

Order dated 21.5.2004

Shri Nalla Sankar Rao has filed this Original Application challenging the inaction on the part of the Respondents in not allowing him to function as EDBPM, Neelabadi B.O. for last two years.

2. It is the case of the applicant that he belongs to OBC category and had applied for the post of EDBPM, Neelabadi B.O. after his name was sponsored by the Employment Exchange in December 1997. As he did not hear anything about his selection from the postal authority, he filed O.A.No.113 of 1998 before this Tribunal to expedite the matter. However, on 15.9.1998 the Respondents asked him to apply for the post of EDBPM, Neelabadi B.O., along with all the required documents, which he did. He was then selected by Respondent No.3 who passed an order on 12.9.2000 in this regard. Respondent No.4 was directed to impart training to the applicant. But the order of appointment was not carried out by Respondent No.4 and in spite of his repeated representations during the year 2001, no arrangement was made by the Respondents to impart training to him. Aggrieved by the said inaction of the Respondents, he has filed this O.A.

3. The Respondents have contested the Original Application in all respects. They have submitted that in the first instance in November 1997 when recruitment action for the post of EDBPM, Neelabadi B.O., was taken, the applicant had filed his application long after the last date fixed for this purpose and therefore his application could not be taken into consideration by them. Aggrieved by that, he filed OA No.113 of 1998 which is still subjudice. No

candidates who had responded to the public notification or who were sponsored by the Employment Exchange were considered in the first instance. However, on subsequent instruction received from the higher authority, six candidates sponsored by the Employment Exchange by their letter dated 6.12.1997 were considered and the applicant. *wherein the* However, on scrutiny of the applications of all the candidates it was found that the applicant had secured 6th position in order of merit among the seven candidates considered. But the result of the selection has not been notified awaiting outcome of O.A.No.113 of 1998. It has also been disclosed by the Respondents that a letter dated 19.10.2000 was indeed issued by Respondent No.3 to the applicant. But that was not acted upon on the grounds that the order was issued in disregard to the instructions issued by the Department vide their letter dated 28.3.2000 and also because the letter of appointment had been drafted incorrectly, as a result of which the Sub-Divisional Inspector(Postal), Rayagada could not appoint the applicant to the post. Thereafter a decision was taken not to appoint anyone on temporary basis and the job of EDBPM was entrusted to be carried out by EDDA of the same office, an arrangement which is still continuing.

4. We have gone through the check-list prepared in respect of the eight candidates who were in the zone of selection for the post. From a perusal of the check-list it appears that the claim made by the applicant that he was selected for the post appears to be incorrect. On a reference to the present

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position of OA No.113 of 1998, we find that the same has been disposed of, as withdrawn by the applicant. Having regard to the facts and circumstances of the case, we dispose of this Original Application by giving a direction to the Respondents to finalise the selection of regular incumbent for the post of ED/GDS BPM, Neelabadi B.O, by selecting the most meritorious one from among the candidates whom they had found within the zone of consideration and after observing all the due formalities prescribed in this regard.

5. In result, the relief sought by the applicant is of no consequence and the Original Application accordingly fails. No costs.

[Signature]
21/05/04
MEMBER(JUDICIAL)

[Signature]
VICE-CHAIRMAN

Copy of order
dt. 21/5/04
issued to the
counsel for
both side.

[Signature]
S.C.

[Signature]
27/5/04