

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 410/98

Monday the 8th day of June 1998.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

Mr K.A. Janardhanan
S/o P.K.Ayyappan
(S.P.Laison Officer, Kerala Police
Housing Construction Corporation Ltd.
Thiruvananthapuram.
R/o Triveni, Adoor.

...Applicant.

(By advocate : Mr M.R.Rajendran Nair)

Versus

1. State of Kerala represented by
Chief Secretary to Govt.of Kerala
Secretariat, Thiruvananthapuram.
2. Union of India represented by
Secretary to Govt. of India
Ministry of Home Affairs
New Delhi-3.
3. Union Public Service Commission
represented by Chairman
Dholpur House, New Delhi.

...Respondents.

(By advocate : Mr C.T.Ravi Kumar (R1)
Mr T.P.M.Ibrahim Khan, SCGSC (R2&3) (Rep).)

Application having been heard on 8th June 1998,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

Applicant, a senior member of the State Police Service is aggrieved that though he was No.4 in the combined seniority list of the Kerala State Police Service for confirmation to the Indian Police Service, his name was omitted to be considered for appointment to I.P.S. on the erroneous assumption that he was not confirmed in the State Police Service as on 1.4.97. The applicant has alleged in the application that by order dated 17.12.97 (Annexure A-3), the State of Kerala had confirmed the services of the applicant in the cadre of Deputy Superintendent of Police w.e.f. 1.1.95 and, therefore, the action on the part of

the respondents in denying to the applicant his due consideration for selection for the simple reason that the State of Kerala had delayed the issuance of the order of confirmation, for no fault of the applicant, is totally unjustified. Applicant has, therefore, prayed that the records that led to this case may be called, it may be declared that non-consideration of the applicant for promotion to the I.P.S. cadre and non-inclusion of his name in the above select list is illegal and for a declaration that he is entitled to be included in the select list for promotion to the I.P.S. cadre 1996-97 and for a direction to the respondents to consider his case for appointment by promotion to I.P.S. on the basis of his confirmation in the State Service with consequential benefits.

2. First respondent, the State of Kerala in the reply statement has stated that as the date on which the Select Committee met on 26.11.97, the order of confirmation of the applicant in the cadre of Deputy Supdt. of Police was not issued, the applicant could not be considered for inclusion in the Select List of the year 1996-97 for appointment to the anticipated vacancies arising in 1997-98. Respondents 2 & 3, though represented by Senior Central Govt. Standing Counsel did not file any reply statement and the counsel stated that as the first respondent has filed a reply statement, it is not necessary to file reply statement by respondents 2 & 3. When the matter came up for hearing today, counsel for all the parties stated that application may be disposed of finally.

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3. Learned counsel for applicant stated that as the applicant has been, by order dated 17.12.97 (Annexure A-3) confirmed in the cadre of D.S.P. w.e.f 1.1.95, the application may be disposed of with a direction to the respondents to consider the claim of the applicant for consideration for inclusion of his name in the select list for the year 1996-97 for the vacancies arising in 1997-98 in accordance with law and to give the applicant an appropriate order within a period of 2 months. Learned counsel for respondents stated that they have no objection to the application being disposed of with such a direction.

4. In the light of what is stated above, application is disposed of directing the respondents to take up the claim of the applicant for consideration for inclusion in the Indian Police Service for 1996-97 for the vacancies anticipated during 1997-98, basing on the order at Annexure A-3 confirming the applicant in the cadre of DSP w.e.f.1.1.95 and to give the applicant an appropriate order within a period of two months in accordance with law.

Dated 8th June 1998.



(S.K. GHOSAL)
ADMINISTRATIVE MEMBER



(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

LIST OF ANNEXURE

Annexure A3: Order dated 17.12.1997 No.G.O.(Rt)5441/97/Home
issued by under Secretary.to Government of
Kerala, Home(A) Department, Trivandrum.

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