

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.44/07

Thursday this the 5th day of April 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

C.S.Parameswaran Nair,
S/o.late P.V.Sivaraman Nair,
Superintendent of Police,
Vigilance Special Unit, Trivandrum.
Residing at Tharottil House,
Perungala P.O., Kayamkulam – 690 559.

...Applicant

(By Advocate Mr.K.R.Radhakrishnan Nair)

Versus

1. Union of India represented
by Secretary to Government,
Ministry of Home Affairs, New Delhi.
2. The State of Kerala represented
by its Secretary, Government Secretariat,
Thiruvananthapuram.
3. The Selection Committee to Indian Police Service,
Constituted under Regulation 3 of Indian Police
Service, (Appointment by Promotion),
Regulation 1955, represented by its Secretary,
Union Public Service Commission,
Shajahan Road, New Delhi.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan, SCGSC [R1&3]
& Mr.R.Premasankar, GP [R2])

This application having been heard on 5th April 2007 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant has approached this Tribunal with the following prayers :-

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1. Pleased to declare that the applicant is qualified and eligible for selection and appointment to IPS (Kerala) Cadre against the vacancies arising as on 1.1.2006 under Rule 5 of IPS (Appointment by Promotion) Regulation.

2. Pleased to declare that there are 8 substantive vacancies available for promotion in IPS (Kerala) Cadre as on 1.1.2006 consequent on quinquennial Cadre review and to consider the claim of the applicant for selection against one of the eight vacancies under promotion quota.

3. Pleased to direct the respondents to conduct selection and appointment to the Cadre of IPS (Kerala) by promotion against vacancies in 2006 under Rule 5 of IPS (Appointment by Promotion) Regulation by conducting quinquennial Cadre Review as per Rule 4(2) of IPS Cadre Rules.

4. Pleased to direct the respondents to issue notification enhancing Senior Post for promotion from 42 to 45 as on 1.1.2006 and to conduct the selection under the provisions of IPS (Appointment by Promotion) Regulation 1955 by considering the claim of the applicant.

5. To declare that the attainment of 54 years of age of the applicant as on 19.1.2006 shall not disentitle the applicant for considering his name for the selection against enhanced vacancies consequent on quinquennial Cadre Review in 2006.

2. On 31.1.2007 when the matter came up it was submitted that the applicant was retiring on superannuation on 31.1.2007 and that he will be losing his chance for consideration if the selection process is further delayed. Therefore we have directed that in the interest of justice the retirement of the applicant from the State Police Service on 31.1.2007 on superannuation shall not disentitle him for consideration of his name for selection or promotion to the IPS Cadre of Kerala State against the vacancies of 2005 and 2006.

3. Reply statement has been filed by R1 initially and by the State Government now on 26th March, 2007. It is now seen from the statement filed by the State Government that the Selection Committee Meeting for the year 2005 had also taken place and three officers included in the Select

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List of 2005 have already been appointed to the IPS Cadre of Kerala. Thus the process of selection and appointment for the year 2005 has come to its conclusion. For the year 2006 they have submitted that Government of India has determined 5 vacancies for Selection to the IPS and 15 eligible officers can be considered under the Rules and the proposal for convening the Meeting regarding the year 2006 has been sent to the UPSC by letter No.30496/Spl.A3/2006/GAD dated 24.3.2006 and the name of the applicant finds place in the zone of consideration. Therefore, what remains now is for the Selection Committee to consider the proposal of the State Government and the Government of India to issue appointment orders. We direct the 1st and 3rd respondents that this process of selection and appointment may be completed as expeditiously as possible as the proposal has been sent by the State Government more than a year ago. With these directions the O.A is disposed of.

(Dated the 5th day of April 2007)


K.B.S. RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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