

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD

Dated: This 17th day of July 2020

**HON'BLE MRS.JUSTICE VIJAY LAKSHMI, MEMBER (J)**

**HON'BLE MR. ANAND MATHUR, MEMBER (A)**

**Original Application No. 330/00273/2020**

1. Shashikant Sharma a/a 36 years, S/o Rajnandan Thakur, R/o House No. 195 Hanumanpur, Mugalsarai, District Chandauli.
2. Intekhab Raza S/o S.M. Eqbal Raza, House No. 1330/E, Ward No. 10, Near Ayush Hospital, Alinagar, Mughalsarai, District Chandauli.

.....Applicants

By Advocates: Shri Anil Kr. Singh/Arvind Srivastava

Versus

1. Union of India Secretary Ministry of Railway, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, EC Railway, Pandit Deen Dayal Upadhaya, Mughalsarai, District Chandauli.
3. Senior Divisional Personnel Officer, E.C. Railway, Mughalsarai, District Chandauli.

.....Respondents

By Advocate: Shri P.K. Rai

**ORDER**

**DELIVERED BY HON'BLE MR. ANAND MATHUR, MEMBER (A)**

1. Heard Shri Prateek Kumar proxy counsel for Shri Arvind Singh – III, learned counsel for the applicants and Shri P.K. Rai, learned counsel for the respondents on the point of admission.
2. Both applicants were appointed to the post of Technician in Pandit Deen Dayal Upadhyaya Railway Division of East Central Railway on 10.02.2002/02.08.2013. There is 25% LDCE (Limited Departmental Competitive Examination) Quota prescribed for filling up of post of Junior Engineer from amongst the Technicians who fulfil the prescribed

eligibility criteria. Accordingly, the applicants applied for this post and they were found eligible amongst 36 candidates vide the list circulated on 17.12.2019. Out of total of 11 posts, 9 were for UR, 1 for SC and 1 for ST. The written examination was conducted on 23.12.2019 and the minimum qualifying marks were prescribed as 60%. After evaluation of answersheets, the Select List was declared on 31.12.2019 consisting of only 8 selected candidates. The applicants were confident of passing the examination as they claimed to have given more than 60% correct answers. On being dissatisfied with the result, the applicants obtained their O.M.R. Sheets from the Administration and found that some of the answers given by them correctly had not been given marks and negative marking had also been done incorrectly. The applicants also counter-checked their answers from the Railway Manuals and other rules on the subject. Since they had secured 59.33% marks in the written examination they were confident that if their correct answers are given due marks, they were bound to secure more than 60% marks.

3. Accordingly, they made a representation addressed to Divisional Railway Manager, East Central Railway, Pandit Deen Dayal Upadhyay Railway Division on 26.02.2020 and thereafter on 17.03.2020 along with detailed proof of answers for re-evaluating the Answer Sheets. They also made a complaint/representation on CPGRAM Portal of the Railways on 13.05.2020 but the respondents did not take any action. It was on 19.05.2020 that DRM office gave a reply stating that the Answer Sheets have been evaluated on the basis of model answers and accordingly the panel has been prepared on the basis of marks statement provided by the Evaluator. The applicants also state that their representations dated 26.02.2020 and 17.03.2020 on CPGRAM Portal were shown to be closed on 22.05.2020.

4. The learned counsel for the applicants stated that all 8 selected candidates have already been sent for training on 20.01.2020 and that the applicants would suffer great agony and discrimination in their service career if their legitimate due is not given to them.
5. After hearing learned counsels for both the parties, it is felt that the reply dated 19.05.2020 given by the administration does not cover the specific point raised by the applicants for various questions.
6. Learned counsels for both the parties agreed to the suggestion of directing the respondent No. 2 to dispose of the representation by passing a reasoned and speaking order.
7. This O.A. is disposed of by giving directives to Respondent No.2/Divisional Railway Manager, East Central Railway, Pandit Deen Dayal Upadaya Railway Division to closely examine all the points raised by the applicants in their representations dated 26.2.2020 and 17.3.2020. The answers to all questions need to be checked up for their correctness so that the claim of applicants can finally be settled. The Speaking Order should be passed within a period of four weeks from the date of receipt of a copy of this order. The Speaking Order should be conveyed to both the applicants. No order as to costs.

**(ANAND MATHUR)**

**MEMBER (A)**

**(JUSTICE VIJAY LAKSHMI)**

**MEMBER (J)**

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