

CHAIRMAN, PURI GRAMYA BANK AND ANR.

v.

ANANDA CHANDRA DAS AND ORS.

SEPTEMBER 12, 1994

[K. RAMASWAMY AND N. VENKATACHALA, JJ.]

*Service Law—Direct recruitment—Preparation of panel on the basis of rank secured—Reckoning of seniority—Should be as per rank and not on the basis of date of reporting to duty.*

In a selection made by direct recruitment, the Selection Board prepared the merit list on the basis of ranking secured at the time of selection. On the question whether the seniority of the employee should be reckoned on the basis of date of his joining the duty or according to the ranking given by the Board :

Disposing of the appeal, this Court

**HELD :** It is settled law that if more candidates than one are selected, the seniority is as per ranking of the direct recruits subject to the adjustment of the candidates selected on applying the rule of reservation and the roster. Mere fortuitous chance of reporting to duty earlier would not alter the ranking given by the Selection Board and the arranged one as per roster. The High Court erred in its conclusion that the seniority shall be determined on the basis of the joining reports given by the candidates and length of service on its basis. [490-C-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6308 of 1994.

From the Judgment and Order dated 4.3.92 of the Orissa High Court in O.J.C. No. 1007 of 1988.

R. Mohan for the Appellants.

The following Order of the Court was delivered :

Leave granted.

This appeal arises from the Judgment of the High Court of Orissa in

- A . O.J.C. No. 1007/88, dated March 4, 1992. The respondent and others were selected by direct recruitment as managers of Rural Bank. His rank was No. 9 in the merit list. He was directed to be given seniority on the basis of the date of his reporting to duty. It is reported that the first respondent is dead. The only question in this case is that what shall be the ranking among the direct recruits? Is it the date on which they joined duty or according to the ranking given by the selection board? On comparative evaluation of the respective merits of the candidates for direct recruitment, the Board has prepared the merit list on the basis of the ranking secured at the time of the selection. It is settled law that if more than one are selected, the seniority is as per ranking of the direct recruits subject to the adjustment of the candidates selected on applying the rule of reservation and the roster. By mere fortuteous chance of reporting to duty earlier would not alter the ranking given by the Selection Board and the arranged one as per roster. The High Court, is, therefore, wholly wrong in its conclusion that the seniority shall be determined on the basis of the joining reports given by the candidates selected for appointment by direct recruitment and length of service on its basis. The view, therefore, is wrong.
- B
- C
- D However, we need not interfere with the order, since the first respondent has died.

The appeal is accordingly disposed of. No costs.

T.N.A.

Appeal disposed of.