

O.A.N. 223 OF 2007

Order dated – 07.02.2008.


The Hon'ble Dr. K.B.S.Rajan, Member (Judicial)
And
The Hon'ble Mr. C.R.Mohapatra, Member (Admn.)

The Applicant is aggrieved on account of his non-consideration of his promotion to the post of AEN Gr. 'B' against 70% quota. The reason for his non-consideration is that he falls out side the scope of extended zone of consideration. The Rule relating to zone of consideration is given in para 203.4 of IREM Vol. 1989 edition in which it has been provided that ^{for} vacancies beyond three the zone of consideration should be three times while for three vacancies it is ten. In so far as selection to the post of AEN Gr. B is concerned, the option of candidate is must.

2. Learned Counsel for the Applicant contends that after obtaining the option, only the list should be prepared which is to be limited to the number as provided for in para 203.4 (supra). If so done, he would be within the consideration zone. Learned Counsel for Applicant further submits that in any event, a separate seniority is to be

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maintained so far as SC/ST candidate is concerned. Accordingly, for five vacancies the zone of consideration becomes 15 and the extended zone of consideration becomes 25 and he is well within the extended zone of consideration. Learned Standing Counsel for the Respondents submits that the extended zone of consideration is calculated on the basis of the total number of vacancies and in the instant case since there are 16 vacancies the extended zone of consideration would be 80 (eighty) and since the applicant's name comes beyond 80, precisely 82, he has not been considered. Learned Counsel for the Applicant however, submits that as option is a pre-requisite condition, the zone of consideration should be only with reference to those who have opted and not on the basis of general seniority list. We agree with the views expressed by Learned Counsel for the Applicant. If seniority list is prepared that should be only with reference to those who have exercised their option. If amongst the optees, the Applicant's name figures within the zone of consideration (three times/five times the number of vacancies meant for SC/ST, as the case may



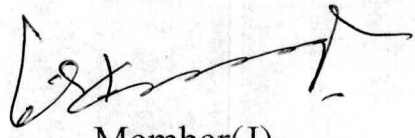
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be), he is to be considered as within the zone of consideration.

3. Accordingly, Respondents are directed to proceed ahead with further process of selection of Applicant. Learned Counsel for the Respondents has submitted a list of 73 individuals who have expressed their willingness to be considered wherein the name of applicant figures in Sl. No. 67. As result of the written examination has not so far been declared due to the order dated 18.07.2007 of this Tribunal, the Respondents are directed to publish the result and act on the same in accordance with Rules.

4. In the result, with the above directions, this OA stands disposed of. In view of the disposal of the OA MA No. 71 of 2008 gets automatically disposed of. No costs.


Member(A)


Member(J)