

**Central Administrative Tribunal
Principal Bench, New Delhi**



**O.A. No. 2149/2020
M.A. No. 2743/2020**

This the 23rd day of December, 2020

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Sh. Nakul Kumar
S/o Sh. Vijay Pal Singh
Age about 29 years
R/o Peer Wala Mohalla
Begambad, Modinagar
Ghaziabad, UP-201204. Applicant

(through Ms. Rashmi Chopra, Advocate)

Versus

Staff Selection Commission
Through its Chairman
Block No. 12, 5th Floor
CGO Complex, Lodhi Road
New Delhi. Respondents

(through Sh. Sandeep Tyagi, Advocate)

ORDER (Oral)

Hon'ble Mr. R.N. Singh, Member (A):

The present application has been filed by the applicant under Section 19 of the Administrative Tribunal



Act, 1985 to challenge the test/report dated 11.12.2020 (Annexure A/1) whereby the candidature of the applicant has been rejected on the ground that the height of the applicant does not meet the criteria as mandated in the selection process to the post of Sub Inspector in Delhi Police. Learned counsel for the applicant submits that though the impugned report indicates the provision for appeal against the measurement of the physical standard, however, when the applicant has attempted to prefer the necessary appeal, the respondents have not been ready to accept and entertain the same. She further submits that the claim of the applicant is squarely covered by the judgment dated 30.10.2015 of the Hon'ble High Court of Delhi in WP(C) No. 10120/2015 titled Sandeep Singh vs. CISF through Director General & Ors.

2. Issue notice. Sh. Sandeep Tyagi, learned counsel for the respondents, who appears on advance service, accepts notice. He submits that there is no proof on record to indicate that the applicant has preferred any appeal.
3. Learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of with liberty to the applicant to prefer a necessary appeal against the impugned report within three days from today

and with a direction to the respondents to consider such appeal in a time bound manner.

4. In view of the facts and circumstances and keeping in view the order/judgment of the Hon'ble High Court of Delhi noted hereinabove, the OA is disposed of with liberty to the applicant to prefer an appeal against the impugned report within three days from today and the respondent is directed that if such an appeal is preferred by the applicant within the time stipulated herein, the respondents shall consider the same for the purpose of only determining the applicant's height. The respondents are further directed to intimate the petitioner within two weeks, the date, time and venue for his necessary medical examination to determine his height. The applicant shall not be accorded less than seven days notice for such purpose. The candidature of the applicant shall depend upon such medical examination got conducted by the appellate authority.

5. The OA is disposed of in the aforesaid terms. Pending MA, if any, stands disposed of accordingly. No costs.

(R.N. Singh)
Member (J)

Dkm/ravi/ns

(A.K. Bishnoi)
Member (A)