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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK.

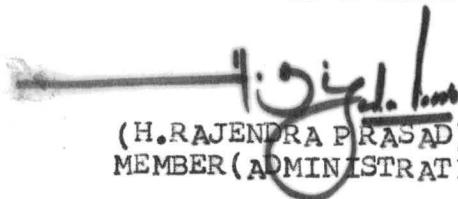
ORIGINAL APPLICATION NO:46 OF 1994

Date of decision:April 7,1994

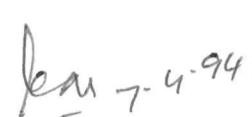
Mahendra Kumar Nanda ... Applicant
-Versus-
Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? NO


(H.RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

07 APR 94.


(K.P. ACHARYA)
VICE-CHAIRMAN

Apr 7-4-94

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 46 OF 1994

Date of decision: April 7, 1994

Mahendra Kumar Nanda	...	Applicant
-Versus-		
Union of India & Others	...	Respondents
For the Applicant	... M/s. Deepak Misra, A. Deo, B. S. Tripathy, P. P. Panda, D. K. S. Sahu, Advocates	
For the Respondents	... Mr. Ashok Misra, Senior Standing Counsel (Central).	

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CORAM:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN
AND
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

....

JUDGMENT

K. P. ACHARYA, V.C. Petitioner is one of the candidates for the post of E.D.S.P.M., Padmapur E.D.S.O within the District of Cuttack. It is an admitted case of the parties that his case is not being considered because the income certificate given by him pertains to properties standing in the name of himself and his two other brothers. Previously in several cases we have taken the view that every cosharer has a particular defined interest in the property and income from the property in respect of his interest in his property is to be taken into account. This legal position laid down by us has not been set aside as yet. Therefore, it is directed that the competent authority should take into consideration the income from the one third ~~income~~ of the property standing in the name of the three brothers.

9

2. This order is passed after hearing Mr. Deepak Misra learned counsel for the petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central).

3. Thus, the application is accordingly disposed of. No costs.

..... MEMBER (ADMINISTRATIVE)

07 APR 94

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lega Dr. S. 7.4.94

VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, K.M. hanty/
7th April, 1994.