

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00198/2015**

Thursday, this the 21<sup>st</sup> day of January, 2021

**C O R A M :**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

**HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

Tojan V.Cyriac, aged 58

S/o.V.A.Syriac

Superintendent of Police

Administration and Training

Cochin International Airport Limited,(CIAL),(Retired)

Residing at Chumappunkal House

Idanttam (P.O), (Via) Bharanganam

Kottayam District 686578

...Applicant

(By Advocate Mr.P.V.Mohanan)

**v e r s u s**

1. Union of India Represented by its Secretary  
Ministry of Home Affairs, North Block  
New Delhi – 110 001
2. Union Public Service Commission, represented by its Secretary  
Shahjahan Road, New Delhi, Pin – 110 069
3. State of Kerala, represented by its Chief Secretary  
Government Secretariat, Thiruvananthapuram , Pin 695 001
4. The Selection Committee for selection to the Indian Police Service  
Constituted under Regulation 3 of the IPS (Appointment by Promotion)  
Regulations, 1955, represented by its Chairman  
Union Public Service Commission, Shahjahan Road  
New Delhi, Pin – 110 069

5. The Secretary, M/o Personnel, Public Grievances and Pension  
D/o.Personnel & Training, New Delhi ....Respondents

(By Advocate : Mr.N.Anilkumar,SCGSC for R 1&5, Mr.Thomas Mathew  
Nellimoottil,Sr.PCGC for R 2&4, Mr.M.Rajeev, G.P for R 3)

This application having been heard on 21.1.2021, this Tribunal on the same day delivered the following :

### **ORDER (ORAL)**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

This is an Original Application filed seeking the following relief:

*" i) To direct the respondents to conduct Review of Selection to IPS (Kerala) cadre on promotion quota for the year 2012 and consider the claim of the applicant for selection and appointment to Indian Police Service (Kerala) cadre on promotion quota for the year 2012 depending on seniority and service records preceding five years of selection year and select and appoint the applicant to Indian Police Service (Kerala) Cadre against the vacancy for the year 2012 with all consequential benefits including seniority and year of allotment.*

*ii) To declare that the applicant is eligible to be considered for selection and appointment to IPS (Kerala) Cadre for the year 2012 without insisting upper age limit of 54 years as on first day of January 2012 and to select the applicant with all consequential benefits.*

*iii) to declare that Rule 5(3) of Indian Police Service (Appointment by Promotion) Regulations, 1955, is illegal, violative of Article 14 and Article 16 of the Constitution of India and is unenforceable.*

*iv) Any other appropriate order or direction as deem fit in*

*the interest of justice.*

*v. To call for the records leading Annexure R3(B) Office memorandum f.No.14015/30/2015-AIS-I dated 20.3.2015 and set aside the same declaring that Notification dated 17.3.2015 amending regulation 5(3) of IPS (Appointment by promotion) Amendment Regulation, 2015 "(3) The Committee shall not consider the cases of the members of the State Police Service who have attained the age of 56 years on the 1<sup>st</sup> day of January of the year for which the Select List is prepared" is deemed retrospective and is applicable for the selection year 2011 and 2012 respectively."*

2. When the matter came up earlier, the counsel for the applicant and respondents submitted that WP(Civil) No.119/2016, W.P(C) No.327/2015, W.P(C) No.443/2015, W.P(C) No.721/2015, W.P(C) No.770/2015 and W.P(Civil) No.193/15 in a similar matter are pending before the Hon'ble Apex Court and law will attain finality only when the Apex Court decides the case.

3. Today, when the matter was taken up, it was submitted that the Hon'ble Apex Court has dismissed the W.P(Civil) No.119/2016, W.P(C) No.327/2015, W.P(C) No.443/2015, W.P(C) No.721/2015, W.P(C) No.770/2015 and W.P(Civil) No.193/15 on 6.4.2017 and there is no purpose in continuing with this Original Application.

4. In view of the submission made and in view of the order of the Apex Court, nothing survives and hence the Original Application is dismissed. No costs.

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

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

**List of Annexures**

- Annexure A1 - True extract copy of the proceeding G.O (Rt) No.2139/2003/Home dated 5.11.2003
- Annexure A2 - True copy of the Guidelines
- Annexure A3 - True copy of the Eligibility List dated 30.6.2011
- Annexure A4 - True copy of the order in O.A No.505/2012 dated 21.8.2012
- Annexure A5 - True copy of the proceedings G.O (Rt) No.3555/2012/Home dated 4.12.2012
- Annexure A6 - True copy of the order in O.A No.1210/2012 dated 26.7.2013
- Annexure A7 - True copy of the order in O.A No.14/2010 dated 15.3.2010
- Annexure A8 - True copy of the order passed by the Apex Court in WPC No.266/08 dated 7.8.2014
- Annexure A9 - True copy of the order D.O No.22018/66/2008-AIS(I) dated 17.12.2014
- Annexure A10 - True copy of the letter No.100559/Spl.C2/2014/GAD dated 30.12.2014
- Annexure R3(a) - True copy of the notification dated 17.3.2015 issued by the DoPT, Government of India
- Annexure R3(b) - True copy of the Office Memorandum bearing F.No.14015/30/2015-AIS-I dated 20.3.2015 issued by the Department of Personnel and Training
- Annexure R3(c) - True copy of the Letter No.7/9/2010-AIS dated 21.6.2010 of Union Public Service Commission
- Annexure R3(d) - Office Memorandum No.22012/99/2009-AIS(I) dated 25.8.2010 of the Department of Personnel & Training, Government of India.

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