

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.253/2008

Friday this the 20th day of June, 2008.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

C.Rajagopal,
Retired Assistant Inspector General of Police (PG)
Residing at "Padma", TC 9/164-1,
'O' Street, Jawahar Nagar
Kowdiar, Thiruvananthapuram. Applicant

(By Advocate Shri Millu Dandapani)

V_s

1. State of Kerala,
represented by Chief Secretary to Government,
Secretariat, Thiruvananthapuram.
2. Union of India,
represented by Secretary,
Ministry of Home Affairs, New Delhi.
3. Union Public Service Commission,
represented by Secretary,
Shajahan Road, New Delhi.
4. The Selection Committee for Selection to IPS
represented by its Chairman,
Union Public Service Commission.
Shajahan Road, New Delhi.
5. The Director General of Police,
Police Headquarters,
Thiruvananthapuram.

(By Advocate Shri T.P.M. Ibrahim Khan, SCGSC(R-2)

(By Advocate Shri R.Premsanker, G.P.(R.1&5)

(By Advocate Shri Thomas Mathew Nellimoottil(R.3&4)

The application having been heard on 20.6.2008,
the Tribunal on the same day delivered the following

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

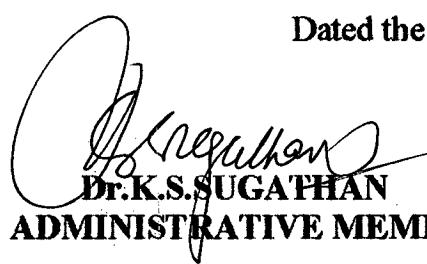
In the statement filed by the counsel for UPSC it is stated as under:

"It is humbly submitted that the name of the applicant is in the zone of consideration and the selection committee will consider his name for promotion to the IPS in accordance with the provisions of IPS (Appointment by Promotion) regulations, 1955. It is further submitted that the pendency of criminal case is not a bar for consideration of the candidature of the applicant along with other eligible officers, by the Selection Committee. If he is selected his name will be included in the list of selected officers provisionally, subject to the clearance of the pending criminal case.

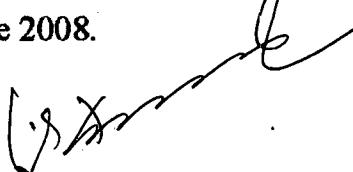
It is respectfully submitted that there is no provision for sealed cover procedure in promotion to IPS from SPS Officers, in accordance with the IPS (Appointment by Promotion) Regulations 1955. The provisionally included officer will not be appointed to the IPS, till the criminal case pending against him is cleared. In case the provisionally included officer is acquitted of the charges within the validity period of the Select List and a proposal is received from the State Government to that effect, his inclusion in the Select List will be declared as unconditional. Thereafter, he will become eligible for appointment to the IPS by the Government of India."

2. In view of the above, nothing survives in the O.A.
3. O.A. is closed accordingly. (Copy of the order be given to the parties today itself).

Dated the 20 th June 2008.



Dr. K. B. S. Sugathan
ADMINISTRATIVE MEMBER



Dr. K. B. S. Rajan
JUDICIAL MEMBER