

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Respondent not  
filed.

14/12 Bench

On Memo

MA 643/03 for  
app. orders  
copy has been  
served.

24/12 Bench

Or. dt. 22.2.03

Copy of order  
prepared for counsel  
for both sides one  
copy has been received  
by the petitioner.

23/12 Received copy  
of order dt. 22/12  
Sukanta Kumar Mohanty.

Identified  
23-10-03  
for  
the petitioner

Copy of order  
dt. 22.2.03 sent to  
all respondents.

receive due consideration in course of the  
recruitment in question giving him due  
preference for his past experience and his  
physical condition. Therefore, the Respondents  
should complete the selection process notwith-  
standing the pendency of this Original Application.  
But however, the selection and appointment of  
GDSMC in the Branch Post Office, in question,  
shall abide by the result of this case. In  
other words, the Respondents, while giving  
appointment to any selected candidate, should  
clearly intimate to him/her that the said  
appointment shall be subject to the result  
of Original Application No. 201/2002.

Send copies of this order to the  
Applicant and Respondents in the address given  
in this CA and free copies of this order be  
given to learned counsel for both sides.

Member (Judicial)  
XXXXXX

Order dated 6.5.2004

Heard Shri B.K. Mohanty, learned counsel  
for the applicant and Shri S.B. Jena, learned  
Addl. Standing Counsel appearing on behalf of the  
Respondents.

Applicant, Shri Sukanta Kumar Mohanty,  
has filed this application seeking direction to  
be issued to Respondents-Department to appoint  
him to the post of G.D.S.M.C., Mahuduma on the  
ground that he had acquired experience having  
worked in the post office and was very eminent  
suited for the said post, advertised by the

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Amber 2022 —  
Copy sent.  
Respondent not filed.  
Rr hearing.

Bmr

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5/10/24

Respondents vide their order dated 18.2.2002. It is his case that he fulfills all other conditions for appointment to the post and also comes within the preferential category on the ground that he is physically handicapped(deaf). The Respondents, however, contested the application on the ground that for recruitment to the post of G.D.S.M.C. past experience of working as substitute in the Post Office does not confer any right for regular absorption in the post. They have also pointed out that the post in question has not been earmarked for any particular community and therefore, the applicant has to compete on merit with all other candidates, who had responded to the advertisement. They have also disclosed that pursuant to advertisement they had, in all, received 56 applications, including that of the applicant and having worked out the inter se merit of each of the candidate, they did not find that the applicant had any fair chance for selection, because, whereas he had obtained 260 marks in the H.S.C. Examination, there were several other candidates, who had secured more than 260 marks in the H.S.C. Exam., and in the processes they selected a candidate at Sl.No.55 of the check list, viz., Rajeswar Rout, being the most meritorious amongst the candidates considered for the post. The Respondents, have, however, submitted that as the applicant in this O.A. is a physically handicapped person and there is a provision of

Copies of order dt 6/10/24  
issued to counsel for  
both sides.

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26/9/24

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making 3% of the total G.D.S. posts earmarked at the rate of 1% each in three different categories, viz., Blind, deaf and orthopaedically handicapped, and as and when they will decide to earmark a particular post to be offered to physically handicapped person, like that of the applicant herein, they will call for applications and in the process, the applicant's case can be considered if he submits his application.

Having regard to the submissions made by the learned counsel of both the sides and having taken note of the pleadings of the parties, as well as the commitment given by the Respondents that as and when the post will be earmarked for the physically handicapped, the applicant will also have an opportunity to participate in the selection, we find ~~that~~ no legal infirmity in the process of selection undertaken by the Respondents-Department for the post in question and accordingly, we dispose of this O.A. in keeping with the commitment given by the Respondents that as and when a post in the category of physically handicapped quota (deaf) will be advertised, the case of the applicant will be considered on merits, provided he applies for the said post. No costs.

VICE-CHAIRMAN

MEMBER (JUDICIAL)