

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 235 OF 2011

Tuesday, this the 22nd day of March, 2011

CORAM:

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

B.Mohanan
R.D.O Kollam (on leave)
Residign at G.O Quarters No.8
Thevallu, Kollam ... Applicant

(By Advocate Mr.P.K.Manoj Kumar)

versus

1. Union of India represented by its Secretary
Department of Personnel Affairs
New Delhi - 110 001
2. Union Public Service Commission (UPSC)
represented by its Secretary
Shajahan Road, New Delhi - 110 001
3. State of Kerala represented by the
Chief Secretary to Government
General Administration Special (A) Department
Governments Secretariat
Thiruvananthapuram - 695 001
4. The Selection Committee for Appointment
By Promotion to the Indian Administrative Service
Constituted under regulation 3 of the
IAS (Appointment by Promotion) Regulations,
Kerala Cadre represented by its Chairman,
Union Public Service Commission (UPSC)
Shajahan Road, New Delhi - 110 001 ... Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil (R1,2&4)
Advocate Mr.N.K.Thankachan, GP (R-3))

The application having been heard on 22.03.2011, the Tribunal
on the same day delivered the following:



ORDER**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER**

The applicant is an IAS officer of the Kerala cadre. He was initially appointed as Deputy Collector on 10.08.1990 by the Kerala Public Service Commission and joined that post on 07.12.1990. Earlier, aggrieved by the non inclusion of his name in the select list of officers for appointment by promotion to the Indian Administrative Service, Kerala Cadre issued by the Governments of India vide notification dated 08.04.2009, he had approached this Tribunal by filing OA 407/09. It was allowed by this tribunal vide order dated 30.03.2010 directing the UPSC to convene an ad-hoc selection committee and to consider his case. The State of Kerala was also directed to take necessary steps for issuing the integrity certificate to the Concerned Authority in his case. While the aforesaid OA was pending, the applicant filed OA 280/10 seeking a direction to the 2nd respondent, viz., State of Kerala to consider his name for appointment by promotion to the IAS of Kerala Cadre and for a direction to the said respondent to issue the required integrity certificate and forward the same to UPSC for the purpose of selection to the IAS Kerala Cadre. The said OA was also allowed vide order dated 26.05.2010.

2. Counsel for applicant submitted that the integrity certificate has since been issued but the requisite proposals are not yet forwarded to the UPSC. He has, therefore, sought a direction to the Respondent State Government to send the requisite proposals along with the relevant records, taking note of the earlier orders of this Tribunal in OA 407/09 (supra) and OA 280/10 (supra) to the UPSC and they in turn to convene



Selection Committee Meeting to select the officers for for appointment by promotion to the IAS, Kerala cadre for the year 2009. He has also sought a direction to the 2nd respondent, viz., UPSC, on receipt of the proposals from the State Government, to convene the meeting of the Selection Committee for preparation of the list of suitable officers from State Civil Services (Executive) for appointment by promotion to the IAS (Kerala Cadre) for the year 2009 in accordance with the IAS (Appointment by Promotion) Regulations, 1955.

3. Counsel for applicant submitted that the applicant is going to superannuate on 31.03.2011. He has, therefore, sought an interim order to the effect that the retirement of the applicant from the State Service on 31.03.2011 shall not stand in his way for being considered for appointment by promotion to the IAS as per the IAS (appointment by Promotion) Regulation, 1955 .

4. On receipt of an advanced copies of the OA, Learned counsel Mr.Thomas Mathew Nellimoottil and Mr.N.K.Thankachan, GP have appeared for UPSC and State Government respectively. They have no objection in disposing of this OA at the admission stage with the direction to the 3rd respondent represented by the Chief Secretary to Government of Kerala to send the requisite proposals along with the necessary records in respect of the applicant taking note of the earlier orders of this Tribunal in OA 407/09 and OA 280/10 (supra) to the 2nd respondent, viz., UPSC and to the 4th respondent, i.e., the Selection Committee for Appointment by Promotion to the IAS , represented by its Chairman, UPSC, to convene the meeting of the Selection Committee at the earliest but not later than 20th



April, 2011. We, therefore, direct the aforesaid respondents accordingly. We also allow the interim relief sought by the applicant and order that his retirement from State Service with effect from 31.03.2011 shall not stand in his way for being considered for appointment for promotion to the Indian Administrative Service as per IAS (Appointment by Promotion) Regulation, 1955.

6. OA is accordingly disposed of. No order as to costs.

Dated, the 22nd March, 2011.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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