

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.142/2000

Thursday this the 21st day of March, 2002

C O R A M

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR K.V. SACHIDANANDAN, JUDICIAL MEMBER

P.P.Sasi,
S/o Krishnankutty Nair
Extra Departmental Delivery Agent,
Thycaud Post Office,
Trichur District
Residing at 'Parapurath House'
Thycaud PO, Trichur District

Applicant

[By Advocate Mr Shafik M.A]

Vs.

1. The Union of India represented by
the Secretary,
Department of Posts,
New Delhi - 110 001
2. The Post Master General,
Central Region,
Ernakulam.
3. The Senior Superintendent of Post Offices,
Trichur.
4. Shri P.K.Rajendran,
Extra Departmental Delivery Agent,
Branch Post Office,
Nenmmini
5. Shri K.P.Joy,
Extra Departmental Delivery Agent,
Extra Departmental Sub Office,
Avannur

Respondents

[By Advocate Mr Madanan Pillai, ACGSC (R1-3)
By Advocate Mr.O.V.Radhakrishnan (R 4&5)]

The application having been heard on 21.3.2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant, aggrieved by Annexure A-1 order dated
11.8.99 issued by the 2nd respondent rejecting his representation
dated 17.7.99 and Annexure A-2 memo dated 29.6.99 issued by the

..2/-



3rd respondent by which the names of the candidates who have been selected in the examination held on 9.5.99 including respondents 4 and 5 had been notified, has filed this Original Application seeking the following reliefs :

- (i) To call for the records relating to Annexure A-1 to A-8 and to quash Annexure A-1.
- (ii) To call for the records relating the Annexure A-2 and the answer sheets of Paper A of the Postman Examination conducted on 9.5.99 of the applicant and the respondents 4 & 5 and to direct the respondents 1 to 3 to revalue the same and to make the appointment to the post of Postman on the basis of such revised revalued marks obtained by the applicant and respondents 4 & 5;
- (iii) To set aside Annexure A-2 to the extent it declares respondents 4 & 5 as selected on the basis of revaluation as prayed for;
- (iv) To direct the respondents to grant consequential appointment to the applicant, with effect from the date on which respondent 4 and 5 is appointed as Postman;
- (v) To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case

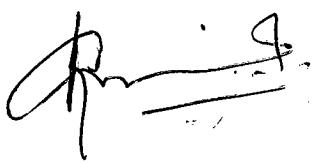
and

- (vi) To award the costs of this Original Application.

According to the applicant's averments in the Original Application, he was working as an Extra Departmental Delivery Agent at Thycaud Post Office since 1991. He appeared for the examination conducted on 9.5.99 for selection as Postman from among the Extra Departmental delivery Agents. The results of the selection were published by A-2 memo dated 29.6.99. He was not selected. He requested for communication of the marks and he received A-3 reply dated 12.7.99 according to which he had scored 126.5 marks including 29 marks for Paper 'A'. Applicant claimed

that he had undertaken the examination for recruitment to the cadre of postmen on earlier occasions on 12.10.97 and 26.4.98 and he gave the answers to the Paper 'A' in the same manner. He scored 45 marks in Paper 'A' in the examination held on 12.10.97 and in the examination held on 26.4.98, he scored 28 marks. Thinking that he may be making mistakes, he made a representation to the 3rd respondent to which he received A-4 reply. His subsequent representation was replied by Annexure A-5 dated 28.4.99. The applicant made A-7 representation pursuant to the order of this Tribunal in OA 829/99 to the 2nd respondent. A-1 was the reply given by the 2nd respondent to his representation. Applicant assailed A-1 on the ground that the 2nd respondent had refused to examine the issue raised by the applicant regarding the correctness of the evaluation system. According to him, selecting respondents 4 and 5 on the basis of their marks without considering his grievances was illegal and arbitrary and even refused to make an enquiry, the respondents were creating doubts in the minds of EDDA and he submitted that the Court may call for the answer books. He claimed that when the answers given by him were correct he should have been given full marks and if that is done he would have scored more marks than respondents 4 and 5 and he would become the first rank holder. On the above grounds he sought the reliefs mentioned above through this Original Application.

Respondents filed the reply statement resisting the claim of the applicant. They submitted that the applicant had appeared on earlier two examinations also and as the applicant got lesser



marks he was not selected. In this examination also he got less marks, so he had not been selected. When he approached this Tribunal earlier in OA 1697/98 for declaring him to have passed in Paper 'A' of the Postman examination held on 26.4.98 and to appoint him as Postman the same was dismissed by this Tribunal as the applicant could not *prima facie* make out the case for admission and deliberation. The respondents submitted that the 4th respondent got 137 marks out of 150 and 5th respondent got 128 marks out of 150 in the Postman examination held on 9.5.99 whereas the applicant in the O.A got only 126.5 marks and Respondents 4 and 5 were selected for the two posts on merit quota. The applicant did not also specifically refer to the respondents for revaluation of the papers. It was submitted that the selection was based on the overall performance in the examination and on merit except for the candidates who fell under the different preferential categories. According to them the department was having a fair and full proof method in the evaluation of answer books and the said method could not be illegal just because the applicant did not get selected. As the respondents 4 and 5 got more marks than the applicant, they got selected and the applicant did not get selected. There was no illegality, arbitrariness or violation of any natural justice. As per Rule 15 of Appendix 37 of P&T Manual, Volume IV, revaluation of answer scripts was not permissible in any case or under any circumstances. Applicant's experience alone as Extra Departmental Delivery Agent could not be a relevant matter that he had performed well in Paper 'A' and would have scored more

marks in Paper 'A' than the selected candidates. As it was not practical for the third respondent to inform the candidate in a detailed way as how to answer questions, he was asked to refer the relevant rules and syllabus in the volumes. The Original Application was liable to be dismissed.

Applicant filed rejoinder and the respondents filed additional reply statement.

Heard the Learned Counsel for the parties.

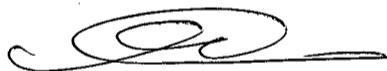
Learned Counsel for applicant vehemently argued relying on the order of the Tribunal dated 6.3.96 in OA 95/95 and submitted that in that O.A the Tribunal had found that the answer papers of the applicant was not evaluated properly and directed the respondents to award marks to the applicant therein. Learned counsel for respondents relied that the order of this Tribunal dated 26.7.97 in OA 841/96 and the provisions of Rule 15 of Appendix 37 of P&T Manual Volume IV regarding revaluation of answer books and submitted that revaluation was not permissible and that the applicant's grounds for reliefs have no merit.

After hearing the learned counsel for the parties on 4.3.2002 we had directed the respondents to produce the answer sheets of the applicant and respondents 4 and 5 for Paper 'A' of the Postman's examination held on 9.5.99. Pursuant to the said directions, learned counsel for respondents produced the answer sheets of roll No.TC-248, TC-164 and TC-242 being the applicant,

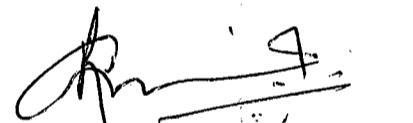


respondent 4 and respondent 5 respectively today when the OA was taken up. We have perused the same as the main ground on which the applicant is seeking the reliefs on the Original Application is on the incorrect evaluation of his answer sheet compared to respondents 4 and 5. On going through the answer sheets of Paper 'A' we find that the said ground is baseless. We find that on the basis of the answers given by the applicant and respondents 4 and 5 the valuation had been done correctly and marks given. Under these circumstances, we do not find any merit in this Original Application and the Original Application deserves to be dismissed. We do so accordingly. No costs.

Dated the 21st March, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

vs

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the Memo No.ST/40-14/97 dated 11/13.8.99 issued by the 2nd respondent.
2. A-2: True copy of the Memo No.B2/Rectt./Pn/99 dated 12.7.99 of the 3rd respondent.
3. A-3: True copy of the communication dated 12.7.99 of the 3rd respondent intimating marks obtained by the applicant.
4. A-4: True copy of the letter No.B2/Rectt./Postman/98 TCR dated 19.3.99 of the 3rd respondent.
5. A-5: True copy of the letter No.B2/Rectt./Postman/98 dated 28.4.99 issued by the 3rd respondent.
6. A-6: True copy of the judgement dated 6.3.96 of this Hon'ble Tribunal in Original Application 95/95.
7. A-7: True copy of the judgement dated 30.7.99 of this Hon'ble Tribunal in Original Application 829/99.
8. A-8: True copy of the representation dated 7.9.99 submitted before the 2nd respondent.
9. A-8A: The English Translation of the representation of Annexure A-8.
10. A-9: True copy of the Specimen answer sheet for the Postmen Examination.
11. A-10: True copy of the Specimen answer sheet of the applicant for the postman examination of 1997.
12. A-11: True copy of the Specimen answer sheet of the applicant for the postman examination of 1999.
13. A-12: True copy of the Marklist of the applicant for the postman examination of the year 1997.

Respondents' Annexures:

1. R-1: True copy of the order dated 26.7.1996 in OA 841/96 of the Hon'ble C.A.T., Ernakulam Bench.
2. R-2: A true extract of Rule 15 of Appendix 37 of P&T Manual Volume IV.
3. R-3: A true extract of Rule 110 of P&T Manual Volume VI Part III.

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