

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 1st day of September, 2008

ORIGINAL APPLICATION NO.205/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISTRATIVE MEMBER

V.K.Bangad,
Additional Superintendent of Police,
Ajmer.

... Applicant

(By Advocate : Shri Amit Mathur)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Personnel,
Government of India,
New Delhi.

(By Advocate : Shri Kunal Rawat)

2. State of Rajasthan through
Chief Secretary,
State Secretariat,
Government of Rajasthan,
Jaipur.

3. Secretary,
Department of Personnel,
Government of Rajasthan,
Jaipur.

4. Secretary,
Department of Home,
Government of Rajasthan,
Jaipur.

(By Advocate : Shri V.D.Sharma)

5. Chairman,
UPSC,
Dholpur House,
New Delhi.

ms

(By Advocate : Shri Y.K.Sharma, proxy counsel for
Shri Sanjay Pareek)

... Respondents

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :


“The Original Application preferred by the applicant may kindly be allowed; the respondents may be directed to consider the claim of the applicant for promotion in the Indian Police Services and if found fit he may be promoted subject to the outcome of departmental inquiry against him. The respondents may further be directed not to declare any post vacant till the departmental inquiry pending against the applicant is completed.”


2. In sum and substance, grievance of the applicant in this OA was that the respondents are not going to consider his candidature for promotion to IPS in the Selection Committee meeting to be held on 9.6.2008, even though he is eligible. When this matter was listed on 3.6.2008, this Tribunal, inter-alia, directed the respondents to consider the case of the applicant for promotion in the IPS cadre from RPS in the meeting to be held on 9.6.2008 provisionally and recommendation of the committee shall be kept in a sealed cover till the next date.

3. Notice of this application was given to the respondents. Respondents No.2 to 4 as well as respondent No.5 i.e. UPSC have filed separate replies. Respondent No.5 in its reply has stated that the Selection Committee meeting scheduled on 9.6.2008 was postponed and subsequently held on 27.6.2008. The applicant was eligible to be considered for inclusion in the select list of 2008 in terms of the provisions of IPS (Appointment by Promotion) Regulations, 1955, as he was below the age of 54 years on the crucial date i.e. 1.1.2008. Thus, grievance of the applicant that he was not being considered was without any basis and as such the

recommendations of the Selection Committee need not be kept in the sealed cover. It is further stated that the recommendations of the Selection Committee were required to be approved by the Commission in terms of the provisions of IPS (Appointment by Promotion) Regulations, 1955 after obtaining the comments from the State Government and the Central Government under Regulation-6 & 6(A) and it is only thereafter that the list has been finally approved by the Commission and shall form the select list of the members of the State Police Service, which will be operative till 31st day of December of the year in which the meeting of the Selection Committee was held.

4. In view of the specific stand taken by the UPSC in its reply-affidavit, we are of the view that grievance of the applicant does not survive and as such the present OA has become infructuous, which stands disposed of accordingly with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

vk