

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2413 of 2015

Date of Decision: February 12, 2015

Suresh Pal

.....Petitioner

versus

Central Administrative Tribunal, Chandigarh Bench and
others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.G.S.Sandhu, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner seeks quashing of the order dated 30.09.2014 passed by the Central Administrative Tribunal, Chandigarh Bench, whereby his claim for appointment as Assistant Sub Inspector in Chandigarh Police on the basis of the recruitment made in the year 2007, has been turned down.

[2] The petitioner is working as a Constable in Chandigarh Police. He competed for the post of Assistant Sub Inspector in response to the advertisement dated 18.02.2007. The selection was based upon the written test, physical test and interview. The petitioner was said to have cleared all the three hurdles and was placed in the waiting list as per the final result.

[3] The selection process, however, was marred by serious allegations of mal-practices, bungling and favouritism etc.

[4] A case was also registered by the C.B.I. under different provisions of the Indian Penal Code etc.

[5] Shorn of the details, suffice it to observe that the matter came to this court in a bunch of writ petitions including CWP No.6340 of 2009 (Chandigarh Administration and another versus Yash Pal and others) which were decided by a Coordinate Bench vide order dated 08.03.2011 with the following directions:-

“17. In view of the above, the order of the Tribunal is set aside. We find that it is not possible to segregate the tainted from untainted candidates. The cancellation of examination is upheld as the sanctity of the whole examination has been vitiated. The petitioners would be well within their rights to proceed with the selection process afresh.
18. The writ petitions are allowed and are disposed of in the aforementioned terms. The original record has been handed back to the learned counsel for the U.T. Administration.....”

[6] Meanwhile, the C.B.I. submitted its report dated 26.03.2012 recommending cancellation of the selection of those candidates who were illegally declared qualified in the physical test.

[7] The aforesaid recommendations of the C.B.I. given vide report dated 26.03.2012 were considered by a Committee of Police Officers constituted by Chandigarh Administration in compliance with the aforementioned directions of this Court, which was headed by Senior Superintendent of Police (Operations), Chandigarh. The Deputy Superintendent of

Police (Crime) was also member of the aforesaid Committee. The Committee viewed that the petitioner was wrongly shown to have qualified the long jump in the second attempt. The petitioner's selection in the waiting list was consequently cancelled.

[8] The aggrieved petitioner approached the Central Administrative Tribunal, Chandigarh Bench, who has vide order dated 30.09.2014 rejected the claim, observing as follows:-

“... After considering the reply to the Show Cause Notice dated 21.01.2013 in the course of personal hearing of the applicant, the video clipping was also seen by a Committee headed by SSP (Operations) and DSP/CBI who had conducted the inquiry into the matter and after viewing the video clipping of the long jump in respect of the applicant, SSP, UT Chandigarh had concluded that the applicant had been wrongly declared as qualified in the long jump and the officer conducting the test had wrongly measured the distance covered by the applicant. SSP UT Chandigarh, agreed with the report of the CBI, Chandigarh, dated 26.03.2012 and the report of the Committee headed by SSP (Operations) dated 26.06.2012 and concluded that the applicant Sh.Suresh Pal was declared qualified erroneously in long jump at the time of PET, as such, his candidature (waiting list) for the post of Assistant Sub Inspector (Recruitment 2007)

was cancelled.....”

[9] We have heard learned counsel for the petitioner at some considerable length and gone through the record.

[10] It is contended that since no Sports Expert was associated as a Member of the Committee which viewed the video clipping of long jump event, it would be in consonance with the principles of natural justice and fair play that this Court refers the video clipping to a team of Sports Experts for re-views. He further contended that as per the report, the petitioner was wrongly declared qualified in long jump in second attempt and had he not been declared so, he could have made it in the third attempt as per the selection procedure which was not availed by him.

[11] Having given our thoughtful consideration to both the submissions made on behalf of the petitioner. We are unable to agree with the same. We say so for the reasons that (i) firstly, the petitioner has not attributed any malafide motives to the SSP (Operations) and DSP (Crime) who reviewed the video clipping and found that the petitioner was wrongly declared as qualified in the long jump; (ii) secondly, if this Court refers the video clipping for review by a Committee of some Sports Experts, it would tantamount to rejecting the fact finding report of the SSP (Operations) and the DSP (Crime) and (iii) fourthly, the above-stated Committee proposes to undertake the exercise in compliance to the directions issued by this Court and the selection matter being of the year 2007 needs to be taken to its logical conclusion after such a long spell.

[12] It may be true that if the petitioner was declared unqualified in the second attempt, he might have been given

third attempt to qualify the long jump but at this stage this is only hypothetical consideration as to whether the petitioner shall have qualified in such third attempt or not.

[13] In the light of the facts and circumstances, we are not inclined to interfere with the order passed by the Tribunal.

[14] Dismissed.

[SURYA KANT]
JUDGE

February 12, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE