

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No.36 OF 2007

Tuesday, this the 10th day of April, 2007

CORAM :

**HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN
HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER**

N.Gopalakrishnan
Assistant Inspector General of Police (Public Grievances),
Police Headquarters
Thiruvananthapuram
Residing at : Kailas, Attinkuzhy,
Kazhakkuttam PO.
Thiruvananthapuram : **Applicant**

(By Advocate Mr. O.V.Radhakrishnan, Senior
with Mr.Antony Mukkath)

Versus

1. State of Kerala represented by Chief Secretary
Secretariat,
Thiruvananthapuram
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 to the
Indian Police Service
constituted under Regulation 3 of the IPS
(Appointment by Promotion) Regulations, 1955
represented by its Chairman
Union Public Service Commission
Shajahan Road, New Delhi
5. Director General of Police
Police Headquarters,
Thiruvananthapuram : **Respondents**

(By Advocate Mr TPM Ibrahim Khan, SCGSC (R2-4)
Advocate Mr.R.Premsankar .GP (R1&5)

The application having been heard on 10.04.2007, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant herein is presently working as Assistant Inspector General of Police at Police Headquarters, Trivandrum.

The applicant had completed eight years of service by 20.02.2004 and on his being confirmed in the cadre of Dy.SP, he became eligible to be considered for appointment by promotion to IPS for the vacancies for the year 2005 and onwards. Considering the seniority position as well as the number of vacancies determined to be filled up by promotion of State Police Officers, the applicant is eligible to be considered and included in the Select List for the year 2006. He has sought the following reliefs:-

- (a) *To declare that the applicant is entitled to be appointed by promotion to IPS in accordance with the IPS (Appointment by Promotion) Regulations, 1955 in case the applicant is included on the Select List of the year 2006 to be published notwithstanding his retirement from State Police Service on 31.01.2007.*
- (b) *To issue appropriate direction or order directing the respondents 1 and 5 to include the name of the applicant in the proposal list to be forwarded to the Union Public Service Commission / Selection Committee for selection against the vacancies of the year 2006 for appointment to IPS by promotion in accordance with the IPS (Appointment by Promotion) Regulations and to direct the respondents 2 to 4 to consider the name of the applicant for inclusion in the Select List and in case selected, to appoint the applicant to Indian Police Service with effect from the date of his entitlement with all consequential benefits including arrears of pay and allowances ignoring his retirement from the State Police Service on 31.01.2007.*

2. Since the date of retirement of the applicant in the State Police Service was on 31.01.2007, when the matter came up before us on 15.01.2007 we had directed that the retirement of the applicant shall not affect his claim for appointment by promotion to IPS for the year 2006.

3. The State Government has now filed the reply statement. In Para 7 they have stated as under :-

"It is submitted that the proposal for convening IPS Selection Committee Meeting for the year 2006 has been sent to the Union Public Service Commission with a request to convene the Selection Committee Meeting at the earliest vide State Government letter No.30496/Spl.A3/2006/GAD, dated 24.03.2007. The name of the applicant finds a place in the zone of consideration for the year 2006."

4. When the matter came up today, the learned Senior Counsel for the applicant submitted that in the light of the statement filed by the State Government that the proposals for convening IPS selection Committee for the year 2006 had been sent to the UPSC by the State Government on 24.03.2007 and the name of the applicant finds a place in the zone of consideration for the year 2006, a direction shall be given to the UPSC to finalise the selection immediately as already considerable time has lapsed and further delay in consideration of the case shall cause hardship to the applicant.

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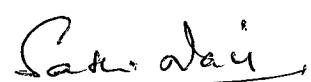
5. We find that in accordance with the IPS (Appointment by Promotion) Regulations, the Selection Committee meeting for the vacancies for the year 2006 as determined should have been conducted before December, 2006. Since the matter has been unduly delayed and the proposal has now been sent on 24.03.2007, we consider that the reliefs prayed for by the applicant to issue an appropriate direction to the Selection Committee is legitimate and accordingly we order that the meeting of the Selection Committee for consideration for promotion to the Kerala Cadre of IPS for the year 2006 shall be held within four weeks from the date of receipt of a copy of this order and thereafter the process of appointment of the applicant, if found eligible and selected shall be completed by the 1st and 2nd respondents within a further period of two weeks.

6. With this, the OA is disposed of. No costs.

Dated, the 10th April, 2007.



K.B.S.RAJAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

vs