

Central Administrative Tribunal
Principal Bench

18
O.A. No. 2981 of 1997

New Delhi, dated this the 13th April, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Mrs. Jagdish Kaur,
W/o Shri Jagmohan Singh,
R/o 58/6, Ashok Nagar,
New Delhi-110018. Applicant

(By Advocate: Shri K.B.S. Rajan)

Versus

1. Union of India through
the Secretary,
Dept. of Revenue, North Block,
New Delhi-110001.
2. The Commissioner of Central Excise,
C.R. Building, I.P. Estate,
New Delhi-110002. Respondents

(By Advocate: Shri R.R. Bharti)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard both sides.

2. Applicant who is a Tax Assistant seeks promotion as Inspector Excise vide Recruitment Rules (Ann. 2) for which one of the eligibility qualifications is a minimum height of 152 Cms. for female candidates like her.

3. Respondents in Para 4.2 of their reply themselves state that applicant was called for the Physical Standard Test for promotion held in June, 1993 and her height was found to be 152.5 Cms. but she could not be selected by the DPC that year. Again in 1995 she was called for the Physical Standard Test held in December, 1995 and her height

was found to be 151 Cms. Respondents further state that during 1996 the Physical Standard Test Committee met on 19/20.12.96 and measured applicant's height which was found to be 151.5 Cms. Applicant has herself filed a photocopy of a certificate of the National Consultant Dr. R.M.L. Hospital, New Delhi (Ann. IV) certifying her height to be 152 Cms.

4. The only dispute in regard to applicant's eligibility is her height. During hearing applicant's counsel Shri Rajan pressed for a direction to respondents to constitute a fresh Medical Board in RML Hospital to measure applicant's height and record its findings. He agreed that the findings of this Medical Board would be treated as final.

5. In the facts and circumstances of this particular case, and in the interest of justice having regard to the fact that the applicant's career is involved, this O.A. is disposed of with a direction to respondents to arrange for constitution of another Medical Board to measure applicant's height and record its findings within three months from the date of receipt of a copy of this order. The findings of this Medical Board shall be treated as final. In case applicant is found to possess the minimum height as per the findings now to be recorded and she fulfills the other eligibility conditions, respondents will consider promoting her as Inspector Excise in

accordance with rules and instructions, and applicant shall be entitled to consequential benefits flowing therefrom.

6. This O.A. is disposed of in terms of Para 6 above. No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Member (J)

S. R. Adige

(S. R. Adige)
Vice Chairman (A)

/GK/