

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.428/10

...Monday, this the 28<sup>th</sup> day of November 2011

**C O R A M :**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER  
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

V.K.Somarajan Pillai,  
S/o.V.S.Krishna Kurup,  
Gramin Dak Sevak Branch Post Master,  
Ulanad P.O., Kulanada, Pathanamthitta – 689 503.  
Residing permanently at Viruthethu Kizhakkethil,  
Njettoor, Kulanada, Pathanamthitta – 689 503.

...Applicant

(By Advocate Mr.M.R.Hariraj)

**V e r s u s**

1. Union of India represented by the Secretary  
to Government of India, Department of Posts,  
New Delhi.
  2. Chief Post Master General,  
Kerala Circle, Trivandrum.
  3. Superintendent of Post Offices,  
Pathanamthitta Postal Division, Pathanamthitta.
- ...Respondents

(By Advocate Ms.Deepthi Mary Varghese,ACGSC)

This application having been heard on 11<sup>th</sup> November 2011 this  
Tribunal on 28<sup>th</sup> November 2011 delivered the following :-

**O R D E R**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

The applicant has approached this Tribunal with the grievance that  
his answer sheets in respect of departmental examination for recruitment to  
the cadre of Postman or Mail Guard for the 2007 year's vacancies had  
been incorrectly and illegally evaluated consequent to which he was not  
selected for the said post.

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2. Briefly stated, the applicant is working as GDS BPM in Pathanamthitta Postal Division. In response to Annexure A-1 circular dated 11.8.2009 the applicant appeared in the examination. As the marks awarded to him were found to be much lower than that expected by the applicant, he had asked for a copy of the answer sheets under the RTI Act and obtained the same. The applicant could locate certain mistakes including the one that column 3 and 6 in the Postman Book which were not expected to be filled in by the applicant and which was accordingly left blank was treated as wrong. According to the applicant as the revaluation was wrong, the drill of evaluating the answer sheets should be conducted afresh. He has, therefore, prayed for the following reliefs :-

1. To declare that not making entries in column 3 and 6 of the Postman Book shall not result in reduction of marks to the applicant and to direct respondents to revalue the answer sheets and grant appropriate marks due to the applicant.
2. To quash Annexure A-1, to the extent it stipulates that clearance from the screening committee is necessary for appointment of Gramin Dak Sevaks as Postmen and to direct the respondents to consider the applicant for appointment as Postman against the available vacancies of Postmen in 2007.
3. Respondents have contested the O.A. According to them as per the decision of the Apex Court in a recent case of H.P. Public Service Commission v. Mukesh Thakur and another in Civil Appeal No.907/2006 decided on 25.5.2010, revaluation unless otherwise provided for in the rules is not permissible. Again, the respondents have stated that the last candidate selected under the General Quota of direct recruits has secured 138.5 marks and as per the rules relating to selection to the post of Postman from among the Gramin Dak Sevaks under the 25% quota, the



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marks obtained by the Gramin Dak Sevak should not be less than the marks obtained by the last candidate in the direct recruitment quota. In the instant case against 138.5 marks the applicant had secured only 124 marks.

4. Counsel for the applicant at the very outset fairly submitted that insofar as relief sought vide para 8(1) of the O.A is concerned, this Bench had passed an order in O.A.610/10 on 25.10.2011 which has rejected such a claim in that case. The counsel has submitted that though normally an order of a Coordinate Bench has to be respected and followed, in the event of difference, the Bench is at its liberty to refer the matter to a Larger Bench as per the rules. The counsel argued that reasoning given in the order in O.A.610/10 may not be correct. For, when a right answer has been indicated as wrong and wrong answer had been rewarded by grant of marks, the respondents cannot claim consistency in mistake. Rectification of mistakes is a must. From this point of view, according to the counsel for the applicant, decision in O.A.610/10 should be re-visited.

5. As regards the 2<sup>nd</sup> prayer, the counsel submitted that since there are as many as 24 vacancies, if all these are filled up on merit basis, even without revaluation, the applicant may be through as he has secured comfortable marks in the departmental examination.

6. Counsel for the respondents submitted that order in O.A.610/10 does not suffer from any illegality and may have to be adopted by this Bench. As regards consideration of the applicant's case for revaluation and

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accommodation against 24 posts, counsel stated that where the marks obtained are less than the marks obtained by the last selected candidate in the previous examination under the direct recruitment quota, there is no question of selecting that individual. Hence, according to the counsel for the respondents the O.A lacks merit.

7. Arguments were heard and documents perused. Insofar as prayer at para 8 (1) is concerned, the decision in O.A.610/10 applies with full force. We are in respectful agreement with the same. As regards the 2<sup>nd</sup> prayer, when the requirement is that candidate must have secured, at least, that many marks as the last selected candidate in the direct recruitment quota under the unreserved category have secured, as per the respondents, the applicant could secure only 124 marks. This is far below the 138.5 marks which are the marks secured by the last selected candidate under direct recruitment quota. Even assuming that marks are awarded to the particular question, then also it will not rise up to 138.5 marks. When the minimum marks are prescribed, the change in the number of vacancies is immaterial.

8. In view of the above, we find that the O.A lacks merit and is, therefore, dismissed. No costs.

(Dated this the 28<sup>th</sup> day of November 2011)

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K.NOORJEHAN  
ADMINISTRATIVE MEMBER

  
Dr.K.B.S.RAJAN  
JUDICIAL MEMBER

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