

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 43 199 2.

DATE OF DECISION 30.11.1992

Shri V Parameswaran Applicant (s)

Shri N Subramaniam Advocate for the Applicant(s)

Versus

Chief Post Master General, Tvm. Respondent (s)
Kerala & 7 others

Shri AA Abul Hassan, ACGSC Advocate for the Respondent (s) 1 to 3.

Shri DV Radhakrishnan " " 4 to 8.

CORAM :

The Hon'ble Mr. SP Mukerji - Vice Chairman

&

The Hon'ble Mr. AV Haridasan - Judicial Member

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

JUDGEMENT

(Hon'ble Shri AV Haridasan, JM)

The applicant, who has been working as an Extra Delivery Departmental Agent from November, 1982 onwards, participated in the recruitment test for recruitment to the post of Postman/Mail Guard conducted on 20th October, 1991 with Hall Ticket No.270. While he was expecting success in the examination, he was disappointed to find that in the list of candidates selected for appointment as Postman drawn on the basis of the examination his name was not included (Annexure A.I). On 3.12.1991, he made a request to the

3rd respondent to intimate the marks obtained by him in the examination. The 3rd respondent replied to this request by letter dated 3.12.1991 (Annexure A2) stating that he had obtained 22 marks in Paper A, 46 marks in Paper B and 43 marks in Paper C. These marks are out of 50 each and the minimum required for a pass is 22.5 each. As the applicant has been working as an EDDA, he was surprised to find that he had secured only such low marks in Paper A which pertains to his routine work and suspected that there should have been some foul play in the matter of valuation by some interested persons. Therefore, on 6.2.91 he filed a petition before the 3rd respondent requesting for revaluation of his answer paper. As he did not find any response to his petition for revaluation and finding that the respondents 4 to 8 who^{have been selected,} were called for attending training for a period of 15 days, the applicant has filed this application under Section 19 of the Administrative Tribunals Act praying that the respondents may be directed to appoint him as a Postman.

2. The respondents 1 to 3 resist the application contending that there is absolutely no merit in the application, that the answer papers have been correctly evaluated and that as there is no provision for revaluation the applicant's request for revaluation could not be acceded to. The respondents 1 to 3 pleaded that the application being devoid of merit may be dismissed. The respondents 4 to 8 have also filed a detailed reply statement in which they contend that there is absolutely no merit in the claim of the applicant and as they have not been appointed even after completion of training on account of pendency of the application which is devoid of merits the same may be dismissed.

3. With a view to satisfy ourselves as to whether the answer papers of the applicant and the respondents 4 to 8 have been properly valued adopting a uniform standard, we directed the learned counsel for the respondents 1 to 3 to produce the answer papers of the applicant and the respondents 4 to 8, as also the instructions regarding revaluation of the papers.

4. The learned counsel for the department produced for our perusal the relevant answer papers of the applicant and the respondents 4 to 8. The rules relating to departmental examination have also been produced and marked as Annexure R3(a) along with the reply statement. It is seen from the rules that the revaluation of answer script is not permissible in any case under any circumstance. This rule has not been challenged by the applicant. There is only a provision for retotalling. We have gone through the answer sheet of the Paper A and found that the totalling of the marks has been correctly done. The learned counsel for the applicant invited our attention to the first column in the answer sheet wherein all the entries in this column have been marked as ' X '. The Paper A consists of only one question directing entries to be made of the articles in the Postman/Village Postman's book. There are ten articles. The first column in the answer sheet is date. The applicant had put date against each entry. This has been marked as wrong. The learned counsel for the applicant submitted that all the articles were dated 5.10.91 according to the question paper and that, therefore, there is no justification for marking the entries wrong. But the learned counsel for the respondents 1 to 3 ^{under} instructions from the Department regarding the manner of writing the entries in the Postman's book submitted that while the Postman makes entries in the Postman's book on one day, the

date in the relevant column, should be written only once. We have seen the answer papers of the respondents 4 to 8 also. All of them have given the date only at the top in column No.1 and thereafter, they have put only serial numbers and did not repeat the date. Repeattion of the date according to the Department is not warranted as per the instructions. Though repeattion of the date cannot be considered to be a mistake, but if according to the instructions regarding making entry in the Postman's book the date has to be written only once the same day, then we are of the view that the action of the evaluating officer in taking the repeattion of the date as wrong cannot be faulted. The question is whether according to the instructions the dates should not be repeated under each entry on the same day or not. Since the respondents 4 to 8 have uniformly adopted the course of writing the date only once at the top of the column, we are inclined to believe that the instructions are as contended by the respondents. The learned counsel for the applicant then invited our attention to column 5 and 7 of the answer sheet. The heading of the column 5 is the "name of addressee or payee". In this column, instead of writing the name alone the applicant in all his answers under this column, had written the names and addresses of the addressees concerned. These have been marked as wrong. The learned counsel for the applicant argued that since the applicant has in addition to the name, given the particulars also, it can not be said that the whole answer is wrong. The counsel for the Department, on the other hand, argued that when what is required is to write the name only, anything written in addition to that, is wrong. We find that the argument of the learned counsel for the applicant has no force because the Postman, if he is required to write only the name of the addressee in the Postman book, has no reason

to write the address also. Similarly, in column 7 at the top of column it is written "delivered". The column reads "the reason why articles are returned undelivered or money orders returned unpaid should be noted in this column". Against the entries where articles have been delivered and not returned, the applicant had written delivered, intimation served etc. These have been marked as wrong. The learned counsel for the applicant submitted that marking these answers as wrong is unjustified. We do not find any substance in this argument because when what is required is to state only the reason why articles were returned undelivered or money orders returned unpaid, if the articles have been delivered or money orders paid, no entry needs to be made in this column. On ^acareful scrutiny of the answer book of the applicant and that of the respondents 4 to 8, we are convinced that the answer sheet of the applicant has been correctly valued and that the officer who valued the answer sheet had adopted a uniform standard in the case of the applicant and that of the respondents 4 to 8. No malafide as alleged in the matter of evaluation of the answer sheets has come to our notice. There is only a mere suspicion in the mind of the applicant that there is some foul play since he has got only less marks than expected in Paper A. For failure in the examination, the applicant has to grudge no one, but his own bad luck. We, therefore, find that there is absolutely no reason why we should interfere with the selection made.

4. In the light of what is stated above, finding no merit in the application, the same is dismissed without any order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER

30/11/92
30.11.1992.


(SP MUKERJI)
VICE CHAIRMAN