

NOTES OF THE REGISTRY

NOTE alongwith
Copy of order dated
19.9.02 issued to
all respondents.

from copy of
said order may be
handed over to
Counsel for both
side

Common AD. from
R-2 back (on same
in kept in 1882/02)
ADs. from R-1 & 3
not back.

However Mr. A.K.
Bose, Sr. has appeared
on behalf of respds.

Counter ~~is~~ to be
Copy of Counter sent

01.11.2002

The Applicant is abs.
absent on call. Counter
filed by Respondents ~~is~~ &
already served on the Id.
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

ORDERS OF THE TRIBUNAL

Or.No.1 dated 19.9.2002

None appears for either of the
parties. Perused the records. ^{Issue} 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 provi-
sionally 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.

[Signature]
VICE CHAIRMAN

[Signature]
MEMBER (JUDICIAL)

Four copies of
final order dt. 2.12.02
assigned to counsel
for both sides.

D2
12/12/02

[Signature]
S.O.T)

13.12.02