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O.A. No. 402 of 2008

Order dated: 18.11.2009

CORAM:

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

Aggrieved by the ad hoc promotion given to Respondent No.7, the applicant has filed this O.A. In the O.A., he has prayed for a direction to Respondents 1 to 6 to consider the case of the applicant for ad hoc promotion to the post of HSG-II.

2. We have heard Mr. K.Panigrahi, Ld. Counsel for

the applicant and Mr. P.R.J.Dash, Ld. Additional Standing Counsel for the Respondents.

3. The case set up by the applicant is that as per Annexure-A/3 he has been promoted to the cadre of LSG regularly and, thereafter, without considering his case for promotion to the post of HSG, ad hoc promotions are being effected, as in case of Respondent No.7, without considering the scheme under Annexure-A/4 and A/5 promulgated by the Govt. of India.

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4. We have considered the rival submissions and perused the material placed on record. We see that the claim of the applicant that he is entitled to promotion either along with Respondents No.7 or similarly placed persons who have been given ad hoc promotion to HSG cadre can be decided only on the basis of the seniority position of the applicant in the cadre of LSG. We had specifically indicated the applicant to appraise his seniority position in the cadre of LSG. But the Ld. Counsel is not in a position to provide the seniority position of the applicant vis-à-vis the Respondent No.7 and also the similarly placed persons in the LSG cadre.

5. In the above circumstances, no answer can be given in favour of the applicant. Since for deciding the dispute regarding promotion, seniority is the only criterion, unless such promotion is a selection one, in the absence of any seniority list, it is a Herculean task to adjudge the legality in promoting certain incumbent, may be ~~be~~ senior or junior as the case may be. In this view of the matter, the submission of the applicant that Annexure-A/4 and A/5 promulgated by Govt. of India have not been adhered to by the Respondents is farfetched.

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6. In the above circumstances, we hold that there is no material to give any relief to the applicant. Accordingly, the O.A. stands dismissed as meritless.

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MEMBER (A)

L. K. Aggarwal  
MEMBER (J)

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