

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 1764/91  
T.A. No.

199

DATE OF DECISION 4.9.91

Shri K. Hari Kumar

~~Respondent~~ Applicant

Shri A.K. Sikri,

Advocate for the ~~Respondent(s)~~ Applicant

Versus

U.P.S.C. & ans.

Respondent s

Shri M.L. Sharma, Counsel

~~Advocate~~ for the Respondent(s)

along with Shri J.P. Paul, Section Officer

CORAM

○ The Hon'ble Mr. D.K. CHAKRAVORTY, MEMBER(A)

The Hon'ble Mr. T.S. OBEROI, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

## JUDGEMENT

( JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE  
MR. T.S. OBEROI, MEMBER)

The applicant's grievance in this application filed under Section 19 of the Administrative Tribunal Act, 1985, is that instead of his having done well in the Civil Services(Main) Examination, 1990, the marks as communicated to him by the Union Public Service Commission, <sup>as</sup> obtained by him, are strikingly low. The reliefs sought in the OA are as follows:-

- (2) to direct the respondent No.1 to produce the answer sheets in the court for personal verification of the same by the applicant to ensure that-
  - these answer scripts are of his own;
  - supplementary answer scripts are duly tagged;
  - all answers are evaluated;
  - totals thereof are correct; and
  - his adverse results are not due to any error or manipulation

*Sharma*

(H)

- (ii) If error is found, then to rectify the same by correcting total/tabulation, searching the answer-sheets of applicant, as the case may be;
- (iii) If no error of aforesaid nature is found, then to direct re-evaluation of answer script;
- (iv) on correcting the error/re-evaluation, as the case may be, if the marks of the applicant are more than the qualifying marks, then direct the respondent No.1 to hold the interview and for purpose to constitute special interview committee and give consequential benefits including that of appointment etc. depending upon the results of the interview, as well as any other consequential benefits to which the applicant is entitled;
- (v) Award the cost of petition; and
- (vi) to pass any other order as this Hon'ble Tribunal may deem fit and proper."

2. While considering the application on 6.8.91, a Bench of this Tribunal, passed the following order:-

" Heard the ld.counsel for the applicant on admission. Let a notice be issued to the respondents, on admission, returnable on 10.9.91.

He is also heard on interim relief. Issue notice to the respondents on interim relief, returnable in two weeks with the direction that they should file the reply to interim relief and they shall produce the answer books of the applicant in sealed cover, before this Court. List on 19.8.91. The service of interim relief shall be made by the applicant dasti."

3. In pursuance of the above order, the respondents have filed counter to the OA and also produced records of the answer strips of the applicant, in sealed cover. Rejoinder to the application has also been filed on behalf of the applicant.

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4. We have heard the learned counsel for both parties.

5. The learned counsel for the respondents opposed the prayer in the OA mainly on the ground that the Union Public Service Commission being a high powered statutory body, the work of evaluation, tabulation and announcing of results etc. would have been best left to them rather than directing the respondents to produce the record, as per directions given, as above. Learned counsel also pleaded that this would add to the avoidable load of work of this Tribunal if such like applications are entertained.

6. The learned counsel of the applicant pleaded that it would mean both satisfaction of the examinees as well as add to the credibility of the organisation like Union Public Service Commission, if after examination of the record as prayed for, their evaluation is found to be in order. The learned counsel for the applicant fairly restricted the relief sought by the applicant, out of those narrated above, to the following:-

- (i) a visual comparison of the representation written by the applicant in his own hand forming a part of the record of the OA, with those of the answer strips of the applicant, records in respect of two subjects- Public Administration (Paper-I) and General Studies (Paper-II), out of three subjects records for which had been called for to be produced;
- (ii) whether all answers have been evaluated; and
- (iii) whether totals thereof are correct.

7. Shri J.P. Paul, Section Officer in the office of the Union Public Service Commission, has


produced the record of answer strips pertaining to the applicant, in a sealed cover. With his assistance we have generally perused the same in respect of the three aspects referred to above. We are satisfied that there is no error with regard to the same on our perusal of the record in question.

8. As nothing in the OA survives and the learned counsel for both the parties have agreed that the application may be disposed of after dealing with the above aspects, the OA is finally disposed of with the above observations. The record produced by Shri J.P.Paul, Section Officer, has been resealed with court's seal and entrusted to him.

There will be no order as to costs.

*T. S. Oberoi*  
( T.S.OBEROI )  
MEMBER(J)

*D. K. Chakravorty*  
( D.K.CHAKRAVORTY )  
MEMBER(A)

Date	Office Report	Cases No. 32 Orders
		<p data-bbox="600 241 763 295">10.9.91.</p> <p data-bbox="1071 228 1331 309">CA 1764/91</p> <p data-bbox="714 322 1315 443">Present: Sh. Sailesh Kapoor and Sh. Vikram Dhokalia for applicant.</p> <p data-bbox="568 577 1591 981">This case has been listed in the Cause List for today. However, the file has not been sent to the Court. Learned counsel for applicant states that this case has otherwise been argued on the <sup>question</sup> <del>basis</del> of interim relief and orders have been reserved. Office is directed to list the case on 19.9.91.</p> <p data-bbox="1023 994 1347 1169"> (DIWAKAR KUKRETI) DEPUTY REGISTRAR</p>

(2)

## Office Report

7/10 N: 37

## Orders

10.9.91.

GA 17CH/91

Present: Sh. Sailesh Kapoor and  
Sh. Vikram Dhokalia for  
applicant.

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~~The Court~~ me. Learned counsel for applicant states that this  
case <sup>has</sup> otherwise <sup>been</sup> argued on the <sup>question</sup> ~~basis~~ of interim relief  
and orders have been reserved. Office is directed  
to list the case on 19.9.91.

(DIWAKAR KUKRETI)  
DEPUTY REGISTRAR