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Serial No. of Order	Date of Order	Order with Signature
		<p>4. ORDER DT. 1.X.2001.</p> <p>This matter has been <del>not</del> listed after July, 1996 on a memo filed by the learned counsel for the petitioner. As there is no time today, the matter is adjourned to 4.10.2001 for peremptory hearing.</p> <p><i>S. J. M.</i> Vice-Chairman 11/10.</p> <p><i>Member (Judl.)</i></p> <p>Notice may be sent to all &amp; esp'ts. by regd. post with A.D.</p> <p><i>S. J. M.</i> <i>Member</i> 25/3 25.03.96 S.O.</p> <p>order dt. 23.4.96.</p> <p>Await 15 days for Return of ADs</p> <p><i>S</i> Regr.</p>
4.10.2001		<p>Heard Shri B.K.Mohanty, learned counsel for the applicant and Shri B.Das, learned Addl. Standing Counsel for the departmental respondents.</p> <p>In this application challenging the selection and appointment of Dilip Kumar Gadanayak (Respondent No.5) to the post of Extra Departmental Branch Post Master, Sanjapada B.O., the latter though duly noticed has not responded. The case of the applicant is that among the candidates considered for selection to the post in question he secured the highest percentage of marks in the H.S.C. Examination. In the counter filed by the departmental respondents this has not been disputed. However, the version of the Department is that the applicant has been disqualified because he has no property standing in his own name. The fact remains that the applicant filed income certificate vide Annexure-3 issued by the competent revenue authority which would reveal that his</p> <p><i>B</i> 23/4/96</p> <p>A.D. bdm R-1, R-3, &amp; bdm R-4 was my J. thorow.</p> <p><i>S. J. M.</i> 20/4 - Regd.</p> <p>Order dt. 21.5.96</p> <p>None appears. Serviceing of notice is held sufficient. Counter be filed by fix weeks.</p> <p><i>B</i> 21.5.96</p> <p><i>S. J. M.</i></p>

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annual income from agricultural source in the year 1995 was Rs.6000/-. He also filed documents in respect of 2 acres of land standing, jointly along with his brothers.

As already this Division Bench in O.A. Nos. 42/96 (disposed of on 15.4.1999), 65/98 (disposed of on 22.9.2000) and 8439/2000 (disposed of on 9.8.2001) consistently held that documents in respect of landed property reveals that ~~the~~ a <sup>candidate</sup> coparcener has an identifiable share, which would meet the requirement of criterion 'adequate means of livelihood'. We see no reason to differ from this view.

In this view of the matter we quash the selection and appointment of Respondent No.5 to the post of E.D.B.P.M., Sanjapada ~~vide Annexure~~ and direct the departmental respondents (Res. 1 to 4) to appoint the applicant to that post within a period of 60(sixty) days from the date of receipt of copies of this order.

In the result, O.A. is allowed, but without any order as to costs.

Venkateswara  
VICE-CHAIRMAN  
4.10.2001

4.10.01  
MEMBER (JUDICIAL)

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Registrar

COPY TO COUNTER  
NOT SERVED.

RECD  
16/10/2001  
BENCH

COUNTER  
COPY NOT  
YET SERVED.  
RECD  
22/10/2001  
BENCH

Order dt. 5.2.96  
None appears.  
Copy of counter be  
served by one  
week as last  
Chance -  
S  
RECD  
5/2/96

COUNTER  
COPY NOT  
SERVED  
RECD  
11/7  
BENCH  
order dt. 12.7.96  
None appears.  
Put up before  
Bench.