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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2525/1999

New Delhi this the 3rd day of February, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Umed Singh S/O Kanwar Singh,
R/O Vill. Chandawas,
P.O. Ashiyaki Gorawas,
Distt. Rewari (Haryana)

... Applicant

(By Shri Yogesh Sharma, Advocate)

-Versus-

1. N.C.T. of Delhi through the
Chief Secretary,
5, Sham Nath Marg, Delhi.

2. Commissioner of Police,
Delhi Police, Police Hqrs.,
New Delhi.

2. Addl. Commissioner of Police
(East Delhi) Police Headquarters,
I.P.Estate,
New Delhi.

... Respondents

(By Shri Ajesh Luthra, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

By the present O.A., applicant seeks to impugn a decision of Assistant Commissioner of Police who has found the applicant physically unfit for appointment as a Constable Driver in the test held on 18.11.1999. It is, inter alia, contended by the applicant that in the physical test which he underwent earlier in 1995 for appointment to the post of Constable (Executive) he was found to be 170 cms. in height which is the requisite height required for the post. However, in the physical test carried out on 18.11.1999, his

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height was found to be 168.5 cms. He has, therefore, been declared unfit for the post.

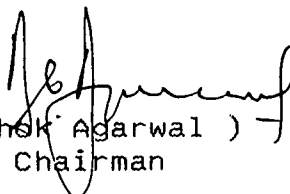
2. It has been brought on record on behalf of the respondents that immediately after the aforesaid decision of the Assistant Commissioner of Police, the applicant preferred an appeal on the spot. The height of the applicant was accordingly re-measured by an appellate board consisting of the Assistant Commissioner and the Deputy Commissioner of Police. On re-measurement, his height was shown as 168.8 cms. Since the applicant has been found below the requisite height of 170 cms. he has been held as ineligible. In our judgment, consistent findings both at the level of the Assistant Commissioner of Police as also at the stage of the appellate board consisting of the Assistant Commissioner and the Deputy Commissioner of Police, applicant is not entitled to the reliefs claimed in the present application.


3. In our view reliance placed on the decision of the Delhi High Court in the case of Naresh Kumar v. Union of India & Ors. (Civil Writ Petition No.2505/93) decided on 28.4.1995 is misplaced as the medical discrepancy found in that case related to varicose veins. Similarly, reliance placed on a decision of this Tribunal in the case of Vijay Kumar v. Union of India & Ors. (O.A. No.1503/98) decided on 28.6.1999 is also misplaced as the discrepancy in that case related to deformity in right lower limb. In the present case, the discrepancy is regarding

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height and the same has been resolved by the aforesaid appellate board.

4. Present application, in the circumstances, is dismissed. There shall, however, be no order as to costs.


(Ashok Agarwal)
Chairman


(R. K. Ahooja)
Member (A)

/as/