

ORDER DATED 18-07-2003.

Heard Mr. Aswini Kumar Mishra, learned Counsel for the Applicant in O.A.No. 276/1993, and Mr. Ashok Mohanty, learned Counsel for the Applicant in O.A.Nos. 277/1993, 278/1993 and 331/1993, and also Mr. K. C. Mohanty, Learned Government Advocate, appearing for the State of Orissa, and Mr. U. B. Mohapatra, Learned Additional Standing Counsel in appearing for the Union of India/all these cases.

By filing M.A.No. 356/2003, the Applicant in O.A.No. 276/1993 has prayed for final hearing of the Original Application for disposal as directed by the Principal Bench of the Central Administrative Tribunal. The Full Bench of the Central Administrative Tribunal New Delhi, vide its order dated 16th April, 2002 answered the issues raised by the division Bench of this Tribunal and, therefore, we have decided to hear all the four cases on merits.

From the facts of the case it revealed that the Applicant in OA Nos. 276 and 278 of 1993 were directly recruited as Assistant Commandant of Orissa Armed Police Service and the other two Applicants in OA Nos. 277 and 331 of 1993 were promotees to the said service. The full Bench of the Tribunal, after going into the various facts of these cases and the law governing the recruitment to the Indian Police Service, came to the conclusion that the Assistant Commandants of Orissa Military Police and Deputy Supdt. of Police did not form one cadre prior to 05.11.1980 and also that the State of Orissa

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Contd...Order dt. 12-07-2003.

Having not issued with any specific declaration with regard to equivalence of Assistant Commandats of Armed police with Deputy Superintendent of State police for promotion to IPS till 04.11.1980, the members of this service i.e. the petitioner, were not eligible for promotion to Indian Police Service under regulation 2(j) (ii) of IPS (Appointment by Promotion) Regulation, 1955.

In view of the above findings and having considered the facts and circumstances of these cases, we see no merit in these Original Applications and the four cases are disposed of being devoid of any merit.

No costs.

  
(MANOJRANJAN MOHANTY)  
MEMBER (JUDICIAL)

  
(B. N. SOM)  
VICE-CHAIRMAN