

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

OP(KAT).No. 56 of 2014 (Z)

AGAINST THE ORDER IN OA 2251/2013 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 24-01-2014

PETITIONER(S):

1. PRASANTH.C.P
CHANDRODAYAM, EANIKKARA, KARAKULAM P.O.
THIRUVANANTHAPURAM - 695 564.
2. DEEPAK G.S.
SARASYA, KOLLAKONAM, PAYATTUVILA P.O.
THIRUVANANTHAPURAM - 695 501.
3. SHANIF H.S.
SHIFA MANZIL, MANNOORKONAM P.O.
THIRUVANANTHAPURAM - 695 541.

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
HOME (A) DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACAD
THIRUVANANTHAPURAM- 695 035.
3. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, P.S.C OFFICE, PATTOM
THIRUVANANTHAPURAM - 695 004.
- ADDL 4. VIPIN U.P., UNNIPARAVAN HOUSE,
PONNAMPRA, PERINGOM, KANNUR 670 354.
5. NIPUN SANKAR K., CHITHIRA,
VADAKKUMPURAM, VALANCHERRY, MALAPPURAM 676 552.
(ADDL.R4 AND R5 IMPEADED VIDE ORDER DATED 28.1.15 ON IA.2210/14)

ADDL.R4 BY ADV. SMT.DENNIS VARGHESE
ADDL.R4 BY ADV. SMT.BINDU B.N.
R1,2 BY SR. GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN
R3 BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD
ON 28-01-2015, ALONG WITH OP(KAT).64/14, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP(KAT).No. 56 of 2014 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE ORDER DATED 24/01/2014 IN O.A 2251/2013 OF THE KERALA ADMINISTRATIVE TRIBUNAL.

EXHIBIT-P2-TRUE COPY OF THE O.A NO. 2251/2013.

EXHIBIT-P3-TRUE COPY OF THE REPLY STATEMENT FILED BY THE 1ST RESPONDENT IN O.A 2251/2013

EXHIBIT-P4-TRUE COPY OF THE REPLY STATEMENT FILED BY THE 2ND RESPONDENT IN I.A 2251/2013.

EXHIBIT-P5-TRUE COPY OF THE REPLY STATEMENT FILED BY THE 3RD RESPONDENT IN I.A 2251/2013.

EXHIBIT-P6-TRUE COPY OF THE REJOINDER FILED BY THE APPLICANTS IN O.A 2251/2013.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

O.P(KAT).Nos.56 & 64 of 2014

Dated this the 28th day of January, 2015

JUDGMENT

Antony Dominic, J.

1. These original petitions are filed challenging the common order dated 24.1.2014 passed by the Kerala Administrative Tribunal, rejecting O.A.Nos.2251/13 and 2340/13.
2. We heard learned senior counsel for the petitioners in OP(KAT).56/14, learned senior counsel appearing for the petitioners in OP(KAT).64/14, learned Government Pleader appearing for the official respondents, learned standing counsel for the PSC and learned senior counsel appearing for the party respondents in OP(KAT).64/14.
3. Facts of the cases lie in a narrow campus and we shall be referring to the facts as pleaded in O.A.2251/13, for convenience.
4. Annexure A1 is a notification dated 14.1.2008 issued by the PSC, inviting applications for recruitment to

the post of Sub Inspector of Police (Trainee) in the District Armed Reserve. On 11.9.2013, Annexures A2, A3 and A4 ranked lists were published by the PSC for category Nos.11/08, 12/08 and 13/08, which are open market, ministerial and constabulary respectively. Annexure A5 is yet another notification issued by the PSC on 28.9.2007 for recruitment to the post of Sub Inspector (Trainee) in the Police (General Executive) branch. In pursuance of this notification, Annexures A6, A7 and A8 ranked lists were published by the PSC for open market, ministerial and constabulary categories respectively.

5.While the selection process was pending, by Annexure A9 dated 10.12.2010, District Armed Reserve and General Executive were integrated with effect from 1.4.2010 to form a single cadre in every district, called Kerala Civil Police Subordinate Services (KCP). According to the applicants, as is evident from Annexure A15 Government Order dated 5.2.2011, all existing rules and orders related to District Local Police (General Executive) and District Armed Reserve in the Kerala Police Subordinate Service

stands modified with effect from 1.4.2010 on integration and formation of Kerala Civil Police.

6.Relying on Annexures A9 and A15 referred to above, contentions raised by applicants before the Tribunal, who are included in Annexures A2 ranked list published for recruitment to the District Armed Reserve, that any vacancy in the post of Sub Inspector after 1.4.2010 should, in the absence of any rules to the contrary, be filled up in equal proportion from the ranked lists prepared in pursuance of Annexures A1 and A5 notifications. However, this contention of the applicants was rejected by the Tribunal on the basis that the recruitment has to continue in the light of the relevant executive orders already issued prior to Annexure A9.

7.Thereafter, the Tribunal dealt with the grievance of the applicants that vacancies in the District Armed Reserve are not being reported and are being cornered by those included in the ranked lists prepared for the General Executive branch. To redress this

grievance, the Tribunal declared that vacancies in the cadre of Sub Inspector arising in the District Armed Reserve stream even after 1.4.2010 should be filled up only from the ranked list published in pursuance of Annexure A1 notification. Consequential directions were already issued. It is this order of the Tribunal which is under challenge before us.

8. According to the counsel for the applicants, with the integration as per Annexure A9, streams such as General Reserve and District Armed Reserve have ceased to exist and it is on that basis that they are claiming that the vacancies subsequent to 1.4.2010 should be filled up in an equal proportion from the ranked lists. We are unable to agree. There is absolutely no material before this Court to accept the contention that following the integration with effect from 1.4.2010, there is a general vacuum in so far as recruitment to the post of Sub Inspector are concerned. There is also no material to indicate that the Government have issued any orders governing recruitment to the post of Sub Inspector of Police after 1.4.2010. In such a situation, the Tribunal

could only have directed that until it is otherwise ordered by the Government by taking an appropriate policy decision, recruitment on the basis of the existing orders should continue. We are also informed by the PSC that even after 1.4.2010, vacancies were reported separately for District Armed Reserve and General Executive. All this indicate that the intention of the Government was to proceed with the pending recruitment for the two streams separately. In such a situation, we cannot accept the case of the petitioners that there should be recruitment in equal proportion to the two steams from the ranked lists prepared in pursuance of Annexures A1 and A5 notifications issued by the PSC.

we do not find any error in the view taken by the Tribunal. Original petitions fail. They are accordingly dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

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