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O.A.No. 123/05

ORDER DATED: 04.01.2007

Heard Mr. S.K.Patri, Ld. Counsel for the Applicant and Mr. P.R.J.Dash, Ld. Additional Standing Counsel for the Respondents.

This case had come up before the Tribunal earlier and orders dated 14.09.2000 were passed by the Division Bench quashing the notification dated 16.06.1999 and directing the Respondents to give effect to the provisional selection made of the Applicant in response to which he has already undergone training. The Respondents were directed to comply within a period of 60 days from the date of receipt of the order. In the meanwhile, the case came up before Hon'ble High Court vide O.J.C.No. 14866/99. The Applicant has filed copy of the aforesaid order and points out that the order of the Hon'ble High Court arising out of O.A.No. 401/98 was filed by one Shri Kamlakanta Patra, whereas the relevant case of the Applicant is O.A.No. 328/99. However, in both the cases the claim is for the post of EDBPM, Kankada (Keonjhar). Since Hon'ble High Court has already passed orders in respect of EDBPM, Kankada, the Applicant's O.A. filed again before this Tribunal vide O.A.No. 428/03 failed. This was challenged before the Hon'ble High Court in W.P.C.No. 2939/04 and the matter is still pending before the Hon'ble High Court. This being the case, there is no scope for interference in respect of O.A.No. 328/99.

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However, Ld. Counsel submits that in view of the Recruitment ED Rules, Circular No. 15, para 2, the Applicant should be considered for any other post since he has completed three years of continuous service in the district of Keonjhar. This has been prayed for in para 8 of the O.A.

Ld. Additional Standing Counsel clarifies that since the matter is pending before the Hon'ble High Court, no order can be passed in respect of EDBPM, Kankada. This point is well taken and we are refraining from interfering in this respect. Since the matter is pending in the Hon'ble High Court and since the representation of the petitioner is pending before Sr. Superintendent of Post Offices vide Annexure-A/4, it is directed that he may take a view on the prayer made for adjusting the petitioner in any post office, as per law and keeping in mind the fact that the prayer for appointment to EDBPM, Kankada has already been disposed of in respect of another case by Hon'ble High Court, within a period of 60 days from the date of receipt of this order.

O.A. is disposed of accordingly.

Copy of this order be given to the Ld. Counsel for both the parties.

BBT
MEMBER (ADMN.)

[Signature]
VICE-CHAIRMAN

Order dt. 4.1.07

Copy of Order may be given to both the counsels.

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