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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1523/95

New Delhi this the 19th day of November 1996

Hon'ble Shri S.R.Adige, Member(A)

Hon'ble Dr. A.Vedavalli, Member(J)

Shri Virender Singh Panwar,
s/o Shri Azad Singh Panwar,
Village and Post-Tharu,
Distt. Sonipat-131001
Haryana

(by Advocate: Shri S.S.Mor)

.....Applicant

Versus

1. Staff Selection Commission through
Regional Director (NR) Block No.12,
UGC-Complex, Lodhi Road,
New Delhi-110003.
2. Commissioner of Police,
Police Headquarters, I.Estates,
New Delhi.
3. Commandant,
Ist Battalion, Delhi Armed Police,
New Police Lines,
Delhi-110009

.....Respondents

(by Advocate: Shri Arun Bhardwaj)

ORDER (Oral)

Hon'ble Shri S.R.Adige, Member(A)

heard.

2. The reason why the applicant was not called for the vision test and interview for the post of Sub-Inspector of Police, according to the respondents is because he was not able to complete the prescribed 1500 meters race within the qualifying time of 6.5 minutes. This assertion is denied by the applicant who contends that he completed the race in the qualifying time.
3. The respondents have admitted in their reply that the signature of the applicant who was thus disqualified was not taken on the prescribed proforma. They say that they did not take the applicant's signature because he

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site left the / although during hearing of the case this was denied by applicant's counsel, and it was also asserted that the applicant was not allowed access to the higher authorities (who visited the site later that day), to lodge his complaint.

4. In view of the respondents' own admission that they did not secure the applicant's signature on the prescribed proforma, and in ^{the} absence of any record to show the actual time in which the applicant completed the race, the chance of ambiguity as to whether the applicant did or did not complete the race in the qualifying time cannot be wholly ruled out. In the interest of justice therefore, and having regard to the facts and circumstances of this particular case, which will not be treated as a precedent, we direct the respondents to hold the 1500 meters race for the applicant again within four weeks from the date of receipt of a copy of this judgement and in the event that he completes the same within the qualifying time of 6.5 minutes, allow him to appear in the vision test and take further consequential action in accordance with the extant rules and instructions on the subject in this regard.

5. In this connection respondent's counsel Shri Shardwaj states that the applicant's counsel will be informed well in time of the precise date on which the race is to be held.

6. The CM is disposed of in terms of the directions given above. No costs.

A. Kedarkar
A. K. KEDARKAR
(S. H. VEDAVALLI)
Member (J)

A. J. Ghosh
(S. H. ADIGE)
Member (A)