

Central Administrative Tribunal Ernakulam Bench

O.A No.180/00281/2021

Monday, this the 28th day of June, 2021

CORAM:

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

J.Sukumara Pillai, I.P.S, aged 61
S/o.Janardhanan Pillai
Superintendent of Police (Administration) (Retired)
State Special Branch Head Quarters,
Thiruvananthapuram
Residing at Anjanam, TC 12/2477 Anchumukku
Muttada P.O, Thiruvananthapuram – 695 025 - Applicant

(By Advocate: Mr.P.V.Mohan)

Versus

1. Union of India represented by the Secretary
Ministry of Home Affairs
North Block, New Delhi – 110 001
2. The State of Kerala
Represented by its Chief Secretary
Government of Kerala, Thiruvananthapuram – 695 001
3. The Accountant General (A & E)
Office of the Accountant General
State of Kerala, Thiruvananthapuram – 695 001

- Respondents

(By Advocate: Mr.N.Anilkumar,SCGSC for R1 and Mr.M.Rajeev, G.P for R 2 and 3)

The O.A having been heard on 28th June , 2021 through video conferencing, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the

following reliefs:

“ i. To direct the respondents to regularize the period of the service of the applicant from 1.6.2016 (the date of superannuation from State Police Service) to 30.8.2018 (the date of assumption of charge in Indian Police Service Cadre) as on duty for all purposes and to fix the pay and allowance and increments notionally in the Senior Scale/Junior Administrative Grade in Indian Police Service cadre for all purposes including arrears of pay and disburse the same.

(ii) To direct the second respondent to consider Annexure A7 and Annexure A9 representations in the light of Annexure A3, A4, A5 and Annexure A6 respectively and fix the pay and pay arrears of pay during the periods from 1.6.2016 to 30.8.2018 treating him on duty.

(iii) Any other appropriate order or direction as this Hon'ble Tribunal deem fit in the interest of justice.”

2. The applicant commenced service as a Sub Inspector of Police on 5.9.1987 in General Executive Wing. The applicant was selected and promoted to the substantive cadre of Deputy Superintendent of Police on 22.8.2005 in State Police Service. The applicant was promoted as Superintendent of Police on 11.4.2013. The applicant was eligible for consideration for selection and appointment to Indian Police Service (Cadre) on promotion quota of the years 2014, 2015 and 2016 as envisaged in Indian Police Service(Appointment by promotion) Regulations. But no select committee met in time. The applicant retired on superannuation from State Police Service on 31.5.2016 on attaining the age of 56 years. Before superannuation, the applicant had obtained order from this Tribunal in O.A No.180/402/2016 dated 23.5.2016 to the effect that the retirement from State Police Service on 31.5.2016 will not preclude the respondents from considering the applicant for selection and appointment to Indian Police Service cadre on promotion quota for the vacancies for the years 2014, 2015 and 2016 respectively. The applicant was included in the Select List of 2016 and was

appointed to IPS cadre on 31.8.2018. The applicant retired from IPS cadre on 31.5.2020 on attaining the age of 60 years. Applicant submits that the period from 1.6.2016 to 30.8.2018 will have to be treated as on duty for the purposes of pay increments and the arrears of pay have to be disbursed to the applicant in terms of Annexure A3 order. Hence the applicant has submitted Annexure A-9 representation for regularizing the intervening period from 31.5.2016 to 31.8.2018 as duty and for issuing orders sanctioning all consequential benefits including pay and allowances in the Superintendent of Police IPS Cadre.

3. When the matter came up for admission hearing, Adv.Mr.M.Rajeev,G.P, learned counsel for respondent nos.2 to 3 submits that Annexure A-9 representation is still pending before the competent authority and the said representation was given only on 21.3.2021.

4. In view of the pendency of the representation, we deem it appropriate to direct the competent authority to consider Annexure A-9 representation in the light of decisions and orders passed and pass a speaking order on Annexure A-9 within a period of 3 months from the date of receipt of a copy of this order.

5. The Original Application is disposed of as above. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - True copy of the order in R.A No.71/2016 in O.A No.402/2016 dated 7.12.2016

Annexure A2 - True copy of the notification No.1-14011/15/2017-IPS.I(II) dated 30.8.2018

Annexure A3 - True copy of the notification No.16011 22006 IPS II dated nil May 2006

Annexure A4 - True copy of the judgment in W.P.C No.9639/2010 dated 18.3.2014

Annexure A5 - True copy of the Go (Rt) No.2165/2015/GAD dated 25.3.2015

Annexure A6 - True copy of the Go(Rt) No.5853/2015/GAD dated 31.7.2015

Annexure A7 - True copy of the representation dated 14.5.2019

Annexure A8 - True copy of the letter No.AIS-C3 /198/2019/GAD dated 16.7.2019

Annexure A9 - True copy of the representation dated 20.3.2021.

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