

ORDER DATED 31-10-2002.

The Applicant (a Postgraduate in Science), pursuant to an Advertisement No. B/G-114/SMB/99 dated 7/99 issued by the Respondents (inviting applications for the post of Postal Assistant of Sambalpur Division) applied and ultimately appeared in the written test on 22-07-2002. It is the case of the Applicant that, she being found suitable in the aforesaid test, the Respondents issued notice (under letter dated 07-09-2002) to the Applicant to appear in the viva-voce and computer test on 18-09-2002. The Applicant having not received the said letter could not participate in the test held on 18-09-2002. The Respondents, however, scheduled to conduct the viva-voce test and computer test (for the post of postal Assistant in respect of Jharsuguda and Bolangir) on 19-9-2002 and due to 'Orissa Band' the said date (19-9-2002) was rescheduled to 29-9-2002. Applicant represented on 20-9-2002 to the Respondents 2, 3 and 4 for allowing her to participate in the viva-voce and computer test. Again she represented on 23-9-2002. However, since no reply was received on her representations, she moved this Tribunal in the present Original Application u/s.19 of the Administrative Tribunals Act, 1985 with prayer to direct the Respondents to allow her to take viva-voce test fixed to be Y

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held on 29-9-2002 and, as an interim measure, the Applicant had prayed for a direction to the Respondents to allow her to appear in the viva-voce test on 29-9-2002.

2. The matter was taken up for orders on admission and interim orders on 25-09-2002, and while ordering for issuance of notice to the Respondents to file counter, it was directed, ad-interim, to allow the Applicant to take viva-voce and computer tests scheduled to be held on 29-09-2002.

3. Today it has been submitted by the learned Senior Standing Counsel (Mr.A.K.Bose) appearing for the Respondents that pursuant to the interim order passed by this Tribunal (on 25-09-2002), the Applicant had appeared in the viva-voce etc. tests for the post of postal Assistants and that her results have been kept in a sealed cover.

4. We have heard Mr.Kanungo, (Learned counsel appearing for the Applicant) and Mr.A.K.Bose (Learned Senior Standing Counsel for the Union of India, appearing for the Respondents). It has been revealed (by Mr.Bose, Learned Senior Standing Counsel) that the Board, which was regularly taking the interview/selection of the candidates of Sambalpur division, have taken the interview/ of the Applicant; on the strength of the interim order passed by this Tribunal on 25-09-2002.

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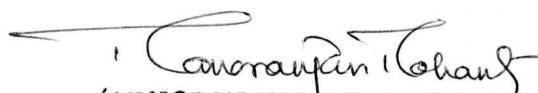
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5. In the above said premises, without entering into the controversy, we direct the Respondents to declare the result of the Applicant, alongwith other candidates, and to take further action in the matter of recruitment of postal Assistants.

6. In the result, therefore, this Original Application is allowed in the aforesated terms. But, however, there shall be no order as to costs.

7. Send copies of this order to all the parties and free copies of this order be given to learned counsel for both sides.


(B.N. SOM) 31/10
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 31.10.2002

KNM/CM.