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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A. NO. 1462 of 1993

Decided on : 8.6.1995.

CORAM :

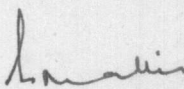
HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN  
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Kehar Singh ... Applicant  
( By Shri Jagjit Singh with Shri Naresh Kaushik, Adv. )

Versus

Union of India & Ors. ... Respondents  
( By Shri M. M. Sudan, Shri I. S. Goyal and Shri  
P. P. Khurana, Advocates )

1. Whether to be circulated to other Benches ? Yes.
2. Whether to be referred to the Reporter ? Yes.

  
( S. C. Mathur )  
Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A. NO. 1462/1993

New Delhi this the 8<sup>th</sup> day of June, 1995.

CORAM :

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN  
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Kehar Singh,  
Superintendent of Police,  
C.I.D. Haryana Bhawan,  
New Delhi - 110001. ... Applicant

( By Shri Jagjit Singh with Shri Naresh Kaushik,  
Advocates )

Versus

1. U.P.S.C. through its  
Secretary, Dholpur House,  
New Delhi.
2. Union of India through its  
Secretary, Deptt./Ministry of  
Home Affairs, North Block,  
New Delhi.
3. Commissioner and Secretary,  
Member of Selection Committee  
Home Deptt., Haryana,  
Chandigarh.
4. Director General of Police,  
Member Selection Committee,  
Haryana, Chandigarh.
5. Shri Sohan Lal,  
S.P. Yamunanagar,  
Haryana.
6. Shri M. S. Ahlawat,  
Addl. P.T.C. Madhuban,  
Karnal, Haryana.
7. Shri Shiv Shakti Rao,  
Addl. S.P., Ambala,  
Haryana. ... Respondents

( By Shri M. M. Sudan, Advocate for Respondents 1 & 2,  
Shri I. S. Goyal, Advocate for Respondents 3 & 4,  
Shri P. P. Khurana, Advocate for Respondents 5, 6 & 7 )

ORDER

Shri Justice S. C. Mathur —

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The applicant, Kehar Singh, seeks quashing of the select list prepared in March, 1993 for induction of officers of the Haryana Police Service into the Indian Police Service (IPS). He also seeks a direction to the respondents to promote him to the IPS on the basis of the select list prepared for the year 1991-92.

2. The facts which are either admitted or undisputed or which stand established are these —

The applicant joined the Haryana State Police as Assistant Sub Inspector. He got promotions from time to time and <sup>was</sup> ultimately inducted into the Haryana Police Service Class-I and was posted as Deputy Superintendent of Police and subsequently as Superintendent of Police. The next promotion he could look forward to was to the IPS. Promotion to the IPS is made in accordance with the procedure prescribed in the Indian Police Service (Appointment by Promotion) Regulations, 1955, for short Regulations, framed by the Central Government in exercise of the power conferred by Rule 9 (1) of the Indian Police Service (Recruitment) Rules, 1954, for short Rules. In the year 1991-92, three vacancies were anticipated in the Haryana cadre of IPS. Selection committee met on 6.3.1992 to prepare select list in respect of these three anticipated vacancies. A select list of five officers was prepared and approved by the Union Public Service Commission, for short Commission, as follows :-

- (1) Shri Suraj Pal (Provisional),
  - (2) Shri Dharam Pal,
  - (3) Shri Zile Singh (Provisional),
  - (4) Shri Kehar Singh (applicant), and
  - (5) Shri Sohan Lal.
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Suraj Pal and Zile Singh were facing disciplinary proceedings and were, therefore, not recommended by the State Government to the Central Government for promotion to the IPS. Dharam Pal whose name appeared in the select list at sl. No.2 had been included also in the select list of 1990-91. He had filed an Original Application in the Chandigarh Bench of the Tribunal and on the basis of the interim order passed in the said application, he was appointed with effect from 5.12.1991. This appointment was made on provisional basis subject to the outcome of the O.A. Shri Rishi Prakash, another officer of the State Police Service, who was senior to the applicant had filed Civil Writ Petition No. 8082/1991 in the Punjab and Haryana High Court claiming promotion to the IPS. This writ petition was allowed by judgment and order dated 28.10.1991. A mandamus was issued directing the administration to consider Rishi Prakash for being brought on the select list for appointment to the IPS in the promotion quota and against the vacancies of the year 1988 by convening a meeting of the selection committee within two months. This order was modified by order dated 21.1.1992. Under the modified order, Rishi Prakash was to be considered not only against the vacancies of the year 1988 but also against the vacancies of the subsequent years. In implementation of the directions issued in this writ petition, Rishi Prakash was promoted to the IPS w.e.f. 22.1.1991 through notification dated 29.9.1992. On 30.3.1993, the selection committee again met to prepare select list for the vacancies anticipated in the next 12 months. The anticipated vacancies were four. The selection committee prepared a select list which, according to the applicant,

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comprised seven names, and according to the respondents, comprised six names. The applicant's claim is that his name was at sl. No.7. Out of these seven officers three were appointed and rest, including the applicant, were not appointed.

3. The applicant's submission is that the selection committee which met on 6.3.1992 should not have included in its select list the names of Suraj Pal and Zile Singh who were facing enquiry into allegations of misconduct and instead the procedure of sealed cover should have been adopted in respect of them. It is also his case that the action of the administration in not appointing him to any of the vacancies was wholly arbitrary as the applicant could be promoted in place of Suraj Pal and Zile Singh who could not be promoted on account of the pendency of proceedings against them. The applicant points out that recommendation in this behalf was made by the Director General of Police but despite this recommendation he was not promoted. According to the applicant, when two officers of the select list were facing disciplinary proceedings, it was obligatory on the part of the administration to promote other officers in the select list who were not suffering from any such disability; there was no occasion to keep the post vacant.

4. The applicant's next submission is that the selection committee has to meet every year mandatorily as held by their lordships of the Supreme Court in Syed Khalid Rizvi & Ors. vs. Union of India & Ors. : 1993 (1) SLR 89. From this, the applicant infers that the vacancies of one year cannot be clubbed

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with vacancies of the subsequent year or years. Stretching the argument further, the applicant submits that when selection committee meets to prepare select list in respect of the vacancies for more than one year, separate select list will have to be prepared for each year. The applicant contends that the selection committee which met on 30.3.1993 did not prepare separate select lists for the years 1991-92 and 1992-93 and, therefore, the list prepared for the year 1992-93 is invalid and cannot be acted upon. It is claimed that once the select list of 1992-93 is eliminated, the only surviving list will be the one prepared on 6.3.1992 and the applicant's name being included in that list, he will be entitled to promotion.

5. The original application has been contested on behalf of the Central Government, the State Government and two of the three officers who were promoted from the list of 1992-93. Separate replies have been filed on their behalf but the plea raised in defence is common. The defence is as follows —

Promotion from the State Police Service to the IPS is governed by the Regulations. In preparing the select lists in March 1992 and March 1993, no provision of the Regulations has been violated. In view of the fact that anticipated vacancies in the year 1991-92 were three, the select list had to contain five names in accordance with the requirement of Regulation 5 (1). Five names were actually included and the applicant's name was at sl. No.4. Since the officers at sl. Nos. 1 and 3

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had been empanelled on provisional basis, they could, in view of the proviso to Regulation 9 (1), get promotion only after the Commission had made the recommendation unconditional during the currency of the select list. During the currency of the select list of 1991-92, the Commission did not make unconditional recommendation in respect of the said two officers and they were accordingly not promoted. Under the same proviso the administration was required to keep two posts vacant for the said two officers. In this manner, out of the three anticipated vacancies, two became unavailable for promotions. Against the third vacancy promotion had to be given to Shri Rishi Prakash who was senior to the applicant in compliance with the judgment referred to hereinabove. In this manner, no vacancy became available for promotion of the applicant. On these facts, it is submitted that the action of the administration has neither been arbitrary nor violative of Article 14 of the Constitution.

6. The respondents next submit that under the first proviso to Regulation 7 (4) the list of 1992 became unavailable for making promotion after 30.3.1993 when the selection committee met to prepare the fresh list. On this basis, it is submitted that the applicant's claim for appointment on the basis of his empanelment in 1992 is misconcieved.

7. In respect of the year 1993, the respondents admit the applicant's allegation that anticipated vacancies in the next 12 months were four. In view

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of Regulation 5(1) the panel was to comprise six names only. There was no occasion for the applicant to be at sl. No.7 as claimed by him. The respondents deny that the applicant was empanelled in the year 1993.

8. The applicant has tried to find fault with the 1993 list on the basis that vacancies of 1991-92 were clubbed with the vacancies of 1992-93. The respondents point out that it is not at all a case of clubbing. According to them, the select list was required to be prepared in respect of all the anticipated vacancies and the backlog vacancies. According to the respondents, the list does not suffer from any infirmity as it has been drawn strictly in accordance with the provisions contained in the Regulations.

9. In support of the application, we have heard S/Shri Jagjit Singh and Naresh Kaushik; on behalf of the Central Government, we have heard Shri M. M. Sudan; on behalf of the Haryana State, Shri I. S. Goyal; and on behalf of the promoted officers Shri P. P. Khurana. In view of the pleadings of the parties and the submissions made, the following questions arise for determination :-

- (1) whether the provisional empanelment of Suraj Pal and Zile Singh, against whom enquiries were pending, in 1992 list was illegal?
- (2) whether the number of officers empanelled in 1992 and 1993 was correct?

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- (3) whether before 30.3.1993, any vacancy became available against which the applicant could be appointed on the basis of his empanelment in 1992?
- (4) whether the applicant's empanelment in 1992 creates a right in favour of the applicant to claim promotion to IPS?
- (5) whether failure of the administration to appoint the applicant despite his empanelment in 1992 is arbitrary and hence violative of Articles 14 and 16 of the Constitution?
- (6) whether the vacancies of 1992 were clubbed with the vacancies of 1993?
- (7) if the answer to the above question is in the affirmative, whether such clubbing is prohibited under law?
- (8) whether the list of 1993 suffers from any infirmity?
- (9) whether the applicant's name was included in the select list of 1993?

10. Before we proceed to answer the above questions, it will be desirable to have a look at the Regulations.

Regulation 3 deals with constitution of the committee which will prepare the select list. Regulation 5 deals with the preparation of the list itself. Clause (1) of this regulation requires the committee to ordinarily meet at intervals not exceeding one year and prepare a list of such members of the State Police Service as are held by them to be

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suitable for promotion to the Service. Although the clause uses the word 'ordinarily', it has been held by their lordships of the Supreme Court in Syed Khalid Rizvi (supra) that the requirement of the committee meeting every year is mandatory. The select list is required to be prepared in respect of the vacancies anticipated in the course of the period of 12 months commencing from the date of preparation of the list. The number of officers to be included in the list is prescribed as the number of posts available during the said period of 12 months plus 20 per cent of such number or two, whichever is greater. Under Regulation 5 (2), the officers of the State cadre are to be considered in the order of their seniority in that cadre. Clause (4) requires the selection committee to classify the eligible officers as 'Outstanding', 'Very Good', 'Good' and 'Unfit' on an overall relative assessment of their service records. Clause (5) requires the select list to contain the names of required number of officers, first from amongst the officers finally classified as 'Outstanding', then from amongst those classified as 'Very Good' and thereafter from amongst those classified as 'Good'. Their names inter se within each category are required to be mentioned in the order of their seniority in the State Police Service. The proviso to the clause reads as follows:-

"Provided that the name of any officer so included in the list shall be treated as provisional if the State Government, withholds the integrity certificate in respect of such officer or any proceedings are contemplated or pending against him or anything adverse against him has come to the notice of the State Government." (Emphasised).

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Clause (6) requires the list prepared under Regulation 5 to be reviewed and revised every year. Under Regulation 6, the list prepared under Regulation 5 is required to be forwarded to the Commission by the State Government along with the records of all the members of the State Police Service included in the list and the records of all members of the State Police Service who are proposed to be superseded by the recommendations made in the list. The State Government while sending the list to the Commission is required to make its observations on the recommendations of the committee. Under Regulation 6 (A), the State Government is required to forward a copy of the list to the Central Government also and the Central Government under the same Regulation is enjoined to send their observations on the recommendations of the committee to the Commission. Regulation 7 (3) lays down that the list as finally approved by the Commission shall form the select list of the members of the State Police Service. Clause (4) of the same Regulation provides that the select list shall ordinarily be in force until its review and revision. The proviso to the clause reads thus :-

"Provided that no appointment to the Service under regulation 9 shall be made after the meeting of the fresh Committee to draw up a fresh list under regulation 5 is held."

In view of this provision, the select list prepared in an earlier year meets its automatic death as soon as the select committee meets to draw up fresh list

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for the subsequent year. Thus, the list prepared in any year ordinarily lapses when a fresh list is prepared subsequently. Appointments from the select list are made in accordance with the provisions contained in Regulations 8 and 9. Regulation 8 deals with appointments to cadre posts from the select list. Clause (1) provides that the appointments shall be made in accordance with cadre rules and that in making such appointments, the State Government shall follow the order in which the names of the officers appear in the select list. Clause (2) prescribes conditions under which a member of the State Police Service whose name is not included in the select list or who is not next in order in that select list may be appointed. Such an appointment can be made only when the State Government is satisfied - (1) that the vacancy is not likely to last for more than three months, or (2) that there is no suitable officer available for filling the vacancy. Where such an appointment is made, the State Government under the first proviso is required forthwith to submit report to the Central Government containing reasons for making appointment. The second proviso lays down that where administrative exigencies so require, the appointment may be continued beyond a period of three months with the prior concurrence of the Central Government. From these provisions it would appear that appointments to cadre posts can be made ordinarily from the select list only and the officers will have to be appointed in the order in which their names appear in the list. For

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deviating from this normal rule, administrative exigencies should exist. The judge of administrative exigency will indeed be the State Government.

Regulation 9 deals with appointments to the Service from select list. Under clause (1), the appointment is made by the Central Government on the recommendation of the State Government. The appointment has to be in the order in which names of the members of the State Police Service appear in the select list. The second proviso to the clause reads as follows :-

"Provided further that the appointment of an officer whose name has been included in the select list provisionally, under proviso to sub-regulation (5) of regulation 5 shall be made after his name is made unconditional by the Commission on the recommendations of the State Government during the period the Select List remains in force. While making appointment of an officer junior to a select list officer whose name has been included provisionally in the select list, one post will have to be kept vacant for such a provisionally included officer;"

In view of the above proviso, an officer whose name has been included in the select list provisionally can be appointed only after his provisional recommendation becomes an absolute one. It becomes absolute when the Commission makes the recommendation unconditional on a reference made by the State Government. This has to be done during the subsistence of the select list. The moment the select list lapses, the same cannot be utilized for making appointment therefrom. The next requirement of the proviso is that if an officer who ranks junior in the select list is appointed, a post shall be kept vacant for the officer whose name has been provisionally included

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in the select list so that if the Commission makes the recommendation unconditional, there may be no difficulty in appointing such officer. Obviously, if no post is kept vacant, it would be difficult to make appointment of the officer after he sheds the disability of being in the list only on provisional basis. The third proviso deals with the eventuality when an officer of the select list expresses unwillingness to be promoted to the IPS. In such an event, the officer junior to him in the select list may be appointed without reservation of any post. In fact, the officer who refuses promotion loses claim for appointment to the Service from that list under clause (2). The Commission is not required to be consulted at the stage of actual appointment. The Commission is required to be consulted only if after preparation of the select list there has been deterioration in the work of the enlisted officer. Under Regulation 9(a) it is competent to the Central Government to refuse appointment from the select list if it is of the opinion that it is necessary or expedient to do so in public interest. However, in view of the proviso, this can be done only after consultation with the Commission.

11. In clarification of the Regulations, the Ministry of Home Affairs has issued instructions from time to time. In the Ministry's letter No. 4/4/60-AIS(III) dated 15.10.1960, it has been mentioned that Regulation 9 deals with substantive appointment outside the State cadre. The same position has been reiterated in the Ministry's letter No. 28/41/64-AIS(III) dated

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11.2.1965 in paragraph 2.2 of which it has been stated that Regulation 9 is independent of Regulation 8 which deals with temporary appointment of select list officers against cadre posts.

12. The above Regulations constitute a complete code for promotion from State Police Service to the IPS. In respect of matters specifically provided for in the Regulations, no aid can be taken from general rules, general practices or the provisions contained in other rules. The Regulations do not exclude from consideration at the time of preparation of the select list officers of the State Police Service who are facing enquiries. Accordingly, the administration had an obligation to consider Suraj Pal and Zile Singh. The Regulations do not require any recommendation to be kept in sealed cover. The argument of the learned counsel for the applicant, therefore, that sealed cover procedure should have been followed cannot be accepted. In our opinion, no illegality was committed in the preparation of the select list of 1992 when the names of Suraj Pal and Zile Singh were included provisionally. Our answer, therefore, to the first question formulated above is in the negative.

13. About the number of anticipated vacancies in the years 1992 and 1993, there is no dispute between the parties. In paragraph 4.IV the applicant has stated that there were three anticipated vacancies in the year 1992 when select list of five officers was prepared. In view of Regulation 5 (1) the select list was to contain <sup>additionally</sup> 20% of such number or 2 whichever

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was greater. 20% of 3 would be less than 1 and, therefore, the list had to comprise names of 3 plus 2 officers. The list of 1992 contains names of 5 officers. The said list is, therefore, in conformity with Regulation 5(1).

14. In paragraph 4.VI of the O.A., the applicant has mentioned that for the year 1992-93 there was one more anticipated vacancy in addition to the three of the previous year. Thus, according to the applicant himself, the select list of 1993 was to be prepared for four vacancies. 20 % of 4 would be less than one and, therefore, again, the select list for 1993 was to contain names of 4 plus 2 officers. This is exactly what has been done by the administration. We are, therefore, of the opinion that correct number of officers were empanelled in the select lists of 1992 and 1993.

15. The select list of 1992 was prepared admittedly for three anticipated vacancies. The applicant being at Sl.No.4 could, if at all, claim appointment only if an additional vacancy became available before the expiry of the list or one of the officers enlisted at Serials 1 to 3 became unavailable for promotion at the time the State Government decided to make appointment from the list. Out of the three vacancies of the said year, two had to be filled in view of court orders. Thus, only one vacancy remained against which appointment could ordinarily be made. While making appointment against this vacancy, the officer entitled to appointment, subject to suffering from no disability, was Suraj Pal. The recommendation in favour of Suraj Pal was provisional and not unconditional. Accordingly, he

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could not be appointed in view of the second proviso to Regulation 9(1). After Suraj Pal, the next officer in the list, excluding Shri Dharam Pal at sl. No.2 who had been appointed under court orders, was Zile Singh. The recommendation in his favour was also provisional and not unconditional. Therefore, he also could not be appointed as he also suffered from the same disability with which Suraj Pal suffered. In view of the second proviso to Regulation 9(1) it was obligatory for the administration to keep two posts vacant, one for Suraj Pal and the other for Zile Singh. Against these two posts, only one was available after giving appointment to Dharam Pal and Rishi Prakash. There was thus no post available against the anticipated vacancies of 1992 which could be diverted to the applicant. This position continued up to 30.3.1993 when the next selection committee met to revise and review the list as directed under Regulation 7 (4). In view of this situation, failure of the administration to appoint the applicant despite his empanelment in 1992 cannot be said to be arbitrary or violative of Articles 14 and 16 of the Constitution.

16. It has been held by their lordships of the Supreme Court in Syed Khalid Rizvi (supra) that revision and review of the select list on yearly basis is mandatory requirement of Regulations. Accordingly, the convening of the selection committee on 30.3.1993 cannot be faulted. Once this meeting cannot be faulted, the select list receives automatic burial and no appointment from that list can be made in view of the proviso to Regulation 7(4). The only

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flaw pointed out in respect of 1993 list by the learned counsel for the applicant is that anticipated vacancies of 1992 were clubbed with the vacancies of 1993. According to the learned counsel, this clubbing is not permissible under the Regulations. We are unable to accept the submission of the learned counsel. If the intention of the framers of the rules was to prohibit clubbing of vacancies they would have made a specific provision in that behalf. The rules do not require the selection committee to prepare separate lists for each recruitment year. The rules only require the select list to be reviewed and revised. The review and revision will automatically include consideration of the vacancies already existing and the vacancies anticipated within the next 12 months. In our opinion, the Regulations far from prohibiting clubbing, sanction the same. The question raised by the learned counsel specifically came up for consideration before the Chandigarh Bench of the Tribunal in O.A. No. 306/PB of 1993 - S. S. Grewal & Ors. vs. State of Punjab & Ors., connected with O.A. No.449/CH of 1993 - Harjit Singh & Ors. vs. Union of India, decided on 12.1.1994. This was a case of promotion from the State Civil Service to the Indian Administrative Service (IAS) in accordance with the provisions of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955. The procedure for promotion from the State Civil Service to the IAS prescribed in the Regulations is identical to that prescribed in the Indian Police Service (Appointment by Promotion) Regulations, 1955. Therefore, the observations made in this judgment have bearing on

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the facts of the present case. In this case, selection committee met on 24.3.1992 and prepared a select list which was forwarded to the Commission and the Central Government. The Commission accorded its approval to the list on 26.3.1993. The approval of the Commission was conveyed by the Central Government on 29.3.1993. On 29.3.1993 itself, selection committee met again to prepare fresh list. The officers were empanelled in the list of 29.3.1993 taking into consideration the backlog vacancies of the earlier year and the anticipated vacancies of 12 months from 29.3.1993. The Tribunal did not find any flaw with the procedure adopted in the preparation of the select list of 29.3.1993. It appears from the Tribunal's judgment that on behalf of the applicants reliance had been placed on office memorandum dated 24.12.1980 issued by the Ministry of Home Affairs requiring the selection committee to prepare yearwise list considering the officers who fell within the zone of consideration for the vacancies arising in relevant years. In the present case also, reliance has been placed on the instructions contained in this office memorandum. Relying upon the decision rendered by the Ahmedabad Bench of the Tribunal, it was held by the Chandigarh Bench, "the memorandum dated 24th December, 1980 which pertains to the guidelines in regard to appointment to selection posts are not applicable to appointment by promotion to the Indian Administrative Service since the principles laid down in the above said memo have not been incorporated in the Regulations by the legislative enactment."

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Regarding the feasibility of preparing yearwise select list it has been observed in paragraph 12 of the judgment, "Therefore, when the committee meets, it is obligatory that the officers whose names are included in the select list in force, should also be considered. So, if the committee is to prepare a yearwise select list simultaneously by operation of sub-regulation 4 of Regulation 7, the first list would lapse and what would be operative would be the list for the subsequent year. If in the list the number of persons to be included according to the Regulation is the number of anticipated vacancies plus 2, so if a yearwise list is prepared simultaneously, there is no way how it could be made operative. In this view of the matter and also in accordance with the scheme of the Regulations, it is not practical for the committee to prepare a yearwise list on one sitting." We are in respectful agreement with the view taken by the Chandigarh Bench. The Regulations are statutory in nature and will have effect over office memoranda and instructions. General instructions issued by the Home Ministry cannot supersede the specific provisions contained in the Regulations. Reliance placed on the instructions is, therefore, misconcieved.

17. Learned counsel for the Central Government submitted that factually there was no clubbing of vacancies in the present case. Alternatively, he submitted that clubbing is not prohibited. In our opinion, only the <sup>latter</sup> submission of the learned counsel is sound. Accordingly, the list of 1993 does not suffer from any infirmity. The applicant claims that

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in the list of 1993 also his name figured at sl. No.7. This position is not accepted by the respondents. The respondents rightly pointed out that in view of the admitted position that the number of anticipated vacancies was four, there was no occasion for the selection committee to prepare a select list of seven officers. The maximum number of officers who could be brought on the select list of 1993 was six. Accordingly, we do not accept the applicant's claim that he was at sl. No.7 in the select list of 1993. We are also of the opinion that even if his name was mentioned at sl. No.7, it was illegal and his name has to be ignored for the purpose of making promotion to the IPS.

18. The only question that now survives for consideration is whether empanelment of an officer creates a right in his favour to claim promotion. Under Regulation 9(1) appointment to IPS is made by the Central Government on the recommendation of the State Government. The State Government will seek appointment obviously when there is vacancy in the State cadre of IPS and the State Government considers it necessary to fill the said vacancy. The Regulations do not make it obligatory on the part of the State Government to seek appointment of the empanelled officer. Under the scheme of the Regulations, the panel either fully or wholly becomes inoperative after the fresh panel has been framed. In view of these provisions, it is not possible to hold that by mere empanelment a right is acquired by the empanelled officer for promotion to the IPS.

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19. In view of the above, the application lacks merit and is hereby dismissed but without any order as to costs. Interim order, if any operating, shall stand discharged.

P. J. Thiruvengadam

( P. T. Thiruvengadam )  
Member (A)

S. C. Mathur  
8695

( S. C. Mathur )  
Chairman

/as/