

5
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.671 OF 2013
Cuttack the 1st day of October, 2013

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)

Ashok Kumar Sahoo,
aged about 35 years,
S/o. Parikhita Sahoo,
Permanent resident of
Vill/PO. Khalisahi, P.S. Khandapada,
Dist-Nayagarj at present working as Gramina Dak Sevak
Under the Sr. Superintendent of Post, Puri Division, Puri

...Applicant

(Advocate:)

VERSUS

Union of India Represented through

1. The Director General (Posts),
Dak Bhawan, New Delhi.
2. Chief Postmaster General,
Orissa Circle,
Bhubaneswar, Orissa,
At/P.O. Bhubaneswar,
Dist.Khurda.
3. The Senior Superintendent of Post Offices,
Puri Division,
At/P.O/P.S. Puri, Dist. Puri.
4. Sarat Kumar Sahoo,
S/o. Harihar Sahoo,
At/P.. Kesharpur,
P.S/Via:Mandhatapur, Nayagarh

... Respondents

(Advocate:)



ORDER(Oral)

HON'BLE MR. R.C. MISRA, MEMBER (A)

C.A.T. Bar Association has given the following resolution:-

“In continuation to our earlier resolution dt. 27.09.2013, the emergent extraordinary General body of C.A.T. Bar Association resolved unanimously today at about 10.30 A.M. to continue “abstain from Court” till tomorrow afternoon (01.10.2010).”

2. In view of the above, heard Sri Ashok Kumar Sahoo, the applicant who has appeared personally before this Tribunal.

3. The applicant initially was appointed as EDBPM at Khallisahi Branch Office under Nayagarh Head Post Office with effect from 11.08.1999 and thereafter, posted as Gramin Daka Sevak from 07.12.2001. The applicant by filing this Original Application, has averred that a notification was issued by the Respondents i.e., the Department of Posts for selection and promotion of eligible MTS and GDS to the cadre of Postman and Mail Guard. The applicant applied for the same and was allowed to sit for the written examination. The written examination consisted of three papers under the heading A, B and C. It is the case of the applicant that under the Group 'B' i.e., Arithmetic, he committed some inadvertent mistakes. However, he had done well in other papers of the written examination. When the results were declared, the applicant being a B.Sc. (Hons.) found himself to be unsuccessful where as the Respondent No.4, who is only a Matriculate succeeded in the examination. The applicant, therefore, sought some information under RTI Act on 02.07.2013. Now the applicant has approached this Tribunal being aggrieved by the evaluation of answer paper-B (Arithmetic).

4. When asked by this Tribunal whether he has made any representation or request to the concerned authorities for re-evaluation of his answer sheet, the applicant stated that he has made a representation to the Director, Postal Services on 03.08.2013. However, I find that the copy of this representation has not been filed in this O.A. This is a case where the applicant is making a prayer for re-evaluation of his answer sheet on the

7

ground that the marks awarded have^{ve} been arbitrary. He has participated in the said examination and has not been successful and he has also made an admission in the O.A. that he had committed some inadvertent mistakes in the Arithmetic Paper. However, he has not exhausted his departmental remedies and has approached this Tribunal for the required relief. In this context, it is relevant to quote hereunder Section 20 of the AT Act. :-

“ A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.”

5. Since the applicant has failed to satisfy this Tribunal that he has availed of the remedies under the relevant service rules, this Original Application made to the Tribunal is premature. In view of the above facts, the O.A. is rejected being premature. However, the applicant is free to agitate his grievances before the concerned departmental authorities praying for the re-evaluation of the answer sheet as mentioned in this O.A.

6. Copy of this order be given to the applicant in course of the day.


(R.C. MISRA)
MEMBER(A)