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OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Common order in O.A.Nos.454/2002 and 455//2002.

Friday this the 22nd day of November 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

O.A.454/2002:

1. N.Deyanandan, Accountant, Office of the Accountant General, A&E, Kerala, Thiruvananthapuram
2. A.Yasmin, Accountant, D/o Late A.M.Aboobacker, -do-
3. Unni P, Accountant, -do-
4. A.Premakumar, Accountant, -do-
5. Mamman Kurian, Accountant -do-

Applicants

(By Advocate Shri M.R.Rajendran Nair)

Vs.

1. The Comptroller and Auditor General of India, Indra Prastha Head Post Office, New Delhi-110001.
2. The Accountant General (A&E) Kerala, Trivandrum-39.
3. Senior Deputy Accountant General (Admn), Office of Accountant General, Trivandrum.
4. Union of India represented by Secretary to the Government of India, Ministry of Finance, New Delhi.

Respondents

(By Advocate Shri C.Rajendran, SCGSC)

O.A.455/2002:

1. K.P.Suresh, Sr.Accountant Office of the Accountant General, (A&E) Kerala, Kottayam Branch, Logos Buildings, Sastri Road, Kottayam.
2. Denny A Kaitharan, Sr. Accountant, -do-
3. M.Jayakumar, Accountant, -do-
4. Ravikumar P.,Accountant -do-

5. C.P.Raju, Accountant -do-

6. James Thomas, Accountant, -do-

7. G.Predeep, Accountant, -do-
Applicants

(By Advocate Shri M.R.Rajendran Nair)

Vs.

1. The Comptroller and Auditor General of India,
Indra Prastha Head Post Office, New Delhi-110001.

2. The Accountant General (A&E) Kerala,
Trivandrum-39.

3. Senior Deputy Accountant General (Admn),
Office of Accountant General,
Trivandrum.

4. Union of India represented by
Secretary to the Government of India,
Ministry of Finance,
New Delhi. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 22nd November, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

Both these applications are directed against the orders dated 6.6.2002 and 7.6.2002 of the 2nd respondent marked as A-2 and A-3 respectively in O.A. 454/02 and A3 and A-4 respectively in O.A.455/02. The applicants in both these applications having passed the aptitude test for selection and appointment to the post of Console Operators and Senior Console Operators participated in the Speed Test and Skill Test held on Ist and 2nd November, 2001. All of them were shown as qualified in the result published on 8.2.2002 (A-1 & A-2 in O.A.455/02). Their present grievance is that on the basis of some alleged malpractices, the Skill test held on Ist and 2nd of November, 2001 has been cancelled by A-2 order dated 6.6.2002 and a fresh

Skill Test is notified by A-3 order dated 7.6.2002. It is alleged in the application that there has not been any malpractices as mentioned in the impugned order and, in the nature of the Test it is not possible for the participants to copy in Speed Test, especially, while they were participating in the test in different rooms. The applicants therefore, seek to set aside the impugned orders.

2. The respondents seek justification for the cancellation of the result and holding a fresh test on the ground that it was revealed from the report Annexure R-6 that malpractice has been established.

3. On the basis of an interim order issued on 26.6.2002 the test as proposed in the order dated 7.6.2002 has been kept in abeyance.

4. When the O.A. came up for hearing today, learned counsel for the applicant stated that since in the nature of the test the possibility of copying is highly remote, if not totally impossible, the application may be disposed of permitting the applicants to make a representation to the 2nd respondent pointing out how Annexure-R6 report cannot be accepted and directing the 2nd respondent to consider the representation and then take an appropriate decision as to, whether the test has to be cancelled or not to be cancelled before holding a fresh test. We find that this suggestion of the counsel of the applicant is very reasonable and would not cause any administrative difficulty to the respondents.

5. In the light of what is stated above, both these applications are disposed of permitting the applicants in these O.As. to make representation to the 2nd respondent against the cancellation of the result of the Skill Test and Speed Test on the basis of Annexure R-6 report within four days and directing the 2nd respondent to reconsider the issue and take a decision as early as possible keeping the holding of Test as proposed in the order dated 7.6.2002 in abeyance. In case the 2nd respondent takes a decision against the cancellation, it may not be necessary to hold a fresh test. If the 2nd respondent even after considering the representation would decide to cancel the result and hold a fresh test, the same may be notified and held.

6. There is no order as to costs.

Dated the 22nd November, 2002.

Sd/-
(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN

APPENDIX

O.A.454/2002:

Applicant's Annexures:

1. A-1: True copy of the Order No.Sr.DAG(A)/C Cell/SCO/10-11/2001 (Section order 884) dated 8.2.2002 issued by the 3rd respondent.
2. A-2: A true copy of the order No.Admn.VI/6-35/Vol-7/(Sectional Order No.164) dated 6.6.2002 issued by the 3rd respondent.
3. A-3: A true copy of the Notice No.EDP Cell/4-6/2002-03 dated 7.6.2002 issued by the 3rd respondent.
4. A-4: True copy of the representation dated 11.6.2002 made by the 1st applicant before the 2nd respondent.

Respondents' Annexures:

1. R-1: True copy of Recruitment Rules 1994 received from the 1st respondent.
2. R-2: True copy of Notice dated 3.8.2001 issued by the 2nd respondent.
3. R-3: True copy of Notice dated 26.6.2002 issued by the 2nd respondent.
4. R-4: True copy of Syllabus for skill test for Console Operators issued by O/O 2nd respondent.
5. R-5: True copy of Syllabus for skill test for Sr.Console Operators issued by O/O 2nd respondent.
6. R-6: Letter dated 30.5.2002 issued by Sri.S.K.Jaiswal, Director, the to Senior Deputy Accountant General (Administration) Trivandrum.
7. R-7: Report on scrutiny of Speed test papers sheet pertaining to Sr.Console Operators dated 30.5.2002.
8. R-8: Report of scrutiny of Speed test papers answer sheet pertaining to console operators.

O.A.455/2002:

Applicant's Annexures:

1. A-1: True copy of the Order No.Sr.DAG(A)/C Cell/SCO/10-11/2001 (Section order 883) dated 8.2.2002 issued by the 3rd respondent.
2. A-2: True copy of the Order No.Sr.DAG(A)/C Cell/SCO/10-11/2001 (Section order 884) dated 8.2.2002 issued by the 3rd respondent.
3. A-3: A true copy of the order No.Admn.VI/6-35/Vol-7/(Sectional Order No.164) dated 6.6.2002 issued by the 3rd respondent.
4. A-4: A true copy of the Notice No.EDP Cell/4-6/2002-03 dated 7.6.2002 issued by the 3rd respondent.

Respondents' Annexures:

1. R-1: True copy of Recruitment Rules 1994 received from the 1st respondent.
2. R-2: True copy of Notice dated 3.8.2001 issued by the 2nd respondent.
3. R-3: True copy of Notice dated 26.6.2002 issued by the 2nd respondent.
4. R-4: True copy of Syllabus for skill test for Console Operators issued by O/O 2nd respondent.
5. R-5: True copy of Syllabus for skill test for Sr.Console Operators issued by O/O 2nd respondent.

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26.11.02

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CERTIFIED TRUE COPY
Date 22-11-2002
Deputy Registrar