

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 229/04

Friday, this the 23rd day of December, 2005

C O R A M

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER**

PM Janardhanan s/o late Krishnan
Superintendent of Police CBCID (Retired 31.12.2002)
residing at 2/ 1893 -B Indrani
Iranhipalam Calicut

Applicant

By Advocate Mr.P.V Mohanan

Vs

- 1 Union of India represented by its Secretary
Ministry Home Affairs, New Delhi
- 2 State of Kerala represented by its Chief Secretary
Government Secretariat Thiruvananthapuram
- 3 Selection Committee to Indian Police
Service constituted under Regulation 3 of
Indian Police Service Appointment by Promotion
Regulation 1955 represented by its Secretary
Union Public Service Commission, Shahjahan Road
New Delhi

Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC
Advocate Mr.K Thavamony, GP

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

This OA was also heard along with O.A. 230/2003 and connected cases. As the relief prayed for is on different footing it is being disposed of by a separate order.

- 2 According to the applicant he had commenced service as Sub Inspector of Police in the year 1971. He was promoted as Deputy Superintendent of Police on 4.8.1989 and Superintendent of Police on 11.8.2000. He has secured good service entries and

rendered meritorious service. He was eligible and entitled to be considered for promotion to the IPS (Appointment by Promotion)) against the vacancies which have arisen during the years 2000, 2001 and 2002. He retired from service on superannuation on 31.12.2002. The applicant seeks to direct the respondents to consider him for appointment for Indian Police Service for the years 2000 and 2001 and in terms of the judgment of the Apex Court in Union of India Vs. Vipin Chandra Hiralal Saha and Others (1996(6) SSCC 721) de hors his superannuation from service on 31.12.2002 and to include his name in the select list for the year 2000 and 2001.

3 Reply statement has been filed by the respondent No.3 the UPSC. They have submitted that the State Government had furnished the proposal for preparation of the select list for 4, 10 and 4 vacancies for the years 2001, 2002 and 2003 respectively. The name of the applicant was considered in the eligibility list of 2001 at Sl No. 6 by the Selection Committee. On an overall relative assessment of his service records the Committee graded the applicant as "Good." However, on the basis of this assessment his name could not be included in the select list due to lower grading and the statutory limit on the size of the Select List. The applicant crossed the age of 54 years as on 1.1.2002 and was not eligible for consideration for the year 2002 as per the provisions of the Regulations. Thus his name was not considered for the year 2002

4 It is admitted position that the applicant was considered for selection in the year 2000 but he could not be included in the select list due to lower grading and the statutory limit of the size of the select list. The only question to be decided is whether the applicant is entitled to inclusion in the list for the year 2002 as per second proviso to Regulation 5 (3) of the Regulation as contended by him. As seen from the provision of clause (3) of Regulation 5 and the provisos thereunder only those members of the State Police Service who were either included provisionally in the Select List of the previous year or those whose case could not be considered for non holding of the meeting of the Selection Committee during the preceding years are entitled to be considered even if they have attained the age of 54 years. The applicant does not fall in either of the above two

categories, since he had already been considered for the year 2001 and had not been selected. The contention of the applicant has no merit and the OA is accordingly dismissed. No costs.

Dated 23rd December, 2005.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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