

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.35/06 & O.A.583/05

Wednesday this the 25th day of January 2006

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

O.A.35/06

G.K.Sreenivasan,
Presently working as Superintendent of Police
(Non IPS Cadre), CB CID, Palakkad.

...Applicant

(By Advocate Mr.Alexander Thomas)

Versus

1. The Selection Committee for Appointment by Promotion to IPS, Kerala Cadre represented by its Chairman - Chairman, Union Public Service Commission (UPSC) Shajahan Road, New Delhi.
2. Union Public Service Commission (UPSC) represented by its Secretary, Shajahan Road, New Delhi.
3. Union of India represented by Secretary to Government of India, Ministry of Home Affairs, Grih Mantralaya, New Delhi – 110 001.
4. State of Kerala represented by Chief Secretary to Government of Kerala, General Administration (Special A) Dept. Government Secretariat Buildings, Thiruvananthapuram – 695 001. ...Respondents

(By Advocate Mr.TPM Ibrahim Khan,SCGSC [R1-3])

.2.

O.A.583/05

1. K.K.Joshwa,
Presently working as Superintendent of Police
(Non IPS Cadre), Vigilance & Anti Corruption Bureau
(VACB), Pattom, Thiruvananthapuram – 695 004.
2. P.K.Madhu,
Presently working as Superintendent of Police
(Non IPS Cadre), Vigilance & Anti Corruption Bureau
(VACB), Southern Range(SR), Thiruvananthapuram.

...Applicants

(By Advocate Mr.Alexander Thomas)

Versus

1. The Selection Committee for Appointment
by Promotion to IPS, Kerala Cadre,
represented by its Chairman -
Chairman, Union Public Service Commission
(UPSC), Shajahan Road, New Delhi.
2. Union Public Service Commission (UPSC)
represented by its Secretary,
Shajahan Road, New Delhi.
3. Union of India represented by
Secretary to Government of India,
Ministry of Home Affairs,
Grih Mantralaya, New Delhi – 110 001.
4. State of Kerala represented by
Chief Secretary to Government of Kerala,
General Administration (Special A) Dept.
Government Secretariat Buildings,
Thiruvananthapuram – 695 001.

...Respondents

(By Advocate Mr.TPM Ibrahim Khan,SCGSC[R1-3] & Mr.Renjith A,GP[R4])

These applications having been heard on 25th January 2006 the
Tribunal on the same day delivered the following :

.3.

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

A similar prayer has been made by the two applicants in OA 583/05. Since the reliefs claimed for in the O.As are identical, these O.As are heard and disposed of together today. The applicants in these O.As have challenged the inaction on the part of the respondents in convening the Selection Committee for appointment by promotion to the IPS, Kerala Cadre, for selection in respect of the three vacancies in the IPS promotion quota, for which the committee was to meet on 1.1.2005 or immediately thereafter, for the finalisation of the Select List 2005. It is submitted that the applicants are due to retire from the State Police Service on 31.1.2006 and it is prayed that necessary direction may be issued stating that the retirement of the applicants from the State Police Service shall not affect their rights to be considered for promotion to the IPS.

2. When the matter came up for hearing on 20.1.2006 counsel for the respondents was directed to get instructions about the convening of the Selection Committee meeting from the UPSC. Counsel for the respondents on instructions submitted that the Selection Committee meeting for preparation of the Select List of 2005 to the IPS, Kerala Cadre is fixed on 30.1.2006 and hence the main prayer in these O.As has already been settled by this decision of the respondents. Further prayer of the

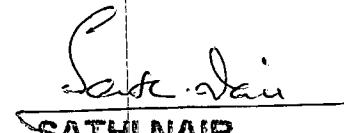
.4.

applicants as submitted by the counsel for the applicants is that since the applicant in O.A.35/06 and 2nd applicant in O.A.583/05 ^{are} retiring on 31.1.2006, a declaration may be given that the retirement of the applicants from the State Police Service shall not in any manner prejudicially affect their rights to be considered for IPS promotion in Kerala Cadre as per Select List 2005 and their rights for such promotion. We are of the view that in these circumstances this prayer shall also be granted and accordingly we declare that the retirement of the applicant in O.A.35/06 and 2nd applicant in O.A.583/05 shall not affect their rights to be considered for promotion and further selection to IPS Cadre for the year 2005. Both these O.As are allowed accordingly. No order as to costs.

(Dated the 25th day of January 2006)


GEORGE PARACKEN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN