

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00377/2019,
M.A 180/296/2020 & M.A 180/155/2020

Thursday, this the 25th day of June, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

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

K.Jayakumar, Aged 57 years, S/o.Kuttappan

Retd. Superintendent of Police

Vigilance and Anti Corruption Bureau

Residing at EVRA-404

Opp.Carmel School, Vazhuthacaud P.O

Thiruvananthapuram – 695 014

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Applicant

(By Advocate : Mr.S.Chandrasekharan Nair)

V e r s u s

1. Union of India, represented by the Secretary to Government of India, Ministry of Home Affairs, New Delhi 110 012

2. Union Public Service Commission, Represented by its Secretary, UPSC , New Delhi – 110 001

3. The State of Kerala, represented by the Chief Secretary Government Secretariat, Thiruvananthapuram-695 001

4. Additional Chief Secretary, Home and Vigilance Department Government Secretariat, Thiruvananthapuram – 695 001

5. Director, Vigilance & Anti Corruption Bureau

Thiruvananthapuram – 695 033

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Respondents

(By Advocate : Mr.Mr.E.N.Hari Menon,ACGSC for R1, Mr.M.Rajeev,G.P for R 3 to 5, Mr.Thomas Mathew Nellimoottil for R2)

This application having been heard on 25.06.2020 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 learned counsel appearing for the parties through video conferencing.

2. The applicant was a Police Officer who retired as Superintendent of Police on 31.5.2018. He is in the list of persons who are in the zone of consideration for conferring IPS. Applicant is aggrieved by non issuance of Integrity Certificate by the 3rd respondent. The relief claimed by the applicant are as under:

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- i) *To direct the 3rd respondent to issue integrity certificate within a time period stipulated by this Tribunal*
 - ii) *To direct the respondents to consider the applicant for inclusion of his name in the select list for appointment by promotion to the Indian Police Service in his turn.*
 - iii) *Grant such other reliefs as may be prayed for and the court may deem fit to grant.”*

3. We have heard the learned counsel for the applicant and the learned

counsel for the respondents. The State Government counsel Mr.M.Rajeev, G.P strongly opposes any direction for issuing the Integrity Certificate because they are having lot of objections on this matter. But the learned counsel for the applicant submits that he limits his prayer to the question of issuing Integrity Certificate at this point of time.

4. In view of the limited prayer, respondent no.3 is directed to consider the case of the applicant as per the relevant guidelines issued by the UPSC and government circulars and issue an Integrity Certificate within a period of 3 months, if he is found fit for issuing integrity certificate for the purpose of IPS selection.

5. The **O.A No.180/00377/2019, M.A 180/296/2020 and M.A 180/155/2020** are disposed of as above. No costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 - True copy of the memo bearing No.20/Camp/DVACB/2018 dated 20.04.2018 given to the applicant by the 5th Respondent.

Annexure A1(a) - The copy of the reply dated 7.5.2018 by the applicant to the 5th respondent.

Annexure A2 - A true copy of report dated 10.05.2018 submitted by 5th respondent to the 4th respondent.

Annexure A3 - True copy of the representation dated 11.7.2018 submitted by the applicant before the 4th respondent.

Annexure A4 - A true copy of the G.O.(Rt.)No.2269/2018/Home dated 2.8.2018 issued by 4th respondent.

Annexure A5 - True copy of the letter sent by the State Police Chief to the 4th respondent.

Annexure A6 - A true copy of the memo bearing No.G1-2310/18 dated 26.02.2018 by the Additional Director General of Police, Vigilance and Anti Corruption Bureau to the applicant.

Annexure A7 - The copy of the reply dated 5.3.2018 submitted by the applicant.

Annexure A8 - A true copy of the memo bearing No.G1/2310/2018 dated 26.2.2018 by Addl. Director General of Police to Investigating Officer.

Annexure A9 - Copy of reply dated 8.3.2018 filed by the Investigating Officer to Annexure A8 memo.

Annexure A10 - A true copy of the memo bearing No.G1-2310/2018 dated 26.05.2018 given by the 5th respondent to the 4th respondent.

Annexure A11 - The copy of good service entry issued by 5th respondent to the applicant dated 8.2.2017 as per S.O.No.21/2017

Annexure A11(a) - Copy of the good service entry awarded by the 5th respondent to the applicant dated 31.3.2011

Annexure A11(b) - Copy of the 'very good' remark of half yearly assessment dated 3.3.2011 by the 5th respondent

Annexure A12 - Copy of the annual confidential report issued by the DGP to the

applicant from 1.4.2009 to 13.6.2009

Annexure A12(a) - Copy of the annual confidential report issued by the DGP to the applicant from 1.7.2009 to 31.12.2009.

Annexure A12(b) - Copy of the annual confidential report issued by the DGP to the applicant from 1.1.2010 to 31.12.2010

Annexure A12(c) - Copy of the annual confidential report issued by the DGP to the applicant from 1.1.2011 to 31.12.2011.

Annexure A12(d) - Copy of the annual confidential report issued by the DGP to the applicant from 1.1.2012 to 20.04.2012.

Annexure A12(e) - Copy of the annual confidential report issued by the DGP to the applicant from 27.4.2012 to 31.12.2012.

Annexure A12(f) - Copy of the annual confidential report issued by the DGP to the applicant from 1.1.2013 to 31.5.2013

Annexure A12(g) - Copy of the annual confidential report issued by the DGP to the applicant from 1.6.2013 to 31.12.2013.

Annexure A12(h) - Copy of the annual confidential report issued by the DGP to the applicant from 1.1.2014 to 31.12.2014.

Annexure A12(i) - Copy of the annual confidential report issued by the DGP to the applicant from 1.1.2015 to 7.5.2015

Annexure A12(j) - Copy of the annual confidential report issued by the DGP to the applicant from 8.5.2015 to 31.12.2015.

Annexure A12(k) - Copy of the annual confidential report issued by the DGP to the applicant from 1.1.2016 to 3.4.2016

Annexure A12(l) - Copy of the annual confidential report issued by the 5th respondent to the applicant from 5.4.2016 to 2.6.2016.

Annexure A12(m) - Copy of the annual confidential report issued by the 5th respondent to the applicant from 3.6.2016 to 31.12.2016.

Annexure A12(n) - Copy of the annual confidential report issued by the 5th respondent to the applicant from 1.1.2017 to 29.3.2017.

Annexure A12(o) - The copy of the annual confidential report issued by the 5th

respondent to the applicant from 30.3.2017 to 31.12.2017.

Annexure A13 - Copy of the interim order dated 12.12.2018 in O.A.1873/2018 passed by the Hon'ble Kerala Administrative Tribunal.

Annexure A13(a) - Copy of the order dated 23.1.2019 in OA.1873/2018 passed by the Hon'ble Kerala Administrative Tribunal allowing one more month time for implementing the order.

Annexure A14 - Copy of the contempt petition filed before the Hon'ble Kerala Administrative Tribunal as contempt petition No.81/2019.

Annexure A15 - Copy of the order in O.A. 24/2013 dated 3/4/2013 passed by the Hon'ble Central Administrative Tribunal in favor of one Haridas.

Annexure A16 - Copy of the representation dated 29.3.2019 filed before Addl. Chief Secretary to expunge his confidential report from 1.1.2018 to 31.5.2018 to change good to very good or excellent.

Annexure A17 - Copy of the Enquiry report bearing No.QV-48/2016/SIU-I dated 31.7.2017 submitted before the 5th respondent.

Annexure A18 - Copy of the forwarding endorsement dated 31.7.2017 by the Superintendent of Police SIU-1 before the 5th respondent.

Annexure A19 - Copy of the letter bearing No.C 1174/2017 LAT dated 22.9.2017 issued by legal advisor VACB Thiruvanthapuram to the 5th respondent.

Annexure A20 - True copy of the Vigilance Enquiry Report No.V.E.3/2009/SCT.

Annexure A21 - True copy of the Report No.VC/1/1999/SCT

Annexure A22 - True copy of the Report No.VC/1/2009/SCT

Annexure A23 - True copy of the Report No.VC/3/2000/SCT

Annexure A24 - True copy of the cause title of the OA.746/2019.

Annexure A25 - True copy of the order dated 18.11.2019 of the High Court of Kerala in OP(KAT) 337/2019.

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