

**Central Administrative Tribunal
Madras Bench**

OA/310/00325/2015

Dated the 25th day of July Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

R.Balasubramanian,
S/o T.N.Ramanathan,
1, Bharathy Street,
Gowriwakkam,
Chennai 600073. .. Applicant
By Advocate **M/s.V.Vijay Shankar**

Vs.

1. The Union of India, rep by its
Secretary to Government,
Union Public Service Commission,
Dolpur House, Shah Jahan Road,
New Delhi 110011.
 2. The Government of Tamilnadu,
rep. by its Principal Secretary to Government,
Home Department, Fort St. George,
Chennai 600 009.
 3. The Director General of Police,
Mylapore, Chennai 600 004. .. Respondents
- By Advocate **Mr.P.Deivendran (r1), Mr.K.V.Dhanapalan (R2-3)**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

This is an OA filed seeking the following relief:-

“...to call for the records of the 2nd respondent comprised in letter dated 12.8.2011 in No.SC/2353-2/2011, quash the same as arbitrary, illegal, unconstitutional and consequently direct the 2nd and 3rd respondents to recommend the name of the applicant for inclusion in the list being finalized by the 1st respondent Committee for the purpose of induction into IPS cadre and thus render justice..”

2. The case of the applicant is that the applicant was appointed as Sub Inspector of Police by the Tamilnadu Public Service Commission in 1976 and thereafter he was promoted to the post of Inspector of Police and then to the post of Deputy Superintendent of Police. Subsequently he was posted as Assistant Commissioner of Police and in the year 2010 he was promoted to the post of Superintendent of Police, Chennai CID. According to him, he has done meritorious service and he has also received a gold medal from the Chief Minister. According to the applicant, he is eligible to be considered for appointment to the Indian Police Service (IPS) cadre as per Indian Police Service (Appointment by Promotion) Regulations, 1955. The second and third respondents did not recommend his name to the first respondent, Union Public Service Commission. He gave a representation to the second respondent on 18.3.2011 regarding his promotion, but the second respondent has rejected the same. He retired from service on 31.5.2013. According to him, he is eligible for consideration for appointment to the IPS cadre and according to him, the

order passed by the second and third respondents is arbitrary, illegal and against law.

3. The second and third respondents entered appearance and filed a detailed reply statement denying the allegation in the OA. They admitted the appointment of the applicant to the Police Service in the year 1976 and thereafter promoted to the post of Superintendent of Police in the year 2011. They also admitted the representation dated 28.3.2011 given by the applicant for consideration of his name for inclusion in the select list for the panel of promotion to IPS. According to the respondents, as per Rule 5(3) of the Indian Police Service (Appointment by Promotion) Regulations 1955, the applicant should not attain the age of 54 years on the first day of January of the year to which the select list is prepared. According to the respondents, the applicant had attained 54 years on 31.5.09 and he will not come under the zone of consideration for appointment to the IPS. According to the respondents, the applicant is at Sl.No.46 in the seniority list of the members of the Tamil Nadu Police Service (Category-I) and his seniors are not appointed so far for want of vacancy. So, the applicant's representation was rejected. According to the respondents there is no merit in the application and is liable to be dismissed.

4. We have heard both sides and perused the pleadings. On a perusal of the pleadings of the applicant, it can be seen that the applicant was posted as Superintendent of Police in the year 2011 and according to him, he had the requisite 8 years of service in the DSP cadre and he is eligible to be included in the panel for selection to the IPS. On a perusal of the reply statement filed by the respondents, it has come out that the applicant has crossed the age of 54 years on 31.5.09 and as per

Rule 5(3) of the of the Indian Police Service (Appointment by Promotion) Regulations 1955, “The Committee shall not consider the cases of the members of the State Police Service who have attained the age of 54 years, on the first day of January of the year for which the Select List is prepared.” It is also submitted by the respondents that the applicant was at Sl.No.46 in the seniority list of the Tamil Nadu Police Service and even his seniors were waiting for appointment to IPS for want of vacancies. It was also submitted that the applicant had superannuated from service on 31.5.2013. From the above, it can be seen that the applicant has not come within the zone of consideration to the panel for selection to the IPS and there is no merit in the OA filed in this case. In view of the above, there is no merit in the contention put forward by the applicant in this case. **We find no merit in the OA and is liable to be dismissed.**

5. Accordingly, OA will stand dismissed. No costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

25.07.2019

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