

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 464/92 ~~199~~

DATE OF DECISION 24.2.1993

K.Narayanan Applicant (s)

Mr.M.Sasindran Advocate for the Applicant (s)

Versus

The Superintendent of Post Respondent (s)
Offices, Kannur Division & 2 others.

Mr.C.Kochunni Nair, ACGSC. Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N.Dharmadan, Judicial Member

The Hon'ble Mr. R.Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N.DHARMADAN, JUDICIAL MEMBER

The applicant is at present working as Extra Departmental Delivery Agent in Mundalur Post Office. He appeared for the departmental test held on 21.10.90 for promotion to the post of Postman. His grievance in this application filed under Section 19 of the Administrative Tribunals Act is that the valuation in respect of answer paper 'A(1)' has not been properly done and his request for revaluation was rejected as per the impugned orders at Annexures-A2 and A4.

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2. According to the applicant, he has faired well in all the four papers in the written examination, but in the list of successful candidates his name was not included. Hence, he applied for the marks list. Annexure-A1 is the copy of the marks list received from the 1st respondent. It shows that for paper 'A' he got 35 marks out of 50. He submitted that the examiner has committed an error in valuing the paper and calculating the total marks. Since he has faired well in the paper 'A' he expected full marks and a pass in the written examination. Due to the error committed by the examiner ~~he failed which caused injustice to the~~ applicant. Accordingly he submitted a representation for retotalling and verification of the marks. This was rejected as per Annexure-A2. A further representation, Annexure-A3, dated 19.11.91 was also turned down by Annexure-A4 letter dated 6.12.91 without either retotalling or revaluing the answer papers of the applicant. Aggrieved by the illegal action of the respondents, the applicant filed this application to set aside the impugned orders and a declaration that he got higher marks in paper 'A(1)' and for a direction to the respondents to appoint him as a Postman along with others who have passed in the examination.

3. In the written statement filed by the 2nd respondent it is stated that there is no provision for revaluation. But the request of the applicant for retotalling and verification of the marks obtained by him in paper 'A' of the examination was considered and his answer book was sent to an officer other than the original examiner for retotalling and verification. The officer examined the paper and submitted a report stating that "no

individual marks were given for each entry in the postman book, by the original examiner but a total of 35 marks out of 50 marks had been given. So there was not much to be done by way of retotalling". In his report he has stated that two entries have been scored in red ink by the original examiner as if the answers were incorrect. He has also expressed the opinion that "the candidate could have been given full marks for the paper". On receipt of this report it was felt that the interest of justice requires that a further verification of all papers in the regional level is necessary to find out whether the original examiner has committed any irregularity causing disadvantage to the applicant when compared with the answer papers of other candidates. The random examination of all the papers including ^{the} applicant in the particular region was ordered and further verification ~~disclosed~~ that no irregularity has been committed by the original examiner in the matter of valuation. The authorities were satisfied that the applicant had not been identified for any special treatment in the matter of assessment. Further, it was also found that the performance of the applicant was not so fault-free that he should have been given full marks. His answer sheet contained mistakes which warranted some deduction from the full marks. Thus the assessment made by the original examiner was upheld.

4. We have also heard the counsel of both sides. The learned counsel for the respondents produced for our verification the answer paper written by the applicant in paper 'A'. We have also gone through the same. On a careful verification we are satisfied that no irregularity has been committed in the matter of valuation by the original examiner as contended by the applicant causing

any injustice to the applicant. In the light of the clear statement in the reply statement that even though there is no provision for revaluation the respondents have conducted a retotalling and verification for satisfying as to whether any irregularity has been committed by the original examiner in the matter of valuation and that the authorities have found that there is no such irregularity, we are of the opinion that the contention of the applicant cannot be accepted. We reject the same.

5. Having regard to the facts and circumstances of the case we are of the view that the applicant has not made out a case for interference. We are fully satisfied that the original examiner has not committed any irregularity or mistake in valuation of answer paper 'A' of the applicant, as contended by him. The application is only to be rejected. Accordingly we dismiss the same.

6. There will be no order as to costs.



(R.RANGARAJAN)
ADMINISTRATIVE MEMBER


(N.DHARMADAN) 24.2.93.
JUDICIAL MEMBER

v/-