

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.95/95

Wednesday, this the 6th day of March, 1996.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

V Parameswaran, EDDA II,  
Karikkad Post Office,  
Via) Kunnamkulam, Trichur District.

....Applicant

By Advocate Shri MS Narayanan.

vs.

1. The Chief Post Master General, Kerala Circle, Trivandrum.
2. The Post Master General, Central Region, Ernakulam.
3. The Senior Superintendent of Post Offices, Trichur.
4. PA Suresh, EDDA, Puthenpeedika P.O., Trichur District.
5. PV Jayaprakashan, EDDA, Kandassankadavu P.O., Trichur District.

....Respondents

R.1-3 by Shri Varghese P Thomas, Addl Central Govt Standing Counsel.  
R.4&5 by Advocate Shri M Ramachandran.

The application having been heard on 1st March, 1996,  
the Tribunal delivered the following on 6th March, 1996:

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant is an Extra Departmental Delivery Agent. He wrote the examination for recruitment to the cadre of Postman/Mail Guard. Since his name was not included in the list of successful candidates, he got his marks retotalled, which are seen to be 27 in paper A, 48 in paper B and 36 in paper C. The retotalling showed that there was no error in totalling. The grievance of

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applicant is that with his experience of eleven years as an Extra Departmental Postman, he could not have scored low marks in paper A which relates to his daily duties. He contends that a perusal of his answer paper would show that the award of marks is not correct.

2. Respondent Department stated that the duties of Extra Departmental Delivery Agent and of the Postman are very different and that the experience of applicant as Extra Departmental Delivery Agent, could not by itself enable him to get high marks in the examination. In an earlier examination also, applicant had failed and had approached the Tribunal in OA 43/92 and the Tribunal dismissed his application. The present application is more or less on the same lines. Applicant had preferred an appeal against the decision in the earlier OA 43/92, which has been dismissed by the Supreme Court. Respondent Department further states that passing the examination "will not entitle him only for getting selection under the 50% of the quota for Extra Departmental candidates based on seniority", and that "as he was not sufficiently senior, he could compete for the remaining 50% of such Agents quota based on merit". Since Fourth and Fifth respondents secured more marks than the applicant, they were selected in preference to the applicant.

3. We have called for the answer papers of the applicant and the respondents 4 and 5. It is seen that applicant has not been awarded any marks for answer Nos. 6,7,8 and 9. A perusal of the answer paper of the applicant (Roll No.TC 216) does not show any mistake in respect of answers to question Nos. 6,7,8 and 9. There is a remark against these answers made by the examiner, which is not legible and presumably, it explains the reason why marks have not been awarded for these answers. In

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fact, a perusal of the answer papers of respondents 4 and 5 shows that marks have been awarded even where there are noticeable errors in the answers. For example, column 3 reads that "date & office of issue" should be entered "in the case of money orders only". Respondent 4 (Roll No.189), in answer to question No.2, which is not a money order, against column 3, has shown the number and office of issue and yet, he has been awarded marks for this answer. Similarly, an entry has to be made in column 7 only where the articles are returned undelivered or money orders returned unpaid. Respondent 4 is seen to have made an entry against column 7 against all questions irrespective of whether the articles were delivered or returned and yet he has been awarded marks for all those answers. Clearly, no proper evaluation of answers which can stand the test of close scrutiny, was made. We must also add that a perusal of the answer paper of respondent 5 (Roll No.TC 57) does not reveal any such mistake, but full marks have not been awarded to these answers. It is not clear why questions answered correctly have not been awarded full marks. Apparently, this is the reason why respondent 5 who has answered all the questions properly has still obtained less marks than respondent 4. We have indicated only one or two examples as illustrations and have not scrutinised the answer papers of respondents 4 and 5 in detail since it is not necessary to decide the issue before us. We do not wish to pronounce on the award of marks to respondents 4 and 5. Learned counsel for respondents also could not find anything wrong with the answers of applicant except to say that the date has been written by the applicant in the same line and not in the line below. This is not a mistake since there are no instructions that date has to be written only in the line below.

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5. From this discussion, it is clear that applicant is entitled to receive marks for the answers to questions 6,7,8 and 9. Respondent Department is directed to award marks to applicant in respect of his answers to questions 6,7,8 and 9 and consider him for selection on the basis of the revised total marks so obtained. This shall be done within one month.

6. Application is allowed as aforesaid. No costs.

Dated the 6th March, 1996.

  
P V VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN