

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

OA No.2462/2016

**Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Ms. Praveen Mahajan, Member (A)**

**Reserved on :27.10.2017
Pronounced on :14.11.2017**

Sugreev

Designation: N/A as under recruitment/
Selection for the post of Warder (Male)

Group-C

Age: 22 years

S/o Shri Bal Kishan

R/o Vill. Ladrawan

Teh. Bahadurgarh, Distt.

Jhajjar, Haryana.

... Applicant

(By Advocate:Shri S.C.Sagar)

VERSUS

1. Govt. of NCT of Delhi
Through Chief Secretary
7th Level, "B Wing"
Player Building, I.P.Estate
New Delhi – 110 002.

2. Delhi Subordinate Services
Selection Board
Through Office Superintendent
(Exam-II)
Govt. of NCT of Delhi
FC-18, Karkardooma Institutional
Area, New Delhi.

...Respondents

(By Advocate:Shri Amit Anand)

O R D E R

Hon'ble Ms. Praveen Mahajan, Member (A):

The case of the applicant is that respondents advertised the post code No.37/13 for selection/recruitment to the post of Warder (reserved for Male) in Prisoner Department, GNCT of Delhi for the total posts of 550 and the applicant applied under the unreserved category. On 2.3.2014, the

applicant appeared for Written Test for the said post and successfully qualified the same. On 04.07.2016, the applicant was called for Physical Endurance Test which was held between 1.7.2016 and 09.07.2016. The applicant appeared for the same on 07.07.2016 at Chhatrasal Stadium, Delhi and was disqualified orally in Physical Endurance Test (PET) on account of measurement of Chest. On 12.07.2016, the applicant represented against the oral disqualification in PET to the respondent no.2 which has not been disposed of till date. The applicant states that he had applied in Delhi Police as Constable in 2013 and in Staff Selection Commission in 2015 as Constable (GD) where the Physical Endurance Test conducted by the Delhi Police/GNCT of Delhi/ Respondent no.2 to the post of Constable (Exe.) advertised in 2013 in which the physical measurement for chest was fixed as 81-85 cms. All the aforesaid Recruiting Agencies have followed the same physical standard i.e. Physical Endurance test which the applicant fulfilled and particularly to the measurement of Chest as 81-85 cms. He submits that respondents have disqualified him illegally without assigning any reason on the basis of chest measurement. Since, there is no provision for appeal as stated in the advertisement, hence, the present OA has been filed seeking the following reliefs :-

- "i) Direct the Respondents to issue the appointment to the Applicant for the post of Warder (Male) in Prison Department, GNCT of Delhi as the Applicant had fulfilled the criteria of the PET and as well on the basis of other Recruiting Agency had qualified him in PET; or
- ii) Direct the Respondents to re-consider the case of the Applicant for conducting the afresh PET for the post of Warder (Male) in Prison Department, GNCT of Delhi, Post Code No.37/13;
- iii) Direct the Respondents to dispose off the representation dated 12.7.2016 of the Applicant;

iv) Pass such other order or further order/orders as this Hon'ble Tribunal may deem fit and proper under the circumstances of the case in the interest of justice in favour of the Applicant."

2. To this the respondents state that the claim of the applicant that his chest was more than what has been measured during PET for the post of Warder (Post code 37/13) was wrong. The PET of the applicant was conducted on 07.07.2016, alongwith many other candidates by the Sports Branch of Department of Education, Govt. of NCT of Delhi at Chhatrasaal Stadium. An Evaluation Board comprising of Deputy Director (Sports), Deputy Secretary (Home) and Superintendent (Prison) was constituted for the same. The Sports Branch deployed trained Physical Education Teachers and Staff for carrying out the PET. As part of the PET, the candidate, after verification by the staff of DSSSB was subjected to measurement of height and CHEST by trained Physical Education Teacher and Staff before Evaluation Board. The candidates whose height or Chest measurement were on margin, were measured again, and again to their satisfaction where after, the Evaluation Board took final decision on their eligibility. The whole process was duly video graphed and can be produced before the Hon'ble Court as proof of the process carried out.

3. Hence the contention of the applicant that other Recruiting Agencies who had measured his chest, and found it to be between 81-85 cm is not sustainable in law. The other Recruiting Agencies they allege, may not have followed the fool proof process, as followed by the respondents.

4. At the time of hearing Shri Amit Anand, learned counsel for the respondents has produced a copy of chest measurement of the applicant which reveals that the applicant's chest measurement was 79.5/84.0.

5. On going through the facts and records of the case we are not convinced with the contention of the applicant that merely because other agencies (as stated by him) had found his physical chest measurement as per their required norms, his disqualification, during PET conducted by the respondents, is wrong. The Physical Endurance Test of the applicant was conducted for in the presence of Evaluation Board comprising of Deputy Director (Sports), Deputy Secretary (Home) and Superintendent (Prison). The Sports Branch had deployed trained Physical Education Teachers and Staff for carrying out the PET. If the applicant was dissatisfied with his chest measurement, the remedy lay in bringing it to the notice of the Evaluation Board, for an on the spot decision in this regard (which was final for this purpose). This option, though available to the applicant during the conduction of the PET, was not made use of by the applicant. It has also been submitted by the respondents that the proceedings have been video-graphed to make the entire selection process transparent and fool proof. There is nothing to suggest that an adverse view was taken by the respondents qua the applicant or that they did not conduct the PET fairly and honestly.

7. In view of this, we have no reason to intervene or give any relief to the applicant as claimed for in the OA. The OA is disposed of. No costs.

(Praveen Mahajan)
Member (A)

(Raj Vir Sharma)
Member (J)

