

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00306/2020**

**Tuesday, this the 4<sup>th</sup> day of August, 2020**

**CORAM:**

**Hon'ble Mr. P. Madhavan, Judicial Member**

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

- 1) Shri N. Abdul Rasheed, S/o. M. Noohukannu, aged 56 years, Superintendent of Police (Non IPS) (Rtd.) Crime Branch, Central Unit-IV, Thiruvananthapuram, Residing at Shalimar, Rajiv Nagar, Pallithottam PO, Kollam – 691 006, Phone – 974778586.
  - 2) Shri Reji Jacob, S/o. K.c. Jacob, aged 56 years, Superintendent of Police (Non IPS) (Rtd) and Assistant Director (Outdoor), Kerala Police Academy, Thrissur, residing at Edayadiyil House, A.V.R.A.-37 (TC 31/1168), Aksharaveedhi Road, Pettah, Thiruvananthapuram – 695 024, Phone – 9447389291.
- ..... **Applicants**

**(By Advocate : M/s. S. Sreekumar Associates)**

**V e r s u s**

1. Union of India, represented by its Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, New Delhi – 110 001.
  2. The Union Public Service Commission, rep. by its Secretary, Shajahan Road, New Delhi – 110 069.
  3. The Selection Committee for Selection to Indian Police Service Constituted under Regulation-3 of the Indian Police Service (Appointment by Promotion) Regulations 1955 represented by its Chairman, Union Public Service Commission, New Delhi – 110 069.
  4. The State of Kerala, represented by Chief Secretary, Government Secretariat, Trivandrum – 695 001.
  5. The State Police Chief, Police Head Quarters, Trivandrum – 695 010.
- ..... **Respondents**

**[By Advocates : Mr. Anil Ravi, ACGSC (R1),  
Mr. Thomas Mathew Nellimoottil (R2 & 3) and  
M. Rajeev, GP (R4 & 5)]**

This application having been heard on 04.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

**O R D E R (Oral)**

**Hon'ble Mr. P. Madhavan, Judicial Member –**

Heard the Advocate appearing for the applicants, Advocate Mr. Anil Ravi, ACGSC appearing for respondent No. 1, Advocate Mr. Thomas Mathew Nellimoottil, appearing for respondents Nos. 2 & 3 and Advocate Mr. M. Rajeev, GP appearing for respondents Nos. 4 & 5, through video conferencing.

2. The brief facts of the case are that the applicants were working as Superintendent of Police (Non-IPS) in the General Executive Branch of Kerala Police Service and retired from service on superannuation on 31.5.2020. The applicants have completed 11 years of continued service as Deputy Superintendent of Police and became eligible and entitled to be selected and appointed by promotion to Indian Police Service from 2019 onwards. The applicants submit that for the year 2020 they are eligible and entitled to be selected and appointed by promotion to the Indian Police Service. However, since they have retired from service on superannuation on 31.5.2020 and because of the delay in convening the meeting there is a likelihood that they will be excluded from the selection and promotion to IPS (Appointment by promotion) for having retired. The applicants filed this OA seeking the following reliefs:

*“(i) Direct respondents 1 to 3 to consider the applicants for selection and appointment to Indian Police Service for the year 2020 without taking into account the retirement of the applicants from service on 31.5.2020.*

*(ii) Issue such other appropriate direction or order this Tribunal may deem fit and order in the interest of justice.”*

3. When the matter came up for consideration today, learned counsel appearing for respondents Nos. 2 & 3 submitted that the applicants may not be entitled to be considered for the year 2020 because they have already retired from service.

4. On the other hand learned counsel for the applicants put forward a claim that the applicants are entitled to be considered for the year 2020 as they were in service as on 1<sup>st</sup> January, 2020. He further submitted that the applicants would be satisfied if a direction is issued to the effect that their retirement from service on superannuation will not be bar for considering their promotion to IPS cadre for the vacancies of 2020.

**5. In view of the limited relief sought, without going into the merits of the case, we direct that the retirement of the applicants from State Service will not be a bar for considering their promotion to the IPS cadre in the vacancies of 2020, if they are eligible otherwise as per rules and regulations existing.**

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

“SA”

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**APPLICANT'S ANNEXURES**

- Annexure A1** – True copy of GO(P) No. 189/2015/Home dated 4.9.2015.
- Annexure A2** – True copy of GO(Rt) No. 1486/2017/Home dated 5.6.2017.
- Annexure A3** – True copy of ADGO No. 53/2017/CB dated 25.7.2017.
- Annexure A4** – True copy of order in OA No. 249 of 2011 dated 29.3.2011 of the Hon'ble Central Administrative Tribunal, Ernakulam.

**RESPONDENTS' ANNEXURES**

Nil

-X-X-X-X-X-X-X-X-