considered strictly in accordance with rules along with others.

J.J.M.

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With the above observations and directions the OA
is disposed of. No costs.


(NITYANANDA PRUSTY)
MEMBER(JUDICIAL)


(SOMNATH SOMNATH)
VICE-CHAIRMAN
21.12.2001

KNM/CM.

Free copy
of the order
dt. 21.12.01
given to the
both counsel.

 P. S. Somnath
21/12/01
S. O.