

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.718 of 1996

Date of Order: 1.12.2004

PRESENT : HON'BLE MR. MUKESH KUMAR GUPTA, JUDICIAL MEMBER
HON'BLE MR. M.K. MISHRA, ADMINISTRATIVE MEMBER

G.S. MAJUMDAR

VS.

UNION OF INDIA AND ORS. (E. Rly.)

For the Applicant : Mr. S.K. Mondal, Counsel

For the Respondents : Mr. P.K. Arora, Counsel

O R D E R (O R A L)

MR. MUKESH KR. GUPTA, J.M.:-

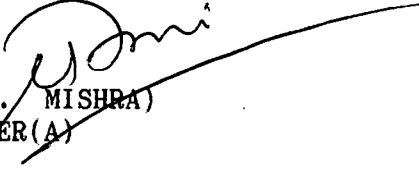
This matter was earlier dismissed for default and restored vide order dated 18.11.2004. Today when the matter came up for hearing, Mr. S.K. Mondal, ld. counsel states that the counsel for the applicant is in difficulty to attend to the court today. We do not approve such practice on the part of the counsel particularly when the matter was of the year 1996 and restored on a specific understanding that the matter will be heard finally today and as such we are to compelled to pass an order on the basis of the pleadings and after hearing Mr. P.K. Arora, ld. counsel appearing for the respondents.

2. By the present application, the applicant seeks direction to the respondents to re-evaluate the answer-scripts in connection with the examination for the selection of Group-B(AEN) through LDCE held on 29.4.95 and 30.04.95 and consequently promote him to the said post from the date when his juniors were so promoted.

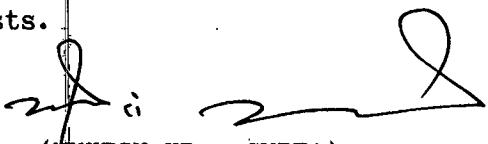
3. Sri P.K. Arora, ld. counsel appearing for the respondents invited our attention to paragaph-16 & 17 of the reply, wherein it has been stated that in O.A. No. 43 of 1996, which was heard and disposed of on 22.1.1996, direction was issued to the respondents for reevaluation of answer books by a carefully selected panel of examiners other than those evaluated the answer books earlier. Pursuant to the above order of this Tribunal, all the answer papers were re-evaluated, on the basis of which 11 candidates secured qualifying marks of 60% or above as prescribed under rules. Out of which 8 were applicants in the aforesaid O.A. No.43 of 1996. No S.C.

candidate was qualified and that on reexamination and re-evaluation, 3 more candidates qualified. As per result of the first time evaluation and also the reevaluation, the applicant could not obtain qualifying marks. Accordingly, it is contended that once the applicant was not qualified by securing required marks, the applicant has no legal and vested right to seek promotion. So far as re-evaluation is concerned, as prayed for by the applicant in the present application, this process has already been undertaken.

4. In view of the above, we find no merit in the present application and the same is dismissed. No costs.



(M.K. MISHRA)
MEMBER(A)



(MUKESH KR. GUPTA)
MEMBER(J)