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O.A.No.127/2004

ORDER DATED 16-3-2004.

Heard Mr.P.K.Padhi, Learned Counsel appearing for the Applicant and Mr.B.Dash, Learned Additional Standing Counsel for the Union of India (on whom a copy of this O.A. has already been served).

Applicant, on receipt of a notice for cancellation of his selection and appointment vide Annexure-6 has approached this Tribunal with a prayer to stay the letter of notice dated 11-3-04 calling upon him to show cause within seven days from the date of receipt of the said communication, as to why his selection & appointment shall not be cancelled. They have disclosed in the letter that on receipt of a complaint that the Applicant although a man of sound physique and arranged a physically handicapped certificate to claim selection out of P.H. quota, inquiries were made through the Office of the Postmaster General, Berhampur and the allegation was found to be true and therefore, it was felt ^{necessary} by the authorities to issue show cause to the applicant. It is also seen from the application filed by the applicant that he had filed a representation on 13.3.04 seeking a copy of the report basing on which the PMG, Berhampur, Res.No.3 had come to the conclusion that

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selection of the applicant was a matter of controversy and has also submitted that he will submit his representation within 7 days of receipt of the documents i.e. the report of the investigating authority appointed by the PMG, Berhampur. Immediately, thereafter, he has filed this Original Application on 15th day of March, 2004 and has come up with the prayer for staying the operation of the order under Annexure-A/6. Obviously the stand taken by the applicant is contradictory. He could not have, on one hand, responding to the notice at Annexure-A/6 sought for documents and time and at the same time, without the knowledge of the Authority, come before this Tribunal seeking stay of the operation of the order under Annexure-A/6. We do not approve of such type of behaviour of the Applicant and therefore, the applicant is directed to submit to the jurisdiction of the Respondents 1 & 2 and follow the rule of law laid down in this regard.

With these observations and directions, this Original Application is disposed of at the admission stage. No costs.

Send copies of this order to the Respondents alongwith copies of the OA. Free copies of this order be also given to learned counsel for both sides.

Vice-Chairman
Member (Judicial)

Copy of order
dt. 16/3/04 a/w
OA copy issued to
all the respnts. by
posts. The same
copy of order issued
to the counsel for
both side.

S.O. 19/3/04.

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