

2 O.A. 123/2006.

Notes of the Registry

Orders of the Tribunal

For Admission,
Copy Served.

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7-2-06
Bench
on 7th 8.2.06
For Admission

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13/2
Bench

ORDER DATED: 14.02.2006

Heard Mr. B.K.Nayak, Ld. Counsel appearing for the Applicant and Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel for Union of India, on whom a copy of this Original Application has already been served.

2. Applicant, Shri Kulamani Acharya, Son of Jogendra Acharya, was provisionally appointed as GDS BPM of Tilapada Branch Post office under Jugpura Sub-Post office with effect from 26.01.1997 vide a departmental order dated 11.02.1997. Being aggrieved, one Shri Kishore Chandra Mohanta (one of the Applicants for the post in question) challenged the selection of the Applicant Kulmani Acharya in O.A.No. 117/97 in this Tribunal and, by order dated 21.08.2003, this Tribunal quashed the selection and appointment of the present Applicant and, in the said premises, the Applicant faced termination from services under Annexure-6 dated 05.11.2003. It is the case of Shri B.K.Nayak, Ld. Counsel appearing for the Applicant that the present Applicant, Kulamani, was a party to the O.A.No. 117/97, and that, he did not contest the case. Applicant, having faced termination, submitted a representation to the Superintendent of Post offices of Mayurbhanj having headquarters at Baripada (on 19.12.2003) seeking an employment. It is the case of the Applicant (as represented by Mr. B.K.Nayak, Ld. Counsel appearing for the Applicant) that Applicant has no grievance against the order of this Tribunal, by which

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt 14.2.06

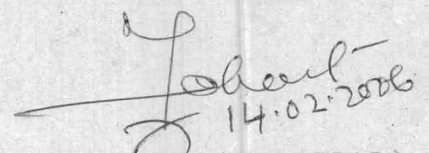
Copy of order with copy of OA, may be sent to all respondents by Regd. post and copy of order may be given to both the counsel.

8/3/06

Wsp
S-O(J)

his appointment was quashed. He seeks an employment under the Respondent Department on the ground that he gathered experiences of 6 years and 9 months, having been appointed on provisional basis. The Applicant and his Lawyer have failed to state that the reason of his termination under Annexure-6 dated 05.11.2003 ^{and as to whether the same} is attributable to him/Applicant or not. The Advocate for the Applicant states that before filing of this case, neither the Applicant nor he (Advocate) ever cared to read the order dated 21.08.2003 of this Tribunal rendered in Original Application No. 117/97. It appears under Annexure-7 dated 19.12.2003, the Applicant has represented to the Superintendent of Post offices of Mayurbhanj Postal Division seeking an employment for the reason of experiences gathered by him as a provisional EDBPM. The experiences gathered on the strength of a selection, which has been quashed on a judicial scrutiny, cannot support the Applicant to get an employment. In the said premises, this Original Application, being devoid of any merit, is hereby dismissed; without being admitted.

3. Send copies of this order to the Respondents, along with copies of the Original Application, and free copies of this order be handed over to the Ld. Counsel appearing for both the parties.


14.02.2006
MEMBER (JUDICIAL)