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Central Administrative Tribunal, Principal Bench

Original Application No.1843 of 2003

New Delhi, this the 28th day of July, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Govindan S. Tampi (A)

Rajvir Singh
S/o Shri Chander Bhan,
R/o V & PO:- Pakasma
Distt. Rohtak, Haryana
Presently residing at:-
616, Krishi Apartment, D Block
Vikas Puri, New Delhi-18

.... Applicant

(By Advocate: Shri Anil Singal)

Versus

1. Staff Selection Commission
Through its Chairman
C.G.O. Complex, Lodhi Road,
New Delhi-3
2. GNCT of Delhi through
Commissioner of Police,
Police Head Quarter,
IP Estate, New Delhi
3. DCP (Headquarter-I)
Police Head Quarter,
IP Estate, New Delhi

.... Respondents

O R D E R (ORAL)

By Hon'ble Mr. Govindan S. Tampi, Member (A)

Heard Shri Anil Singal who appeared on behalf of the applicant.

2. The grievance of the applicant who is working as a Constable in Delhi Police and who has sought appointment to the post of Sub-Inspector (Executive) in response to an advertisement and has passed the written test, was that on account of insistence of the selecting authorities that the physical endurance test fixed on 14.7.2003 could not be changed on any account, he had been put to inconvenience being unwell on account of severe backache and sickness for which he was taking treatment from the Government
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dispensary at Vikas Puri. The applicant was still forced to report on 14.7.2003 at 7.00A.M. and his request for postponement of the same was not granted. Therefore, he was forced to appear for the test but could not properly perform. This had arisen on account of the unreasonable attitude taken by the Staff Selection Commission that the physical endurance test could not be postponed at all. It is his plea that as he has cleared the written test, he should be provisionally called for the interview and given another chance for appearing for the physical test. He states that this has been done by the Administration in other instances as well. He also requests that the Tribunal may direct the recruiting authorities to consider his representation filed by him and to treat this O.A. as well as a representation for consideration within a specific time-frame.

3. We have carefully considered the matter. Physical endurance test is a sine qua non for appointment to any executive post especially in the Department of Police. What the applicant is seeking is that though he has not cleared the physical endurance test, he may be permitted to appear in the interview on a provisional basis. This order cannot be issued. However, we feel that the interests of justice would be served by directing the recruiting authorities to dispose of his representation which has already been filed. The respondents may also consider this O.A. as an Annexure to the earlier representation and take a decision within 15 days from the receipt of the certified copy of the present order in view

of the fact that the interviews are expected to be conducted by the second week of August, 2003. O.A. is disposed of.

Issue DASTI.

(Govindan S. Tampi)
Member(A);

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(V.S. Aggarwal)
Chairman.