

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

O.A. No.1399/2021

This the 29th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Rahul Rao (OBC)
Aged about 23 years
Roll No.220133430
Seeking appointment as Constable (Ex)
In Delhi Police
S/o Shri Jai Prakash
R/o VPO/PS, Sadat Nagar
Tehsil: Kosli
Distt: Rewari, Haryana.Applicant

(through Advocate: Shri Anil Singal)

VERSUS

1. Staff Selection Commission
Through its Chairman
C.G.O. Complex, Lodhi Road
New Delhi – 110 003.
2. Delhi Police
Through Commissioner of Police
PHQ, IP Estate, New Delhi. Respondents

(through Advocate: Shri Gyanendra Singh with Shri U. Srivastava for R-1
Ms. Avani Kaushal for Ms. Esha Mazumdar for R-2)

ORDER (Oral)

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

The applicant has filed the present OA under Section 19 of the A.T. Act, 1985 praying therein for the following reliefs:-





“1. To call for the records and quash and set aside the impugned Result of PET/PST conducted on 30.06.2021 where the height of the applicant was measured less than 170 cm.

2. To direct the respondents to constitute and appoint an independent Special Medical Board to conduct measurement of height of the applicant and if his height found to be 170 cm or above, process his candidature further for appointment as Constable (Ex.) in Delhi Police vide Examination-2020 with all consequential benefits.

3. To consider the applicant as eligible in Recruitment of Constable (Ex.) in Delhi Police Examination-2020 and appoint to the post of Constable (Ex.) in Delhi Police if he makes the grade as per his merit position.

4. To award costs in favor of the applicant and

5. To pass any order or orders which this Hon’ble Tribunal may deem just & equitable in the facts & circumstances of the case.”

2. The brief facts leading to the present case are that the respondents have initiated selection process for the post of Constable (Exe.) under respondent no.2 vide notice dated 01.08.2020 (Annexure A-1). It is the case of the applicant that para 21 (x) provides that height and chest will be measured through digital equipment.

3. Learned counsel for the applicant submits that the applicant’s height was measured by the respondents manually resulting into error in the measurement of his height and in place of 171 cm, the applicant is declared of having the height of 169.5 cm. Therefore, he has been declared failed in the requisite test. In this regard, learned counsel for the applicant invites our attention to para 4.5 & 4.6 of the Original Application wherein the applicant has



categorically averred that applicant's height has been manually measured, which is in violation of what has been provided under para 21 (x) in the aforesaid advertisement.

4. Aggrieved by the action of the respondents, the applicant is stated to have made a representation dated 02.07.2021 (Annexure A-3) and the same is stated to be still pending consideration of the respondents.
5. Issue notice. Learned counsels appearing for respondents accept notice.
6. Learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of at this very stage with a direction to the respondents to consider the applicant's aforesaid representation dated 02.07.2021 (| Annexure A-3) and to dispose of the same in a time bound manner with some interim protection.
7. We are of the considered view, if such request of the learned counsel for the applicant is accepted, no prejudice is likely to be caused to the respondents.
8. In view of the aforesaid, without going into the merits of the case, the present OA is disposed of with a direction to the respondents to consider the applicant's aforesaid pending representation dated 02.07.2021 (Annexure A-3)



and to dispose of the same by passing an appropriate reasoned and speaking order as expeditiously as possible and in any case within four weeks of receipt of a copy of this order.

9. It is further directed that till disposal of the aforesaid representation by the respondents, the appointment to the post of Constable (Executive) pursuant to the aforesaid advertisement (Annexure A-1) shall be subject to the outcome of the present OA.

10. OA is disposed of in the aforesaid terms. No costs.

(Aradhana Johri)
Member (J)

(R.N. Singh)
Member (J)

/cc/uma/anjali/