

-1-

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.547/2009

Dated this the 8th day of March, 2010

C O R A M

**HON'BLE MR JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

- 1 M.R. Sasidharan S/o N. Raman Nair
Passenger Guard (adhoc)
Office of SSQNL, Southern Railway
Kollam
residing at Sree Shivam, Nariyapuram Post
Pathanamthitta

- 2 K. Manoharan S/o P. Kuttappan
Passenger Guard (Adhoc)
Office of SSQNL Southern Railway
Kollam
residing at Souparnika, Edavattam
Vellimon Post, Keeralapuram, Kollam

..Applicants

By Advocate Mr. Vinod Vallikappan

Vs

- 1 The Union of India represented by the
Secretary to the Government of India
Ministry of Railways
Rail Bhavan, New Delhi.

- 2 The General Manager, Southern Railway
Headquarters Office
Park Town Post
Chennai

- 3 The Divisional Railway Manager
Southern Railway, Trivandrum Division
Trivandrum-14

4 The Senior Divisional Personnel Officer
Southern Railway
Trivandrum Division
Trivandrum-14
Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The Application having been heard on 22.2.2010 the Tribunal delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicants who are working as Senior Goods Guards under the Trivandrum Division, Southern Railway, seeks revaluation of their answer papers of the test held on 24.2.2007 for promotion to the post of Passenger Guard.

2 According to the applicants, written test for filling up of 13 vacancies of the post of Passenger Guard was held pursuant to Annexure A-1 notification and the results were declared on 4.6.2008. They are eligible to be promoted if they secure 60% marks in the written test, service records and ACRs together. Though they performed well, they failed to qualify as they could not secure the minimum marks. They sought for the answer sheet under the Right to Information Act. On going through the same it has been found that though the answers were correct, the marks awarded are very less. Hence they represented for revaluation of the answer sheets. Their representations are pending. The applicants submitted that there is no uniform method of evaluating the answer sheets. They have averred that though they have correctly answered questions like Question No. 8 in conformity with the answer in the rule book, they have not been allotted full marks. There is no answer

11

key and the absence of qualified evaluator have caused prejudice to the applicants. Hence they have filed this O.A to revalue the answer papers by a competent and qualified authority.

3 The respondents filed reply statement contending that there is no provision for revaluation of the answer papers in the Railways. While the applicants have scored full marks for correct objective answers, they have got less marks in descriptive type answers. There is a provision for verifying the correctness of language, sentence formation, presenting facts in proper order etc. which vary from individual to individual. The answer sheets were examined by competent Railway Officer. The Question No. 8 is a non-descriptive type question bearing 10 marks and while the 1st applicant has secured 4 marks, the 2nd applicant got 6 marks.

4 The applicant filed rejoinder reiterating the averments in the O.A.

5 The respondents filed additional reply statement denying the averments that they have answered the Question No. 8 etc. As per the sequence in the rule book. The question No. 8 was " As a Guard what action you take when your train meets with an accident in the mid section? General subsidiary Rules (1976) prescribes a particular order in which the Passenger Guard will take action to protect the train and to stop an approaching train etc. There were missing links in the answer given by the applicants which resulted in lower marks being awarded by the examiner.

6 Heard learned counsel for the parties.

11

7 The sole question that comes up for consideration in this O.A is whether there is any provision for revaluation of answer papers of examinations conducted by the Railways. The applicants/respondents are unable to point out any provision in the IREM or any order of the Railway Board permitting revaluation of the answer papers of examination conducted by the Railways. In the absence of any provision, we are of the view that the applicants have no legally enforceable right. Ordinarily, the valuation of answer papers is done by subject experts and the Tribunal cannot interfere in such matters unless no mark is awarded to a particular answer or there is any error in the totaling of marks. The applicants have no such case. The lone issue raised by the applicants is that even though they have answered certain questions which require descriptive answers correctly, they have not been awarded marks as expected by them and there is no key to such questions. We are unable to accept this argument. Valuation of such descriptive answer are subjective in nature and the Tribunal cannot interfere with the subjective analysis of the answers by the examiners.

8 In this view of the matter, we do not find any merit in the O.A., it is dismissed. No costs.

Dated 8th March, 2010


K. NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K. THANKAPPAN
JUDICIAL MEMBER

Kmn