

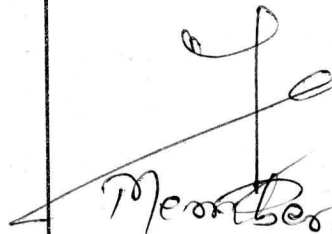
2 O.A. 189/05

Notes of the Registry

Orders of the Tribunal

Order dated - 20/5/05

Call this matter on
24/5/05.


Member (J)


Vice-Chairman

Order dated : 24.5.05

Heard Mr. D.P.Dhalsamant, Ld. Counsel for the applicant. A copy of this O.A. has been served on Mr. B.Dash, Ld. Additional Standing Counsel.

By filing a Misc. Application dated 24.5.05 the Ld. Counsel for the applicant has brought to our notice the Recruitment Rules, ^{called,} / Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 1990 published in the Gazette of India vide D.G., Posts, Notification No. 60-52/90-SPB-I, dated 24.8.92 wherein it is prescribed that the candidates for the examination for promotion under ED quota shall be within 35 years of age (40 years for SC/ST communities) as on the crucial date fixed for the last open market recruitment. On the other hand, in the advertisement dated 7.4.05 published by Sr. Superintendent of Post Offices, Koraput Division, Jeypore, the above age limit for the intending candidates was notified as 28 years for the unreserved categories and 33 years for SC/ST candidates and 31 years for OBC candidates and 38 years for Physically Handicapped candidates.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

~~On the~~ prima facie, it appears that the notification of the eligibility conditions for the recruitment for posts of Postal Assistants ^{from} ED/GDS group of Koraput Division has not been done in conformity with the Recruitment Rules, 1990 as amended upto August, 1992.

Having regard to above fact of the matter, we hereby direct the Respondent No.3 to give a fresh look at the whole matter and in case the eligibility criteria, specially, regarding age of the candidates, has been ~~done~~ ^{notified} inadvertently in contravention of the Rule, 1990, the said examination may be withheld and the advertisement may be re-circulated allowing the candidates the benefit of Recruitment Rule, 1990, if the same has remained unamended till now.

With the above order this O.A. is disposed of at the admission stage.

A copy of this order be given to both the parties for compliance. A copy of the O.A. along with M.A. also be sent to the Respondent No.3 as a part of the representation made by the applicant. Accordingly, the representation filed the applicant at Annexure-3 will be disposed of with a speaking order.

MEMBER (JUDICIAL)

VICE-CHAIRMAN

Copies of order dt. 24.5.05
issued to the counsel for
both sides.

Copy of order dt. 24/5/05 a/w
copy issued to all the
respondents by posts.