

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00787/2015

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

1. E.Sheraffudin
aged 56 years, S/o A.Elas Rawther
Retired Superintendent of Police (Non IPS)
Kerala Police Service
residing at T.C 3/1946, Opp.St.Mary's School
Pattom, Thiruvananthapuram – 695 004
2. K.K.Abdul Hameed
aged 56 years, S/o.Mohammed
Retired Superintendent of Police (Non IPS)
Kerala Police Service
Residing at Kundu Kandan, Villa No.5
Spring View, Chelavoor, Kozhikode – 673 571

...Applicants

(By Advocate Mr.P.C.Sasidharan, Mr.T.B.Hood)

v e r s u s

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
shahjahan Road, New Delhi – 110 069

4. Selection Committee for Indian Police Service
Represented by Chairman
Union Public Service Commission
Shahjahan Road, New Delhi – 110 069

5. State of Kerala
Represented by the Chief Secretary
Government Secretariat
Thiruvananthapuram – 695 001

6. State Police Chief
Police Head Quarters
Thiruvananthapuram – 695 001

....Respondents

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

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) Call for the records leading to Annexure A1 Office Memorandum and set aside the same.

ii) Declare that the clarification issued by the Government of India as per Annexure A1 Office Memorandum that Annexure A6 amendment to Indian Police Service (Appointment by Promotion) Regulations, 1955 shall be applicable for the Select List of 2015 and onwards is void

and illegal.

iii) Issue appropriate direction or order, directing the respondents to consider the claim of applicants for appointment by promotion to the IPS for the select years 2014 and 2015 giving the benefit of enchantment of upper age limit to 56 years in accordance with the Annexure A6 amendment to Indian Police Service (Appointment by Promotion) Regulations, 1955.

iv) Declare that notwithstanding their retirement from service in 2015, the applicants are eligible to be considered for promotion to the Indian Police Service and entitled to be included in the Select Lists of 2014 and 2015

v) Issue such other appropriate direction or order as this Honourable Tribunal may deem fit and proper in the interest of justice. "

2. When the matter came up earlier, the counsel for the applicants 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. The applicant is at liberty to approach the Tribunal, if he has any other cause of action.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 - True copy of the O.M F.No.14015/30/2015-AIS-I dated 20.3.2015 issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training, Government of India

Annexure A2 - True copy of the relevant pages of the provisional seniority list of Deputy Superintendent of Police as on 1.3.2013

Annexure A3 - True copy of the order dated 7.8.2014 of the Hon'ble Supreme Court in Writ Petition No.266/2008 & connected cases

Annexure A4 - True copy of the letter dated 30.12.2014 sent to the Government of India by the Chief Secretary to Government of Kerala

Annexure A5 - True copy of the interim order dated 30.1.2015 of this Tribunal in O.A No.180/75/2015

Annexure A6 - True copy of the notification amending Indian Police Service (Appointment by Promotion) Regulations, 1955

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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