

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.2399/2018

Monday, this the 23rd day of July 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Malkeet Singh
Aged around 21 years
s/o late Bakshish Singh
r/o 27-A, E Block, Jain Colony
Barwala, Delhi – 110 039

..Applicant

(Mr. Harpreet Singh, Advocate)

Versus

1. The Commissioner of Police
Police Headquarters
MSO Building, ITO
New Delhi
2. Deputy Commissioner of Police – Recruitment
New Police Line, Kingsway Camp
Delhi – 110 009

..Respondents

(Mr. Ramesh Shukla, Advocate for Ms. Isha Majumdar, Advocate with
ASI Salauddin, Departmental Representative)

O R D E R (ORAL)

The applicant applied for compassionate appointment in Delhi Police. His candidature was considered by the Establishment Board/PHQ in its meeting held on 13.01.2017. The Board approved it and recommended him for appointment to the post of Constable (Executive) in Delhi Police. He was subjected to medical examination at Aruna Asaf Ali Government Hospital, which is a Govt. of NCT of Delhi owned hospital. However, his eye vision was not found suitable for the appointment. Accordingly, vide impugned Annexure A-1 communication dated 18.05.2018, he was

informed of rejection of his candidature. Relevant portion of this communication is extracted below:-

"Your medical examination was conducted at Aruna Asaf Ali Govt. Hospital, New Delhi and as per medical report, you were declared medically unfit on account of "reduced visually acuity RE: 6/18". In this regard, you were informed vide this office memo No.2900/R. Cell (R-III) Const. dated 21.07.2017 about your medical unfitness and also that you can prefer an appeal for your second medical examination by a Special Medical Board. On your appeal dated 25.07.2017, a Special Medical Board was constituted at Guru Nanak Eye Centre, New Delhi for your second medical examination. Accordingly, you were medically examined by the Special Medical Board at Guru Nanak Eye Centre, New Delhi and you were declared medically Unfit on account of "Defective Vision RE: 6/12 and LE: 6/24" during the re-medical examination. As per eligibility criteria for the post of Constable (Exe.) Male in Delhi Police, the candidate should have "visual acuity (both eyes), 6/12 without glasses, shall be free from colour blindness", but you have not been found medically fit for the post on the basis of the medical examination reports of Government Hospitals – Aruna Asaf Ali Govt. Hospital and Guru Nanak Eye Centre, Delhi."

2. Notice in this O.A. was issued on 15.06.2018. When the case came up for consideration on 12.07.2018, none appeared for the respondents. Today also, Mr. Ramesh Shukla, appearing as proxy for Ms. Isha Majumdar, learned counsel for respondents, is present together with ASI Salauddin, Departmental Representative, and prayed for some time to file reply.

3. Mr. Harpreet Singh, learned counsel for applicant submitted that the applicant has got himself examined at two hospitals, namely, Maharishi Valmiki Hospital, Pooth Khurd, Delhi and Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi, both owned by Govt. of NCT of Delhi. These hospitals have recommended that the applicant is having suitable eye vision for appointment to the post of Constable (Executive). It is also certified by these hospitals that the applicant is having eye vision of 6/9, whereas the requirement for the post of Constable (Executive) is 6/12. He, thus,

contends that the applicant has got the right eye vision for the appointment. The applicant has claimed the following reliefs in this O.A.:

“(i) Quash and set aside the impugned order dated 18.5.2018 whereby the candidature of the candidate has been cancelled and Show Cause Notice dated 20.03.2018;

(ii) Consequently restore the candidature of the applicant and direct the respondents to conduct a re-medical examination of the applicant in order to arrive at the correct vision of the applicant for appointment to the post of Constable (Exe)-Male in Delhi Police;

(iii) Direct the respondents to appoint the applicant as Constable (Exe)-Male in Delhi Police in case he is medically found fit.”

4. Mr. Harpreet Singh, learned counsel fairly submits that the applicant would be satisfied, at this stage, if a direction is given to the respondents to get the applicant examined again for eye vision at a hospital of State Government or Central Government, and if he is found to be suitable, he may be given appointment as Constable (Executive) in Delhi Police.

5. Considering the nature of reliefs claimed and the submissions of Mr. Harpreet Singh, learned counsel for applicant today, I dispose of this O.A., without insisting on the reply from the respondents, in the following terms:-

a) The respondents are directed to get the applicant again examined for eye vision at a hospital either owned by the State Government or by the Central Government within two months from the date of receipt of a copy of this order.

- b) If the hospital certifies that the applicant is having appropriate eye vision, then grant him the appointment as Constable (Executive) in Delhi Police on compassionate ground within four weeks thereafter.

No order as to costs.

Order **dasti**.

(K.N. Shrivastava)
Member (A)

July 23, 2018
/sunil/