

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2142/2016
MA No. 2467/2016
MA No. 2018/2016

New Delhi this the 16th day of September, 2016

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agarwal, Member (J)

1. Naveen Dahiya (Appointment),
Aged about 26 years
S/o Sh. Satnarain
R/o VPO Thana Kalan, Tehsil Kharkhoda,
Distt. Sonepat, Haryana-131402.
2. Praveen Mehlawat (Appointment),
Aged about 27 years,
S/o Sh. Virender Kumar,
R/o H.No. 31, VPO Naya Bans,
Delhi-110082.
3. Ravinder Kumar (Appointment),
Aged about 29 years
S/o Sh. Jagpal Singh
R/o V&PO Khubru, Tehsil Ganaur,
Distt. Sonepat, Haryana.
4. Anil Kumar (Appointment),
Aged about 25 years,
S/o Sh. Mahavir Singh,
R/o H.No.1029, Pana Paposian,
Narela, Delhi-110040.
5. Paramjeet Singh (Appointment),
Aged about 28 years
S/o Sh. Ram Kishan,
R/o VPO Rohat Pana Samran,
Distt.& Tehsil Sonepat,

Haryana-131403.

...Applicants.

(By Advocate: Shri M.K.Bhardwaj)

(2)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
New Secretariat, I.P.Estate,
Delhi.
2. Delhi Subordinate Services Selection Board
Through its Chairman,
Govt. of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi-110092.
3. The Commissioner,
Transport Department,
Govt. of NCT of Delhi,
Old Secretariat, Delhi. ...Respondents.

(By Advocate: Shri K.M.Singh)

O R D E R (ORAL)

Mr. P.K.Basu, Member (A):

Heard the learned counsel for the applicants. It is claimed by the applicants that in Civil Hospital, Sonepat and Maharishi Valmiki Hospital, Pooth Khurd, Govt. of NCT of Delhi, their height had been determined more than 170 cms. Moreover, when they had appeared for Physical Endurance Test (PET) for the post of Head Constable, their height was determined as

170 cms. Learned counsel for the applicants relies on the judgment dated 27.05.2014 in WP(C) No.6696/2013 passed by the Hon'ble High

(OA No. 2142/2016)

(3)

Court of Delhi, in a similar matter in which following instructions had been issued:

"We note that at this juncture, learned counsel for the Petitioner and learned counsel for the Respondents state, on instructions, that they are agreeable to have the height of the Petitioner measured at Research and Referral Hospital. The Petitioner is accordingly directed to appear before the Research and Referral Hospital on 3rd June, 2014 at 9.20 am."

2. Learned counsel for the respondents vehemently opposed the prayer of the applicants stating that the Department had constituted a Committee comprising of senior level officers and the applicants' height was measured in the PET to be less than 170 cms by this Committee. It is stated that the whole process was video-graphed for every individual candidate and the said video-graph can be produced before this Tribunal, if the

Tribunal so desires. It is also argued that the applicants approached this Tribunal without first exhausting the departmental remedies. In this background, learned counsel for the respondents strongly argued that the OA may be dismissed.

3. We have heard both the learned counsels.

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4. In view of the fact that the Hon'ble Delhi High Court has passed the order for reference to another Hospital, balance of convenience lies that this OA is disposed of with a direction to the respondents to constitute a Medical Board comprising of not less than three experts to determine the height of the applicants. In case, the applicants' height is more than or equal to 170 cms, letter of appointment may be issued to them, if found otherwise eligible in accordance with law. In case, their height is determined less than 170 cms, the respondents may not take any further action. No costs.

(Dr.Brahm Avtar Agarwal)
Member (J)

(P.K.Basu)
Member (A)

/kdr/