

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

OA No. 2802/2016

New Delhi this the 24th day of October, 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)

Rinku
S/o Sh. Naresh
R/o V.P.O. Issarpur,
New Delhi-110073 ... Applicant

(By Advocate: Mr. Ajesh Luthra)

VERSUS

1. Govt. of NCT of Delhi
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate
New Delhi
2. Delhi Subordinate Services Selection Board (DSSSB)
Through its Secretary,
FC-18, Karkardooma Institutional Area,
Delhi-92
3. The Director General of Prisons,
Prisons Head Quarter,
Near Lajwanti Garden Chowk,
Janak Puri, New Delhi ... Respondents

(By advocate: Mr. K.M. Singh)

O R D E R (Oral)

Mr. V. Ajay Kumar, Member (J):

Heard the learned counsel for the parties.

2. The applicant, who participated in the selection for the post of Warder (Male), aggrieved by the action of the respondents in rejecting his

candidature on the ground that he is not physically qualified. Though, time has been granted, but the respondents have not filed their counter till date.

3. It is brought to our notice that in an identical situation, in OA No. 2716/2016, this Tribunal, vide order dated 20.09.2016 has passed the following orders :-

"2. It is stated that the candidature of the applicant for the post of Fire Operator has been rejected on the ground that at the time of Physical Test, the chest expansion was less than 5.5 cms, which was the minimum as per norms which required 'chest 81 cms (resting phase) and 86.5 (full inspiration)' . The applicant had got the measurement conducted in Maharishi Valmiki Hospital, GNCTD, Pooth Khurd, Delhi, which certificate says, chest 95 cms (resting phase) and 101 cms in full inspiration, which would mean that the expansion is not less than 6 cm and also the minimum and maximum chest measurement was more than the norm. The applicant, therefore, states that his candidature was wrongly rejected on the ground of not meeting the chest measurement criteria.

3. We dispose of this OA with a direction to the respondents to get the measurement conducted in Ram Manohar Lohia (RML) Hospital and if the measurement as by RML Hospital is as per norms, they shall consider the case of the applicant for appointment. A time frame of 90 days from the date of receipt of a copy of this order is fixed for compliance of this order. No costs."

4. Since the facts in the present case are also identical to the aforesaid OA, we also dispose of the present O.A., in the similar lines.

5. Accordingly, the OA is disposed of with a direction to the respondent to get the measurement conducted by Medical Board constituted by Ram Manohar Lohia (RML) Hospital and if the measurement of the RML Hospital is as per norms, they shall consider the case of the applicant for appointment. A time frame of 90 days from the date of receipt of a certified copy of this order is fixed for compliance of this order. No costs.

(Dr. Birendra Kumar Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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