

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order dt. 17.7.2000

LD Ase is present.  
Court file, copy & seal  
Pass to 7.8.2000 for  
filing of a rejoinder if any.

17/7/2000  
REGISTRAR

Lawyers have abstained from court work.  
Adjourned to 15.01.2001 for filing of  
rejoinder.

J.V.M.  
Vice-Chairman  
15/1/2001

Member (S)

Order dt. 17.7.2000

Rejoinder not filed on the other side on 11.7.2000 but  
addl. t.s. now

17/7/2000  
REGISTRAR

rejoinder has not been filed.  
Further time can not be allowed  
to file rejoinder. Pleadings are taken  
to be complete. Adjudg. to 12.03.2001.  
for hearing and final disposal  
of the stage of admission.

Vice-Chairman  
15/1

Member (S)

Order dt. 12.3.2001

Shri Padhi wants a short adjournment  
to obtain instruction. Shri S. K. Nayak,  
who is an outstation Lawyer is absent  
because of Orissa Bench. In view of this  
adjourned to 16.4.2001.

Vice-Chairman  
15/3

Member (S)

Rejoinder not filed  
adjudg. to 16.8.2000  
per cur.

J.V.M. Heard Shri P.K. Padhi Learned Counsel for  
the Petitioner and Shri J.K. Nayak Learned Addl.  
Standing Counsel appearing for the Departmental  
Respondents and have also perused the records.

14.8.2000  
REGISTRAR

OA 182/2000

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Dt. 16.8.2000

The learned counsel for the applicant filed a memo and pray for further time to file rejoinder as his application is not well. Last chance to file rejoinder is already over. However time granted till 30.8.2000 for rejoinder. No further time will be given on next date.

REGISTRAR

Received and read  
on 20.8.2000

Per enc

L  
28.8.2000

R.S.R.

Dt. 30.8.2000

The learned counsel for the applicant pray for time to file rejoinder. Last chance is already over. Prayer rejected.

Put up to Bench for further orders.

S.J.M.

REGISTRAR

Private Respondent No.3 was issued with notice, but he did not appear or file counter.

2. In this original application the Petitioner has prayed for quashing the selection of Respondent No.3 as E.D.B.P.M. of Ranapatuli. His second prayer is for a direction to make fresh selection from amongst the existing candidates fulfilling all the required eligibility conditions. Departmental Respondents have filed counter opposing the prayers of the applicant. No Rejoinder has been filed.

3. For the present purpose it is not necessary to go into too many facts of the case. The admitted position is that a new Branch Post Office was started in village Ranapatuli. Respondents have stated that at the first instance Employment Exchange sponsored certain names out of which only 4 candidates including the applicant filed applications. Departmental Respondents have stated that out of the 4 applications 2 applications including that of the Petitioner were received on 03.02.1998 after the last date which was 02.02.1998. None of the four applicants had submitted income certificate. Accordingly all the 4 applications were rejected and public notice was issued on 10.02.1998 fixing 12.03.1998 as the last date of receipt of application. Admittedly the applicant and Respondent No.3 along with some others applied for the post. Applicant has stated and this has not been denied by the Respondent in their counter, that applicant has got 337 marks in HSC examination which is more than marks obtained by

30.8.2000

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Rejoinder not filed

for and

Rejoinder

31.10.2001

Rejoinder not filed

Date 18/11

Bench

orders may be given

Rejoinder not filed

Ans to 15.11.2001

for and

Rejoinder

14.11.

Rejoinder not filed

Bench

VJM

Rejoinder not filed.

14/11/01

Bench

Rejoinder not filed.

15/11/01

Bench

for Admonition

28/11/01

Bench

the Respondent No.3. It is also stated by the applicant that Respondent No.3 belongs to a different village whereas applicant belongs to the Post Village. The departmental Respondents have stated in their counter that along with his petition applicant had not submitted Income Certificate and applicant has also not submitted his application in the prescribed proforma enclosed to the public notification inviting application. We have considered the above points to be considered eligible for appointment to the post of E.D.B.P.M. a person must have ~~education~~ and independent means of <sup>VJM</sup> livelihood so that he does not have to depend on the allowances of E.D.B.P.M. for his sustenance. For ascertaining this along with the application an applicant has to file the Income Certificate in his own name issued by the competent revenue authority. It is submitted by the learned counsel for the petitioner that Income Certificate can be produced even after a person is selected according to the relevant instructions. Learned Counsel for the petitioner has drawn our attention to the provision regarding adequate means of livelihood mentioned at page 75 of Swami's compilation of EDs Rules 7th Edition. This does not support to the contention of the learned counsel for the applicant that a person could be selected without reference to his independent means of livelihood and before joining he can produce the Income Certificate. As a matter of fact in all cases invariably income certificate is enclosed to the application for the post of E.D.B.P.M. It was also required to be submitted as per the public notice Annexure R/2. In view of

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for Admision

Bench

12/4/01

this Departmental Authorities were right in rejecting the candidature of the applicant on the ground that he had not submitted the Income Certificate along with his application. Departmental respondents have also stated that the application of the petitioner for the post was not in the prescribed proforma. The copy of this application has been enclosed at Annexure R/1 and from this it is seen that the contention of the respondent is correct. On this ground also petitioner's application is liable to be rejected. Amongst the other candidates, respondent No.3 has been adjudged as the most meritorious and has been given appointment. We found no illegality in this.

4. The original application is therefore held to be without any merit and is rejected. No costs.

Venkata Venkatesh  
Vice-Chairman  
16.4.2001  
Member (Judicial)

Records received  
today i.e 20.4.01

Free copies of  
Final order  
H. 16.4.2001 issued  
to counsels for  
both sides.

20/4/01

S. C (J)