

O.A. No. 237 OF 2005.

Order dated 22-06-2006,

Heard Mr. P.K.Padhi, learned counsel appearing for the Applicant and Mr. B.Mohapatra, learned Additional Standing Counsel for the Respondents and perused the materials placed on record.

Short facts of this case are that to fill up the unfilled vacancies of departmental quota in Postal Assistant/Sorting Assistant cadre by eligible GDS employees of the recruiting Divisions pertaining to the year 2003-2004, notification was issued under Annexure-2; specifying therein that in Cuttack North Division there are 17 vacancies of which ~~one~~ 12 meant to be filled up by UR candidate and five to be filled up by ST. Like wise for Keonjhar Division there are four vacancies; of which two meant for UR candidates and two for SC. The last date of receipt of application was fixed to 02-05-2005. It was also mentioned in the advertisement that the candidates should be within 28 years of age (33 years for SC/ST and 31 years; for OBC candidates and 38 for PH candidates as on the last date fixed for receipt of application).

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Applicant being a GDSMC of Anandaapur MDG submitted his application to the SPOs Keonjhar Division as well as to the Cuttack North Division. His case having been rejected he has approached this Tribunal in the present Original Application challenging the said selection and praying for consideration of his case by giving necessary age relaxation.

Respondents have filed their counter stating therein that the Applicant belongs to SEBC and not a candidate of OBC community. There was no vacancy for OBC community in Cuttack North Division or Keonjhar Division.

The Applicant was above 28 years of age as on last date of receipt of application. It is maintained by the Respondents that there being no reservation for OBC community in the matter of promotion as per the DOPT OM dated 22-10-1993 and as per rule, candidates of reserved community can be taken against vacancies meant for OC but in these cases the age and other relaxation are not ^{the} permission, the candidature of the Applicant was rejected ^{he} being over aged.

Having heard the counsel appearing for the parties, we see no infirmity in the action of the Respondents. It

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is an admitted fact that as on the last date of receipt of application the Applicant was above 28 years. It is also not in dispute that the Applicant is ^{of} SEBC community and is not ~~of~~ OBC community. We may note here that there is no reservation for SEBC community in the appointment to any job under Union Government. We also find that no post was reserved for OBC candidate in any of the two Divisions. As the Applicant was beyond the age limit fixed for such consideration, his candidature has rightly been rejected by the Respondents which warrants no interference by this Tribunal.

In the result, this Original Application stands dismissed. No costs,


Member(Admn.)


Chairman