

केन्द्रीय प्रशासनिक अधिकरण ..... न्यायपीठ में

**A D M I N I S T R A T I V E** **C E N T R A L** **A D M I N I S T R A T I V E** **T R I B U N A L**

ON 28.2.2005

ERNAKULAM BENCH

आदेश पत्र

**ORDER SHEET**

**C.O. II**

ORIGINAL APPLICATION No. 156 of 2005

आवेदक

Applicant(s)

K. Ramabhadran

प्रत्यर्धी

Respondent(s)

Shri. Kerala Chief Secretary  
For Vandeem and 3001

आवेदक (आवेदकों)

की ओर से अधिवक्ता

Advocate for

Applicant(s)

Mr. O.V. Radhakrishnan

प्रत्यर्धी (प्रत्यर्धियों)

की ओर से अधिवक्ता

Advocate for

Respondent(s)

नियुक्ति के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

प्रस्तुतीकरण की तारीख

Date of Presentation

28.2.05

28.2.2005

C-I

पंजीकरण की तारीख

Date of Registration

28.2.05

विषय

Subject

Promotion to 113

R-1 and R-2-4.

Shri. Renjith A, GP takes notice for Shri. T.P.M. Ibrahim Khan, SCGSC for

तैनाती की तारीख

Date of Posting

28.2.05

admitted.

Heard: The application is

Respondents shall file their reply statement within four weeks with a copy to the applicant who may file rejoinder, if any, within two weeks thereafter.

List before RC for completion of pleadings on 11.4.2005.

After hearing the learned counsel on either side on the question of interim relief we direct that the retirement of the applicant from the State Police Service on 28.2.2005 shall not affect the claim for appointment by promotion to IPS from the select list of the year 2004 to be published or from the previous select list in case of inclusion of his name in the list.

HPD (AM)

AVH (VC)

asp

Order dt 28/2/05 issued

on 01/3/05

01/3/05

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

Reply not filed by  
any of the respondents

RC

None for either side.

No reply filed yet. Call  
on 07.06.2005.

11.04.2005

Reply statement not filed.

RC

None for either side.

No reply filed by any  
of the respondents. As last  
chance call on 12.07.2005.

07.06.2005

Reply not filed

RC

None for applicant and R. 2&3  
Ms. Deepthi, GP (rep) for R1

No reply filed yet. As  
last chance call on 19.8.05

12.7.05

Reply not filed

18/8/05

23.08.2005  
(23)

Mr. O.V. Radhakrishnan, Sr. (rep)  
Ms. P. Deepthi, GP (R1) (rep)  
Mr. T.P.M. Ibrahim Khan, SCGSC (R2, 3&4)

The learned counsel for R 1 seeks a week's time  
to file a reply statement. Time is granted.

This may be posted in which A.M. is not a  
member.

GP(JM)

23.08.2005

NR(AM)

vs

8.9.05

(19) Mr. O.V. Radhakrishnan, Sr.  
Ms. P. Deepthi, GP (R1) (rep.)  
Mr. TPM Ibrahim Khan, SCGSC (R2-4) (rep.)

Counsel for the State Govt. states that  
reply statement has been send for signature.  
Hence call on 26.9.05

GP(JM)

asp

26.9.05

(17) Mr. O.V. Radhakrishnan, Sr. (rep.)  
Ms. P. Deepthi, GP (R1) (rep.)  
Mr. TPM Ibrahim Khan, SCGSC (R2-4)

Counsel for R1 seeks and is granted a weeks'  
time to file a reply statement. Post on 18.10.05.

GP(JM)

asp

SN(VC)

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

RC

None for either side..

No reply filed yet by any of the respondents though the matter was admitted on 28.2.05. As such place before the Hon'ble Bench for directions on 23.8.05.

19.8.05

2.11.05

C-I

(13) Mr.OV Radhakrishnan, Sr. (rep.)  
Ms.P. Deepthi, GP (R1) (rep.)  
Mr.TPM Ibrahim Khan, SCGSC (R2-4)

It is submitted that a reply statement has been filed by R1 on 31.10.05. Let it be brought on record, if it is otherwise in order. Counsel for R2-4 seeks and is granted two weeks time to file a reply statement. Two weeks time thereafter is granted to the applicant to file a rejoinder. Post after four weeks. (6.12.05)

GP(JM)

SN(VC)

asp

6.12.05

SN/GP

C-I

(17) Mr.OV Radhakrishnan, Sr. (rep.)  
Ms.P. Deepthi, GP (R1) (rep.)  
Mr.TPM Ibrahim Khan, SCGSC (R2-4) (rep.)

Counsel for R2-4 seeks and is granted as a last chance three weeks time to file a reply statement. Post on 5.1.06.

GP(JM)

SN(VC)

asp

14.12.05

SN/GP

C-I

(68) Mr.OV Radhakrishnan, Sr. (rep.)  
Ms.P. Deepthi, GP (R1) (rep.)  
Mr.TPM Ibrahim Khan, SCGSC (R2-4)

Counsel for R2-4 seeks and is granted three weeks time to file a reply statement. Post on 17.1.06 along with OA 858/04.

GP(JM)

SN(VC)

asp

Reply not filed

21/9/05

Reply not filed

22/9/05

Reply not filed

17/10/05

Due to non-availability of appropriate Bench, adjourned to after one week vide notice dt 17/10/05.

Reply not filed

27/12/05

Reply Statement (R1)

added

Reply (R2-4) not filed.

16/1/06

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

17.1.06

41

Mr.OV Radhakrishnan  
Ms. P.Deepthi, GP(R-1)  
SCGSC(R.2-4)

C-I

Learned SCGSC seeks some time to file  
reply statement. Ten days' time is granted.

Call on 1.2.06.

GP(JM)

SN(VC)

17.1.06

rv

1.2.06

SN&amp;GP

C-I

72

Mr.OV Radhakrishnan, Sr.  
Ms.P:Deepthi,GP(R1)  
SCGSC(R2-4)

Learned counsel for respondents 2-4 seeks  
some time to file a reply statement. Post along with  
O.A.Nos.858/04 and 432/04 on 16.2.06.

GP(JM)

SN(VC)

1.2.06

rv

20.3.06  
(43)

SN/GP

C-I

Mr.O.V.Radhakrishnan (rep)  
Ms P.Deepthi, GP  
SCGSC (R2-4)

Counsel for R1 seeks adjournment.  
Post on 27-3-06.

By order

C.O

kkj

Reply R.2-4 not filed

30/1/06

Reply R2-4 not filed

15/2/06

Due to heavy piling on 16/2/06,  
adjourned vide notice dt. 15/2/06.

15/2/06

Reply R2-4 not filed

2/3/06

MA to accept counsell  
statement filed on  
10.3.06 returned for  
curing defect.

17/3/06

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

OA 146/05

Registry's Note

The OA was returned to the counsel noting the defect that Miscellaneous Applicant has not verified the MA. Counsel has now re-presented the MA without curing defect with the following remark:

"This MA is filed by the counsel as per the instruction from the Bench for filing a statement. This MA is for accepting counsel statement. Counsel filed the MA on behalf of the Misc Applicant."

Hence there is no defect. May be sent to the Bench today itself since the case is posted as item 43 in Court-I. Defect cured."

Submitted for orders please.

27.3.06

SN/GP

C-I

42. Mr.OV Radhakrishnan, Sr. (rep.)

Ms.P Deepthi, GP (R1)

Mr.TPMI Khan, SCGSC rep by Mr.Rajeev

asp

Counsel for the applicant seeks and is granted two weeks time to file a rejoinder. Post after two weeks along with connected cases.

GP(JM)

SN(VC)

13.4.06

SN/GP

C-I

47. Mr.OV Radhakrishnan, Sr rep by Mr.Antony

Ms.P Deepthi, GP (R1) rep by Mr.Renjith A,

Mr.TPMI Ibrahim Khan, SCGSC (R2-4)

asp

Post after vacation.

By order,

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COI

29.5.06

SN/GP

C-I

44. Mr.OV Radhakrishnan, Sr rep by Mr.Antony

Mr.Renjith A, GP rep by Mr.CK Abdul Rahim

Mr.TPMI Khan, SCGSC rep by Mr.Rajeev

asp

It is submitted that the Govt. Pleader is indisposed and an adjournment is sought on his behalf. Govt. Pleader has filed a counsel statement. Let it be brought on record. Counsel for the applicant seeks and is granted two weeks time to file a rejoinder. Post after two weeks. (15/6/06)

GP(JM)

SN(VC)

asp

Adjourned to 19/6/06

vide notice dt 14/6/06

14/6/06

Rejoinder not filed

15/6/06

Counsel Statement R-3

added

22/6/06

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

19.6.06

SN/GP

C-I

33. Mr.OV Radhakrishnan, Sr rep by Mr.Antony  
Ms.P Deepthi, GP (R1) (rep.)  
Mr.TPMI Khan, SCGSC rep by Mr.Rajeev

MA 285/06

The prayer in this MA is for acceptance of  
counsel statement. Not opposed. MA is allowed.  
Let the counsel statement be brought on record.

Counsel for the applicant is present but Govt.  
pleader is not present, is on leave. Post the case  
finally on 30.6.2006.

GP(JM)

SN(VC)

asp

30.6.06

SN/GP

C-I

29. Mr.OV Radhakrishnan, Sr rep by Mr.Kumaran  
Ms.Deepthi, GP rep by Mr.Thavamoni  
Mr.TPMI Khan, SCGSC rep by Mr.Rajeev

Post on 14.7.2006.

By order,

CO I

asp

14.7.06

SN/GP

C-I

35. Mr.OV Radhakrishnan, Sr rep by Mr.Antony  
Ms.P Deepthi, GP rep by Mr.Thavamony  
Mr.TPMI Khan, SCGSC rep by Mr.Rajeev

Post the case finally on 18.7.2006.

By order,

CO I

asp

Counsel Statement R-3  
addeed

22/6/06

146/05

18/7/2006

SN/GP

C-1

32. Mr.O.V.Radhakrishnan Sr.  
Mr.Thavamony G.P.(R-1)  
Mr.TPM I Khan SCGSC (R 2-4)

Finally posted for hearing on 21/7/2006.

By Order  
C.O.

21/7/2006

SN/GP

C-1

32. Mr.O.V.Radhakrishnan Sr.  
Mr.K.Thavamony G.P.(R-1)  
Mr.TPM I Khan, SCGSC (R 2-4)(rep)

Counsel for the applicant submitted that this case be delinked as the subject matter is different from OA 858/2004 and 432/2004. Hence the case is delinked.

This case be posted for hearing on 9/8/2006

GP(JM)  
asp

SN(VC)

9-8-06

SN/KBSR

C-1

36. Mr.OV Radhakrishnan, Sr.  
Ms.R Deepthi, GP(R1) rep by Mr.Thavamony  
Mr.TPM I Khan, SCGSC rep by Mr.Rajeev

It is submitted that similar O.A (251/05) pertaining to the selection of the applicant for the year 2002-2004 is pending before this Tribunal and hence this case may be posted along with OA 251/05. Post this case, along with OA 251/05. Counsel for the State Government is directed to file copy of the notification mentioned in the last paragraph of the reply statement.

KBSR(JM)

SN(VC)

asp

21/8

21/8/2006

SN/GP

C-1

30. Mr. O.V. Radhakrishnan Sr.  
Mr. TPMI Khan SCGSC (R 2-4)(rep)  
Mr. K. Thavamony G.P. (R 1)

On the request of counsel for R. 2-4,  
adjourned by ten days time for production of  
selection files.

Post on 11/9/2006.

By Order

C.O.

abp

11.9.06

SN/GP

C-1

16. Mr. OV Radhakrishnan, Sr rep by Mr. Antony  
Mr. Thavamony, GP  
Mr. TPMI Khan, SCGSC

On behalf of the UPSC minutes of the  
Selection Committee has been produced today in  
sealed cover. The State Government has not  
produced the records asked for, namely, the  
proposals sent to the Selection Committee and  
other records submitted for consideration of the  
Selection Committee. Though the order was  
passed in the presence of the counsel for the State  
Government he expressed ignorance of the same.  
We, therefore, direct that a responsible officer of the  
State may be present in the Court on the next date  
of hearing along with the records asked for.  
Counsel for the applicant also seeks some time to  
re-present the rejoinder. Post on 26.9.2006.

A copy of the order be sent to the Chief  
Secretary of the State Government.

GP(JM)

asp

SN(VC)

*Order dt 11.9.06 Sent  
to Chg Secretary  
29.06.  
PT*

07/09/06

C-1



146/08

26.9.06

SN/GP

C-1

23. Mr.OV Radhakrishnan, Sr  
Mr.TPMI Khan, SCGSC rep by Mr.Rajeev  
Ms.P Deepthi, GP rep by Mr.K Thavamony

We have heard the applicants' counsels for quite some time. We feel that for proper adjudication of the case it is necessary to peruse the records of the applicants in the O.A submitted to the UPSC and of the selected candidates included in the select list for promotion to IPS for the year 2001, 2002 & 2003. Three weeks time is granted. Post on 17.10.2006. *confidential*

Mr.Oomen George, Joint Secretary, General Administration Special Department appeared and assisted the Court. It is also ordered that he shall be present in the Court on the next date of hearing.

GP(JM)

SN(VC)

asp

17/10/2006

SN/GP

C-11

21. Mr.O.V.Radhakrishnan Sr.  
Mr.K.Thavamony G.P.(R-1)  
Mr.TPM I Khan SCGSC (R 2-4) rep. by  
Mr.Rajeev.

Heard the counsel.  
Reserved for orders  
ACRs and relevant documents produced  
taken on record.

By Order

C.O.

abp

3.11.06

Orders pronounced in  
Open Court. The records produced  
be returned.

GP(JM)

SN(VC)

3.11.06

L-5-a kept  
in OA 432/04.  
5/11

Copies of f.o ready  
on 10.11.06  
10.11.06

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" Vakalatb

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