

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00198/2015

Thursday, this the 21st 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.Mohan)

versus

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 DelhiRespondents

(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 :

O R D E R (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 1st 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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