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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.2462/2004

New Delhi, this the 13th day of April, 2005

**Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.M.K. Misra, Member(A)**

**Shri Joginder Singh Ghangas,
S/o Shri Sukhbir Singh,
R/o House No. 1775/31, Gall No.5,
Shastry Colony,
Gohana Road By-pass,
Sonapat,Haryana**

...Applicant

(By Advocate: Shri J.K. Singh)

Versus

- 1. The Commissioner of Police,
Police Head Quarters, I.P. Estate,
M.S.O. Building, New Delhi.**
- 2. Dy. Commissioner of Police,
Recruitment Cell, Head Quarter,
II Battalion, DAP, Delhi-9**

....Respondents

(By Advocate: Mrs.Rashmi Chopra)

Order(Oral)

Justice V.S. Aggarwal, Chairman

The applicant Joginder Singh Ghangas by virtue of the present application seeks quashing of the order of 19.8.2004 and to direct the respondents to re-examine his record and appoint him as Constable if he qualifies after addition of 5 marks which are given as grace marks to those who are above the height of 178 cms.

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2. Some of the facts would precipitate the question in controversy.

3. The applicant appeared in the selection test for recruitment of Constable (Executive) in Delhi Police. The physical test was held on 10.5.2002. The applicant contends that he qualified the same and also the written examination. He underwent an interview but according to him, he had not been given 5 grace marks which are accorded to persons above the height of 178 cms. Hence the present application.

4. In the reply filed, the application is being contested. The basic facts about applicant having qualified and taken the written test was not in dispute. Respondents plead that the applicant was awarded 5 bonus marks keeping in view his height but still, he could not be selected.

5. During the course of submissions, learned counsel for the applicant had urged that the applicant had not been given 5 grace marks and further contended that in the counter reply, the respondents do not state as to how many marks have been secured by the applicant in all.


6. Taking stock of these facts, on 12.4.2005, we had directed the respondents to produce the relevant record.

7. Today, the respondents' learned counsel had produced the relevant record and the mark-sheet. It revealed that the applicant had been given 5 grace marks because of his height being above 178 cms. It transpires that the applicant had secured 57 marks including 5 grace marks, referred to above. The last candidate who has been offered the appointment also secured 57 marks only. To our query, we were informed that the said candidate was elder in age to

the applicant and, therefore, he was given the appointment and the applicant missed the same keeping in view the above-said fact.

8. We find nothing illegal in this regard.

9. For these reasons, the O.A. being without merit must fail and is dismissed.


(M.K. Misra)
Member(A)


(V.S. Aggarwal)
Chairman

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