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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.1309 of 1993

New Delhi this the 14th day of January, 1994.

CORAM:

Hon'ble Mr.J.P.Sharma, Member (J)

Hon'ble Mr.S.R.Adige, Member (A)

Parveen Kumar s/o Shri Purshotam Lal,  
presently working as Auditor,  
Defence Audit Deptt. in the  
Office of the Controller of Defence A/cs  
New Delhi and r/o 1580/A, Rani Bagh, Shakurbasti,  
Delhi-110034

By Advocate Shri K.L.Bhatia

.....Applicant.

Versus

Union of India through  
the Secretary,  
Department of Personnel & Training,  
New Delhi -110001

2. The Chairman,  
Staff Selection Commission,  
G.G.O Complex,  
New Delhi -110 003.

3. The Commissioner of Police,  
Police Headquarters,  
M.S.Buildings,  
I.P.Estate,  
New Delhi -110 002.

By Advocate Shri N.S.Mehta and  
Ms. Ashoka Jain

.....Respondents.

ORDER (ORAL)

Hon'ble Mr.J.P.Sharma, Member (J)

The applicant Shri Parveen Kumar appeared  
in the examination for the post of S.I. (Executive)  
in Delhi Police which was conducted by Staff  
Selection Commission on 26.7.92 and he was  
declared successful both in written and interview  
as well as in physical endurance test held  
according to the Delhi Police (Appointment &  
Recruitment) Rules, 1980. The grievance of the

applicant is that despite his qualifying the written as well as clearing endurance test and medical examination, he has not been selected for appointment to the post of S.I. He, therefore, filed this O.A. in June, 1993 praying for the grant of reliefs namely:-

- i) A direction be issued to the respondents to include the name of the applicant in the select list.
- ii) Costs of the proceedings.
- iii) Any other relief.

2. A notice was issued to the respondents. Respondent no.3, Commissioner of Police, filed the reply through Ms. Ashoka Jain. Respondent no.2 filed the reply through Shri N.S. Mehta, a Senior Standing Counsel, opposing the grant of the reliefs prayed for and almost taking the same stand that the applicant was not found medically fit to be appointed to the post of S.I. in the Delhi Police on account of defective vision. The respondent no.2 also annexed with his reply certain documents in support of the averments made in the reply.

3. We have heard the learned counsel for the parties at length and perused the record.

4. The learned counsel highlighted the provisions of Rule 7 of the Delhi Police (Appointment & Recruitment) Rules, 1980 regarding the medical eligibility for recruitment to the post of S.I (Executive) and regarding the physical standard where there is no relaxation. It is mandatory that the candidate must have possessed sound health, free from defect/deformity, disease, both eyes vision 6/12 (without glasses) and there should be no colour-blindness.

on 1.3.93 and the applicant was found unfit on account

to show that the medical examination was conducted on the face of record. A perusal of the record goes medical rejection. This argument appears plausible what manner they informed the applicant about his counsel put the respondent to prove that when and in medical unfitness. In this connection, the learned when and in what manner he has been declared has taken the case that he was never informed that for the applicant raised before us. The applicant to the various contentions of the learned counsel 6. We have given a careful consideration

defect in his vision.

staff, he cannot be cleared, though there is no that unless greasing the palm of the concerned his vision. He has further added that he was told kling, that some doubt was being created about referred to Guru Nanak Eye Centre as he had an in- rejinder, the applicant has also stated that he was of applicant's both eyes was 6/6 and 6/9. In the opinion of the experts of these Centres, the vision Prasad Centre for Ophthalmic Sciences and in the eyes tested from Guru Nanak Eye Centre and Rajendra OPT of Guru Nanak Eye Centre. The applicant got his certain opinions of the medical experts and certain reply of respondent no. 2 annexing with the rejinder 5. The applicant has filed rejinder to the unfitness.

shall be informed in writing of the reason of that the candidates declared medically unfit,

force the provisions of Rule 24(1) which provide Learned counsel also highlighted emphatically and with

of defective vision. This document is paper 51. The (paper 52 & 53) other document is addressed to the Director, Guru Nanak Eye Centre and for the sake of better illustration, the whole of the letter is reproduced as below:-

"The Director,  
Guru Nanak Eye Centre,  
Maharaja Ranjit Singh Marg,  
New Delhi.

**Subject:** Regarding recruitment of SI(Ex.) in Delhi police.

Sir,

16 prospective candidates(as per list enclosed) for the post of SI(Ex.) in Delhi Police, who were previously declared unfit by the Medical Superintendent cum-Medico-Legal Expert, Civil Hospital, Delhi and went in appeal, were referred to LNJPN Hospital, Delhi for their remedical examination but the Addl. Medical Supdt., Chairman, Medical Board, LNJPN Hospital has returned their cases vide letter No.10 MB/Misc./JPH/93/3382 dated 4.3.93(copy enclosed) saying that they only constitute a medical board to examine the candidates who had been examined fully by the Ist Medical Authority. He has further advised that these cases should be referred to Guru Nanak Eye Centre, New Delhi for 2nd Medical opinion.

It is, therefore, requested that these candidates may be tested in vision on 10,12,17 & 19.3.93 at 9a.m. in batches of 4 candidates each. The prescribed medical standard in the Recruitment Rules for the post is as under:-

Should possess sound health, free from defect/deformity, disease, vision in both eyes should be 6/12(without glasses). There should be no colour blindness."

Encl: As above.

Yours faithfully,  
sd/Y.S.Dadwal,  
Addl. Commissioner of Police:OPS  
Delhi.

LIST OF CANDIDATES DECLARED UNFIT IN VISION TEST

Sl.No.	Name of the Candidate	Roll No.	Date of re-test
1 to 5	-	-	-
6.	Sh. Parveen Kumar	1216619	12.3.93.
7 to 16	xxxxxxxxxxxx "		

7. The name of the applicant appears at Sl. No.6. The Director-Professor(GNEC) had also written a letter to the Assistant Commissioner of Police(HQ) (P) on 24.3.93 (paper no.54) and that is also reproduced as below:-

JM  
Maharaja Ranjit Singh Marg,  
New Delhi.

No. PA/DMS/GNEC/MB/2742 Dated: 24.3.93.

To,

Shri Pratap Singh,  
Assistant Commissioner of Police(HQ)(P),  
(R.Cell)(PHQ),  
New Delhi-110002

Subject: Regarding recruitment of SI(Ex.) in Delhi Police  
Medical Examination thereof.

Sir,

With reference to your letter No.2073/R.Cell/  
(PHQ) dated 19.3.93 on the subject aforesaid the medical  
examination report in respect of the below mentioned  
candidates is shown against their names is enclosed  
herewith:-

Names of the candidates

Fit/Unfit.

1 to 13 xxxxxxxxxx

Unfit.

14 . Sh. Parveen Kumar

15 & 16 xxxxxxxxxxxxxxxx

Yours faithfully,  
sd/Dr.P.A.Lamba,  
Director-Professor(GNEC)  
New Delhi."

8. In this letter, the name of the applicant appears  
at serial No.14 and he was declared unfit.

9. On the face of all these documents, it can be  
taken and would be credible that the applicant had  
within the knowledge that he had not been medically  
approved because of defective vision. The information  
more than one  
can be gathered from / source and thus this contention  
of the learned counsel cannot be accepted that the  
applicant was not given any information.

10. Learned counsel also argued that the applicant  
may be subjected to further examination but this  
argument is an after-thought because no such relief  
has been sought in the O.A. nor had it been suggested  
in the reports of the medical experts who ultimately  
examined the applicant and found the applicant  
medically unfit .

11. Under the circumstances, this application  
is dismissed. No costs.

12. The rejoinder, filed by the learned counsel, was not traceable on record though a copy was given to the respondent no.2. Learned counsel for the applicant states that the rejoinder had been filed on 24.9.93 (Filing No. 7697). We have taken the rejoinder from respondent no.2 and placed the same on record.

*Adige*  
(S.R. ADIGE)  
MEMBER(A)

*Sharma*  
(J.P. SHARMA)  
MEMBER(J)

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