

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 133 of 2006
W I T H
Original Application No. 134 of 2006

Wednesday, this the 20th day of June, 2007.

CORAM:

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER
HON'BLE DR. K S SUGATHAN, ADMINISTRATIVE MEMBER**

1. O.A. No. 133 OF 2006

K. Balakrishna Pillai,
S/o. Kunjukrishna Pillai,
Postman, Amaravila Post Office,
Thiruvananthapuram,
Residing at Sreelakshmi,
Mayavilakom, Dhanuvachapuram (vla),
Thiruvananthapuram - 3

... Applicant.

2. O.A. No. 134 OF 2006

R. Sreekumar,
S/o. Raghavan,
Postman, Nemom Post Office,
Thiruvananthapuram : 695 020,
Residing at A A Bhavan,
Plavila Puthen Veedu,
Kalliyoor, Kalliyoor P.O.

... **Applicant.**

(By Advocate Mr. Sasidharan Chempazhanthiyil)

versus

1. Superintendent of Post Offices,
Thiruvananthapuram South Division,
Thiruvananthapuram : 14.

2. Assistant Director (Recruitment),
Office of the Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.

3. Chief Postmaster General,
Department of Posts, Kerala Postal Circle,
Thiruvananthapuram - 33

4. Union of India represented by Its Secretary, Ministry of Communications, New Delhi.

... Respondents.

(By Advocate Mrs. Aysha Youseff, ACGSC & Mrs. Mini R. Menon, ACGSC)

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

As the issue involved in the two O.As is common, this common order is being passed.

2. The applicants in the O.As were aspirants for promotion as Postal Assistant/Sorting Assistant held on 24-04-2005. According to them they had failed well in the examination but to their surprise, they were declared as not having qualified in the exam. They had obtained the details of marks which reflected that applicant in OA No 133/06 failed in two subjects and applicant in OA No. 134/06 had failed in one subject. On the request of the applicants' counsel, answer sheets were called for, for scrutiny and the same had been produced.
3. We had scrutinized the answer sheets. All the answers were considered and marks were allotted to the right answers. The totalling also was found correct. No infirmity could be discerned in the valuation of answer sheets.
4. Counsel for the applicant submitted that in so far as the applicant in OA No. 134/06, as the marks in Arithmetic paper were awarded only for correct answer, without awarding any marks for the steps, the respondents should be directed to award proportionate marks to the steps. And as regards applicant in OA No. 133/06 is concerned, in one of the subjects, he had been awarded 39.5 marks, while minimum pass is 40%. This deficiency by .50 marks may have to be moderated.

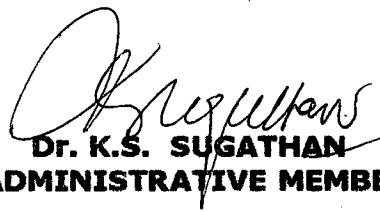


5. We have considered the case of the applicants. In so far as the valuation of Arithmetic paper, it has been observed that the marks awarded are only for those answers, which were correct. It was for this reason that the marks have been in multiples of five. It is not the case of the applicant that in others cases marks for arithmetic included marks for steps. Of course, the respondents may consider the instructions in this regard to find out whether as per instructions in so far as arithmetic paper is concerned, proportionate marks should be awarded for correct steps and if so, it is upto them to decide whether the said paper should undergo revaluation in respect of all the candidates. In so far as the other candidate is concerned, as the applicant had failed not only in one but in two papers, even if moderation takes place, he would not be declared successful.

6. In view of the above, the OAs are dismissed. The observation made in the preceding para may, however, be considered by the respondents.

7. No costs.

(Dated, the 20th June, 2007)



Dr. K.S. SUGATHAN
ADMINISTRATIVE MEMBER



Dr. K B S RAJAN
JUDICIAL MEMBER

CVR.