

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

Date of order: 21st September, 2001

OA No.232/1995

Azizullah Khan s/o Shri Kazi Zurulla Khan presently posted
as Sepoy in the office of District Opium Officer,
Jhalawar.

..Applicant

Versus

1. Union of India through the Secretary, Ministry
of Finance, Govt. of India, North Block, New
Delhi.
3. The Secretary, Board of Central Excise and
Customs, M/o Finance, New Delhi.
3. The Narcotics Commissioner, 19, Malroad, Morar,
Gralior.
4. District Opium Officer, Jhalawar.
5. Dy. Narcotics Commissioner, Station Road, Kota.
6. Dy. Narcotics Commissioner, Opium Colony,
Neemach (M.P.)

.. Respondents

Mr. Amit Mathur, counsel for the applicant

Mr. Arun Chaturvedi, counsel for the respondents

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member


ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

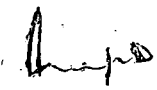
The applicant was appointed as Sepoy on
26.5.1971 in the Narcotics Department. He appeared for the
departmental promotion for the post of Sub Inspector, but
was declared unfit on the ground that his height is 157

Cms, whereas the minimum height required for the post of Sub Inspector is 157.5 Cms. This decision was communicated to him vide letter dated 21.9.1994 (Ann.A1). The applicant has assailed this order in this OA and has sought directions to the respondents to call him for interview and to declare him selected on the post of Sub Inspector.

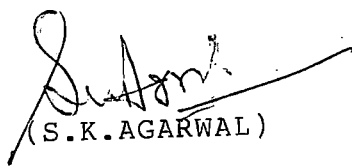
2. The matter was heard and the only point which came up for consideration is whether respondents' action of declaring the applicant unfit on the ground that he does not have the required physical standards, insofar as his height is concerned, is legally sustainable. We are constrained to observe that the learned counsel for the respondents was able to produce only the fitness standards for the post of Sub Inspector, but nothing has been shown to us about the physical standards as applicable for the post of Sepoy. It appears to us that the respondents do not want to ^{be} forthcoming in the matter. We are of the considered view that whenever recruitment for any post is conducted, the physical standards and the other related qualifications are prescribed not only keeping in view the requirements of that post itself, but also requirement of the post in the higher grades in the line of promotion. We have no reason to believe that the physical standard insofar as the height is concerned, would be different for a Sub Inspector than that of a Sepoy. If the applicant could be considered possessing the requisite standards when he was recruited as Sepoy, we do not find any ground for rejecting him for the post of Sub Inspector only on this point. We have no hesitation in quashing the impugned order, which we consider is not sustainable.



3. We, therefore, allow this Original Application and quash and set aside the impugned order dated 21.9.1994 (Ann.A1). The respondents are directed to consider the applicant as having the requisite height as required for the post. Ignoring this disqualification, his claim for promotion should be considered as per rules. If otherwise found suitable, the respondents shall extend to him the benefit of promotion to the post of Sub Inspector from the date his next junior was promoted. The applicant shall be entitled to all consequential benefits including arrears of pay w.e.f. the date his junior was promoted. The respondents shall comply with this order within a period of 2 months from the date of receipt of this order. No order as to costs.


(A.P.NAGRATH)

Adm. Member


(S.K.AGARWAL)
Judl.Member