

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 366 OF 2011

Thursday, this the 8th day of December, 2011

CORAM:

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K.B.Balachandran
Superintendent of Police NIR Cell
Police Headquarters, Trivandrum
Residing at "Sreeragam", K.P 10/748
Bhagavathy Nagar, Ambalamukku
Peorkada PO, Trivandrum - 05

... Applicant

(By Advocate Mr.P.V.Mohanan)

versus

1. State of Kerala represented by Chief Secretary
Government Secretariat
Trivandrum – 695 001
2. Union of India represented by Secretary
Ministry of Home Affairs
New Delhi – 110 012
3. The Selection Committee for Selection to
Indian Police Service represented by the Chairman
Union Public Service Commission
Shajahan Road, New Delhi – 110 003 ... Respondents

(By Advocate Mr. Mr.P.K.Abdul Rahiman, GP (R-1)
Advocate Mr.George Joseph, ACGSC (R-2)
Advocate Mr.Thomas Mathew Nellimoottil (R-3)

The application having been heard on 08.12.2011, the Tribunal
on the same day delivered the following:)

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant is a retired Superintendent of Police, (Non IPS) in
Kerala State Police Service on 31.03.2010. He belongs to Scheduled Caste
community. According to him, he was eligible for selection and
appointment for Indian Police Service (Kerala)cadre on promotion quota as

TM

envisioned under Indian Police Service (Appointment by Promotion) Regulation, 1955 from the year 2000 onwards. But he was superseded by the Selection Committee constituted under Rule 3 of Regulations, 1955 from the year 2002 onwards and his juniors have been promoted for the past several years. His supersession is based on entries in ACRs, namely, 'Good', 'Average' and 'Satisfactory'. If the adverse entries are recorded without notice to the applicant, the same cannot be countenanced for any purpose. The applicant prays for a direction to the 1st respondent to forward the confidential report for the years 2004, 2005, 2006, 2007 and 2008 and other service records for selection and appointment against the vacancies determined for the year 2008 (A) as stipulated in proceeding dated 10.03.2011 (Annexure A-8) and to include his name as Sl.No.1 against 5 vacancies for selection for the year 2009 as stipulated in Annexure A-6 and to direct the 3rd respondent, the Selection Committee to consider his claim for selection and appointment to IPS (Kerala cadre) on promotion quota against the 5 vacancies for regular selection for the year 2009 as stipulated in proceeding dated 10.03.2011 (Annexure A-8).

2. When the matter was taken up for consideration today, it was submitted by the learned counsel for respondents that his case has been considered by the Selection Committee as against the vacancies for the year 2008 (A) and the applicant's name has been included. However, the learned counsel for applicant, Mr.P.V.Mohan submitted that his client has been included as Sl.No.1 for the year 2008 (A) and has been sent for proper notification. Though the notification has not been issued so far, that is only a follow up action to be done on the basis of the selection held on 03.10.2011.



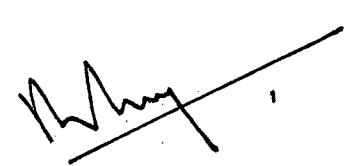
3. In the light of the above developments, as of now, the OA has become infructuous. For any reason, if his name is not included in the notification to be issued, we reserve his right to challenge the same either by a separate OA or by revival of this OA as we dispose of this OA based on oral submissions made by the parties.

4. OA is disposed of as above. No costs.

Dated, the 8th December, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

vs