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O.A.NO.06 OF 2002

ORDER DATED 10/01/2003.

Heard Mr.Bijoy Kumar Mohanty, Learned Counsel for the Applicant and Mr.S.B.Jena, Learned Additional Standing Counsel for the Union of India, Appearing for the Respondents and perused the records.

Applicant, a regular EDBPM/GDSBPM of Tandikula Branch Post Office in the Extra Departmental Organisation of the Postal Department, ~~He~~ had made a representation to be posted nearer to his native village as EDBPM/GDSBPM of Alikanta Branch Post Office within the jurisdiction of the Jagatsinghpur Head Post Office.

It is the case of the Respondents, as disclosed in the counter, that there are no provisions for transferring one EDBPM/GDSBPM from one post office to another and, therefore, his grievances have not yet been considered. Further it is the case of the Respondents that the <sup>post of EDBPM/GDSBPM of</sup> ~~Alikanta~~ <sup>Candidate from</sup> Branch Post Office is going to be filled up by a ST ~~Community~~ <sup>Community</sup> for which Advt. has already been issued under Annexure-2 dated 31.12.2001. But it has not been explained in the counter as to why the said post is sought to be filled up by a ST candidate. If the

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Applicant is transferred from Tandikula BO to Alikanta BO, then the Tandikula B.O. can be filled up by a regularly recruited person from ST community. In the absence of any reasonable explanation, the objection of the Respondents are, hereby, overruled and, as a consequence, the Respondents are, hereby, directed to give due consideration to the grievances of the Applicant to post him in Alikanta BO as per the Circular of the Director General of Posts (No. 43-27/85-Pen(ED&Trg.) Dt.13.9.88) circulated vide Circle Office letter No. ST/10-1/65-Rlg/Con-2001, dated 21-12-2001 in transferring him from Tandikula BO to Alikanta BO and in that event, the Respondents shall remain free to de-notify the vacancy of Alikanta and notify the vacancy of Tandikula BO where they may search for a ST candidate to be posted. Respondents, should now, therefore, recall the Advt. Under Annexure-2 dated 31-12-2001 and post the Applicant at Alikanta BO and, in that event, they shall remain free to notify the vacancy of EDBPM of Tandikula BO to be filled up by a ST candidate.

With the above, this Original Application is disposed of. No costs.

*Manoranjan Mohanty*  
10.01.2003  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

KNM/CM.