

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.155/2001

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Wednesday this the 6th day of June, 2001

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

A.Kunjukunju, @ Yesudasan,
Deputy Commandant (On deputation as
Liaison Officer, Kerala Police Housing
Corporation, Thycaud, Trivandrum)
residing at Ambelil, KP.13/346,
RRA 78, Ramapuram Lane,
Mukkola, Trivandrum.44.Applicant

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

V.

1. Union Public Service Commission represented by its Secretary, Dholpur House, Shahjahan Road, New Delhi.
2. Union of India, represented by its Secretary to Government of India, Ministry of Home Affairs, New Delhi.1.
3. State of Kerala, represented by the Chief Secretary to Government of Kerala, Secretariat, Thiruvananthapuram.
4. U.N.Natesan, Superintendent of Police, Crime Branch, CID, Kollam.
5. K.K.Vasudeva Menon, Superintendent of Police, Vigilance and Anti Corruption Bureau, Eastern Range, Kottayam.2.
residing at KMC 3/148, Ayilliam,
Chirayilpadam, Kottayam.1. ...Respondents

(By Advocate Mr. K.R.Rajkumar (R.1&2)
Mr. CA Joy, G.P. for R.3)

The application having been heard on 6.6.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who commenced his service on 9.4.84 as Armed Force Police Inspector under the Special Recruitment Scheme for SC/ST was promoted as Assistant Commandant in

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Armed Police Battallion with effect from 17.9.87. He claims that he has meritorious service and has been awarded outstanding entries in the ACR for various periods. His grievance is that his case was not properly considered for appointment to the Indian Police Service for the vacancies of the year 2000. It has been alleged in the application that Respondents 4&5 had no better service records and that the 4th respondent could not have been included in the select list discarding superior merits of the applicant. It has further been stated that the respondent Government has issued orders dated 25.9.2000 by which equation of the post of Assistant Commandant Police Battallion ^{with} the Post of Deputy Superintendent of Police for the purpose of promotion to the Indian Police Service was cancelled and that because of that his case would not have been considered properly. With these allegations, the applicant has filed this application seeking to quash Annexure.A1 notification to the extent it includes the name of 4th respondent and excludes the applicant's name.

2. The State of Kerala as also the 1st respondent UPSC have filed statements in reply to the application, in which they contend that the cancellation of equation of the Armed Police and armed reserve with the principal police service of the State by order dated 25.9.2000 by A3 order has not been adopted for selection impugned, that the applicant was duly considered for selection by the Committee, that as the select list was prepared for three vacancies, the applicant

who was graded "very good" could not be included as person senior to him including the fourth respondent had obtained the same grading of 'Very Good' and that as the selection was held properly in accordance with the rules and on over all assessment of the service records of all the officials who were in the zone of consideration the applicant who did not come in merit within the number of vacancies has no legitimate grievance for redressal.

3. We have heard the learned counsel for the parties and have gone through the documents placed on record. There is no allegation of malafides or infraction of any statutory rules or binding administrative instructions in the process of selection. The applicant could not be placed in the select list only because of the small size of the select list and because he did not have better grading than the senior officials including the 4th respondent whose name were included in the select list. Therefore, we do not find any reason for judicial intervention.

4. In the light of what is stated above, finding no merit, the application is dismissed leaving the parties to bear their own costs.

Dated the 6th day of June, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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List of annexures referred to:

Annexure.A1: True copy of the Notification No.I.14011/11/2000-IPS I dated 25.1.2001 issued by the 2nd respondent.

Annexure.A3: True copy of the GO(MS) No.534/2000/GAD dated 25.9.2000 issued by the third respondent.