

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

...

O.A. 234/93

Monday, this the 17th day of January, 1994

CORAM

Shri N.Dharmadan, Judicial Member

Shri S.Kasipandian, Administrative Member

B.R.Padmanabha Panicker,
Stenographer Gr.II,
Office of the Collector of Customs,
Customs House,
Cochin-9.

.. Applicant

By Advocate Shri M.R.Rajendran Nair

Versus

1. Collector of Customs,
Customs House,
Cochin-9.
2. Union of India rep. by
Secretary, Min. of Finance,
New Delhi.

By Mr. Karthikeya Panicker, ACGSC

O R D E R

N.Dharmadan, JM

The controversy in this case centres round the physical standard and deficiency in the height of the applicant for selection as Preventive Officer.

2. Applicant is a Stenographer Gr.II in the office of the Collector of Customs, Cochin. According to him he fulfills all the requirements under the rules for consideration and promotion as Preventive Officer, but he was not considered. According to the respondents, his height is only 156 cms. So he does not fulfil the physical standard for promotion.

3. The applicant started his career in the office of the 1st respondent as a Sepoy. He was selected for the post on 15.7.56, after satisfying the minimum height of 157.5 cms. fixed for the post. Later he was subjected ^{to} a physical test for promotion on 28.7.89. According to him his correct height

was recorded in the File No. 8/80/Estt.Cu. and the statement of the 1st respondent that the applicant's height is 156 cms. is not correct. He has also produced Ann. A4, a certificate from Civil Surgeon in support of his case.

4. As indicated above the only question to be verified is about the physical standard and the height of the applicant. Having heard the learned counsel on both sides and after careful consideration of the materials available in this case, we are satisfied that the application can be disposed of with a direction to the 1st respondent to verify his personal records and the files referred to above and take a ^{final} decision as to whether the applicant fully satisfies required physical standard for considering him in one of the vacant posts of Preventive Officer, if he otherwise qualified for the same.

5. In this view of the matter, we are satisfied that the application can be disposed of in the interest of justice. Accordingly, we dispose of the original application with the above directions which shall be complied with within a period of 3 months from the date of receipt of the copy of this judgement. No costs.

S. Kasip

(S. Kasipandian)
Member (A)

N. Dharmadan
12.1.94

(N. Dharmadan)
Member (J)