

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.249/11

Tuesday this the 29th day of March 2011

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. P.H.Ashraf,
S/o.P.A.Hamsa,
House No.27/2811D, Vidya Nagar,
Kadavantra P.O., Kochi – 20.
Working as Superintendent of Police,
Vigilance & Anti Corruption Bureau,
Central Range, Ernakulam.
2. A.J.Thomaskutty,
S/o.J.John,
Avicet TC 5/2052,
Kawdiar P.O., Trivandrum.
Now working as Superintendent of Police,
Crime Branch (OCW-1), Trivandrum.Applicants

(By Advocate Mr.S.Sreekumar)

V e r s u s

1. Union of India represented by its Secretary,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances & Pension,
New Delhi – 110 012.
 2. The Union Public Service Commission
represented by its Secretary,
Shajahan Road, New Delhi – 110 003.
 3. The Selection Committee for Selection
to Indian Police Service constituted under
Regulation – 3 of the Indian Police Service
(Appointment by Promotion) Regulations 1955
represented by its Chairman,
Union Public Service Commission,
New Delhi – 110 001.
 4. The State of Kerala represented by Chief Secretary,
Government Secretariat, Trivandrum – 695 001.
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5. The Director General of Police,
Police Head Quarters,
Trivandrum – 695 001.

... Respondents

(By Advocates Mr.Sunil Jacob Jose, SCGSC [R1],
Mr.Thomas Mathew Nellimoottil [R2-3] & Mr.N.K.Thankachan, GP [R4&5])

This application having been heard on 29th March 2011 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicants are working as Superintendent of Police (Non IPS) in the General Executive Branch of Kerala Police Service. They are due to retire from service on superannuation on 31.3.2011. According to them, they have satisfied all the criteria stipulated in "the Indian Police Service (Appointment by Promotion) Regulations, 1955" for appointment by promotion to Indian Police Service from State Police Service. They have also submitted that there are 10 substantive vacancies in Indian Police Service to be filled up for the years 2008 and 2009 by promotion from among Deputy Superintendent of Police from State Police Service and their names are included in the zone of consideration. Their grievance is that the Selection Committee which has to meet every year as per Regulation 5 (1) of Regulations 1955 to prepare a list of such members of State Police Services who are eligible and suitable for promotion to Indian Police Service has not met so far in spite of the fact that the State Government has already furnished all the requisite details to the Union Public Service Commission to convene the Selection Committee meeting for the vacancies for the year 2008 and 2009.



2. On serving an advance copies of this Original Application, Shri.N.K.Thankachan, Govt. Pleader has appeared on behalf of the State Government and Shri.Thomas Mathew Nellimoottil has appeared on behalf of the Union Public Service Commission and Selection Committee. Shri.Thomas Mathew Nellimoottil wanted to take instructions from the U.P.S.C with regard to the reason for delay in holding the Selection Committee Meeting. He has also filed a statement today on behalf of the U.P.S.C stating that not only the State Government has forwarded the proposal for convening the Selection Committee only on 10.3.2011 vide their letter No.HMA 65503/Spl C3/2010/GAD but also the information furnished therein was defective/incomplete. They have, therefore, sought the following clarifications from the State Government :-

(a) *The State Government has not included the name of Shri.N.C.Chariyan (Sl.No.55 in the seniority list) and A.Baboo (Sl.No.79 in the seniority list) in the eligibility list. The reason(s) for their exclusion may be intimated along with supporting documents, if any.*

(b) *The State Government is requested to clarify whether any charge sheet has been issued in the disciplinary proceedings initiated against Shri.V.Chandran and also whether any charge sheet has been filed before any Court in the Criminal Proceedings initiated against Shri.D.Madhu. If so, the date of the issuance/filing of charge sheet in these cases may be intimated.*

(c). *The State Government is requested to indicate the period of currency of penalties of increment bar for two years imposes on Shri.B.Murali and V.N.Sasidharan. They are also requested to indicate the precise date when the penalties will be over.*

(d) *In this regard, the Commission has received representation from Shri.D.Madhu and Shri.U.Moosakutty. Since the subject matter of the said representations pertain to the State Government, they are requested to take further necessary action on the same.*

(e) *Deficiencies in the ACR's if any will follow.*

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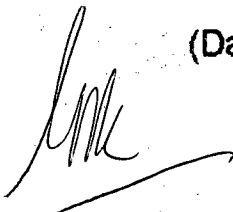
3. The learned Govt. Pleader is not in a position to confirm whether the aforesaid clarifications have been furnished by the State Government or not.

4. We have considered the matter. It appears that the U.P.S.C has not convening the meeting of the Selection Committee for want of the aforesaid clarifications from the State Government. In case the State Government has not so far furnished the clarifications sought by the U.P.S.C, they shall furnish the same within a period of 15 days from the date of receipt of a copy of this order. On receipt of those clarifications, the U.P.S.C shall also ensure that the Selection Committee is convened within 6 weeks from thereafter.

5. We further make it clear that the superannuation of the applicants from the State Police Service on 31.3.2011 shall not come in their way for being considered for promotion to the Indian Police Service for the vacancies for the years 2008 and 2009 in terms of the Indian Police Service (Appointment by Promotion) Regulations, 1955.

6. With the aforesaid directions this Original Application is disposed of. There shall be no order as to costs.

(Dated this the 29th day of March 2011)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER
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GEORGE PARACKEN
JUDICIAL MEMBER