

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 6122 of 2012

ORDER:

The petitioner claims to be working as System Supervisor (Conductor) and aspires for promotion as Junior Assistant. In the year 2007, notification was issued to fill up posts of Junior Assistant among the departmental candidates. The petitioner participated in the said test and qualified. The grievance of the petitioner is that even though he was qualified and eligible for the post of Junior Assistant, he is not promoted as Junior Assistant. Even though the petitioner made representation on 19.11.2011 to consider his case, no reply is given to the petitioner.

2. Learned counsel for the petitioner contends that it is illegal to deny promotion to the petitioner, when he is qualified and eligible for the post of Junior Assistant.

3. Learned Standing Counsel representing the respondent-Corporation states that though internal recruitment is made by subjecting the eligible candidates for recruitment examination, but from among the qualified list, inter-se-seniority list was prepared and promotions were given as per the inter-se-seniority list. He further states that by the time the counter is filed, candidates upto 264 in the inter-se-seniority list were granted promotion, whereas the name of the petitioner stood at serial No.575.

4. Having regard to the specific stand of the respondent-Corporation that by the time the counter is filed, candidates upto 264 in the inter-se-seniority list were only considered and petitioner stands far below, there is no merit in the contention of the petitioner that he was ignored for promotion even though he is eligible. Mere

eligibility cannot be the sole criteria for grant of promotion and the petitioner cannot seek promotion ignoring the persons whose names are included in the seniority list above him. The petitioner has not challenged assignment of placement at serial No.575. Thus, he has to wait for his turn to get promotion and cannot ask for out of turn promotion ignoring his seniors. Thus, there is no merit in the writ petition.

5. Accordingly, this Writ Petition is dismissed. It is needless to observe that, as stated by the respondent-Corporation in its counter affidavit, the petitioner shall be considered as per his turn for promotion as Junior Assistant. There shall be no order as to costs.

6. As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

P. NAVEEN RAO, J

17th November, 2015

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