

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.367/2006

Tuesday this the 30th day of May, 2006.

CORAM:

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

**K.R.Ramesan
Superintendent of Police (Non-IPS Cadre)
Presently posted as :-Asst.Director
Kerala Police Academy, Trichur. Applicant**

By Advocate Mr.Alexander Thomas

V/s.

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

**By Advocate Mr.P.S.Biju ACGSC (R 1-3)
By Advocate Mr.Thavamony K (R-4)**

This OA having been heard on 30th May, 2006, the Tribunal on the same day delivered the following:-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is a Member of the State Police Service (General Executive Branch) which is the Principal Police Force of the State of Kerala. According to him he is eligible for promotion to IPS cadre as on 1/1/2005 and fulfills all the eligibility conditions laid down in the IPS Promotion Regulations. The Selection Committee was to meet on 1/1/2005 or immediately thereafter but the same has not been held till date. When the matter came up, it was brought to our notice that the applicant is due to retire from State Police Service on 31/5/2006 and that the applicant had preferred representation dated 15/5/2006 to respondents 1&2 for immediate consideration and that the applicant be considered for inclusion in the select list 2005, notwithstanding his retirement from State Police Service on 31/5/2006. It is seen from Annexure A-1 that the applicant is at Sr.No.8 and the vacancies being computed as 3 in the IPS Promotion quota, he falls in the zone of consideration. The learned counsel for the applicant submits that in a similar case in OA No.35/06 and 583/05 the Tribunal has disposed of the same with a direction to the respondents 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. Since the applicant is to retire on 31/5/2006, he also seeks a

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similar declaration from the respondents.

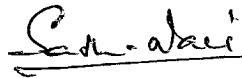
We are of the view that in these circumstances this prayer shall also be granted and accordingly we declare that the retirement of the applicant from Kerala State Police Service shall not affect his right to be considered for promotion and further selection to IPS Cadre for the year 2005 if he is otherwise eligible.

OA is disposed of at admission stage. No costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp



SATHI NAIR
VICE CHAIRMAN