

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 275 of 1999.

Friday this the 23rd day of April, 1999.

CORAM:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

V.K. Baby,
W/o O.K. Manoharan,
Senior TOA, CTO,
Irinjalakkuda, residing at:
Chanadikkal House,
Kulothumpady, Nadavarambur. .. Applicant

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Chief General Manager, Telecom,
Kerala Circle, Trivandrum.
2. The Director General,
Department of Telecom,
New Delhi. .. Respondents

(By Advocate Shri S.K. Balachandran, ACGSC)

The application having been heard on 23rd April, 1999,
the Tribunal on the same day delivered the following:


O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A-4, to declare
that she is entitled to get moderation to the extent of
15 marks, set apart for question No.7 of the paper V, J.A.O.
Part I Examination 1995, and to direct the 2nd respondent
to grant appropriate moderation to her, treating her as
qualified in paper V, J.A.O. Part I Examination, 1995.

2. The applicant appeared for Paper V, J.A.O. Part-I
Examination in 1995. The question No. 7 carrying 15 marks
was from out of syllabus. The applicant obtained 33 marks
in Paper V, 7 marks short of the qualifying minimum. In the
light of the ruling in O.A.1036/PB of 1996 and connected
cases of Chandigarh Bench, the applicant says she is
entitled to get reviewed/moderated her answer sheet by the
Senior DDG(Finance).

....2/-



2. Respondents resist the Original Application contending that there is no general direction for grant of grace marks for question No.7 for all candidates and that it is not correct to say that the applicant suffered a loss of 15 marks because of Question No.7 of Paper V.

4. Learned counsel appearing for the applicant strenuously argued relying on A-2, copy of the order in O.A. 1036/PB of 1996 and connected cases before the Central Administrative Tribunal, Chandigarh Bench that the applicant is entitled to get 15 marks for question No.7 since the same being out of syllabus. What is held in the ruling relied on by the learned counsel for the applicant is that: "In such circumstances, the persons who have attempted for six questions shall be given the advantage of higher marks of 6 questions which were required to be answered by him including the compulsory one." The answer paper of the applicant was made available for our perusal by the respondents in a sealed cover and on going through that, it is seen that, the applicant had attempted all the questions and various marks have been awarded to the answers of all the questions. The department has awarded marks to the applicant taking highest marks of the six questions including the compulsory one. That being so, we do not find anything wrong in having awarded only 33 marks to the applicant. We are unable to agree with the learned counsel for the applicant that the A-2 order should be understood in such a way that every candidate who has appeared for the said examination is entitled to 15 marks as a matter of grace.

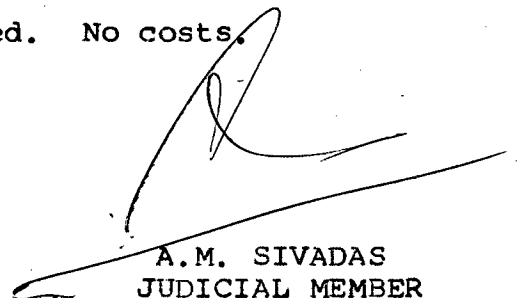
5. We do not find any ground to quash A-4 order and to grant any of the reliefs claimed.

6. Accordingly, O.A. is dismissed. No costs.

Dated the 23rd April 1999.



B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

List of annexures referred to in the order:

1. Annexure A-4. True copy of the letter No. 10/1/STA/247/98 dated 12.11.98 issued by the Deputy General Manager, Office of the Ist respondent.
2. Annexure A2. True copy of the judgement dated 7.8.97 in O.A. 1036/PB of 1996 of the Chandigarh Bench of this Hon'ble Tribunal.