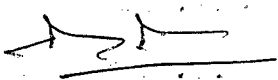


OA-462/96

1/4.10.96


Heard Shri J.K.Karn, learned counsel for the applicant. Admit. Issue notice to the respondents to file reply within 4 weeks and rejoinder, if any, within 2 weeks thereafter. List before the Registrar for completion of pleadings on 4.12.96.


(K.D.Saha)
Member (A)


(V.N.Mehrotra)
Vice-Chairman

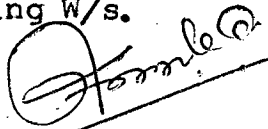
2/16.12.1996

Mr. J.K.Karn, advocate appears for the applicant. None for the respondents. W/s has not been filed. Put up on 16.1.1997 for filing W/s.


(M.L.Paswan)
Registrar I/c

3/16.1.1997

None for the parties. W/s has not been filed. Put up on 27.2.1997 for filing W/s.


(S.P. Sinha)
Dy. Registrar I/c

MPS.

Receipt of Notice
to the respondents no 1 to 4
filed and requisit
for respondent nos.
filed.
M.K.
9/10/96 SKS

Notice issued
by filed with A/D
on 10/10/96
MPS.

4/27.2.1997

None for the parties. No W/s has yet
been filed on behalf of the respondents.
Put up on 7.4.1997 for filing W/s as a last chance.

MPS.

(S.P. Sinha)
Dy. Registrar I/c

5./ 7.4.97.

No W/S has been filed so far on behalf of the
respondents, though sufficient time was given therefor.
In the circumstances, let the case be placed before the
Hon'ble Bench on 2.5.97 for direction.

/CBS/

(S.P. Sinha)
Registrar I/C.

6./ 2.5.97.

W/S not filed so far. Four weeks further time
is allowed for the same. Rejoinder, if any, may be filed
within 23.7.97 for direction.

/CBS/

(K. Muthu Kumar)
Member (A)

(V.N. Mehrotra)
Vice-chairman

7./ 23.7.97.

W/S not filed so far. Four weeks further time
is allowed for the same. ~~Rejoinder may be filed within two weeks thereafter.~~
Rejoinder may be filed within two weeks thereafter.

/CBS/

List on 5.9.97 for direction.


(V.N. Mehrotra)
Vice-chairman

counter Affidavit
on behalf of respondent
No. 5. filed on
14.8.97. and file
attached.
N. Torne
20.8.97

8./ 5.9.97. W/S filed on behalf of respondent No. 5 only.

Other respondents may file W/S within four weeks. Rejoinder may be filed within two weeks thereafter. List it on 10.11.97 for direction.

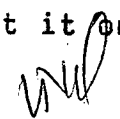
/CBS/


(V.N. Mehrotra)
Vice-chairman

9./ 10.11.97. W/S not filed on behalf of the official respondents.


Four weeks further time is allowed for the same. Rejoinder may be filed within two weeks thereafter. List it on 21.1.98 for direction.

/CBS/


(V.N. Mehrotra)
Vice-chairman

10/21.01.98 Since Bench is not available today, case is adjourned to 30.03.1998 for direction.


SKJ



(V.K. Srivastava)
Dy. Registrar

11./ 31.3.98. W/S has been filed on behalf of the respondent No. 5

Shri J.N. Pandey, Sr. Standing Counsel for the official respondents states that W/S by the official respondents has been filed in the office. Let the same be kept on record. The applicant may file rejoinder within three weeks. List it on 1.7.98 for direction.


/CBS/


(L.R.K. Prasad)
Member (A)


(V.N. Mehrotra)
Vice-chairman

12/01.07.98 None for the applicant.
List on 20.08.1998 for direction.

SKJ

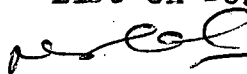

(L.R.K. Prasad)
Member (A)


13/20.08.98

W/s filed by the respondents. Applicant is allowed four weeks time to file rejoinder.

List on 16.11.1998 for direction.

SKJ


(L.R.K. Prasad)
Member (A)

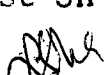

(V.N. Mehrotra)
Vice-Chairman

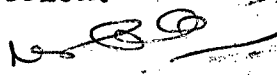
14/16.11.98 Shri J.K. Karn, counsel for the applicant.

The learned SSC for the respondents prays for and is allowed four weeks time to file W/s. Rejoinder may be filed within two weeks thereafter.

List on 22.01.1999 for direction.

SKJ



(Lakshman Jha)
Member (J)

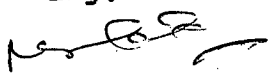

(L.R.K. Prasad)
Member (A)

15/22.01.99

As the pleadings in this case are complete. list on 22.04.1999 for hearing.

SKJ

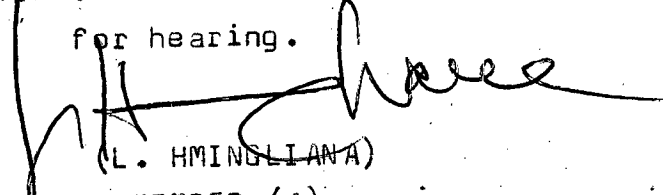

(Lakshman Jha)
Member (J)

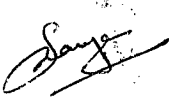

(L.R.K. Prasad)
Member (A)

16./ 22.4.99.

For want of time, let it be listed on 14.7.99 for hearing.

/CBS/


(L. HMINGLIANA)
MEMBER (A)


(S. NARAYAN)
VICE-CHAIRMAN


17/14.7.1999

Shri J.K. Karn, counsel for the applicant.

Heard the learned counsel for the applicant. List it on 29.7.1999 for hearing as part-heard.

MFS.


(L. Hmingliana)
Member (A)


(Lakshman Jha)
Member (J)

18/29.7.99 Shri J.K.Karn, Counsel for the applicant.
Shri V.M.K.Sinha, SSC, for the respondents.
Shri M.S.Mishra, Counsel for resp. No. 5 .

Heard. This application has been filed with prayer for direction to the respondents authorities to appoint the applicant as EDBPM of Barwar EDBO in account with Dawoodpur S.O.. The learned Counsel for the applicant states that the applicant has obtained higher marks than the respondent No. 5, Sneh Pratap Singh, who has been appointed. He contended that the candidature of the applicant has been rejected on the ground that the applicant has failed to show landed properties in his name on the date the name of the candidates were sponsored by the Employment Exchange i.e. to say on 7.12.95. But, according to the contention of the learned counsel for the applicant, the applicant has ~~xx~~ ^{acquired} awarded landed property by virtue of deed on gift from his father much before the aforesaid date, i.e. 11.11.94. Last date for sponsoring the name of the candidates from Employment Exchange and ~~have~~ also stood mutated on 6.12.95, i.e. to say, prior to the last date for sponsoring the name through Employment Exchange. He further contended that his candidature ~~have~~ also not been considered due to the fact that the immovable property said to ^{be} in his name were ~~encum-~~ ^{under} ~~mortgage~~ ^{encum-} ~~berance~~. They were under mortgage with the SBI, Tajpur Branch Saran. But he has annexed Annex.-R/1 to show ~~that~~ that the Bank authority has issued a letter to the effect that the property claimed by the applicant was not under mortgage of the bank. Thus, according to the learned counsel for the applicant the candidature of the applicant has wrongly been rejected. It is also contended that the applicant also filed representation giving details of the aforesaid facts to the respondents No. 3, Sr. Superintendent of Post Offices, Saran Division, Chapra as at Annex.-2 on 11.6.96 but it failed to ^{yield} ~~and~~ any result.

We have considered the aforesaid facts and the submissions

Contd....

as advanced by the learned counsel for the applicant.

We ^{over} have ~~of~~ the consider view that this OA may be disposed of by an appropriate direction to the competent authority. Accordingly, we direct to respondent No. 3, ^{the} Sr. Superintendent of Post Offices, Saran Division, Chapra to consider the representation of the applicant as at Annex-2 to the rejoinder petition within three months of receipt of the copy of the order ^{and} to pass appropriate order in accordance with law with communication to the applicant. The applicant may send a copy of the OA and also a copy of the rejoinder to the WS ^a alongwith copy of this order to the respondent No. 3 for reference in ^{the} aforesaid representation. With the above direction, this OA is disposed of.

AKJ


(L. HMINGLIANA)
MEMBER (A)


(L. JHA)
MEMBER (J)