

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.66/2009
Dated the 20th day of March, 2009

CORAM:

**HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER**

K B Balachandran,
Superintenndent of Police,
NRI Cell, Police Head Quarters
Thiruvananthapuram ... Applicant

By Advocate Mr N Nandakumara Menon Sr
Mr P K Manoj Kumar

V/s

- 1 The Union of India represented by its Secretary, Department of Home Affairs Krishimanthralaya New Delhi – 110 001.
- 2 The Union Public Service Commission, Secretary, Shahjahan Road, New Delhi.
- 3 The State of Kerala represented by Chief Secretary to Government, General Administration Special (A), Department, Government Secretariat, Thiruvananthapuram.
- 4 The Selection Committee for Appointment by Promotion to the Indian Police Service, Kerala Cadre represented by its Chairman, Union Public Service Commission, Shahjahan Road, New Delhi.
- 5 The Director General of Police, Kerala State, Police Head Quarters, Thiruvananthapuram. ... Respondent

By Advocate Mr Thomas Mathew Nellimoottil (R 2 & 4)

Mr R Premsankar GP (R 3 & 5)

Mr. Varghese P Thomas ACCSC (R-1)

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This application having been heard on 20.03.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER

1 This OA has been filed by the applicant seeking the following reliefs:-

1 This Honourable Tribunal may kindly be pleased to direct the respondents to immediately convene the meeting of the Select Committee for preparation of the list of suitable Officers from the State Police Service (General Executive) for appointment by promotion to the Indian Police Service (Kerala Cadre) for the year 2008 in accordance with Regulations 5, 6 6(a) and 7 of the Indian Police Service (Appointment by Promotion) Regulations 1955.

2 This Honourable Tribunal may kindly be pleased to direct the respondents to consider the Applicant for appointment by promotion to the I P S and for inclusion in the 2008 Select List in accordance with Regulations 5, 6, 6(a) and 7 of the I P S (Appointment by Promotion) Regulations 1955."

2 The Applicant has also sought an interim relief as under:-

"This Honourable Tribunal may kindly be pleased to direct the respondents to immediately convene the meeting of the Select Committee for preparation of the list of suitable Officers from the State Police Service (General Executive) for appointment by promotion to the Indian Police Service (Kerala Cadre) for the year 2008 in accordance with Regulations 5, 6, 6(a) and 7 of the Indian Police Service (Appointment by Promotion) Regulations 1955."

3 During the course of hearing, the applicant has also filed MA 203/2009 seeking the additional two prayers:-

"1 Issue appropriate direction to the third respondent to forward the proposal alongwith all relevant records for the convening of the S.C.M to respondents 2 & 4 for the selection of suitable Officers fit for appointment by promotion to the I.P.S Kerala Cadre for the year 2008 forthwith.

2 To direct the respondents 2 & 4 to convene the SCM to prepare the select list of suitable Officers for appointment by promotion to the IPS Kerala Cadre for the year 2008 within a time frame to be stipulated by this Hon'ble Tribunal and to consider the Applicant for appointment by promotion to the IPS Kerala Cadre for the year 2008."

4 The 2nd respondent, namely The Union Public Service Commission, Secretary, Shajahan Road, New Delhi. UPSC has filed their reply to the OA. In para-4 of the same, they have also submitted that two



vacancies have been determined for the select list year 2008 by the Government of India, Ministry of Home Affairs but could not be convened before 31st December, 2008, because the State Government did not sent the required proposal. However, they have submitted that the SCM will be convened as soon as the proposal from the State Government is received.

5 The Government Pleader, Mr R Premsankar appearing on behalf of Respondents 3 & 5 have submitted that the Government will send a proposal within a period of one week from today.

6 In view of the aforesaid submissions of the Government Pleader, this OA is disposed of with a direction to the State of Kerala that they shall forward the required proposals to the UPSC on or before 31.3.2009 and on receipt of the same, the UPSC shall convene the SCM within a period of one month thereafter. There shall be no orders as to costs.



K NOORJEHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

abp