

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00576/2015**

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**

E.M.Shamsu

Superintendent of Police

(Vigilance Officer)

Kerala State Civil Supplies Corporation Limited, (Supply Co)

Maveli Bhavan, Gandhi Nagar, Kochi – 682 020

Now residing at Ellikkal House

Pathadippalam, Edappally P.O

Kochi – 682 024

...Applicant

(By Advocate Mr.P.K Manoj Kumar)

**v e r s u s**

1. Union of India Represented by the  
Secretary to Government  
Department of Personnel and Training  
Central Secretariat, New Delhi – 110 001
2. Union of India represented by the  
Secretary to Government  
Ministry of Home Affairs  
New Delhi – 110 001
3. The State of Kerala, represented by the  
Chief Secretary to Government, General Administration  
Special (A) Department, Government Secretariat  
Thiruvananthapuram – 695 001

4. The State Police Chief (DGP)  
Kerala Police Head Quarters  
Vazhuthacaud, Thiruvananthapuram – 695 001
5. Union Public Service Commission  
Dholpur House, Shajahan Road  
New Delhi-110001  
represented by its Secretary
6. The Selection Committee of the Union Public Service Commission for  
Appointment by Promotion to the I.P.S, Kerala Cadre Constituted  
under Regulation 3 of the IPS (Appointment by Promotion) Regulations  
represented by the Chairman U.P.S.C  
Shajahan Road, New Delhi – 110 001 ....Respondents

(By Advocate : Mr.C.P.Ravikumar,ACGSC for R 1&2, Mr.Thomas Mathew  
Nellimoottil,Sr.PCGC for R 5&6, Mr.M.Rajeev, G.P for R 3&4)

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:

" A. This Hon'ble Tribunal may kindly be pleased to call for the records leading to Annexure SA6 and A7 and to quash the same.

B. To declare that the applicant is entitled to be included in the zone of consideration for appointment by promotion to the IPS Kerala Cadre for the year 2014

C. This Hon'ble Tribunal may kindly be pleased to direct the respondents 2 and 3 to include the name of the applicant in the zone of consideration for appointment by Promotion to the IPS Kerala Cadre for the year 2014 and to forward the list of

*Officers in the Zone of consideration along with the requisite documents to the UPSC to convene the Selection Committee Meeting for Appointment by Promotion to the IPS Kerala Cadre for the year 2014*

*D This Hon'ble Tribunal may kindly be pleased to direct respondents 4 and 5 to convene the Selection Committee Meeting for Appointment by Promotion to the IPS Kerala Cadre for the year 2014 within three weeks from the date of receipt of the documents for the convening of the Selection Committee Meeting for Appointment by Promotion to the IPS Cadre 2014 from the State Government.*

*E. This Hon'ble Tribunal may kindly be pleased to declare that retirement of the applicant from the Kerala State Police Service will not stand in the way of the applicant being considered for appointment by promotion to the IPS Kerala Cadre for the year 2014 and for appointment to the IPS after inclusion in the Select List.."*

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 - The photostat copy of the order No.G.O(Rt) 1362/05/Home dated 3.6.2005 issued by the Government.

Annexure A2 - The photostat copy of the order No.G.O(Rt) No.2805/2012/Home dated 19.9.2012 issued by the Government

Annexure A3 - The photostat copy of the notification dated 17.3.2015 issued by the Additional Secretary to the Government of India

Annexure A4 - The photostat copy of the representation dated 11.5.2015 submitted by the applicant to the Chief Secretary to Government, TVM

Annexure A5 - The photostat copy of the Communication dated 2.7.2015 No.A1-71412/2015/PHQ issued from the Additional Assistant Inspector General, for State Police Chief, to the applicant.

Annexure A6 - The photostat copy of the Office Memorandum dated 20.3.2015 No.F 14015/30/2015-AIS-I issued by the Director Ministry of Personnel, Public Grievances and Pensions, Government of India

Annexure R3(a) - Notification dated 17.3.2015 of DoPT, Government of India

Annexure R3(b) - Office Memorandum F.No.14015/30/2015-AIS-I dated 20.3.2015 of DoPT, Government of India.

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