

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

D.A. NO. 1889/93

New Delhi this 16th Day of February 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

Shri Nandan Singh Dhami,
Son of Shri Mohan Singh Dhami,
Resident of Qr. No. 610, Sector II,
R.K. Puram,
New Delhi-110 002.

.. Applicant

(By Advocate Shri Krishna Prasad)

VERSUS

1. Union of India through
Secretary,
Ministry of Home Affairs,
North Block, New Delhi

2. Department of Telecommunications,
Govt. of India,
Departmental Examination Section,
Dak Bhawan,
Parliament Street,
New Delhi-110 001.

.. Respondents

(By Advocate : None)

ORDER

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant is working as a Clerk in the Department of Telecommunication and qualified the examination of JAO-Part I in 1991 and was given officiating appointment to the post of Jr. Accounts Officer since February 1992 in the Office of the Deputy General Manager. The respondents No. 2 conducted the examination of Jr. Accounts Officer Part-I in November, 1992 and result was declared on 5.2.1993. The applicant did not pass the examination. The applicant was supplied with the marks-sheet wherein in Paper X he obtained only 35 marks. The grievance of the applicant is that the evaluation of marks of Paper X was not done

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as per the answer written by the applicant as he was expecting more than 60 marks. The applicant applied for revaluation and deposited Rs. 25/- by the letter dated 17.4.1993. The applicant was informed that the marks re-tallied of Paper XI and the total was found correct.

2. Aggrieved by the aforesaid action of the respondents, the applicant filed the present application for the following relief:

To set aside the action of the Respondent No. 2 as-per and examine the original answer book of Paper X of the applicant by which he had been declared unsuccessful and denied promotion and he may be declared successful in the said JAO Part II of the P&T JAO's examination held in November 1992 with all back wages and seniority according to the merit from the date of pronouncement of result dated 5.2.1993.

3. We have heard the learned counsel at length and also perused the supplementary affidavit by the applicant. The application in the present form is not maintainable. The Court has no power to re-examine the answer sheets of the particular question Paper. The applicant has not alleged any malice.

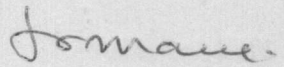
4. The application, therefore, does not lie as it shall be beyond the jurisdiction of the Tribunal, to sit as an Appellate Authority or as a higher examining body. The applicant did not pray for the reevaluation of Paper X by the respondents No. 2. In view of this fact the application is dismissed at the time of admission stage itself with liberty to the

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applicant to seek the relief, if so advised for
re-evaluation of Paper X by Respondent No. 2. The
application therefore, is disposed of accordingly.



(B.K. Singh)
Member(A)



(J.P. Singh)
Member(J)

Mittal