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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-247/94 in
OA-88/94

New Delhi this the 14th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Ashok Kumar Sharma,
R/o IX/5553, Old Seelampur,
Gandhi Nagar,
Delhi-1100 31.

Review
Applicant

~~Original Order~~

versus

1. Union of India,
through its Secretary/Chairman,
Telecommunication Commission,
Department of Telecommunication,
Sanchar Bhawan,
Ashok Road,
New Delhi.
2. Assistant Director General (DE),
Department of Telecommunications,
Dak Bhawan, Parliament Street,
New Delhi. Respondents

ORDER (BY CIRCULATION)

Delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

In this review application the order dated 17.5.91 passed by this Tribunal is sought to be recalled on the ground that there are apparent errors on the face of the record. The applicant had filed an O.A. challenging the decision of the respondents not to permit him to appear in Part-II Junior Accounts Officer(Telecommunications) Examination to be held in February, 1994 on the ground that he had not qualified Part-I of the said examination. Under Part-II of the examination, a candidate was required to appear and qualify in five distinct papers. The qualifying marks in each paper were 40%. The applicant secured less than 40% marks in one paper and applied for retotalling. As a result of

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retotalling, he was declared qualified. Later on, the respondents discovered that under the garb of retotalling, re-evaluation had taken place. Under the rules, only retotalling is allowed and no re-evaluation. Rule 15 specifically prohibits re-evaluation.

The review applicant contends that Tribunal could not have accepted the contention of the respondents that re-evaluation of papers was done without going through the original record. This Tribunal held that the respondents, under the circumstances of this case, did not commit any illegality or irrationality while rejecting the candidature of the applicant.

The next point raised by the review applicant is that in case of one Shri Ramesh Chander retotalling of one paper was allowed raising his marks from 50 to 52. This clearly benefited as it increased the total of marks in Paper-II and III from 70 to 81 marks giving him a minimum pass percentage of above 40%. Though a reference was made to the marks of Sh. Ramesh Chander being increased after retotalling, the consequences of retotalling were not mentioned either in the OA or in the rejoinder-affidavit. This new point cannot be raised in a review application. In any case, it has already been held by this Tribunal that in case of Sh. Ramesh Chander only retotalling was involved.

We find no merit in the review application and is hereby rejected.

B.N. Dhadia
(B.N. Dhadia)
Member (A)

S.K. Dhaon
(S.K. Dhaon)
Acting Chairman