

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/267/2021

Wednesday, this the 23rd day of June, 2021

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Iqbal S/o Meeran Sahib aged 56, Rose Mahal,
Vakkand P O. Kollam district, PIN-691 509
Retired as Assistant Superintendence of Police, (Non IPS), in the General
Executive Branch of Kerala Police Service
Phone No.9947525630 **Applicant**

(By Advocate : (Mr. Saju Wahab)

V e r s u s

1. Union of India, represented by its Secretary,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
New Delhi, Pin – 110 069.
2. The Union Public Service Commission, rep. by its Secretary,
Shajahan Road, New Delhi, Pin – 110 069.
3. The Selection Committee for selection to Indian Police Service
constituted under Regulation 3 of the Indian Police Service
(Appointment by Promotion) Regulations, 1955 represented by its
Chairman, Union Public Service Commission, New Delhi,
Pin – 110 069.
4. The State of Kerala, represented by Chief Secretary,
Government of Secretariat, Thiruvananthapuram, Pin – 695 001.
5. The State Police Chief, Police Headquarters, Thiruvananthapuram,
Pin – 695 010. **Respondents**

**[By Advocates : Mr. Anil Ravi, ACGSC (R1),
Mr. Thomas Mathew Nellimoottil (R2&3) and
Mr. M. Rajeev, GP (R4&5)]**

This application having been heard on 23.06.2021 through video conferencing, the Tribunal on the same day delivered the following:

ORDER (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Mr. Saju Wahab appearing for the applicant, Advocate Mr. Anil Ravi, ACGSC appearing for respondent No. 1, Advocate Mr. Thomas Mathew Nellimoottil, appearing for respondents Nos. 2 & 3 and Advocate Mr. M. Rajeev, GP appearing for respondents Nos. 4 & 5, through video conferencing.

2. The brief facts of the case are that the applicant was working as an Assistant Superintendent of Police (Non-IPS) in the State Police Service and retired from service on superannuation on 30.04.2020. The applicant submits that for the years 2019 and 2020 he is eligible and entitled to be selected and appointed by promotion to the Indian Police Service. However, since he retired from service on superannuation on 30.4.2020 and because of the delay in convening the meeting there is a likelihood that he will be excluded from the selection and promotion to IPS (Appointment by promotion) for having retired. The applicant filed this OA seeking the following reliefs:

“(i) Direct respondents 1 to 3 to consider the applicant for selection and appointment to Indian Police Service for the years 2020 notwithstanding the retirement of the applicant from service on 30.4.2020.

(ii) Issue such other appropriate direction or order this Tribunal may deem fit and order in the interest of justice.”

3. When the matter came up for consideration today, learned counsel for the applicant submitted that the applicant would be satisfied if a direction is issued to the effect that his retirement from service on superannuation will

not be a bar for considering his promotion to IPS cadre for the vacancies of 2019 and 2020.

4. In view of the limited relief sought, without going into the merits of the case, we direct that the retirement of the applicant from State Service will not be a bar for considering his promotion to the IPS cadre in the vacancies of 2019 and 2020, if he is eligible otherwise as per rules and regulations existing.

5. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

yy

Original Application No. 180/00267/2021

APPLICANT'S ANNEXURES

Annexure A1 – True copy of order in OA No. 306 of 2020 dated 4.8.2020 of this Hon'ble Tribunal.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-