

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/00467/2020

HYDERABAD, this the 26th day of August, 2020.



THE HON'BLE MR.ASHISH KALIA : JUDICIAL MEMBER
THE HON'BLE MR.B.V.SUDHAKAR : ADMINISTRATIVE MEMBER

K.V.Murali Krishna S/o K.Sanjeeva Rao Naidu,
Aged about 45 years,
Superintendent of Police (Intelligence),
Vijayawada, State of AP. ...Applicant

(By Advocate : Mr.K.Sudhakar Reddy)

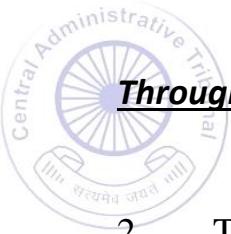
Vs.

1. Union of India,
Rep by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. Government of Andhra Pradesh,
Rep by its Chief Secretary,
Secretariat, Velagapudi,
Guntur District.
3. The Govt. Of Andhra Pradesh,
Rep by its Secretary to Govt. (Political),
Secretariat, Velagapudi,
Guntur District.
4. The Principal Secretary to Govt,
Dept of Home, Secretariat,
Velagapudi, Guntur District, A.P.
5. The Director General of Police,
Government of Andhra Pradesh, Guntur.

....Respondents

(By Advocate : Mr.V.Vinod Kumar, Sr. CGSC;
Mr.M. Bal Raj, GP for State of AP)

Oral Order
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)



Through Video Conferencing

2. The OA is filed to direct the 1st respondent for considering applicant's case under provisions of Regulation 5(2) of the IPS (Appointment by Promotion) Regulations, 1955 (for short "**Regulations 1955**"), keeping view the judgment of this Tribunal in OA no 879/2018 & batch.

3. Brief facts of the case are that the applicant based on the judgment of the Hon'ble Apex Court in CA No. 4129/2006, dt. 14.09.2006, the Andhra Pradesh Public Service Commission (for short "**APPSC**") and the A.P. State Government appointed the applicant as Dy. Superintendent of Police (for short "**DSP**") on 12.08.2011 and he joined the said post on 24.08.2011. The State Government thereon in G.O.Ms. No. 100, dated 01.09.2016 revised the notional date of joining as DSP as 01.06.2001. Consequently, applicant is deemed to be in service continuously as Group I officer from 2001 and thus, having completed 16 years of service, he will be eligible for promotion to the Indian Police Service. Respondents denial of the same has led to the emergence of the O.A.

4. The contentions of the applicant are that the Government in GO Ms. No. 100, Home Services-I, dated 01.09.2016, having revised the notional date of joining as DSP as 01.06.2001, the applicant is deemed to be in service continuously as Group I officer from 01.06.2001 onwards and hence, eligible to be considered for promotion to the cadre of Indian Police Service. APPSC has drawn up the seniority list wherein the applicant figures at Sl. 16 which was furnished to the State Govt. and the DGP. For promoting the applicant, notional date of joining

as DSP as on 01.06.2001 alone should be taken for the purpose of counting 8 years of service under Regulation 5 of Regulations 1955. Further, the applicant is entitled to have his name included in the Select List of IPS on par with his batch mates viz., K. V. Mohan Rao and PHD Ramakrishna for the select list of the year 2010 as per G.O. Rt. No. 5762, GAD (Sec. C) Department, dated 23.12.2011 and reckon 2006 as the year of allotment. Applicant submitted a representation to the respondents and requested them to initiate a proposal for including the applicant name in the select list of IPS on par with officers referred to above but was of no avail, as per the submission of the Ld. Counsel for applicant. Respondents denying promotion to IPS cadre violates Articles 14 and 16 of the Constitution of India.

5. Heard both the counsel and perused the pleadings on record.
6. Learned counsel for the respondents submitted that the action of the respondents is in accordance with the rules on the subject and there is not much left to the Government to examine and take a decision in the matter. However, learned counsel for the applicant vehemently argued that there are many loose ends which when tied up, the applicant will benefit. Therefore, he has submitted that the applicant be allowed to submit a comprehensive representation stating the rules and law under which he should be considered for the promotion sought for.
7. Having heard both the counsel and on perusing the records on file, it is evident that the applicant was appointed to the post of Dy. SP in view of the order of the Hon'ble Apex Court cited supra. The applicant has cited that his batch mates have been considered for promotion whereas he was not. Applicant stoutly claims that as per the Regulation 5 of the Regulations 1955, he is eligible to be considered.



The prayer of the Ld. applicant's counsel is fair and therefore, we permit the applicant to make a comprehensive representation covering the rules and law to the competent authority within a period of two weeks from the date of receipt of this order. The competent authority, within 8 weeks from the date of receipt of the said representation, shall dispose of the same in accordance with rules and law keeping in view the contentions made by the applicant in the OA as well as in the representation, by issuing a speaking and reasoned order. We make it clear that we have not gone into the merits of the case.

With the above direction, the OA is disposed of at the admission stage, with no order as to costs.

(B.V.SUDHAKAR) (ASHISH KALIA)
ADMINISTRATIVE MEMBER JUDICIAL MEMBER

VI/evr