

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

O.P.No.23726 of 2000 (Y)

PETITIONER(S):-

P.K.RAMACHANDRAN,
INSPECTOR NO.670190836,
C.R.P.F., GC, PALLIPPURAM, THIRUVANANTHAPURAM.

BY ADVS.SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU.

RESPONDENT(S):-

1. ADDITIONAL DEPUTY INSPECTOR GENERAL OF POLICE,
CRPF, PALLIPPURAM, THIRUVANANTHAPURAM.
2. DEPUTY INSPECTOR GENERAL OF POLICE,
C.R.P.F., AVADI, CHENNAI - 600 005.
3. INSPECTOR GENERAL OF POLICE,
S/S C.R.P.F., HYDERABAD (A.P.).
4. DIRECTOR GENERAL, C.R.P.F., NEW DELHI.
5. DEPARTMENTAL PROMOTION COMMITTEE FOR PROMOTION
TO ASSISTANT COMMANDANT, REP. BY ITS CONVENOR,
O/O. DIRECTOR GENERAL, C.R.P.F., NEW DELHI.
6. UNION OF INDIA,
REP. BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI.
- *7. SRI.UB.MISRA, DEPUTY COMMANDANT, 109 BN.,
C.R.P.F., ZAMABAWK, AIZAWAL, MISSORAM - 796 017 (DELETED)

*[7TH RESPONDENT IS DELETED FROM THE PARTY ARRAY VIDE ORDER
DATED 22.10.09 IN I.A.NO.13033/09].

R1 TO R6 BY CENTRAL GOVERNMENT COUNSEL SRI.S.BIJU.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

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- EXT.P1 TRUE COPY OF THE OFFICE ORDER INTIMATING DIRECTOR
G1'S COMANDATION LETTER NO.M.II-1/94-EC.2 DATED 3.1.94.
- EXT.P1(a) TRUE COPY OF THE OFFICE ORDER NO.R.VIII-1/96-ESTT.II
DATED 23.3.96.
- EXT.P1(b) TRUE COPY OF THE OFFICE ORDER NO.M.II-1/96-EC II
DATED 7.2.96 INFORMING THE PETITIONER'S AWARD.
- EXT.P1(c) PHOTOSTAT COPY OF THE LETTER NO.D.O.NO.I.II/1/96
DATED 27.1.96.
- EXT.P1(d) PHOTOSTAT COPY OF LETTER NO.D.O.NO.M.V.I/96-CB
DATED 27.1.96.
- EXT.P1(e) PHOTOSTAT COPY OF LETTER NO.I.II.3/95-PS DT.NIL/1/96.
- EXT.P1(f) PHOTOSTAT COPY OF LETTER NO.M.II.1/96-NS
DATED 29.1.96.
- EXT.P1(g) PHOTOSTAT COPY OF LETTER NO.D.O.NO.II.1/96-PS
DATED 2.2.96.
- EXT.P1(h) PHOTOSTAT COPY OF LETTER NO.D.OI.NO.II.1/96-MP DT.30.1.96.
- EXT.P1(i) PHOTOSTAT COPY OF LETTER NO.D.O.NO.II.1/96-EC.1
DT.28.1.96.
- EXT.P1(j) PHOTOSTAT COPY OF LETTER NO.R.VIII-I/80.CPS
DATED 20.12.98.
- EXT.P2 TRUE COPY OF LETTER NO.R.IX/I.CR CELL DATED 7.4.1998.
- EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 125.7.1999 SENT
BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXT.P4 TRUE COPY OF THE REPRESENTATION DATED 4.9.99
ADDRESS TO THE 6TH RTESPONDENT BY THE PETITIONER.
- EXT.P5 TRUE COPY OF THE JUDGMENT IN O.P.NO.8582/99
DATED 21.3.2000 OF THIS HON'BLE COURT.
- EXT.P6 TRUE COPY OF THE MEMO OF 2ND RESPONDENT
NO.A.XII.4/99-ST DATED 27.4.2000.

- EXT.P7 TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 4TH RESPONDENT DATED 3.5.2000.
- EXT.P8 TRUE COPY OF THE LETTER NO.PO.VII-IG/99-PARS.I DATED 31.5.2000 OF THE 4TH RESPONDENT TO THE PETITIONER.
- EXT.P9 TRUE COPY OF THE LETTER NO.P.VII-8/2000-ESTT.I DATED 1.8.2000 ISSUED BY THE 1ST RESPONDENT.
- EXT.P10 TRUE COPY OF THE CERTIFICATE SHOWING THE PERIOD OF SERVICE OF DIFFERENT OFFICERS IN THE 2ND WING/ RTC III CRPF.
- EXT.P11 TRUE COPY OF THE OFFICE ORDER NO.LII.2/96-PA DATED 24.06.1996 OF THE PRINCIPAL, RTC-3, CRPF, PALLIPURAM.

RESPONDENT'S EXHIBITS:-

NIL.

vku/-

[true copy]

K. Vinod Chandran, J

O.P.No.23726 of 2000-Y

Dated this the 08th day of September, 2015

JUDGMENT

The petitioner, an Inspector in the Central Reserve Police Force, is aggrieved with the non-consideration of the petitioner for promotion to the post of Assistant Commandant.

2. The petitioner's Annual Confidential Report [for brevity "ACR"] for the year did not reach the bench-mark, which bench-mark is "Good". The 7th respondent has assessed the petitioner to be "average" and the same has not been communicated to the petitioner, is the contention.

3. However, the counter affidavit of the respondent indicates that a Departmental Promotion Committee [for brevity "DPC"] was convened on 21.04.1999 and the petitioner was considered along with others. The Committee had graded the petitioner as "Good", which is the bench-mark for consideration. The promotion was one based on merit-cum-seniority. It is stated that even seniors to the petitioner who had a rating of "Good" were not considered, since there were other persons

who had higher ratings above the bench-mark prescribed. It is to be noticed that the petitioner has also not impleaded the alleged juniors who were promoted above the petitioner.

For all the above reasons, the Original Petition is found to be devoid of merit and the same is dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]