

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

(2)

O.A.No.355/88

Date of decision: 11.06.1993.

Sh. Brijendra Singh Rawat Applicant

versus

Staff Selection Commission Respondents

& Others.

Coram:-

The Hon`ble Mr. I.K. Rasgotra, Member(A)

The Hon`ble Mr. J.P. Sharma, Member(J)

For the applicant : None

For the respondents : Sh. Surinder Adlakha, counsel

JUDGEMENT(ORAL)

(delivered by Hon`ble Sh. I.K. Rasgotra, Member(A)

The case being an old matter, we proceed to decide the case finally after perusal of the record.

The case of the applicant is that he is an ex-serviceman. He worked in the Indian Navy from 7.9.1974 to 26.9.1976. He was invalidated out of service on medical grounds because he was found unfit for further Naval service. He was, however, declared fit for civil services by the Invalidating Authority. He applied for the post of Sub-Inspector of Police in Delhi and C.B.I. in response to

2

..2..

..2..

notification calling for applications, to fill up vacancies, issued in 1987. He appeared in the written examination conducted by the S.S.C. on 31.5.1987 and was declared successful in the written test. He was called for physical endurance test (P.E.T.) by the Delhi Police. He was, however, not found fit inasmuch as his chest was found one centimetre less than the minimum requirement. In this application, filed under Section 19 of the Administrative Tribunals Act, 1985, he has prayed for the following relief:-

"That the entire record pertaining to the entire selection process in respect of ex-servicemen be called and examined and his application be allowed by declaring him selected for the post of Sub-Inspector(Executive) of Delhi Police against quota reserved for ex-servicemen."

The Respondent No.1 Staff Selection Commission and Respondent No.2-6 have filed their counter-affidavits separately. The Respondent No.1 in his counter-affidavit has stated that as per the certificate furnished by the applicant, he was enrolled in the Naval Services on 7.9.1974 was discharged on 26.9.1976. The ground of discharge being physical unfitness for Naval Services due to invalidity. It is admitted that he gave his first preference to Delhi Police over CBI. He was declared successful in the written test for Delhi Police and CBI both, and was asked to appear



..3..

..3..

in the physical endurance test conducted by Delhi Police on 6.10.1987. He was, however, disqualified in the P.E.T. as he did not conform to the prescribed chest requirement. As per the Rules, the measurement of the chest should be 81 cm (85 cm. after expansion). The petitioner, however, had measured 79 cm. (84.5 cm. after expansion). He was therefore disqualified in the physical endurance test. The interview for successful candidates for the said examination was held on 30.11.1987 and 4.12.1987. The applicant approached the Commission on 11.12.1987 with the request to get his chest measurement redone. His representation was forwarded to the Delhi Police for their comments. The Delhi police informed the Commission that the applicant had appealed to the S.S.C. for remeasurement of his chest on 11.12.1987 when the interviews had already been over. As such no further action could be taken. The stand of Respondent No.2-6 supplements the stand of Respondent No.1 as stated in the counter-affidavit. They confirm that he was declared unfit in the physical endurance test and he had approached the S.S.C. for remeasurement on 11.12.1987 i.e. after about a month when the interviews had already been over. Having received the letter dated 17.11.1987, he should have reached and asked for remeasurement as was done in the similar other cases by the S.S.C. It is the delay on the part of the applicant himself which has resulted in the non-availing of the remedy available to him by seeking remeasurement at the proper time. He, however, appeared in the interview held by the S.S.C. on 1.12.1987 on the basis of his performance in the written test"but failed to make the grade." His representation to the Addl. Commissioner of

..4..

2

..4..

Police, Delhi for remeasurement could not be entertained as no such provision is made in the rules. The applicant, therefore appears to have not only failed in the physical endurance test but has also failed in the interview in which he appeared despite having been declared unfit in P.E.T.

In view of the above facts and circumstances of the case, we do not see any reason for interfering in the matter. The application is dismissed as devoid of merit. No costs.

After the above judgement was dictated, Sh. Surinder Adlakha, learned counsel for the respondents appeared.

J. P. Sharma
(J.P. SHARMA)

MEMBER(J)

I. K. Rasgotra
(I.K. RASGOTRA)

MEMBER(A)

/vv/

110693