

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

No.O.A. 214/87

Rudramurthy : Applicant

Versus

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|--------------------------------|---------------|
| 1. Union of India represented | X |
| by General Manager, Southern | X |
| Railway, Madras. | X |
| | X |
| 2. Senior Divisional Personnel | X Respondents |
| Officer, Divisional Office, | X |
| S.Railway, Palghat. | X |
| | X |
| 3. Asstt. Engineer, Southern | X |
| Railway, Salem | X |

Shri B. Gopakumar : Counsel for applicant

Shri M.C. Cherian and : Counsel for respondents
Shri T.A. Rajan

CORAM:

Hon'ble Shri P. Srinivasan, Administrative Member
&
Hon'ble Shri G. Sreedharan Nair, Judicial Member

ORDER

(Pronounced by Hon'ble Shri G. Sreedharan Nair)

The applicant a member of the artisan staff
of the Engineering Department attached to the Southern
Railway, Palghat was trade tested for empanelment as
Gangman (carpenter). It is alleged that he successfully
completed the test which was conducted on 10-11-1986
and 11-11-1986. There after there was an interview
on 17-11-1986. According to the applicant he did well
in it also. The second respondent published the

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result of the trade test on 1-12-1986 wherein the applicant was declared passed. However on 16-12-1986 a corrigendum was issued by which it was declared that the applicant had failed. As steps are being taken to fill up the vacancy reserved for skilled grade personnel by appointing others the applicant prays that he should be appointed to the post of Gangman (carpenter).

2. In the reply filed on behalf of the respondents it is stated that for the practical test 60 marks are allowed and for the oral test 40 marks, out of which a candidate has to get a minimum of 36 marks for the practical test and 15 in the oral test to get ^apassed. _L It is stated that though the applicant got 45 marks in the practical test, he was able to get only 13 in the oral test, and as such he had failed in the trade test. As it was mistakenly published in the earlier list that the applicant had passed, immediately on coming to know about it the rectification was issued. In the circumstances it is contended that the applicant is not entitled to be appointed as a regular artisan (carpenter).

3. We have heard counsel on either side and have also perused the concerned file relating to the trade test, made available by the counsel of the respondents.

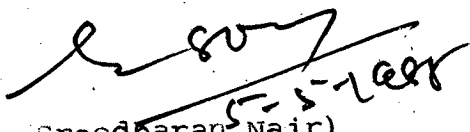
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From the record of trade test it is clear that the original noting was that the applicant has passed the test which was also approved. The said notings are seen to have been erased and over that the entry "failed", and "noted" are made. No body has initialled the correction. How this happened is not clear from the file; nor was the counsel of the respondent, able to explain the position satisfactorily. Nevertheless it is seen that in respect of the oral test the entry relating to the marks secured by the applicant is entered as 13 (thirteen). It is not disputed that a minimum of 15 marks is required for a pass in the oral test.

4. In view of the discrepancies which have arisen with respect to the result of the applicant in the trade test we are of the view that the proper course would be to direct the respondents to hold an oral test so far as the applicant is concerned afresh in order to ascertain his fitness for empanelment for the post of Gangman (carpenter). We hereby do so do. The test shall be conducted within a period of one month from the date of receipt of a copy of this order. As regards the practical test the original marks secured will stand and the applicant will be considered as having passed the same.

5. The application is disposed of as above.


(G. Sreedharan Nair)
Judicial Member
5-5-1988


(P. Srinivasan)
Administrative Member
5-5-1988