

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM.

DATE OF DECISION

8th March, 1990.

Present

Hon'ble Shri S.P.Mukerji, Vice Chairman
.. &
Hon'ble Shri G.Sreedharan Nair, Vice Chairman

ORIGINAL APPLICATION NO.289/89

K.Anil .. Applicant

Vs.

1. Post Master General,
Kerala Circle, Trivandrum.
2. Director General of Posts,
Department of Posts, New Delhi.
3. Union of India, represented by
its Secretary, Ministry of Communications,
New Delhi. .. Respondents

Counsel for the applicant .. M/s O.V.Radhakrishnan and
K.Radhamani Amma.

Counsel for the respondents.. Mr. K.Narayana Kurup, ACGSC

O R D E R
(Hon'ble Shri G.Sreedharan Nair, Vice Chairman)

The applicant who was an Office Assistant in the Office of the Superintendent of Post Offices, Trichur was a candidate in the Examination held in September, 1988 for promotion to the cadre of IPO/IRM. His name did not find a place in the list of successful candidates. Since he obtained more than 35 percent marks in the paper II, III, IV & V but was awarded only zero mark in Paper I, alleging that his performance was not so poor as to secure zero mark for Paper I, he made

representation for retotalling but was informed by the communication dated 11.4.89 that on checking it has been found that the totalling is correct and that each question attempted by the applicant has been assessed by the Examiner.

2. The applicant has referred to Rule 15 of the Rules relating to Departmental Examinations contained in Appendix XXXVII in the P&T Manual Vol.IV which prohibits the revaluation of answer scripts in any case or under any circumstances. He prays for a declaration that the Rule is unconstitutional and for a direction to the first respondent to have Paper I revalued.

3. In the reply filed by the respondents it is stated that the prohibition against revaluation has been incorporated in the Rules so as to avoid misuse of the provision of revaluation.

on the representation of the applicant
It is contended that retotalling and verification of marks was made, when it was found that all the questions attempted by the applicant were valued.

4. Normally in a case of this nature the Tribunal will be loath to interfere. In the instant case at the time of admission of the Original Application the Tribunal was careful not to transgress its jurisdiction. Hence a direction was issued to the respondents to produce the answer script of the applicant

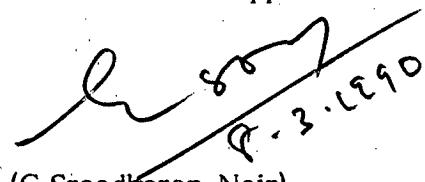
relating to Paper I. It was only after a perusal of the answer script that the application was admitted, since the Bench was satisfied that the grievance of the applicant deserves to be gone into.

5. At the time of final hearing the counsel for the respondents again made available the answer script of the applicant in respect of Paper I. We have perused the same. The question paper concerning Paper I is at Exbt.A.3. The question No.4 relates to the penalties that can be imposed on a Government servant under CCS(CCA) Rules, 1965. By way of answer to that question, though the applicant has correctly referred to most of the penalties it appears that the mark awarded is zero. Similarly questions 1 to 3, 6 & 7 have also been answered by the applicant. We are not in a position to express ourselves with respect to how far ~~these~~ answers are fully correct. But it has to be pointed out that in respect of ~~other~~ questions the mark awarded is only zero. Judged in the background ~~of~~ ^{all these answers} the answer to Question No.4 dealing with penalties, we are satisfied that this is a case where a revaluation of the answer script is called for.

4.

6. In the circumstances of the case, the counsel for the applicant did not pray for the declaration with respect to the unconstitutionality of Rule 15 as it was stated by him that the applicant will be satisfied with a direction to the first respondent to get the answer script in respect of Paper I revalued by another officer of equal rank to the one who did the valuation. We direct the first respondent to have it done accordingly within a period of two months from the date of receipt of copy of this order. It is needless to add that the benefit if any arising out of the revaluation of the said answer script has to be given to the applicant without any further delay.

7. The application is disposed of as above.


(G. Sreedharan Nair)
Vice Chairman


(S.P. Mukerji)
Vice Chairman

8.3.1990.

Ksn,