

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.593/01

Thursday this 6th of December, 2001

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, ADMINISTRATIVE MEMBER

A.Kunjukunju,
Deputy Commandant,
Kerala Armed Police First Battallion,
Thrissur.
.. Applicant

(By Advocates S/Sri M.R.Rajendran Nair, M.R.Hariraj &
R.Sreeraj

vs.

1. Union Public Service Commission, represented by its Secretary, Dholpur House, Shajahan Road, New Delhi-110001.
2. Union of India represented by its Secretary to Government of India, Ministry of Home Affairs, New Delhi-110001.
3. State of Kerala represented by the Chief Secretary to Government of Kerala, Secretariat, Thiruvananthapuram.
.. Respondents


(By Advocate Sri K.Shri Hari Rao, ACGSC(R1&2)
Sri A. Renjit, Govt. Pleader(R3)

The Application having been heard on 18.10.2001, the Tribunal on 6.12.01 delivered the following:-

ORDER


HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant presently working as Deputy Comandant in the Kerala Armed Police Battalion was considered for appointment to the Indian Police Service by the Selection Committee which met in December 2000. Though he was classified as 'very good' he was not placed in the Select List prepared for 3 vacancies. Though the applicant filed O.A. 155/2001 aggrieved by his non-selection, the O.A. was dismissed finding that those who were placed in the Select



List were seniors to him and had also obtained grading of 'very good'. In the meanwhile the Kerala Government issued order dated 25.9.2000 cancelling the equation of the Armed Police Battalion and the Armed Reserve with the Principal Police Service of the State for the purpose of promotion to the Indian Police Service . The above order has been challenged by the applicant and others in O.A. 1107/2000 before this Bench of the Tribunal. In the meanwhile , the Government of India has issued notification dated 22.3.2001 enhancing the strength of the Kerala Cadre of I.P.S. from 121 to 139 on the basis of a cadre review. Alleging that 2 vacancies arising out of the cadre review related to the period prior to the preparation of Select List of the year 2000, the applicant has filed this application for a direction to the respondents to consider the applicant for appointment to I.P.S. against vacancies which arose by Annexure A1 order and to appoint him to I.P.S.

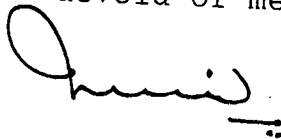
2. The second respondent has filed a reply statement contending that as per Regulation 5(1) of the Indian Police Service (Appointment by Promotion) Regulations, the select list is to be prepared not exceeding the number of substantive vacancies existing as on the first day of January of the year in which the meeting of the Committee is held , the vacancies which arose on account of Annexure A1




notification were not in existence in December 2000 when the Committee met and therefore the claim of the applicant is unsustainable.

3. On a careful consideration of the pleadings and on hearing the counsel, we find no merit at all in this application. The applicant was not placed in the Select List prepared by the Committee which met in December 2000 and the O.A.155/2000 filed by the applicant aggrieved by his non-selection was dismissed. The vacancies under Annexure A1 came into existence only w.e.f. the date of A1 namely 22.3.2001 and therefore the applicant has no right to claim appointment against those vacancies on the basis of the meeting held in December, 2000. As and when the Committee meets in the next year, the Committee may consider the eligible officers including the applicant. At any rate the applicant as of now has no valid cause of action.

In the light of what is stated above, the O.A. which is devoid of merit is dismissed. No costs.


(T.N.T. NAYAR)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

/njj/

APPENDIX

Applicant's Annexures:

1. Annexure A1 True copy of the Notification No. 11052/9/2000-AIS(II)-A dated 22.3.2001 issued by the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training.
2. Annexure A2 True copy of the G.O.(Rt) No.2273/2001/GAD dated 26.3.2001 issued by the Chief Secretary, State of Kerala.
3. Annexure A3 True copy of the GO(MS)No. 534/2000/GAD dated 25.9.2000 issued by the 3rd respondent.