

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No.180/00351/2019

Wednesday, this the 19th day of August, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

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

K.V.Vijayan, aged 55 years
S/o K.K.Velayudhan
Superintendent of Police, SBCID,
Ernakulam, Tripunithura, Kochi-682 301
(Kochupurackal House, Koruthode,
Moozhikal, Mundakayam-via
Idukki District-686 513.

Applicant

(Advocate: Mr.Babu Joseph Karuvanthazha-Not present)

Versus

1. Union of India represented by
its Secretary, Ministry of Personnel,
Public Grievances & Pensions
Department of Personnel and Training, North Block,
New Delhi-110 012.
2. The Secretary to Government
Ministry of Home Affairs
New Delhi-110 012.
3. Union Public Service Commission
represented by its Secretary
Shajahan Road, New Delhi-110 069.
4. Selection Committee for India Police Service
represented by Chairman, UPSC,
Shajahan Road, New Delhi-110 069.
5. State of Kerala, represented by the Chief Secretary
Government Secretariat, Thiruvananthapuram-695 001.
6. State Police Chief, Police Headquarters
Thiruvananthapuram-695 001.

Respondents

Advocates:

Mr.S.R.K.Prathap, ACGSC for R1&2;

Mr.Thomas Mathew Nellimoottil, Sr.PCGC for R3&4
and Mr.M.Rajeev (GP) for R5&6.

This OA having been heard on 12th August, 2020, the Tribunal delivered the following order on 19.08.2020:

ORDER**P.Madhavan, Judicial Member**

The applicant is a retired Superintendent of Police (Non-IPS) in the Kerala Police Service. Through this OA, he seeks the following reliefs:

(i) *Issue appropriate direction or order to the respondents to consider the claim of the applicant for appointment by promotion to the IPS for the select years 2017, 2018 and 2019, irrespective of the retirement of the applicant from the service under the 5th respondent on 31.5.2019.*

(ii) *Declare that notwithstanding the retirement of the applicant from service under the 5th respondent on 31.5.2019, the applicant is eligible to be considered for promotion to the IPS and entitled to be included in the Select list of 2017, 2018 and 2019.*

2. When the matter came up for admission on 27.5.2019, an interim order was issued that the applicant's retirement would not stand in the way of his case being considered for inclusion in the IPS, if he is otherwise eligible. That interim order has been continued till date.

3. When the matter came up for consideration on 12.8.2020, the applicant's counsel was absent. Learned counsel for UPSC submitted that they have filed reply and they have no objection in considering the name of the applicant to IPS for the years 2018 & 2019, if he is found eligible otherwise. It was also submitted that they have no objection in making the interim order absolute.

4. In view of the aforesaid submission, we feel that ends of justice would be met if we direct the respondents to consider the name of the applicant for promotion to the IPS for the years 2018 & 2019 if he is found eligible for the same. Ordered accordingly. The interim order already in force is hereby made absolute.

5. The OA stands disposed of.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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Annexures filed by the applicant:

- Annexure A1: Copy of the order G.O.(Rt) No.2012/2008/Home dated 20.6.2008 issued by the Government of Kerala.
- Annexure A2: Copy of the G.O(P) No.189/2015/Home dated 4.9.2015 published by the Government of Kerala in the Kerala Gazette dated 7.9.2015 publishing the seniority list of Deputy Superintendents of Police (General Executives) as on 1.3.2013.
- Annexure A3: Copy of the interim order dated 30.11.2015 in OA No.936/2015 of this Tribunal.