
(2021) 06 CAT CK 0067

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00281 Of 2021

J.Sukumara Pillai, I.P.S

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 28-06-2021

Acts Referred:

Citation : (2021) 06 CAT CK 0067

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

Bench : Division Bench

Advocate : P.V. Mohanan, N. Anilkumar, M. Rajeev

Final Decision : Disposed Of

Judgement

P. Madhavan, Member J

1. This Original Application has been filed by the applicant seeking the following reliefs:

i. To direct the respondents to regularize the period of the service of the applicant from 1.6.2016 (the date of superannuation from State Police

Service) to 30.8.2018 (the date of assumption of charge in Indian Police Service Cadre) as on duty for all purposes and to fix the pay and allowance

and increments notionally in the Senior Scale/Junior Administrative Grade in Indian Police Service cadre for all purposes including arrears of pay and

disburse the same.

(ii) To direct the second respondent to consider Annexure A7 and Annexure A9 representations in the light of Annexure A3, A4, A5 and Annexure

A6 respectively and fix the pay and pay arrears of pay during the periods from 1.6.2016 to 30.8.2018 treating him on duty.

(iii) Any other appropriate order or direction as this Hon'ble Tribunal deem fit in

the interest of justice.

2. The applicant commenced service as a Sub Inspector of Police on 5.9.1987 in General Executive Wing. The applicant was selected and promoted

to the substantive cadre of Deputy Superintendent of Police on 22.8.2005 in State Police Service. The applicant was promoted as Superintendent of

Police on 11.4.2013. The applicant was eligible for consideration for selection and appointment to Indian Police Service (Cadre) on promotion quota of

the years 2014, 2015 and 2016 as envisaged in Indian Police Service(Appointment by promotion) Regulations. But no select committee met in time.

The applicant retired on superannuation from State Police Service on 31.5.2016 on attaining the age of 56 years. Before superannuation, the applicant

had obtained order from this Tribunal in O.A No.180/402/2016 dated 23.5.2016 to the effect that the retirement from State Police Service on

31.5.2016 will not preclude the respondents from considering the applicant for selection and appointment to Indian Police Service cadre on promotion

quota for the vacancies for the years 2014, 2015 and 2016 respectively. The applicant was included in the Select List of 2016 and was appointed to

IPS cadre on 31.8.2018. The applicant retired from IPS cadre on 31.5.2020 on attaining the age of 60 years. Applicant submits that the period from

1.6.2016 to 30.8.2018 will have to be treated as on duty for the purposes of pay increments and the arrears of pay have to be disbursed to the

applicant in terms of Annexure A3 order. Hence the applicant has submitted Annexure A-9 representation for regularizing the intervening period from

31.5.2016 to 31.8.2018 as duty and for issuing orders sanctioning all consequential benefits including pay and allowances in the Superintendent of

Police IPS Cadre.

3. When the matter came up for admission hearing, Adv.Mr.M.Rajeev,G.P, learned counsel for respondent nos.2 to 3 submits that Annexure A-9

representation is still pending before the competent authority and the said representation was given only on 21.3.2021.

4. In view of the pendency of the representation, we deem it appropriate to direct the competent authority to consider Annexure A-9 representation in

the light of decisions and orders passed and pass a speaking order on Annexure A-9 within a period of 3 months from the date of receipt of a copy of

this order.

5. The Original Application is disposed of as above. No costs.