

O.A. No. 52 of 2006

Order dated: 11.03.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

The applicant has now filed this O.A. for the second time to include his name in the reserved quota for Group-D as per Recruitment Rules.

2. In an earlier O.A.No. 204/91, this Tribunal by order dated 13.12.1993 directed the Respondents to prepare a seniority list to enable such employees to be included for appointment to Group-D posts as per the existing Recruitment Rules. Even after the above order and inspite of several representations given by the applicant, the name of the applicant has not been included rather appointed him as group-D as per the Recruitment Rules. Hence, the applicant filed this O.A. taking the prayers that the Respondents may be directed to dispose of the representation pending with them to redress his grievance as projected in O.A.No. 204/91 and also as contained in the representation.

3. We have heard Mr. P.K. Padhi, Ld. Counsel for the applicant and Mr. R.C. Swain, Ld. Addl. Standing Counsel for the Respondents through Proxy Counsel and



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have perused the relevant records submitted before this Tribunal.

4. The case of the applicant before us is that inspite of the order given by this Tribunal, the Department has not prepared the list and the applicant has not been given appointment as group-D. It is according to the Ld. Counsel appearing for the applicant ~~is~~ irregular and illegal.

5. Resisting these contentions of the applicant, a counter/reply affidavit has already been filed on behalf of the Respondents, in which it is clearly stated that the Department is keeping a list of casual labourers including those who are having temporary status so as to prepare the panel for appointment on Group-D posts and as per that the applicant's name is shown at Sl.No. 537. Further it is stated in the counter, as per Anenxure-R/3, the earlier recruitment of casual labourers in Group-D in test category in subordinate officers was made only when officials of non-test category and Extra Departmental Agents now Gramin Dak Sevak in the recruitment division are not available and now 25% of the vacancies which remains unfilled after recruitment of non-test category employees, the quota



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reserved for casual labourers for their absorption shall be considered.

6. On considering all the above aspects and the contentions raised by the parties, we are of the view that though this Tribunal directed to have a list of EDAs or casual labourers, it is stated in the counter that now the Department is having a list of casual labourers including temporary status casual labourers and EDAs, in which the applicant is found at Sl.No. 537. It is also to be noted that now the applicant is appointed as EDAs (DGSMC) and all his casual service were also considered when his name is included in the present list and even if he is appointed as EDA his name for inclusion in the panel for appointment in the Group-D still exists. If so, it is only proper for this Tribunal to alert the Department as and when any further recruitment comes, his case shall also be considered in group-D reserved quota as per existing rules.

7. With the above observation, this O.A. stands disposed of. It is also made clear that as the applicant is not in a position to give any data to this Tribunal that there are posts of Group-D exist, so as to consider his name as such. Since, there is only a bare averment in the O.A. that there


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are Group-D posts, this is the look out of the Department and the Department shall also consider the existence of any vacancy for Group-D reserved posts to be accommodated by the casual labourers or the persons like the applicant as per the existing Recruitment Rules. Ordered accordingly.

8. No order for costs.


MEMBER (A)


MEMBER(J)

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