

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00348/2020

Tuesday, this the 4th day of August, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

C.F. Robert, S/o. S. Francis (late), aged 58 years,
 Retired Superintendent of Police (Non-IPS),
 KAP III, Adoor, residing at Roshni, Chemmakkadu PO,
 Perinadu, Kollam – 691 603, Mobile No. 9495250350. **Applicant**

(By Advocate : Mr. R. Sreeraj)

V e r s u s

1. State of Kerala, represented by the Chief Secretary to the Government of Kerala, Secretariat, Thiruvananthapuram – 695 001.
2. The Union Public Service Commission, represented by its Chairman, Shajahan Road, New Delhi – 110 003.
3. Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi - 110 001. **Respondents**

**[By Advocates : M. Rajeev, GP (R1),
 Mr. Thomas Mathew Nellimoottil (R2) and
 Mr. Anil Ravi, ACGSC (R3)]**

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 Advocate Mr. R. Sreeraj appearing for the applicant, Advocate Mr. M. Rajeev, GP appearing for respondent No. 1, Advocate Mr. Thomas Mathew Nellimoottil, appearing for respondent Nos. 2 and Advocate Mr. Anil Ravi, ACGSC appearing for respondent No. 3, through video

conferencing.

2. The brief facts of the case are that the applicant was working as a Superintendent of Police (Non-IPS) in the State Police Service and retired from service on superannuation on 27.1.2018. The applicant submit that for the year 2018 he is eligible and entitled to be selected and appointed by promotion to the Indian Police Service. However, since he retired from service on superannuation on 27.1.2018 and because of the delay in convening the meeting there is a likelihood that he will be excluded from the selection and promotion to IPS (Appointment by promotion) for having retired. The applicant filed this OA seeking the following reliefs:

“1) Direct the respondents to consider the applicant for appointment by promotion to the Indian Police Service for the year 2018, in accordance with law, notwithstanding his retirement from State Police Service on 31.1.2018, if he is otherwise eligible.

2) Such other relief as may be prayed for and this Hon'ble Tribunal may deem fit to grant.

3) Grant the cost of this Original Application.”

3. When the matter came up for consideration today, learned counsel appearing for respondent No. 2 submitted that the applicant may not be entitled to be considered for the year 2018 because he had already retired from service.

4. On the other hand learned counsel for the applicant put forward a claim that the applicant is entitled to be considered for the year 2018 as he was in service as on 1st January, 2020. He further submitted that the applicant would be satisfied if a direction is issued to the effect that his

retirement from service on superannuation will not be bar for considering his promotion to IPS cadre for the vacancies of 2018.

5. In view of the limited relief sought, without going into the merits of the case, we direct that the retirement of the applicant from State Service will not be a bar for considering his promotion to the IPS cadre in the vacancies of 2018, if he is 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 A-1 – True copy of the final order dated 28.7.2020 in OA 250/2020.

RESPONDENTS' ANNEXURES

Nil

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