

O.A. No. 180/00309/2017

Thursday, this the 6th day of April, 2017.

HON'BLE Mr. JUSTICE N.K. BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE Mrs. P. GOPINATH, ADMINISTRATIVE MEMBER

**Radhakrishnan.K, 55 years,
S/o. A. Kunjan, Vigilance Officer-I
(On deputation from the Police Department)
(under suspension), Vigilance Wing of the Kerala
State Electricity Board, Vydyuthi Bhavan,
Pattom, Thiruvananthapuram - 695 004.
Residing at Thoranathil House,
Thalayolaparambu, Kottayam - 686 605.**

(By Advocate: Mr. R. Sreeraj)

Versus

1. The Government of Kerala represented by its Chief Secretary, Secretariat, Thiruvananthapuram - 695 001.
2. Union of India represented by its Secretary to the Government of India, Ministry of Home Affairs, New Delhi - 110 001.
3. The Union Public Service Commission represented by its Chairman, New Delhi - 110 001.

(By Advocates : Mr. M. Rajeev, GP for R-1
Mr. N. Anilkumar, Senior PCGC for R-2
Mr. Thomas Mathew Nellimoottil for R-3)

The application having been heard on 06.04.2017, the Tribunal on the same day delivered the following:

ORDER (Oral):

Per: Mr. Justice N.K. Balakrishnan, Judicial Member

Heard the learned counsel for the applicant.

2. Mr. M. Rajeev, GP takes notice on behalf of respondent No.1,

Mr. N. Anilkumar, Senior PCGC for respondent No. 2 and Mr. Thomas Mathew Nellimotttil for respondent No. 3.

3. It is stated that the applicant was promoted to IPS and notification was issued vide Annexure A-2. That was dated 09.11.2016. But the applicant was placed under suspension by Annexure A-1 dated 24.10.2016. It is further submitted that Annexure A-1 was challenged before Kerala Administrative Tribunal. Annexure A-3 direction has already been issued by the KAT as per order dated 27.03.2017.

4. Had the applicant been in State Police Service, his date of superannuation on attainment of 56 years would be 30.04.2017. Since the applicant was placed under suspension by Annexure A-1 dated 24.10.2016, the applicant apprehends whether he would be disallowed to continue beyond 30.04.2017. The apprehension appears to be misplaced. The applicant was already promoted to IPS and notification was issued vide Annexure A-2 dated 09.11.2016. The factum of attainment of 56 years by the applicant on 30.04.2017 will not preclude the respondents from allowing the applicant to continue in IPS, if there is no other legal impediment.

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

(Dated, this the 6th April, 2017.)

(Mrs. P. GOPINATH)
ADMINISTRATIVE MEMBER

(N.K. BALAKRISHNAN)
JUDICIAL MEMBER

