

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.271/08

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**

B.Babu,
S/o.N.D.Barubas,
Superintendent of Police,
C.B.C.I.D. Head Quarters, Engakal,
Vallakadavu Post, Trivandrum.
Residing at Velloor, Trichur.

...Applicant

(By Advocate Mrs.Rosamma Joseph)

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.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 of the Government of Kerala. He was eligible and entitled to be considered for



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selection and appointment to IPS (Kerala) Cadre on promotion quota as on 1.1.2007 before his due date of retirement from the State Service on 30.6.2008. 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 5 vacancies) by reckoning the additional 2 vacancies consequent on quinquennial cadre review and to 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 30.6.2008.

2. To direct the respondents to complete the Quinquennial Cadre Review due as on 22.3.2006, and finalise the same and issue the Notification under Section 3(1) of All India Service Act, 1951, read with Rule 4(2) of Indian Police Service (Cadre) Rule, 1954 amending the Indian Police Service (Fixation of Cadre Strength) Regulation, 1955 with effect from 22.3.2006 enhancing the number of senior duty post in IPS (Kerala) Cadre by creating two additional posts with effect from 22.3.2006 and to consider the claim of the applicant against the post treating it as substantive posts as on 1.1.2007 and include the name of the applicant in the select list for the year 2007.

3. To declare that the retirement of the applicant from the State Police Service on 30.6.2008 shall not disentitle the applicant for consideration for promotion for the vacancies for the year 2007 including the vacancies that may arise consequential on cadre review and against the vacancy that may arise as on 1.1.2008.

4. 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 despite the applicant attains the age of 54 years as on 1.1.2008.

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



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1. May be pleased to direct that the retirement of the applicant from State Police Service on 30.6.2008 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 1.1.2008 pending disposal of the Original Application.

2. May be pleased to direct the respondents to include the name of the applicant in the select list for the year 2007 provisionally subject to such condition as deem fit, pending disposal of the Original Application.

3. As regards the interim relief is concerned, this Tribunal has already passed an order on 2.6.2008 that the retirement of the applicant shall not be a bar for his consideration for promotion to the IPS, if he is otherwise eligible.

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 other 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


GEORGE PARACKEN
JUDICIAL MEMBER