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O.A. No. 570 of 2006

Order dated: 27.07.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)  
Hon'ble Mr. C.R. Mohapatra, Member (A)

The only question raised before this Tribunal by the applicant is whether he is entitled for promotion to the post of Head Clerk without considering the seniority list of the Sr. Clerks maintained in the Khurda Division.

Admittedly, the services of the applicant has been taken on loan by the Khurda Division from Waltair Division on administrative reasons. At the time of taking the services of the applicant as loan his lien was kept in Waltair Division. After joining at Khurda division under TRD Section, the applicant was allowed to continue for second time as Head Clerk on ad hoc basis. Thereafter, when the seniority list has been prepared that of the Sr. Clerks, the applicant has been assigned the bottom level of seniority list of Sr. Clerks and prior to that the lien of the applicant, which he had in Waltair Division, was also transferred by the Department to Khurda Division. If so, the question raised in this O.A. is whether the applicant can be treated as senior to all other Sr. Clerks in Khurda Division on the ground that he

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has got the post of Head Clerk for the second time on ad hoc basis. Admittedly, that cannot be possible because the applicant though transferred on administrative reasons his lien was kept in Waltair Division but on 2003 and thereafter his lien was also transferred to Khurda Division and if so, the assigning of bottom seniority to the applicant in the Sr. Clerk list is correct and he cannot claim any seniority over other Sr. Clerks in the Khurda Division. That apart, there is no evidence before us to show that any Sr. Clerk in the Waltair Division has been promoted during this time. If so, the applicant would have claimed that his seniority ought to have been considered when his service was taken on loan or transferred on administrative reasons. There is no material before us that any such promotion was also ordered in the Waltair Division during this time. In the above circumstances, we see that Annexure-A/7 is accepted by the applicant.

Hence considering all the aspect and with the above fact, we see no ground to interfere in this O.A. Consequently, the O.A. stands dismissed as meritless.

MEMBER (A)

MEMBER (J)