

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Original Application No. 459 of 2010
w i t h
Original Application No. 512 of 2010**

Wednesday, this the 6th day of January, 2011.

CORAM:

**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. O.A. NO. 459/2010

Durga Devi,
W/o. Radhakrishnan,
GDS SV, Ollur, Thrissur,
Residing at "Chittalil House",
Ollur P.O., Thrissur. Applicant.

(By Advocate Mr. Shafik M.A.)

v e r s u s

1 Union of India, represented by
The Chief Postmaster General,
Kerala Circle, Trivandrum.

2 The Senior Superintendent of Post Offices,
Thrissur Division, Thrissur. Respondents.

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

2. O.A. NO. 512/2010

C.J. Vinson
S/o. Jacob C.P
GDS BPM, Vaka
residing at Cheruvattor House
Vaka, Via Mattom,
Trichur. Applicant

(By Advocate Mr. Shafik M.A.)

v e r s u s

- 1 Union of India, represented by
The Chief Postmaster General,
Kerala Circle, Trivandrum.
- 2 The Senior Superintendent of Post Offices,
Thrissur Division, Thrissur. Respondents.

(By Advocate Mr. MVS Nampoothiry, ACGSC)

The applications having been heard on 6.1.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Having identical issues, both these O.As were heard together and are disposed of by this common order.

2. The applicant in O.A. No. 459/2010 working as Gramin Dak Sevak Stamp Vendor (GDSSV) at Ollur Post Office under the 2nd respondent, had appeared for the Postman examination on 08.11.2009. On finding that her answer paper in Paper-A(i) has not been evaluated properly and thereby got less marks than she should have got and missed a place in the merit list, she represented on 31.03.2010 to the Chief Postmaster General, Kerala Circle, Trivandrum, the 1st respondent, for re-evaluation of her answer paper and for awarding correct marks entitling her for promotion. As no action was taken on her representation, O.A. No. 459/10 was filed for the following reliefs:

(i) To call for the records relating to Annexure A-1 to A-10 to declare that the applicant is entitled to be awarded the correct marks in A-4 answer sheet;

- (ii) To direct the respondents to re-evaluate the answer paper in Paper-A(i) Postman Book Entry and to award the correct marks to the applicant and to revise the select list, include the applicant and to make appointments on the basis of such revised results;
- (iii) To declare Rule 15 of Appendix 37 of P&T Manual Volume IV as unconstitutional, ultra vires, unreasonable and void;
- (iv) To issue appropriate direction or order to revise the select list and to appoint the applicant also as Postman in Thrissur Division, immediately on the basis of the marks on re-valuation; and to grant her all consequential benefits with effect from the date of her entitlement;
- (v) To issue such other appropriate orders or directions this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case; and
- (vi) To grant the costs of this Original Application.

2. The applicant in O.A. No. 512/2010 working as Gramin Dak Sevak Branch Postmaster (GDSBPM) at Vaka Post Office under the 2nd respondent had appeared for Postman examination on 18.10.2009. On finding that his answer papers - A(i) and B were not evaluated properly and thereby got less marks than he should have got and missed a place in the merit list, he represented on 09.04.2010 to the Chief Postmaster General, Kerala Circle, Trivandrum, the 1st respondent, for revaluation of his answer papers and for awarding correct marks entitling him for promotion. As no action was taken on his representation, O.A. No. 512/10 was filed by the applicant for the following reliefs:

- (i) To call for the records relating to Annexure A-1 to A-7 to declare that the applicant is entitled to be awarded the correct marks in A-4 and A-6 answer sheet;
- (ii) To direct the respondents to re-evaluate the answer

paper in Paper-A(i) Postman Book Entry and Paper-B Arithmetic and to award the correct marks to the applicant and to revise the select list, include the applicant and to make appointments on the basis of such revised results;

(iii) To declare Rule 15 of Appendix 37 of P&T Manual Volume IV as unconstitutional, ultra vires, unreasonable and void;

(iv) To issue appropriate direction or order to revise the select list and to appoint the applicant also as Postman in Thrissur Division, immediately on the basis of the marks on re-valuation; and to grant him all consequential benefits with effect from the date of his entitlement;

(v) To issue such other appropriate orders or directions this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case; and

(vi) To grant the costs of this Original Application.

3. We have heard Mr. Shafik M.A., learned counsel for the applicant and Mr. Sunil Jacob Jose, SCGSC and Mr. MVS Nampoothiry, ACGSC, learned counsel for the respondents.

4. During the pendency of these applications, the respondents have reevaluated the answer papers of both the applicants. The applicant in O.A. No. 459 of 2010 got 43 marks on revaluation against earlier 41 marks in Paper-A(i) thereby raising a total marks secured by her from 135 to 137 marks. The last candidate selected under UR category had secured only 136 marks in the examination held on 08.11.2009. The applicant in O.A. No. 512/2010 got 43 marks and 42 marks respectively against earlier 33 and 35 marks in Paper-A(i) and Paper-B on revaluation thereby securing 128.5 marks against the earlier 111.5 marks. The last candidate selected under UR category had secured the total marks of 125.5 only in the examination held on 18.10.2009. Hence, the applicants in both the O.As,

on the strength of the marks they obtained on revaluation would find a place each in the select list. What remains of the reliefs prayed for by the applicants are the consequential benefits.

5. The applicant in O.A. No. 459/2010 having secured total 137 marks and the applicant in O.A. No. having secured total 128.5 marks on revaluation are eligible to be included in the select lists. Invariably, the respondents will have to revise the existing select lists to include the applicants. On the basis of the revised select lists they should get appointment as Postman. Therefore, both the O.As succeed.

6. In the light of the above, we declare that the applicant in O.A. No. 459/2010 and the applicant in O.A. No. 512/2010 are entitled to be included in the respective select lists for appointment as Postman on the basis of the examinations held on 08.11.2009 and 18.10.2009 and to get all consequential benefits with effect from the date of their entitlement. The 2nd respondent is directed to issue appropriate orders in this regard and implement them within a period of one month from the date of receipt of a copy of this order.

7. The O.As are allowed as above with no order as to costs.

(Dated, the 06th January, 2011)

(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

CVR.