

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00320/2021

Friday, this the 16th day of July, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

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

E.Shareefudeen, IPS, aged 61

S/o.A.Elias Rawther

Superintendent of Police (Intelligence), (Retired),

Vigilance and Anti-Corruption Bureau (HQ)

Thiruvananthapuram

Residing at TC 13/2678, Jewel Garden,

Near JLMCSI Church

Mannauthala.P.O, Thiruvananthapuram – 695 015

- Applicant

(By Advocate: Mr.P.V.Mohanan & Mr.Biju P.N.)

Versus

1. Union of India represented by the Secretary,
Ministry of Home Affairs, North Block, New Delhi-110001.

2. The State of Kerala
Represented by its Chief Secretary
Government of Kerala, Thiruvananthapuram – 695001.

3. The Accountant General (A & E),
Office of the Accountant General
State of Kerala, Thiruvananthapuram – 695001. - Respondents

(By Advocate: Mr.N.Anilkumar,SCGSC for Respondent no.1 and
Adv.Mr.M.Rajeev, G.P for Respondent nos.2 & 3)

The O.A having been heard on 16th July, 2021 through video conferencing,
this Tribunal delivered the following order on the same day:

O R D E R (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 01.06.2015 (the date of superannuation from State Police Service) to 18.02.2018 (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 A 6 representation in the light of Annexure A 3, A 4, A 5 and A 5A respectively and fix the pay and disburse the arrears of pay during the periods from 01.06.2015 to 18.02.2018 treating the applicant as on duty during the period from 1.6.2015 to 18.02.2018.

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

2. The brief facts of the case are as follows:

Applicant retired from the State Police Service on 31.01.2015 on attaining the age of 56 years. The applicant was included in the select list of 2015 and was appointed to Indian Police Service Cadre on promotion quota for the vacancies for the year 2015. The applicant assumed charge in IPS cadre on 18.02.2018 and subsequently retired from IPS cadre on 31.05.2019 on attaining the age of 60 years. The applicant has approached the Hon'ble Tribunal for treating the period from 01.06.2015 to 18.02.2018 as on duty for the purposes of pay increments and the arrears of pay.

3. When the matter came up for consideration, it appears that the representation dated 16.4.2021 is still pending before the State Government. The counsel for the applicant submits that the applicant wishes to file a comprehensive representation in the light of various cases decided in his favour and the applicant will be satisfied if the same is considered and disposed of by the respondents within a time frame.

4. Adv. Mr. M.Rajeev, G.P takes notice on behalf of the respondent nos.2 and 3 and Adv.Mr.N.Anilkumar,SCGSC takes notice on behalf of respondent no.1.

5. *In view of the above circumstance, we direct the applicant to file a fresh comprehensive representation citing the judgments in his favour within two weeks from the date of this order before the Competent Authority. The competent Authority is directed to consider such representation received from the applicant on the basis of relevant rules and decisions and pass a speaking order within a period of three months from the date of receipt of a copy of such representation.*

6. The Original Application is disposed of as above at the admission stage itself.

No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A 1:	True copy of the order in O.A No 787/2015 dated 9.10.2015.
Annexure A 2:	True copy of the notification No 1-14011/27/2016-IPD.I (II) dated 19.2.2018.
Annexure A 3:	True copy of the judgment in W.P.C No 9639.2010 dated 18.3.2014
Annexure A 4:	True copy of the Go (Rt) No 2165/2015/GAD dated 25.3.2015
Annexure A 5:	True copy of the Go (Rt) No 5853/2015/GAD dated 31.07.2015
Annexure A 5A:	True copy of order in Civil Appeal No 3648/2008 dated 3.1.2011.
Annexure A 6:	True copy of the representation dated 16.4.2021.

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