

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On 20. 11. 04

For Hearing.

5/11

Bench

On 20. 8. 11. 04

Copies of order
prepared for counsel
for 10th 8.11.04

1/11
10/11

10/11
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Order dated : 8.11.04

This O.A. has been filed by Shri Branab Kumar Biswal under Section 19 of the Administrative Tribunal's Act, 1985 with a prayer to direct the Respondents to declare him entitled to get appointment for the post of Sweeper in the Postal Printing Press, Rasulgarh, Bhubaneswar and to give him employment on priority basis.

2. The case of the applicant, in a nutshell, is that the Respondent No.4 had published an advertisement for recruitment to the post of Sweeper inter-alia stating that they proposed to fill up three vacancies, one under UR and one under SC category. His grievance is that although he stood second in the merit list in the un-reserved category, he was not offered appointment when the selected candidate did not join. He has also alleged that Respondent No.5 who was selected as No.1 in the merit list had secured his appointment by submitting false transfer certificate from Sanskrit Bidyapaittam, Bentapur. When the matter became public, the Respondent No.5 even though by that time had been appointed, fled away by submitting his resignation which was readily accepted by the Respondents. However, ^{though} his name was next in the waiting list, the Respondent No.4 did not offer him appointment.

3. The Respondents have opposed the application by filing a detailed counter. Admitting the facts of the case, they have

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stoutly denied that the applicant was ever placed at number two position in the merit list. They have also denied that the Respondent No.5 had submitted any certificate which was defective. The fact of the matter is that after completion of the examination, the original certificates were submitted for scrutiny before issuing appointment letter. However, no defect was found in the process of verification. They have, on the other hand, stated that the whole controversy was generated by one of the Dealing Assistants in the office of Postal Printing Press who had overtly or covertly tried to promote the cause of the applicant. The Respondent No.5 submitted his resignation w.e.f. 31.7.2000 showing his family problems. As, there was no reserve list to be operated for filling of the vacancy, hence the question of offering the post to the applicant did not arise. Thereafter, because of ban on filling of the vacant posts, the said post could not be advertised for fresh recruitment again.

4. We have heard the Ld. Counsel for the rival parties and have also perused the records placed before us.

5. In view of the submissions made by the Respondents that the Selection Committee for recruitment to the post of Sweeper, did not recommend any name in the waiting list and it had only recommended the name of Respondent No.5 for the post, the claim made by the applicant that his name was

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placed in the merit list appears to be an outcome of imagination and hence without merit.

Accordingly, this O.A. is dismissed being misconceived. No costs.

John
VICE-CHAIRMAN

J.C.
MEMBER (J)