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O.A.No.531 of 2002

ORDER DATED 21-01-2004.

Shri Ashok Kumar Dash, has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 on the allegation that the Respondents have not considered his case for appointment as GDS/EDA although he had worked for a period of six months as EDMC of Gunupur Branch Post Office i.e. from 21.9.1981 against the put-off duty vacancy. All his request to the Respondents to absorb him in any one of the posts; which fell vacant i.e. EDSPM, Pegarpara, EDBPM, Baghilo Bamanpur, EDMC, Ostapur, EDDA, Angulei . He had also applied for selection to the post of GDSMC of Gunupur Branch Post Office and Sehkpur Branch Post Office but without any success. He has, therefore, prayed for a direction to be issued to the Respondents to absorb him in any GDS posts.

2. I have heard Mr. P. K. Padhi, Learned Counsel, appearing for the Applicant and Mr. S. Behera, Learned Additional Standing Counsel, appearing for the Respondents.

3. The Respondents by filing counter have stated that the Applicant was allowed to work against a put off duty

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vacancy on temporary basis and, in any case, such provisional appointment does not confer any special privilege to any candidate for getting preferential treatment in appointment to any GDS/EDA post. They have further submitted that even under the preferential category, the candidates are required to fulfil all the qualification etc. prescribed in the recruitment rules for the post and preference is granted only if other conditions for assessing merit of the candidates are equally available with the candidates seeking preferential treatment. They have also stated that his candidature was always considered; whenever he had applied, in response to the vacancy circular, but he was not selected because of availability of more meritorious candidates.

4. Having heard learned counsel for both sides and after going through the materials placed on records, I agree with the submissions made by the learned Additional St. Counsel that this is not a case where the candidate can claim selection as a matter of right or even preference in the selection.

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5. In this view of the matter, I find no merit in this Original Application; which is accordingly dismissed. No costs.

Copy of order
dt. 21/1/04 issued
to the Counsel for
both sides.

[Signature]
28/1/04
S.O.

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(B.N. SOM) 21/1
VICE-CHAIRMAN