

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 242 of 1995.

Thursday this the 20th day of June 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Hareendra Kumar S.,  
Junior Clerk,  
National Research Centre for Spices,  
Calicut. ... Applicant

(By Advocate Shri P.V. Mohanan)

Vs.

1. The Director,  
National Research Centre for  
Spices,  
Marikunnu P.O.,  
Calicut-673 012.

2. C. Venugopal,  
Senior Clerk,  
National Research Centre for  
Spices,  
Marikunnu P.O.,  
Calicut.

... Respondents

(By Advocate Shri Mathews J Nedumpara(R.1))  
(By Advocate Shri James J Nedumpara)(R.2)

The application having been heard on 20th June 1996,  
the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks promotion as Senior Clerk, in  
preference to second respondent. A further direction to fill

....2/-

up the vacancy of Senior Clerk by deputation for two years and then to consider applicant is also sought. By that time, he would acquire the qualification of five years' service.

2. Applicant was provisionally appointed as Junior Clerk on 23.3.91. Thereafter, on 1.3.93 he was regularly appointed as Junior Clerk. A vacancy of Senior Clerk arose in 1994 and second respondent who came from another institute on loss of seniority, was appointed to that post.

3. According to applicant he is senior to second respondent as second respondent forfeited seniority coming from another institute and joining the institute under second respondent. This argument would have been attractive, if seniority were the criterion for promotion, But, it is not. Five years service as Junior Clerk is necessary for promotion as Senior Clerk. Though senior in rank to second respondent applicant does not have the eligibility qualification of five years' service.

4. As for the second prayer, to fill up the vacancy on deputation for two years and then consider applicant for promotion, we would only say that it is for the department to decide on the appropriate method for filling up a post. Applicant has no legal right to get a direction regarding the filling up of a vacancy in a particular manner.

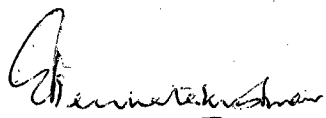
....3/-

5. Notwithstanding all these, it is necessary that a seniority list of Junior Clerks has to be drawn up. According to counsel for applicant there is no seniority list in force. Department has not disputed this contention. We direct first respondent to prepare a seniority list of Junior Clerks immediately. A provisional seniority list will be prepared, circulated among the employees, their objections considered and then a final seniority list will be prepared in the category of Junior Clerk within six months from today.

6. Vacancies, if any, in the post of Senior Clerks will not be filled up till a seniority list is finalised so that those who may qualify on eligibility-cum-seniority criteria may not be left at lurch.

7. Application is disposed of as aforesaid. No costs.

Thursday this the 20th day of June 1996.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN