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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.1008 of 2000

New Delhi, this 4th day of December 2000

HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SHRI M.P. SINGH, MEMBER(A)

Sunita Kumar
203 Himgiri Apartments
'J' Block Vikas Puri
New Delhi. ... Applicant

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

versus

1. Union of India, through
Ministry of Finance
Department of Revenue
North Block
New Delhi
2. The Chief Commissioner (Delhi Zone)
Office of the Commissioner
Chief Commissioner, Central Excise
Delhi Zone
C.R. Building
New Delhi-110002 ... Respondents

(By Advocate: Shri R.R. Bharati)

ORDER(Oral)

Hon'ble Shri Kuldip Singh, M(J)

In this case the applicant has challenged the order dated 21.3.2000 (Annexure 1) passed by the Commissioner of Central Excise, C.R. Building, New Delhi, whereby she has been refused to be sent for medical examination in connection with her height for the purpose of fulfilling the medical standard for the post of Inspector, Central Excise.

2. When this case came up for admission, notice was issued to the respondents on the basis of order passed in the case of Mrs. Jagdish Kaur

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Vs UOI & Ors in OA.2981/97 whereby the Tribunal had directed the respondents to arrange for constitution of another Medical Board to measure the applicant's height and record its finding within a stipulated period which finding was directed to be treated as final, why similar direction should not be issued in the present OA also.

3. The learned counsel appearing on behalf of the respondents submits that the facts of the present case are quite different to the facts in the aforesaid OA. In this case medical report of the applicant regarding determination of her height was received from the Hospital by the respondents and according to them the height measurement as originally printed/type written was tampered by superimposing another height measurement.

4. We have carefully considered the judgement of the Tribunal in OA.2981/97 decided on 13.4.1999 and we find that the matter is quite similar to the one at hand. The basic dispute is regarding the height of the applicant. During the course of hearing, the learned counsel appearing for the applicant submitted that a similar direction as given in OA.2981/97 may be given in this case. Learned counsel appearing for the respondents fairly submits that the

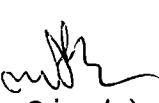
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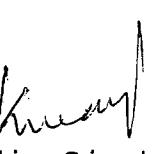
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respondents may be given the direction as in earlier case, i.e. OA.2981/97.

5. In view of the above, we direct the respondents to arrange for constitution of another Medical Board to measure the applicant's height and record its finding within a period of three months from the date of receipt of a copy of this order. The findings of the Medical Board shall be treated as final and in case the applicant is found to possess the minimum prescribed height and other eligibility conditions, she shall be considered for promotion to the next higher grade in accordance with rules and instructions and she will also be entitled to all consequential benefits flowing therefrom.

6. The OA is disposed of as above. No order as to costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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