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O.A. 241/2005

Order dated 5.7.2006

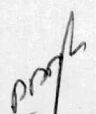
The applicant had applied for the post of GDSMC, Galadari Branch Post Office, in account with Debidol S.O. After verification of the certificates, he was appointed as GDSMC by order dated 24.4.1999 (Annexure A/1).. But another candidate, namely, Umakanta Swain filed OA No. 228 of 1999 before the Tribunal challenging the appointment of the applicant. The Tribunal, by their order dated 18.2.2002 quashed the selection and appointment of the applicant and directed the Respondent-authorities to re-do the selection by taking into account the prescribed qualification of VIII standard pass in respect of the same candidates who were considered by them in the earlier selection. The Respondent-Department preferred W.P. (C) No. 4205 of 2003 before the Hon'ble High Court of Orissa assailing the order dated 18.2.2002 passed by the Tribunal. The Hon'ble High Court by their order dated 30.9.2004 set aside the Tribunal's order and observed that the Respondent-Department are at liberty to proceed with the matter in accordance with the Rules governing the field. Thereafter the services of the applicant were terminated by order dated 17.2.2005 (AnnexureA/3). In the present O.A. the applicant has prayed for a direction to the Respondents to

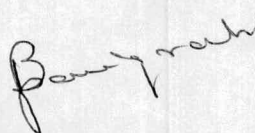
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consider his case and provide alternate appointment to him in any GDS post in the nearby locality or sub-division. .

2. As stated above, the services of the applicant were terminated after the orders were passed by this Tribunal and the Hon'ble High Court. Since the Respondent-authorities are unable to fill up GDS posts on account of ban order, the question of giving alternative appointment to the applicant in any GDS post does not arise. However, if there would be subsequent advertisement for filling up any vacant GDS posts, the applicant can apply and compete with other candidates and can be considered by the Respondent-authorities for appointment to such post. With this observation, the O.A. is disposed of. No costs.

  
(B.B.MISHRA)  
MEMBER(A)

  
(B.PANIGRAHI)  
CHAIRMAN

Copy of final  
order dated  
20.05.07.06  
prepared for  
both the counsels

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