

RANK IN MERIT LIST & NOT DATE OF JOINING TO DETERMINE SENIORITY

A Bench of Justice SD Anand and Dr. AK Mishra at the Chandigarh Bench of Central Administrative Tribunal have held that the relevant criterion for determining seniority would have to be order of merit at the time of appointment and not date of joining government service.

In the case in question police inspector Harjit Kaur, presently on deputation with CBI, had challenged denial of seniority over two other colleagues who were placed above her in seniority list on the basis of their date of joining service.

Petitioner claimed that at the time of initial appointment she was placed third in merit list for women recruits. However Kaur could was offered appointment only when the second in list was found medically unfit. In the meantime other colleagues joined the department 18 days prior to the petitioner.

An office order dated 21 April,1989 passed by the then Senior Superintendent of Police, U.T., however came to Kaur's rescue which stated that she be placed senior to ASI's Dilsher Singh and Gurmukh Singh selected in the same recruitment process keeping in view their lower rank in the merit list.

Kaur who had already received two promotions based on the seniority fixed in 1989 was in for a shock when she was on deputation at a UN Peace Keeping Mission at Kosovo. By a office order she was placed at a lower level than the other two ASI's. Upon contesting her case the Director General of Police, U.T., on 5 November, 2009 turned down her plea primarily on the ground of delay and latches.

Agreeing with Kaur's counsel the Bench held that as per Rule 12.2 (3) of the Punjab Police Rules, as applicable to U.T. Chandigarh, the inter-se seniority of police officers of the same selection, has to be reckoned by the order of merit as determined/ fixed by the selection body. Giving relief the Bench ruled that the petitioner shall be treated as senior to Dilsher Singh and Gurmukh Singh for all intents and purposes and shall also be entitled to the consequential benefits.

Source: [Lawetal](#)