

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Notice alongwith
copies of order dated
19.9.02 issued to
all respondents.

From copies of
said order may be
handed over to
Counsel for both
sides.

D.P.
8/10/02

common AD. from
R-2 back (tm seen
in reft in OA 882/02)
ADS. from R-1 to
not back.

However Mr. A.K.
Bose, Esq. has appeared
on behalf of resp.

Counter ~~filed~~
Copy of Counter sent

01.11.2002

The Applicant is abs.
ent on call. Counter
filed by Respondents ~~has~~ already served on the Ld.
Counsel for the Applicant.
but today no steps have been
taken either to represent
or to file any rejoinder.
Therefore put up before the
Bench for further orders.

REGISTRAR

Rejoinder not filed
for orders.

Bench

Or. No. 1 dated 19.9.2002

None appears for either of the parties. Perused the records. Notice to Respondents returnable in six weeks. Call on 1.11.2002.

Pendency of this case shall not stand in the way of the Respondents to consider the case of the applicant for providing an employment.

Send copies of this order to Respondents along with notices. Copies of this order be also made available to the counsel for the applicant and Shri A.K. Bose, Sr. Standing Counsel, on whom a copy of O.A. has been served.

VICE-CHAIRMAN

MEMBER (JUDICIAL)

Order dated 2.12.2002

Heard Shri D.P. Dhalasamant, learned counsel for the applicant and Shri A.K. Bose, learned Senior Standing Counsel for the Respondents.

It is the case of the applicant in this O.A. under Section 19 of the A.T. Act, 1985, that he, having faced with termination from the post of E.D.B.P.M. for administrative reasons after serving for three years should be given alternative employment. To substantiate his claim, the applicant has relied on D.G. P&T Letter No. 43-4/77-Pen. dated the 18th May, 1979, the relevant portion of which is extracted hereunder.

" Efforts should be made to give alternative employment to E.D. Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge

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they had put in not less than three years' service. In such cases their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G. P & T Letter No.43-4/77-Pen dated 23.2.1979.

These instructions may be brought to the notice of all Appointing Authorities".

In the counter filed by the Department, it has been disclosed as under :

" The name of the applicant was noted in the waiting list register for his future absorption in the vacancy to be caused in nearby areas, as per rules".

In view of the executive instruction dated 18th May, 1979, as referred to above, and in view of the aforesaid statement made out in the counter, there remains nothing to be adjudicated in this O.A.. It is for the Department to appropriately give an alternative employment to the applicant.

This O.A. is disposed of accordingly; without imposing any order as to costs.

For copies of
final order at 2.12.02
issued to counsel
for both sides.

DB 13/12/02

13/12/02

13/12/02

S.C.J. 13/12/02

John
VICE-CHAIRMAN

John
MEMBER (JUDICIAL)