

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



O.A. No. 1858/2021

This the 03rd day of September, 2021

(Through Video Conferencing)

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

Krishan Kumar Meena
S/o Ramavatar Meena
R/o Surer, Rajgarh, Alwar
Rajasthan – 301408. ..Applicant

(Through Advocate: Shri Gautam Barnwal)

VERSUS

1. Commissioner of Police
Delhi Police, MSO Building, PHQ, Delhi.
2. DCP, Recruitment Cell
Delhi Police, New Police Lines
Kingsway Camp, Delhi-110009. ..Respondents

(Through Advocate: Shri H.A. Khan)

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) Direct the Respondents to convene Physical Endurance & Measurement Test (“PE&MT”) for the Applicant.

(B) Allow the cost of this application to the Applicants

(C) Pass such orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the Applicant and against the Respondents.”

2. The precise facts leading to the present case are that the respondents have advertised for recruitment to the post of Constable (Exe.), Male & Female in Delhi Police Exam. 2020. The applicant applied for the post of Constable (Exe). Under Scheduled Tribe category and he participated in the said examination. On 15.03.2021, a cut-off list was published by Respondent No. 3 in which the applicant was declared qualified under un-reserved/general category.

3. It is contended by the learned counsel for the applicant that consequent upon qualifying the said written test, the applicant got call letter for participating in Physical Endurance and Measurement Test, 2020 (PE&MT, 2020) on



8.7.2021. However, the applicant is stated to have unfortunately suffered an internal fracture below knee of his left leg on 6.7.2021 and was under regular treatment of Doctors at Community Health Centre, Rajgarh, Alwar, Rajasthan and doctors had advised him to take rest to recover from pain and swelling and the doctors had also told him not to appear in the said Physical test in view of the condition of his injury. Doctor issued medical sickness certificate in which the applicant was advised rest from 6.7.2021 to 12.7.2021 dated 6.7.2021 is annexed as Annexure A-4 to the OA. According to the applicant, he contacted the respondents and requested them to give him an opportunity to appear in the said PE&MT after his recovery. However, the respondents replied to him to join the PE&MT on 8.7.2021 with all medical records regarding his injury. The applicant being injured reached PE&MT place and requested the officers thereat to postpone his PE&MT with Covid-19 recovered cases and also produced all documents related to his treatment and medical sickness certificate before the officers for their consideration for postponing his PE&MT. However, he was told that he had to appear at least in one of the three PE&MT tests, i.e., race and only then respondents would see if the applicant is able to participate in other two tests, i.e.,



High Jump and Long Jump. In such circumstances, the applicant had no choice but to participate in race. He was allotted Batch No.8 and chest No.2772. He tried his best and somehow with immense pain, he participated in the race and qualified the same, however, after the race his pain enormously enhanced and made him to sit as he was not even able to stand on his legs. As a result, he could not participate in High Jump and Long Jump which was scheduled after the race. He again requested to reschedule his High Jump and Long Jump and he was sent to different officers posted there on duty and finally his request was turned down. As such the applicant was declared disqualified. On 16.7.2021 (Annexure A-1), the applicant wrote letter to respondent No.2 requesting him to take his PE&MT as he was not able to appear in High Jump and Long Jump but his request had not been accepted by the respondent No.2. Thus, the present OA.

5. This case was listed on 2.9.2021 when Shri Anuj Kumar Sharma, learned proxy counsel appeared on behalf of Shri H.A. Khan, learned counsel for respondents, sought adjournment to take instructions and this case is posted for today.



6. Today, Sh. H.A. Khan and Sh. R.S. Rana, learned counsels, who appear on advance service for the respondents, under instructions submit that in certain cases, 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 injuries or otherwise. However, they do not dispute that the aforesaid representation of the applicant has not been considered and disposed of by the respondents till date. They also do not dispute that the final result is yet to be published by the respondents.

7. 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 representation and to dispose of the same by passing an appropriate speaking and reasoned order with appropriate protection to the applicant till then.

8. 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.



9. 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 representation and to 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)