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O.A. No. 533 of 2010

Sujit Ku. Dehury Applicant
Vs
Union of India & Ors. Respondents

Order dated: 22.03.2012

CORAM:

Hon'ble Shri C.R. Mohapatra, Member (Admin.)

&

Hon'ble Shri A. K. Patnaik, Member (Judl.)

1. Heard Mr. S. Patnaik, Ld. Counsel for the applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents.

2. Applicant, who had applied for the post of Postal Assistant as an OBC candidate pursuant to Annexure-5 dated 11.08.2010 under Limited Departmental Competitive Examination, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“.....to direct the respondents to allow the applicant to appear in the Departmental Competitive Examination which is scheduled to be held on 26.09.2010 for filling up unfilled promotional quota vacancies of Postal Assistant/Sorting Assistant pertaining to the year 2006 to 2009 from amongst the Gramin Dak Sevaks in pursuance of Annexure-4.”

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3. The contention of the applicant is that he was eligible to appear at the test for the promotional vacancies pertaining to the recruitment year 2006 to 2009 and had the LDCE been conducted in every recruitment year, he would have got a chance to appear at the examination in those years from 2006 to 2009.

4. Respondents by filing counter have opposed the prayer of the applicant. The contention of the Respondents is that there was no post earmarked for OBC category during 2006. However, as per the circular, since there was no OBC post, the applicant was considered against unreserved category and for unreserved category, the maximum age limit prescribed was 28 years. On the crucial date, the applicant was found to be over-aged for the purpose of consideration against unreserved category.

5. We have heard Ld. Counsel for the parties and perused the material placed on record.

6. Since the specific prayer of the applicant in this O.A. is to allow him to appear at the Departmental Competitive Examination, we find that by virtue of interim order dated 20.09.2010, he was allowed to appear at the Departmental Competitive Examination. However, it was

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further directed that the result thereof shall be kept in sealed cover and shall not be opened without the leave of this Tribunal.

7. Now after going through the records and having heard the submission made by the Respondents that there is no OBC post and that applicant has already over-aged as Unreserved candidate for the purpose of consideration against the unreserved vacancy, there is no need to open the sealed cover.

8. In view of the aforesaid discussion and observation, the O.A. is dismissed as infunctrone.

MEMBER (Judl.)

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MEMBER (Admn.)