

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.105/1996

Tuesday this the 19th day of March, 1996.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.S.P.BISWAS, ADMINISTRATIVE MEMBER

K.Rajasekharan Nair,  
Deputy Commandant(Retired),  
Special Armed Police,  
Trivandrum.

..Applicant

(By Advocate Mr.M.R.Rajendran Nair)

vs.

1. The State of Kerala represented by  
Chief Secretary, Secretariat,  
Trivandrum.
2. Union of India represented by Secretary  
to Government of India, Ministry of Home Affairs,  
New Delhi.

..Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC(R2)

Mr. D.Sreekumar, Govt.Pleader for R.l.

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The application having been heard on 19th March, 1996, the  
Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant herein seeks a declaration that he is :

"entitled to be appointed to the Indian Police Service -  
Kerala Cadre by promotion on the basis of his position  
in the 1995 Select List ..."

The Select Committee met on 23.8.95. A select list was drawn up  
on 17.11.95 and some persons were appointed from the Select  
List. It is said that applicant was not granted an appointment  
as he ceased to be a member of the Kerala Police Service on  
that date. According to Government Pleader appearing for the  
State of Kerala only a person who is a member of the State Police  
Service on the date of making a proposal under Regulation 9 of

the Indian Police Service (Appointment by Promotion) Regulations can be appointed.

2. We think it unnecessary to go into the merits of the matter as counsel for applicant submits that he will be satisfied with a direction to dispose of Annexure-I representation made by applicant before first respondent. Certain other persons who figured in the same Select List had approached us for different reliefs. We have disposed of two of those cases O.A.158/96 and O.A.187/96 and another case O.A.36/96 is yet to be disposed of. In O.A.158/96 we observed:

"It is essential that the select list is not allowed to lapse solely on account of passage of time. The State Government will consider the case of applicant alongwith that of the other candidates in the select list, before the validity of the select list expires. We make it clear that we have not expressed any opinion on the merits. The decision of the State Government will be communicated to applicant."

In O.A.187/96 we observed:

"Applicant's apprehension is that his case will go by default, if the next Select Committee meets. The Chief Secretary will be aware of this aspect... Standing counsel for Union of India and Union Public Service Commission submits that action will be taken in the matter by his clients before the next Select Committee meets, if the State Government sends up its proposal before that. We record the submission."

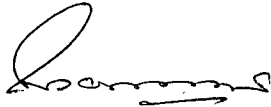
Consistent with the directions issued therein, we direct the case of applicant herein also to be considered in the same manner and within the same time frame by 1st Respondent. We make it

: 3 :

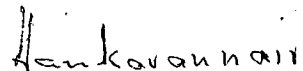
clear that we have not considered or expressed any views on the merits of applicant or his case. That is for 1st Respondent to consider. Applicant will be informed of the decision taken in the matter.

3. We dispose of the application as aforesaid. No costs.

Dated the 19th March, 1996.



S.P.BISWAS  
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A1: True copy of the representation dated 3.1.1996 submitted by applicant to the 1st respondent.

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