

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.158/08

Wednesday this the 9th day of July 2008

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

T.P.Mohandas,
S/o.P.Sankaran Nair,
Superintendent of Police,
Vigilance and Anti Corruption Bureau,
Northern Range, Kozhikode.

...Applicant

(By Advocate Mr.P.V.Mohanan)

Versus

1. State of Kerala represented by its Chief Secretary,
Govt. Secretariat, Trivandrum.
2. Union of India represented by its Secretary,
Ministry of Home Affairs, New Delhi.
3. Union Public Service Commission
represented by its Secretary,
Shajahan Road, New Delhi.
4. The Selection Committee for Selection to
Indian Police Service, represented by its Chairman,
Union Public Service Commission,
Shajahan Road, New Delhi.
5. The Director General of Police,
Police Head Quarters, Trivandrum. ...Respondents

(By Advocate Mr.R Premsankar,GP [R1&5], Mr.TPM Ibrahim Khan,SCGSC
[R2] & Mr.Thomas Mathew Nellimoottil [R3&4])

This application having been heard on 9th July 2008 the Tribunal on
the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant was a Deputy Superintendent of Police. He was
eligible and entitled to be considered for selection and appointment to IPS



.2.

(Kerala) Cadre on promotion quota as on 1.1.2007 before his due date of retirement from State Service on 31.7.2008. His grievance is that the Selection Committee has not so far met for preparation of the select list. As the respondent No.3 did not convene the Selection Committee for appointment to Indian Police Service (Kerala) Cadre on time he filed this O.A and sought the following reliefs :-

1. To direct the respondents to convene the Selection Committee for appointment to Indian Police Service (Kerala) Cadre for the year 2007 (against 3 vacancies) and consider the claim of the applicant for selection and inclusion in the select list for the year 2007 and consequential appointment under the provisions of Indian Police Service (Appointment by Promotion) Regulation 1955 notwithstanding the impending retirement of the applicant from the State Police Service on 31.7.2008.
2. To declare that the retirement of the applicant from the State Police Service on 31.7.2008 shall not disentitle the applicant for consideration for promotion for the vacancies for the year 2007 and against the vacancy that may arise as on 1.1.2008.
3. To declare that the applicant is eligible to be considered for selection to IPS (Kerala) Cadre against the vacancy that may arise in 2008 in view of the second proviso to Rule 5(3) of IPS (Appointment by Promotion) Regulations, 1955.

2. The applicant has also sought the following interim reliefs :-

1. May be pleased to direct that the retirement of the applicant from State Police Service on 31.7.2008 shall not disentitle him from considering for selection to the post of IPS (Kerala) Cadre against the vacancies that had arisen as on 1.1.2007 and as on 1.1.2008 as well pending disposal of the Original Application.
2. May be pleased to direct the respondents to convene the Selection Committee for selection and appointment for the posts in Indian Police Service (Kerala) Cadre on promotion quota as on 1.1.2007 by considering the claim of the applicant in the field of choice forthwith or within a period of one month from today, pending disposal of the above Original Application.

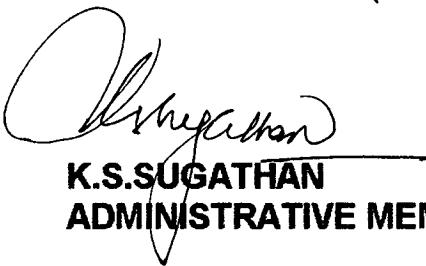


.3.

3. As regards the interim relief is concerned, this Tribunal has already passed an order on 23.4.2008 that the retirement of the applicant shall not be a bar for his consideration for promotion to the IPS, if he is otherwise eligible. This is applicable for the select list for the years 2007 and 2008, if he is otherwise eligible.

4. Learned counsel for the parties have informed us today that the Selection Committee for the year 2007 has already met on 23.6.2008. In view of the above position, in our considered opinion, the first prayer of the applicant has now become infructuous. As regards the second and third prayers are concerned, the Selection Committee for the year 2008 will meet in due course and there need not be any apprehension in the mind of the applicant that he will not be considered, if he is otherwise eligible under the rules. In the above facts and circumstances of the case, the O.A is closed. There shall be no order as to costs.

(Dated this the 9th day of July 2008)



K.S.SUGATHAN
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER