

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 180/00218/2020

Friday, this the 12th day of June, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

P.Pradeep Kumar, Aged 56 years,

S/o.Prabhakara,

T.C.No.6/1378(3), Amaravathy,

Cheruvaickal, Sreekaryam,

Thiruvananthapuram – 695 017

(Now working as: Deputy Superintendent of Police,

Crime Records Bureau, Office of the District Police Chief

Thrissur Rural Civil Station,

Ayanthol, Thrissur – 680 003.

Applicant

(Advocate : Mr. Shabu Sreedharan & Co.)

Versus

1. Union of India represented by the Secretary,
Ministry of Home Affairs,
New Delhi-110 001.

2. The Union Public Service Commission
Represented by its Secretary,
Shajahan Road, New Delhi-110001.

3. The Selection Committee for selection to
Indian Police Service Constituted under
Regulations of the Indian Police Service

(Appointment by promotion), Regulation 1955,
 Represented by its Chairman,
 Union Public Service Commission,
 New Delhi-110001

4. State of Kerala represented by the
 Chief Secretary to Government,
 Secretariat, Thiruvananthapuram-695001

5. The State Police Chief,
 Police Headquarters,
 Thiruvananthapuram-695001. Respondents

Advocates:

Mr.T.C.Krishna, Sr.PCGC for R1.
 Mr.Thomas Mathew Nellimoottil, Sr.PCGC for R 2 &3
 and Mr.M.Rajeev, G.P for R 4&5.

The OA having been heard on 12th June, 2020, this Tribunal delivered the following order on the same day:

O R D E R (Oral)

By P.Madhavan, Judicial Member

The applicant is a retired Deputy Superintendent of Police who is seeking appointment to the Indian Police Service in the quota earmarked for the officers of State Police Service subject to merit, ability and seniority. He is seeking promotions for the years 2018, 2019 and 2020. The applicant has placed reliance on an exactly similar case filed by one *Thampi S.Durga Dutt* where the Tribunal has passed an order that the retirement from the State Service will not preclude the respondents from considering the said

applicant for selection and appointment to the IPS. The Original Application has been filed seeking the following reliefs:

“(i) To direct the respondents to consider the applicant for selection and appointment by promotion to the Indian Police Service for the vacancies arising in the years 2018, 2019 & 2020.

(ii) And to pass such other appropriate orders or directions which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case so as to secure the ends of justice.”

2. When the matter came up for consideration, it has come out that the prayer of the applicant is very limited. He apprehends that since he has already retired on 31.5.2020, his name may not be considered for promotion. This Tribunal had earlier ordered in O.A 207/2020 and 974/2016 that retirement is not a disqualification for appointment if he is otherwise found eligible.

3. Learned counsel for the UPSC Mr.Thomas Mathew Nellimoottil states that the applicant is not eligible for consideration for the year 2020.

4. In view of the limited prayer and without going into merits, we hereby direct the respondents to consider the name of the applicant for promotion to IPS for the vacancy year 2018 and 2019, if he is otherwise eligible to be considered even though he retired from State Service. The Original Application is disposed of accordingly. No order as to costs.

(K.V.EAPEN)
Administrative Member

(P.MADHAVAN)
Judicial Member

List of Annexures

Annexure A1 The true copy of the order with GO(Rt) No:1947/09/Home dated 8.7.2009 issued by the 4th respondent.

Annexure A2 : The true copy of the order with GO(Rt) No:873/2018/Home dated 27.3.2018 issued by the 4th respondent.

Annexure A3 : The true copy of the order with GO(Rt.) No: 3679/2018/Home dated 18.12.2018 issued by the 4th respondent.

Annexure A4 : The true copy of the relevant pages of the Finalised seniority list of Deputy Superintendet of Police published by the 4th respondent vide GO(P)No.189/2015/Home dated 4.9.2015

Annexure A5 : The true copy of the order with GO(Rt) No:704/2020/Home dated 2.3.2020 issued by the 4th respondent.

Annexure A6 : True copy of the order of this Hon'ble Tribunal in OA No.180/00974/2016 dated 23.11.2016.

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