

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.576/2013
Friday , this the 30th day of August, 2013

C O R A M :

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

V.S Anjali
D/o.V.K Shaji
Gramin Dak Sevak Mail Deliverer,
Kunjithai Branch Post Office,
Vadakkekara P.O – 683 522
Aluva Division, residing at
“Vadakkedathu House”,
Alanthuruthu, Vadakkekara P.O
Pin – 683 522

... **Applicant**

(By Advocate Mr.M.A Shafik)

v e r s u s

1. Union of India, represented by
the Chief Post Master General
Kerala Circle, Trivandrum – 690 533
2. The Senior Superintendent of Post Offices
Aluva Division, Aluva – 683 101
3. Smt.Sheena George, MTS
Puthuserry House
Vengoor P.O
Pin – 683 546

... **Respondents**

(By advocate Ms.Deepthi Mary Varghese, ACGSC for R1 & R2,
Mr.O.V.Radhakrishnan,Sr. with Ms.K.Radhamani Amma & Mr.Antony
Mukkath for R3)

This application having been heard on 30th August 2013 this Tribunal
on the same day delivered the following :-

ORDER

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

1. The applicant, working as GDS MD, took part in the examination for promotion as Multi Task Staff held on 27.01.2013 for the vacancies of the year 2010, notified as per Annexure A-2. Along with the applicant, third respondent

also participated in the selection. Initially both of them were stated to have obtained equal marks and since there was only one vacancy, the third respondent was declared as selected. The applicant had, under RTI Act, obtained a copy of the answer sheet and found that question No.13 which was answered correctly was evaluated as wrong. As such, the applicant pointed out this fact to the second respondent. The applicant is thus entitled to one mark for question No.13 and in that event her score would be more than that of the third respondent. Hence, this Original Application seeking 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 full marks in question No.13 in Annexure A-4 answer sheet;

(ii) To quash A-1 select list;

(iii) To direct the respondents to re-evaluate the A-4 answer paper as per A-6 answer key published by the respondents and to award mark for the correct answer of Question No.13 and to revise the select list, include the applicant and to make appointment as MTS in the vacancy for the year 2010 on the basis of such revised results."

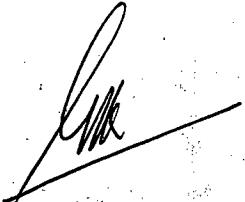
2. The respondents have considered the case of the applicant and having been satisfied that there was a mistake in the evaluation, rectified the same. Before the appointment of the applicant is given, it was necessary for them to issue show cause notice to the third respondent. This was stated to have been issued on 18.07.2013 and the third respondent had filed O.A No.716/2013 separately.

3. Though time was granted, no reply statement has been filed by the respondents. However, counsel for the official respondents submitted that the mistake has been rectified after adopting the normal formalities like issue of show-cause notice etc. However, the applicant would be accommodated in the place of the third respondent.

4. Counsel for the applicant submitted that the applicant's entitlement to

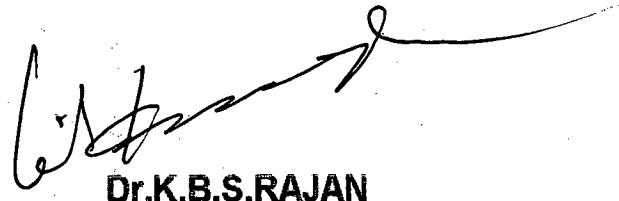
the post of MTS is from the date the third respondent had been accommodated. We appreciate the claim of the applicant in this regard. Had the correct mark been awarded in the appropriate time, the applicant could have been appointed as MTS in the place of third respondent.

5. In view of the above, the Original Application is allowed to the extent that it is declared that the applicant is entitled to appoint as MTS notionally from the date the third respondent was appointed and actually from the date on which the applicant undertakes higher responsibilities. Respondents are directed to issue necessary orders to the applicant. Accordingly, the Original Application is allowed. No costs.



K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER

SV



Dr.K.B.S.RAJAN
JUDICIAL MEMBER