

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00202/2020

Wednesday, this the 29th day of July, 2020

CORAM

Hon'ble Mr.P.Madhavan, Judicial Member

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

K.B.Ravi, aged 55 years,

S/o M.K.Bhaskaran,

“Sreekailas”, PLRA 20,

Pallichal, Nemom P.O.,

Thiruvananthapuram-695 019.

Applicant

Now working as Executive Director (Vigilance),
Chief Office, Kerala State Road Transport Corporation,
Transport Bhavan, Fort P.O., Thiruvananthapuram-695 023)
Mob: 9447047148

(Advocate: Mr.Shabu Sreedharan)

Versus

1. Union of India represented by
the Secretary, Ministry of Home Affairs,
New Delhi-110 001.
2. The Union Public Service Commission
represented by its Secretary,
Shajahan Road, New Delhi-110 001.
3. The Selection Committee for selection to
Indian Police Service constituted under
Regulations of the Indian Police Service
(Appointment by Promotion) Regulation, 1955
represented by its Chairman,
Union Public Service Commission,
New Delhi-110 001.
4. State of Kerala represented
by the Chief Secretary to Government,
Secretariat, Thiruvananthapuram-695 001.
5. The State Police Chief,
Police Headquarters,
Thiruvananthapuram-695 001.

Respondents

(Advocate: Mr.T.C.Krishna, Sr.PCGC for R1; Mr.Thomas Mathew Nellimootttil,
Sr.PCGC for R2&3 and Mr.M.Rajeev (GP) for R4&5).

This OA having been heard on 23rd July, 2020, the Tribunal delivered the following order on 29.07.2020:

O R D E R

By P.Madhavan, Judicial Member

This OA is filed seeking the following reliefs:

“To direct the respondents to consider the applicant for selection and appointment by promotion to the Indian Police Service for the vacancies arising in the years 2017, 2018, 2019 & 2020”.

2. Applicant's case is that he is working as Executive Director (Vigilance), KSRTC. According to him, he is an officer in the State police service having minimum 8 years of continuous service in the rank of Deputy Superintendent of Police and is eligible to be considered for promotion to the IPS in the quota earmarked for the officers of the State police subject to merit, ability and seniority. According to the applicant, he is eligible for consideration for promotion for the years 2017, 2018, 2019 & 2020. According to the applicant, he is going to retire from service with effect from 31.5.2020. He apprehends that he may not be considered for promotion as he will retire from service on 31.5.2020. So he prays for passing an order that his retirement from State service will not preclude the respondents from considering him for selection and appointment to the IPS for the vacancies of the years 2017, 2018, 2019 and 2020.

3. Respondents 2 & 3 filed a detailed reply statement submitting that the UPSC had already received a proposal for the selection of IPS officers by promotion for the year 2017. The State Government had not submitted final proposal for selection of IPS officers for the years 2018, 2019 and 2020. According to the counsel for the State Government, the applicant has no right to be considered for the vacancies of the year 2020 since he retired in the month of May 2020. He has no objection for considering the name of the applicant for 2017, 2018 & 2019 even though he has retired in the month of May 2020. He also admits that the applicant

has a right for consideration and he will be considered for vacancies of the year 2017, 2018 and 2019 if he is otherwise found eligible and suitable for promotion.

4. On going through the pleadings and submissions made by both sides, it is seen that there is no serious dispute regarding the right for consideration for promotion to the IPS of the applicant for the year 2017, 2018 and 2019. He is already in the list for the year 2017 and the selection committee meeting has to be conducted. As regards 2018, and 2019, R-2&3 submitted that no final proposal has reached the UPSC for conducting the Selection Committee Meeting (SCM).

5. In ***Union of India and another vs. Hemraj Singh Chouhan and others*** (reported in [(2010) 4 SCC 290], the Hon'ble Supreme Court has laid down that every employee has a right to be considered for promotion and the applicant herein also seeks consideration of his name for promotion for the year 2017, 2018 and 2019. Counsel for the applicant has not pressed for consideration of the vacancies for the year 2020.

6. We find that this Tribunal has given an interim order on 27.5.2020 that the retirement of the applicant from service will not be a bar for considering for the vacancies of the year 2017, 2018 and 2019. The applicant has clearly shown his right for consideration to the said post and hence the OA is allowed. **The respondents are directed to consider the name of the applicant for promotion for the year 2017, 2018 and 2019 if he is otherwise found eligible for promotion. The retirement of the applicant will not be a ground for exclusion of his name.**

7. With the above observation and direction, the OA is disposed of.

**(K.V.Eapen)
Administrative Member**

**(P.Madhavan)
Judicial Member**

Annexures filed by the applicant:

Annexure A1: Copy of the GO(Rt) No.1623/2014/Home dated 10.6.2014 issued by the 4th respondent.

Annexure A2: Copy of the GO(Rt) No.1980/2018/Home dated 10/07/2018 issued by the 4th respondent.

Annexure A3: Copy of the GO (Rt) No.2579/2018/Home dated 7.9.2018 issued by the 4th respondent.

Annexure A4: Copy of the GO (Rt) no.1914/2019/Home dated 22.7.2019 issued by the 4th respondent.

Annexure A5: Copy of the UO Note No.Home-A2/90/2018-Home dated 24.6.2019 issued by the 4th respondent.

Annexure A6: Copy of the GO (Rt) No.3036/2015/Home dated 27.11.2015 issued by the 4th respondent.

Annexure A7: Copy of the relevant pages of the Finalized Seniority List of Deputy Superintendent of Police published by the 4th respondent vide GO(P) no.189/2015/Home dated 4.9.2015.

Annexure A8: Copy of the order dated 23.11.2016 in OA No.180/00974/2016 of the Tribunal.