

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For hearing

Baner

h
21/9/05

For Hearing.

h
12/11

Baner

on 26.04.05

For further hearing
at P/A.

Baner

For Hearing.
P/A.

Baner

h
28/9/05

Copies of order
dt. 26.05.05 prepared
for counsels to
both side.

h
28/6

h
23/6/05
So (S)

Order dated 3.5.05

Heard further in part.

Call this matter on 26/5/05.

~~Member(S)~~

Judge
vice-Chief Justice

Order dated : 26.5.05

Heard Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents. None appears for the applicant nor the applicant is present in person. This being a part heard case and is fixed for today with his consent. However, the applicant is absent without any formal notice.

The matter was heard in extenso on the last date of hearing on 3.5.05, However, on the request of the applicant's counsel further time was given to file any more information that he may like to do in support of his case. However, he is not present today and this being a year old case of 2002, it is not possible to drag the matter unnecessarily.

Having regard to the fact of the case and having perused the records placed ^{before us} and after hearing the Ld. Sr. Standing Counsel, we find the applicant in this O.A. has come up with the grievance that selection ^{for} for the post of GDS BPM, Routi Branch Post Office was not done with due regard to the scheme for the handicapped persons, and, therefore,

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has sought for a direction to be issued by the Tribunal to the Respondents to finalise the selection from amongst the candidates applying for the post in response to the notification dated 28.9.01 (Annexure-1) giving due regard to the claim of the handicapped persons.

4. The undisputed facts of the case are that the post of GDS BPM, Routi was notified inviting applications from open market and the post was declared reserve for O.C. candidates. The vacancy was notified to the Employment Exchange also and both in the requisition to the Employment Exchange and in the public notification, it was mentioned that due preference would be given to the physically handicapped candidates also. No candidate was sponsored by the Employment Exchange but in response to the open advertisement, 15 candidates including the applicant applied. Out of these candidates, the applicant was found to be most meritorious under PH quota, having secured 63.06% marks. However, the said selection was reviewed by the Postmaster General, Berhampur Region who observed that by reserving the post for O.C. the Respondent No.4 debarred the candidates from the other reserved communities from applying for the post and to that extent the vacancy notification was declared bad. He, therefore, issued a direction by his letter dated 21.3.02 (Annexure-R/5) to Respondent No.4 to renotify the vacancy treating the same as 'Unreserved' both in the requisition and in the public notification.

as a result of which, fresh recruitment was initiated and 14 applications from PH candidates were received and out of those in order to merit, one A.Siba Sankar Patra who had scored 72.66% marks in HSC examination was found to be most meritorious candidate and selected for the post. On the other hand, the applicant, Shri Krishna Chandra Rana, had secured 63.06% marks in the HSC exam was found to be 3rd in the merit list. One more candidate had secured 66.13% marks in HSC exam.

5. Having regard to the above facts of the case, it is clear that the Respondents have correctly selected the most meritorious candidate to the post and ^{it} was filled up only under the PH category, and, therefore, the grievance of the applicant seems to be without any basis.

6. With regard to the re-notification of the post, we find no legal ~~in~~firmity in this and infact the earlier notification for the O.C. was patently bad, ^{The} ~~and~~ correct position was infact brought ^{into effect} by the order of the Postmaster General of Berhampur Region, ~~and~~ ^{infirmitly} therefore, we see no ~~in~~firmity in the selection process adopted by the Respondents. Accordingly, this O.A. is disposed of being devoid of merit. No costs.

MEMBER (JUDICIAL)

VICE-CHAIRMAN