

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

DA-2419/94

Date of decision 21.9.95

Hon'ble Shri B.K.Singh, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri GianChand Sharma,
H.No.1355/8, Govindpuri,
Kalkaji, New Delhi.

... Applicant

(By Advocate Shri B.N.Bhargava)

Vs.

1. The National Capital Territory of Delhi
Through the Chief Secretary,
Old Sectt., Delhi.
2. The Police Commissioner,
Delhi Police HQRS,
I.P.Estate, New Delhi
3. The Additional Commissioner of Police
(JPS) Delhi Police, Delhi.

... Respondents.

(By Advocate Shri Vijay Pandita)

ORDER (ORAL)

(Hon'ble Shri B.K.Singh, Member (A))

Heard the learned counsel for the parties. It is an admitted fact that Shri Gian Chand Sharma roll No. 1212262 had appeared in the written test conducted by the Staff Selection Commission (SSC) in 1993 for the post of Sub Inspector (Ex.) in Delhi Police. Thereafter he was directed to appear in the physical and endurance test on 21.6.1994. His height measurement was taken and it was found 168.4 C.M. against the required standard of 170.c.m. and he was declared unqualified.

2. During the course of the arguments, learned counsel for the applicant stated that the rules in this regard clearly stipulated that the Staff Selection Commission would not entertain any appeal/representation in the matter of disqualification in the PET/Vision Test. Appeal against the disqualification in PET/Vision Test will lie to the Additional Commissioner of the Police on the same day (Shri Chander Prakash, Additional Commissioner of Police (Jps)). Applicant states that he tried to contact him but did not succeed. Additional

Commissioner of Police is not the person conducting the PET/Vision Test; such tests are conducted by subordinate staff. A team of medical experts is deputed for purposes of chest measurement, eye test and height measurement etc. The appeal has to be made on the same day and the decision has to be taken by the Appellate authority i.e. Additional Commissioner of Police in respect of S.I. of Police regarding their physical test by the same team on that very day. Unfortunately for reasons best known to the applicant, he could not contact the Additional Commissioner of Police on that date. He filed an appeal after more than one month and the respondents have categorically stated that they have not received any appeal from the applicant in this regard. Applicant has also filed a photocopy Form No.D (Form of Medical Examination) that is not verified and authenticated to show that he appeared 3 years back for this physical test for recruitment to the post of S.I. and his height was found 170.1 c.m. Thus genuineness of this photocopy is doubtful since there is no signature and no stamp to show that it has been issued by the Delhi Police. On merit the applicant has no case since the rules do not permit an appeal after a month. The Hon'ble Supreme Court in a catena of judgements have formed upon ^B the tendency of Tribunals/High Court in assuming the role of experts. There is no provision in the advertisement of the S.S.C. for any other appeal except one to the Additional Commissioner of Police whose decision has been declared as final in this regard. It is admittedly a fact that he was not contacted on the same day and re-presentation purported to have been filed after a month has not been received by the respondents. It is stated by the respondents counsel Shri Pandita that the matter would have

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been different if the applicant had approached the authority either on the same day or immediately thereafter. Waiting for a month in such a matter like selection cannot be considered tenable. The application fails on merits and it is dismissed but without any order as to costs. The applicant is at liberty to approach appropriate authorities again if he so desires.

Lakshmi Swaminathan

(LAKSHMI SWAMINATHAN)
MEMBER (J)

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(B.K. SINGH)
MEMBER (A)

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