

3
ES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 6.7.2004

Counter not
filed.

Regr
315

Dt. 06.5.2002

The applicant is absent on call. Lt. ASC appearing for R-1, 2 and 3 prays for further time to file counter. Heard.

Time granted till 20.5.2002 for counter. R-4 continues to remain absent.

REGISTRAR

Counter not filed.

For orders.

Dt: 20.5.2002

The applicant is absent on call. Lt. ASC prays for further time to file counter. Heard.

Time granted till 21.6.2002 to file counter. R-4 continues to remain absent.

REGISTRAR

Counter filed.

Copy not served.

Regr

In this Original Application, the grievance of the applicant is that the appointment of Res. No.4, viz., Smt. Amitarani Panda to the post (in short GDSPBM) of Gramin Dak Sevak Branch Post Master/ of Makhanpur Branch Post Office has been made in contravention of Clause 4(i) of the Notification dated 1.11.2001 and therefore, he has approached the Tribunal for annulling her appointment of Res. No.4 and to direct the Respondents-Department to appoint him as GDSPBM, Makhanpur B.O. in place of Res. No.4 since he has satisfied all the conditions for appointment.

As the applicant has assailed the appointment of Res. No.4 on the ground that it was done in violation of the condition set at Para-4(i) of the notification dated 1.11.2001 under Annexure-1 issued by the Respondents, it is in the aptness of things, we quote the said Para-4(i) of the notification dated 1.11.2001 as under :

" The applicant selected as Gramin Dak Sevak BPM/Gramin Dak Sevak SPM must take up residence at the village where the Post Office is located before appointment".

To assess the validity of the objection raised by the applicant, we feel it proper to refer to Annexure-R/1 where the names and other particulars of the candidates who were found eligible for consideration for appointment to the post in question have been reflected by the

U
Date: 21.6.2002

Applicant is absent on call. Ld. Asst. has already filed a counter without service on the applicant. Rly. continue to renew the absent. Ld. Asst. prays for time to copy of the counter.

Time is granted till 3.7.02 for service of counter.

REGD. 21/6/2002
REGD. RAR

Counter filed,
copy of counter
not served.

2/7

Ragh

copy of counter
not served.

Regd.

10.07.02

The Applicant is absent on call. Shri U.B. Mohapatra Ld. A.S.C. submits that as the applicant remains continuously absent, he is handicapped to serve the copy of the counter on him. Therefore, files the counter copy. Call on 26.7.02 for rejoinder if any.

REGISTRAR

Respondents-Department. We find that the name of Res. No. 4 appears at Page-3 of the check list and against her name (at Column-19) it has been mentioned that she is willing to provide rent-free accommodation for the post office.

From this it would appear, *prima facie*, that Res. No. 4 is not a resident of Post village, but she undertakes to provide rent-free accommodation in the event she is selected. However, the contention of the applicant that Res. No. 4 being not a resident of the post-village, her appointment to the post in question is in contravention of the ~~conditions~~ ^{condition} as set out in the notification is not sustainable, because the condition does not stipulate that the candidate to be selected for the post should be a resident of the post village; rather it lays down that the candidate selected for the post should be able to take up the residence at the ~~post~~ village, where the post office is located before his/her appointment. Res. No. 4 having given such an undertaking at the time of applying for the post, undoubtedly she has met the condition No. 4(i) fully and squarely.

Having regard to the above facts and circumstances, we see no merit in this O.A. which is accordingly dismissed. No costs.

This order has been passed after hearing Shri U.B. Mohapatra, learned Addl. Standing Counsel appearing on behalf of the Respondents. No one represented the applicant nor any request for adjournment was sought on behalf of the learned

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not filed.

h 25/7 Regd

counter filed.
counter copy
not served on the
counsel for petitioner as
it has been filed
in the office which
is kept in the record.

For admission a
hearing.

h 19/8 Bench

for admission
and hearing.

Bench

11/8
29/July/02

For hearing.
Rejoinder on file.

Bench

h 19/8/02

for Hearing.

h 5/8 Bench

counsel for the applicant, and this being a
year-old case of 2002, the matter has been taken
up in accordance with Rule-15(1) of the C.A.T.
(Procedure) Rules, 1987.

John
VICE-CHAIRMAN

John
MEMBER (JUDICIAL)