

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

**O.A. No. 1868/2021**

**This the 03<sup>rd</sup> day of September, 2021**

(Through Video Conferencing)

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

Mr. Aditya Tomar  
s/o Mr. Yatendra  
r/o Vill Lahaudda  
post Baraut, Tehsil Baraut, Baghpat  
Uttar Pradesh-250611. ..Applicant

(Through Advocate: Shri Ankur Ahlawat with Sh. Nipun  
Gupta)

**VERSUS**

1. Union of India  
Ministry of Home Affairs  
New Delhi through its
2. Delhi Police  
Recruitment Board, Headquarter ITO  
New Delhi.
3. Staff Selection Commission  
Northern Region, CGO Complex  
Lodhi Road, New Delhi. ..Respondents

(Through Advocate: Shri H.A. Khan and Sh. R.S. Rana)





## ORDER (Oral)

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

In the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs:

"(A) Allow the instant OA in favour of the applicant and against the respondents.

(B) And/or quash the impugned notices dated 20.07.2021, 03.08.2021 & 07.08.2021/list of candidates issued by the respondents, for holding PE&MT examination on reserved days, and issue fresh list thereon including the Applicant.

(C) And/or direct the respondents to allow the applicant to appear for the PE&MT examination to be held on the reserve days on principles of parity and equality.

(D) Issue a direction or order(s) in the interest of justice to give him a fair and equal opportunity to prove his best candidature for this post of Constable (exe.) male Delhi Police with all consequential rights and remedies;

(E) Pass any such directions or order which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the above mentioned case."

2. The precise facts leading to the present case are that the respondents have advertised for recruitment to the post of Constable (Exe.), Male and Female vide Advertisement Notice No. F.No.03.02.2020-P&P-I dated 1.8.2020 (Annexure A/3). The applicant applied for the said post and he got the



call letter for participating in the online examination. The applicant participated in the said online examination on 27.11.2020. On 15.03.2021, a cut-off list was published by Respondent No. 3 and as per the same, the applicant has obtained marks much more than the cut-off marks prescribed by the Respondents, not only in his category i.e., OBC but also in the General category. The applicant's name is stated to have appeared at Serial No.1009 of the list published by the Respondents in this regard (Annexure A/7).

3. It is contended by the learned counsel for the applicant that the applicant has obtained 64.38 marks which is over and above the cut-off marks, i.e., 51.75 marks (Annexure A/6) and consequently, the applicant got call letter for participating in Physical Endurance and Measurement Test, 2020 (PE&MT, 2020). However, the applicant is stated to have unfortunately suffered an accident and has sustained serious injuries on 21.06.2021, i.e., a few days before the scheduled PE&MT, 2020 during his routine practice for the said physical test. The applicant is stated to have sent a representation vide e-mail to respondent no.1 on 08.07.2021, on being aggrieved by his being declared disqualified in PE&MT, 2020. As no response



was received, he is stated to have preferred another representation dated 09.07.2021 (Annexure A-13).

4. Learned counsel for the applicant submits that the respondents have rescheduled the PE&MT, 2020 for various candidates, who have been suffering from COVID-19. However, the respondents have not considered the aforesaid representations of the applicant. The applicant is stated to have earlier approached the Hon'ble High Court of Delhi vide Writ Petition (Civil) No. 8487/2021. However, the said Writ Petition was disposed of with liberty to the applicant to approach this Tribunal. Thus, the present OA.

5. Issue notice. Sh. H.A. Khan and Sh. R.S. Rana, learned counsels, who appear on advance service for the respondents, under instructions submit that though the PE&MT, 2020 was rescheduled by the respondents, however, the same was done as a matter of policy decision in respect of the persons, who have suffered or have been suffering from COVID-19. However, no such policy decision has been taken in respect of the persons who have suffered otherwise. However, he does not dispute that the aforesaid representations of the applicant have not been considered and disposed of by the respondents till date. He also does



not dispute that the final result is yet to be published by the respondents.

6. Learned counsel for the applicant submits that the applicant shall be satisfied, if the present OA is disposed of with direction to the respondents to consider the applicant's aforesaid representations and dispose of the same by passing an appropriate speaking and reasoned order with appropriate protection to the applicant till then.

7. We are of the considered view that in the circumstances, as noted hereinabove, if such request on behalf of the applicant is accepted, no prejudice is likely to be caused to the respondents.

8. In view of the above facts and circumstances, the OA is disposed of, without going into the merits of the case, with a direction to the respondents to consider the applicant's aforesaid representations, i.e., 08.07.2021 and 09.07.2021 and dispose of the same by passing a reasoned and speaking order as expeditiously as possible and preferably within a period of four weeks of receipt of a copy of this Order. It is further directed that till the passing of such order, the last appointment to the post of Constable (Executive) (Male) pursuant to the aforesaid Advertisement shall be subject to

such order of the respondents. The OA is disposed of in the aforesaid terms. There shall be no order as to costs.



**(R.N. Singh)**  
**Member (J)**

**(A.K. Bishnoi)**  
**Member (A)**

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