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O.A. No. 586 of 2009

Order dated: 21.12.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)
Hon'ble Mr. C.R. Mohapatra, Member (A)

The applicant, challenging the action of the Respondents in not selecting him to the post of Gangman as per communication dated 18.7.2006 made to him under Annexure-A/9, has filed this O.A.

The case of the applicant is that he had applied for the post of Gangman as per Employment Notice No. 1/98 dated 5.11.1998. According to him, he became successful in the written test as well as in physical test and he was also called for submission of all the required documents for verification. Since there could be no further development in the matter, on his application being made through RTI Act, he could come to know, as per Annexure-A/9 that he has not been empanelled as he does not belong to OBC category. It is the case of the applicant that he belongs to O.C. category, but not OBC category as has been held by the Respondents. Hence this O.A.



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We have perused the materials on record and found that there is a culpable delay on the part of the applicant to approach this Tribunal in challenging the impugned letter, but we are satisfied that the delay occurred is due to the reasons beyond his control and, whatever may be the reasons, as the applicant has made out a prima facie case in his favour, we are condoning the delay even on an oral prayer made by the Ld. Counsel for the applicant.

The O.A. is admitted. Notice be issued to the Respondents returnable within eight weeks. Counter, if any, shall be filed within the above period.


MEMBER (A)


MEMBER(J)