

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 287 of 1990
~~XXXXX~~Mo.

DATE OF DECISION 23.9.1991

RAJITHA .T. Applicant (s)

M/s K.Ramakumar & VR
Ramachandran Nair Advocate for the Applicant (s)

Versus

Union of India rep.by Secre-
tary, Deptt. of Telecom and others Respondent (s)

Mr.VV Sidharthan-ACGSC
for R.1&2 Advocate for the Respondent (s)

CORAM:

Mr.TA Rajan-for R.3

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

The Hon'ble Mr. AV.Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? W
4. To be circulated to all Benches of the Tribunal? W

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 8.4.90 filed under Section 19 of the Administrative Tribunals Act the applicant has challenged the appointment of the third respondent to the post of Hindi Translator Grade-II in the Telecommunication Department, Kerala Circle, Thiruvananthapuram and has prayed that she should be declared to be entitled to that appointment. Her argument is that in the written examination held on 20th December, 1989 she along with two other departmental candidates topped in the list, that the third respondent through her contacts in the office of the General Manager got the award of marks altered and the results were manipulated by reassessment and the applicant was awarded lesser marks on the representation of the third respondent.


2. According to the respondents 1&2 the Employment Exchange was moved to sponsor candidates for one reserved and one unreserved post of Hindi Translator Grade-II and all the eligible outside candidates were informed by Telegram on 15.12.89 that the written test will be held on ^{the} 20th of December, 1989. Only four outside candidates and three departmental candidates attended the test and the three candidates who scored highest ²~~est~~ marks in the written test were called before the Committee with original certificates. The selection was based on approval by the Selection Committee constituted in accordance with the Recruitment Rules. The respondents have conceded that the answer papers were initially valued by the examiner nominated by the Head of the Circle but the administrative authority on a random check felt that some of the marks awarded to a particular candidate were corrected by the examiner himself. This created an impression that the examiner had a second thought in awarding the marks in respect of ~~that~~ ^{that} ~~the~~ candidates. Accordingly the second valuation of answer papers was felt necessary and this was done by the Director, Official Language, Department of Telecom, Government of India, New Delhi. The Selection Committee made their recommendations on the basis of the second valuation and the third respondent was selected against the unreserved vacancy. The second valuation was done by a competent officer in the Junior Administrative grade under the Government of India whose headquarters are at Delhi.

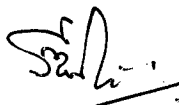
3. The third respondent has denied that she had

any contact in the office of the General Manager ^{and that} that she was working in the office of the Telecom District Officer, Alappuzha and she had ~~no~~ familiarity ^{with} ~~in~~ the General Manager's Office at Thiruvananthapuram.

4. We have heard the learned Counsel for both the parties and gone through the documents carefully. The ^{counsel for} respondents 1&2 showed us the answer papers of the applicant, Respondent No.3 and one Smt. Sudhakumari. While the marks of the applicant ^{were} ~~was~~ increased on re-valuation from 63 to 66, the marks of Respondent No.3 ^{were} ~~was~~ increased from 61 to 73. Since the second valuation was done by the Director of Official Languages stationed in Delhi, we cannot doubt the correctness of the second valuation. No malafides against the Director, Official Languages ^{have} ~~has~~ been alleged. It is unthinkable that the Director, Official Languages sitting in Delhi would be interested in any of the candidates.

5. In the facts and circumstances, we see no merit in the application and dismiss the same without any order as to costs.


23/9/91
(A.V. HARIDASAN)
JUDICIAL MEMBER


23.9.91
(S.P. MUKERJI)
VICE CHAIRMAN

23.9.1991

Ks.