

**(2025) 11 CAT CK 0067**

**Central Administrative Tribunal**

**Case No:** Original Application No. 524 Of 2021

Mohit Rana

APPELLANT

Vs

Commissioner Of Police, Police  
Headquarters, MSO Building, I.P.  
Estate, New Delhi. & Ors

RESPONDENT

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**Date of Decision:** Nov. 7, 2025

**Hon'ble Judges:** Manish Garg, Member (J); Dr. Anand S. Khatri, Member (A)

**Bench:** Principal Bench: New Delhi

**Advocate:** Ajesh Luthra, Anil Kr. Mishra

**Final Decision:** Allowed

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**Judgement**

Manish Garg, Member (J)

1. In the present Original Application, the applicant has prayed for the following reliefs:

- "a. Quash and set aside the impugned order dated 27.10.2020 (Annexure-A1); and
- b. Direct the respondents to further consider and appoint the applicant to the post of Sub-Inspector (Exe.) in Delhi Police;
- c. Accord all consequential benefits;
- d. Award costs of the proceedings; and
- e. Pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant."

2. Narrating the facts of the case, learned counsel for the applicant submitted that the applicant participated in the SSC 2012 recruitment for the post of Sub-Inspector (Executive), Delhi Police. Following litigation, the final result was redrawn, resulting in his selection and the forwarding of his dossier to the Delhi Police in 2018 for appointment processing. Upon receipt of the dossier, he was

called vide letter dated 12.09.2018 to report on 17.09.2018 for collection of the offer of appointment. However, on 18.09.2018, he sought time on medical grounds and was permitted to join the next batch. Similarly, upon being called again to report on 06.06.2019, he sought extension due to severe lower back pain, and by PHQ memo dated 20.06.2019, he was again allowed to join with the subsequent batch. When basic training was scheduled to commence from 01.09.2020, he was directed to report on 27.08.2020, but having tested Covid-19 positive on 25.08.2020, he sought time. The respondents extended the reporting deadline up to 09.09.2020. However, the applicant was hospitalized on 08.09.2020 due to Covid-related complications, discharged on 16.09.2020, and advised rest. Despite this, he was directed to report by 21.09.2020, and though he submitted medical documents evidencing continuing illness, his candidature was ultimately cancelled vide order dated 27.10.2020, leading to the present O.A. seeking quashing of the said order and direction for appointment with consequential benefits.

3. Opposing the grant of relief, learned counsel for the respondents submitted that the recruitment process in question is governed by the Delhi Police (Appointment & Recruitment) Rules, 1980 and Standing Order No. 321. It was stated that though the applicant was selected pursuant to the redrawn result dated 25.08.2014, he failed to report to collect the offer of appointment on five occasions—17.09.2018, 06.06.2019, 27.08.2020, 09.09.2020, and 21.09.2020—each time citing health reasons. Adding further, learned counsel submitted that while the applicant was granted opportunities in 2018 and 2019 to join with subsequent batches, and even exempted till 09.09.2020 on account of Covid-19, his further request based on hospitalization was declined on 18.09.2020, with a final direction to report by 21.09.2020. As he failed to do so and instead sought further time, a show-cause notice was issued on 30.09.2020, his reply dated 15.10.2020 was duly considered, and his candidature was cancelled on 27.10.2020 for his repeated failure to report without any convincing justification.

4. In rejoinder to the arguments put forth by the learned counsel for the respondents, learned counsel for the applicant submitted that the respondents have wrongly portrayed five separate opportunities when, in fact, the three dates in 2020 relate to a single training cycle during the peak of the Covid-19 pandemic. Learned counsel emphasized that the applicant was Covid-positive, subsequently hospitalized, under prescribed medical rest, and later suffered from post-Covid complications, all duly supported by contemporaneous medical records and communications. It was submitted that the impugned cancellation order is based on presumptions of disinterest rather than a fair and compassionate consideration of the applicant's medical incapacity during an unprecedented public health crisis. The learned counsel for the applicant, therefore, reiterates the prayer for quashing the order dated 27.10.2020 and for issuance of appropriate directions for applicant's appointment with consequential benefits.

5. Heard learned counsel for the respective parties and perused the pleadings available on record.

## **6. ANALYSIS :**

6.1 The employer has a duty to consider reasonable accommodation for a legitimate medical reason, such as a delayed joining due to illness, particularly during a national pandemic. While the respondents have strongly argued that multiple opportunities were granted to the applicant, it is undisputed that the applicant was unable to join on account of valid medical reasons, including being COVID-positive.

6.2 There is no contention on the part of the respondents that the applicant failed to provide timely intimation or supporting medical documentation regarding his illness on the various occasions in question. It is also undisputed that the pandemic constitutes a genuine hardship and can be treated as a case of force majeure.

6.3 The principles laid down in **Civil Appeal No. 1081 of 2017 – S. Krishna Sridhar vs. The State of Andhra Pradesh & Ors.**, decided on 19.01.2021, were subsequently followed in **Dr. Rohit Kumar vs. Secretary, Office of Lt. Governor of Delhi & Ors.** [Civil Appeal No. 2739 of 2021 arising out of SLP(C) No. 3824 of 2021], decided on 15.07.2021, wherein the Hon'ble Supreme Court observed as under:

"40. In S. Krishna Sridhar (supra), the condition of "fault on the part of the authorities and apparent breach of rules and regulations" for grant of the relief of admission to the next session to a candidate wrongly denied admission in an earlier session, is a sequel to and flows from the condition that there should be no fault on the part of that candidate. The Court has elaborated on the condition of "no fault of the candidate" to ensure that relief is not claimed as a matter of right for any lapse or infraction of rules on the part of the candidate by recourse to the plea of the candidate not being at fault. To cite an example, an individual candidate cannot as a matter of right claim relief when for inability to fulfil a condition of admission for reasons such as computer crash at his end, inability to raise funds within time for payment of admission fees, inability to adhere to time schedules by reason of vehicular breakdown, illness, bereavement etc. which may not be within the control of the candidate, as otherwise it would be impossible for educational institutions to complete the admission process, in time, when there are a large number of applicants.

41. In this case, there has not been any lapse on the part of the Appellant. The Appellant could not join the post graduate course in PGI Chandigarh for the January 2021 session for reasons attributable to the Respondent Nos. 1 and 2 though technically, the said Respondents cannot be said to have acted illegally or in breach of rules and regulations, in denying the Appellant Study Leave, in apprehension of rise in COVID-19 cases and the exigency of availability of doctors in full strength, as far as possible.

42. The Appellant, who could not join the post graduate course, due to the denial of Study Leave by the Government pursuant to a legitimate policy decision and in response to the call of duty, cannot now be denied relief on the hyper technical ground that the Respondent Nos. 1 and 2 had not breached any rules or regulations.

It would be a travesty of justice to deny relief to the Appellant, when the Appellant had to make a personal sacrifice in the larger public interest, to serve the cause of humanity.”

6.4. In the instant case, the applicant challenges Annexure A/1, whereby his candidature for appointment to the post of Sub-Inspector (Executive) in Delhi Police – 2012 was cancelled. Upon selection, the applicant was issued an offer of appointment and was required to join the post. However, due to medical and personal hardships, he was unable to report. Subsequently, vide letter dated 13.08.2020, the applicant was once again required to join. On 25.08.2020, the applicant tested COVID-19 positive and informed the respondents on 26.08.2020. The respondents then directed him to report by 09.09.2020, but the applicant again communicated that he was hospitalized due to COVID-related complications. Thereafter, the applicant was issued a show-cause notice dated 30.09.2020, to which he replied with supporting documentary evidence. The rejection order, however, disregards his documented medical and personal hardships. The observations in the impugned order dated 27.10.2020, particularly the remark that **“It shows that you are not serious to join Delhi Police as S.I.”** are contrary to the medical records and advice. The respondents ought to have taken proper note of the medical advice and discharge reports, which were entirely ignored.

6.5 The records from the Government Hospital, Delhi, dated 21.09.2020, reflect the applicant’s medical condition as follows:

#### **True copy of aforesaid record dated 21.09.2020**

6.6. The applicant was advised to rest for 10 days as per the medical prescription dated 23.09.2020. Subsequently, he was granted a medical fitness certificate to join duty from 20.10.2020, vide Medical Fitness Certificate dated 19.10.2020.

6.7. In the peculiar facts and circumstances of the case, the applicant cannot be held at fault. The impugned order does not even specify which rule or regulation was allegedly breached by the applicant. The respondents ought to have reasonably accommodated the applicant’s joining, especially in light of his medical condition, which was beyond his control, and considering the prevailing COVID-19 pandemic at that time.

#### **7. CONCLUSION**

7.1. In vieww of the above discussionss, the impugned office order dated 27.10.2020 is hereby quashed and set aside. The respondents are directed to alloww the applicant to join the post of Sub-Inspector (Executive)) within 45 days from the date of receipt of the certified copyy of this order.

7.2. It is clarified that the applicant shall not be entitled to any senioriity or monetary benefits prior to joining, in accordance with the principle of "No Work, No Pay." All benefits shaall accrue from the date of actual joining.

7.3. The O riginal Application is alloowed in the aforesaid terms. Pendding M.A.s, if any, shall stand disposed of. No costs.