

(2022) 05 CAT CK 0020

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00218 Of 2022

Johnkutty K.L

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 12-05-2022

Acts Referred:

Citation : (2022) 05 CAT CK 0020

Hon'ble Judges : P. Madhavan, Member, J;K.V. Eapen, Member A

Bench : Division Bench

Advocate : P.Martin Jose, O.M. Shalina, Thomas Mathew Nellimoottil, Imam Gregorious Karat

Final Decision : Disposed Of

Judgement

K.V. Eapen, Member A

1. The reliefs sought in the Original Application are as follows:

"(i) Direct respondents 1 to 3 to consider the applicant for selection and appointment to Indian Police Service for the year 2019 to 2022 notwithstanding the retirement of the applicant from service on 31-05 2022.

(ii) Issue such other appropriate direction or order this Tribunal may deem fit and order in the interest of justice."

2. The brief facts of the case are as follows:-

The applicant is a member of the State Police Service and presently working as Principal, Police Training College in the cadre of Superintendent of Police (Non IPS) in the General Executive Branch of Kerala Police Service. He is due to retire from the Kerala Police on 31.05.2022 on attaining the age of superannuation. The applicant submits that he is eligible and qualified to be considered for selection and appointment to the Indian Police Service (Kerala) cadre on promotion quota against the vacancies determined for the years 2019 onwards. However, due to delay in convening the meeting by the 3rd respondent Selection

Committee, the selection and appointment to the Indian Police Service (Kerala) cadre on promotion quota, for the years from 2019 to 2022 has not been completed. He submits that unless a direction is given from this Tribunal, the respondents will not consider him for the aforementioned year vacancies citing his retirement from service. He apprehends that if the impending selection proceedings for the years 2019, 2020, 2021 and 2022 are completed, he will be treated as ineligible on the analogy that he is not a member of service as on the date of Selection Committee Meeting. Hence, he has approached this Tribunal praying for the aforementioned reliefs.

3. When the matter came up for consideration, Counsel for the applicant submitted that the applicant will be satisfied if a direction is given to the respondents that the impending retirement of the applicant from the State Police Service (SPS) on 31.5.2022 on attaining the age of 56 years will not preclude his name being considered for selection and appointment to IPS (Kerala) cadre on promotion quota against the vacancies in the IPS (Kerala) cadre for the years 2019, 2020, 2021 and 2022.

4. Mrs.O.M.Shalina, SCGSC takes notice on behalf of respondent no.1, Mr.Imam Gregorious Karat, G.P takes notice on behalf of respondent no.4 and 5 and Mr.Thomas Mathew Nellimoottil, Sr.PCGC takes notice on behalf of respondent nos.2 and 3. The Counsel for the respondents have no major objection for disposing of this matter as requested by counsel for the applicant.

5. After considering all aspects, we are of the view that the Original Application can be disposed of at the admission stage itself with a direction to the respondents that the factum of applicant's retirement on 31.5.2022 from State Police Service should not preclude the respondents from considering him for selection and appointment to IPS for the years 2019, 2020, 2021 and 2022, if he is otherwise suitable and eligible to be considered. Ordered accordingly.

6. The Original Application is disposed of as above. No order as to costs.