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O.A. No.458/2009

ORDER DATED 25th SEPTEMBER, 2009

Coram:

Hon'ble Mr. C.R. Mohapatra, Member (A)

A.K. Jena.....Applicant.

Vs.

Union of India & Ors.Respondents.

Heard Shri S.P. Mohanty, Ld. Counsel for the applicant and Shri S.B. Jena, Ld. Addl. Standing Counsel for the Respondents appearing on notice..

2. The Ld. Counsel for the applicant submits that in response to Annexure-A/4, the applicant submitted an application for being considered for appointment to one of the posts of Postal Assistant/Sorting Assistant for the vacancies of 2001-2005. His contention is that because the vacancies have been clubbed and recruitment process has been started only in 2009, he along with many others have been deprived of being considered due to being over-aged. He further contends that had the recruitment process been started against the specific year he would have been within the prescribed age limit. Since the Respondents have not taken timely action initiating the recruitment process, there is a case for relaxation of age and the Respondents have got the power to relax the age under the provisions of the Recruitment Rules 2002. Although, he has submitted his representation at Annexure-A/7, he has not received any call letter whereas according to his information

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the Respondents have already issued call letters directing the candidates to appear in the aptitude test. The applicant submits that he cannot appear in the test scheduled to be held on 04.10.2009 unless the Tribunal considers the urgency and issues appropriate direction to the Respondents to allow him to appear at the aptitude test.

3. Ld. Counsel for the Respondents Shri S.B. Jena submits that he would require atleast two weeks time to seek instruction in the matter and thereafter the matter may be taken up for considering the question of admission and grant of necessary relief.

4. Having heard both the counsel and keeping in view the urgency of the matter, at this point of time, as an interim measure the Respondents are directed to allow the applicant to appear at the aptitude test scheduled to be held on 04.10.09 and the matter may be listed before the Division Bench for considering the question of admission on 08.10.2009. Accordingly M.A 523/09 is disposed of. *✓*

5. However, it is made clear that the result of the aptitude test of the applicant shall not be published without the leave of this Tribunal and his appearing in the aptitude test by the interim order of this Tribunal shall not confer on him any right to claim equity in the matter of appointment to the post of Postal Assistant/Shorting Assistant in question.

Ch. 15
(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER

K.B.