

2

(2)

OA 213/96

(A)

Serial No. of Order	Date of Order	Order with Signature	
		<p>4. ORDER DT. 1.X.2001.</p> <p>This matter has been not 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 style="text-align: right;"> <i>S. Som.</i> Vice-Chairman <i>L. J.</i> Member (Judl.) </p>	<p>Notice may be sent to all respondents by regd. post with A.D.</p> <p><i>S. O</i> 25.03.96</p> <p>order dt. 23.4.96</p> <p>Await 15 days for Return of A.Ds.</p> <p><i>S. Regr</i></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>A.D. broom</p> <p>R-1, R-3, & broom</p> <p>R-4 was not returned.</p> <p><i>S. O</i> 20/6- Regd.</p> <p>Order dt. 21.5.96</p> <p>None appears.</p> <p>Servicing of notice is held sufficient.</p> <p>Court be filed by six weeks.</p> <p><i>S. O</i> 21.5.96</p> <p><i>S. Regr</i></p>

3

(A)

OA 213/96

9

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		<p>annual income from agricultural source in the year 1995 was Rs.6000/-. He also filed documents in respect of 2 acres of land ^{in his name} standing, jointly along with his brothers.</p> <p>Asready this Division Bench in O.A.Nos 42/96 (disposed of on 15.4.1999), 65/98 (disposed of on 22.9.2000) and 439/2000 (disposed of on 9.8.2001) consistently held that documents in respect of landed property reveals that the ^{candidate} a 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.</p> <p>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.</p> <p>In the result, O.A. is allowed, but without any order as to costs.</p> <p><i>Vennam San</i> VICE-CHAIRMAN 4.10.2001</p> <p><i>L. S. 4.10.01</i> MEMBER (JUDICIAL)</p>	<p>order dt. 5.7.96</p> <p>None appears. Copy counters be served by one ween as last Chance - S 5/7/96 Regd</p> <p>Counters copy not served 11/7 B. roth</p> <p>order dt. 12-7-96</p> <p>None appears. but ul before Bench.</p> <p>S Registrar</p> <p>copy of counters not served. 16/7 B. roth</p> <p>counters copy not yet served. 22/7 B. roth</p>