

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 324/O4

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**

1 M. Padmanabhan, Superintendent Police
Kerala Police Service
Vigilance Security Officer
Travancore Devaswom Board
Thiruvananthapuram

2 K.N. Jinarajan
Superintendent of Police
Kerala Police Service
Vigilance Security Officer
Kerala Public Service Commission
Thiruvananthapuram.

Applicants

By Advocate Mr.KRB Kaimal

Vs

1 Union of India represented by Secretary
Govt. of India, Ministry Home Affairs
New Delhi

2 Union Public Service Commission
represented by its Secretary,
Shahjahan Road
New Delhi

3 State of Kerala represented by the Chief Secretary
to Government of Kerala, Secretariat Thiruvananthapuram

4 The Selection Committee for appointment by promotion
to Indian Police Service, Kerala Cadre, represented
by its Chairman, Union Public Service Commission
Shahjahan Road, New Delhi. **Respondents**

By Advocate Mr TPM Ibrahim Khan, SCGSC for R 2 & 4
Ms. Lalitha Nair Sr.GP for R-3

ORDERHON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

This OA was also heard along with O.A. 230/2004 and connected cases. As the relief prayed for is on different footing, it is being disposed of by this separate order.

2 The applicants in this OA commenced their service as Sub Inspectors and were promoted to the post of Deputy Superintendents on 22.1.1993 and 24.1.1993 respectively. According to them they had satisfactorily completed their probations in the category of Deputy Superintendents on 22.1.1994 and 24.1.94. On the basis of their seniority in the cadre of Deputy Superintendent they were promoted to the post of Superintendent of Police. According to them they were qualified and eligible for consideration for promotion to the IPS against the vacancies in the year 2001, 2002 and 2003 which were available as 4, 10 and 4 respectively. They further submitted that all though there were four vacancies in the year 2003 only two vacancies had been filled as per the notification A-6 dated 8.4.2004 and the applicants were eligible for appointment against the two remaining vacancies. They have sought the following reliefs:

- (i)a direction to the respondents to convene Supplementary Selection Committee and to prepare Supplementary Select List for promotion to Indian Police Service against the two vacancies remaining unfilled for the year 2003.
- (ii)an order directing the respondents to consider the claims of the Applicants for inclusion in the select list and to appoint them to IPS in the two vacancies remaining unfilled for the year 2003; and
- (iii)such other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

3 Reply has been filed by the third respondent, the State of Kerala. They have submitted that Appointment by Promotion to Indian Police Service is governed by the Indian Police Service (Appointment by Promotion) Regulation, 1955. As per Regulation 5(1) each Committee shall ordinarily meet every year and prepare a list of such members of the State Police Service as are held by them to be suitable by promotion to the service. The members of the State Police Service to be included in the lists shall be determined by

the Central Government in consultation with the State Government, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held in the post available for them under Rule 9 of the recruitment rules. Further, the committee shall consider for inclusion in the said list the cases of the members of the State Police Service in the order of seniority in that service of a number which is equal to three times the number referred to in sub regulations 1. In the instant case names of the applicants were forwarded for consideration for Appointment by Promotion to the Indian Police Service for the year 2002, 2003. However, they were not selected and appointed to the IPS. It is submitted that the selection to the vacancies for the year 2001, 2002 and 2003 were done in accordance with the relevant regulations to Indian Police Service and the same has been done by the Selection Committee constituted in the Rule 3 of Indian Police Service (Appointment by Promotion) Regulation. It is also submitted that the aforesaid regulations do not provide for a supplementary Selection Committee as prayed for by the applicants in the case and going through the entire scheme of regulations they could not find any provisions to convene the supplementary selection committee once the selection procedure is completed as laid down under the rules.

4 It is evident from the records and the notification at Annexure A-6 that the appointment to the IPS from the select list 2003 have already been made and the applicants were duly considered by the selection committee but their names could not be included in the select list. The provision of Regulation 7 of the IPS (Appointment by Promotion) Regulation 1954 clause (4) provides:

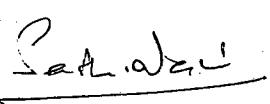
“(4) Select List shall remain in force till the 31st day of December of the year in which the meeting of the selection committee was held with a view to prepare the list under sub-regulation (1) of Regulation 5 or upto sixty days from the date of approval of the Select List by the Commission under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2), whichever is later.”

5 The validity of the select list for 2003 which was finally approved by the UPSC and the Central Government is already over and there is no provision under the Regulation for preparing a supplementary select list as prayed for by the applicants. It is

presumed that if at all any vacancies remain unfilled action would have been taken by the State Government to include the vacancies in the next year in accordance with the rules. In view of the absence of any such Regulation for preparing a supplementary select list the prayer of the applicants could not be allowed. The OA is therefore dismissed. No costs.

Dated the 23rd December, 2005


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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