

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.313/97

Monday this the 28th day of April, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

G.Renuka, Technician,
C-DOT Regional Repair Centre,
Office of the Chief General,
Manager Telecom,
Thiruvananthapuram-33. .. Applicant

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

vs.

1. The Chief General Manager,
Telecommunications,
Kerala Circle, Thiruvananthapuram.33.
2. The Director General,
Telecom Department and Chairman
Telecom Commission, New Delhi.
3. Union of India represented by its
Secretary, Ministry of
Communications, New Delhi. .. Respondents

(By Advocate Mr. George Joseph, ACGSC)

The application having been heard on 28.4.1997, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

In this application filed under Section 19 of the
Administrative Tribunals Act the applicant who is a
Technician in the Telecom Department and who appeared in
the J.T.O. examination in 1996 has assailed the
constitutional validity of Rule 15 of Rules relating to
departmental examinations on the ground that that rule is
liable to be misused. Applicant apart from seeking to
have the rule quashed has also sought a direction to the
first respondent to subject the answer scripts of the

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applicant for paper III and paper IV of the Junior Telecom Officer examination held in February, 1996 to a fresh valuation by subject experts drawn from colleges/universities and tabulate the applicant's marks afresh on that basis and keep one post of Junior Telecom Officer vacant till this done.

2. It is alleged in the application that the applicant's answer books in paper III and Paper IV have not been properly evaluated and that therefore she has been pulled down. The applicant has also produced alongwith the application what she called the restructured copy of the answer books in paper IV.


3. The respondents in their reply affidavit refuted the allegations that the answer scripts of the applicants have not been properly valued. They also have disputed the correctness of the so called restructured answer book.

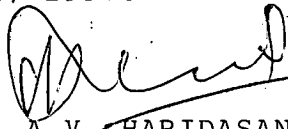
4. We have heard the learned counsel on either side. The claim of the applicant that the evaluator has not properly evaluated her answer book is based on her assertion that she has answered almost all the questions correctly and that the evaluator has not properly given marks for the answers. To establish this allegation the applicant has produced what she calls the restructured answer book. The respondents have stated that the so called restructured answer book is not a correct one when compared to the original answer book and have also annexed the comparison chart of the restructured answer book and the original answer book, which shows that the restructured answer book is not a correct replica of the original answer book. The foundation of the applicant's claim tumbles down.

5. We find no justification to interfere with the impugned Rule 15. If such a rule is not made, all the applicants who are dissatisfied with the result of a written examination are likely to come forward with applications to have their answer books revalued. This will lead to an impracticable and anomalous situation. The rule therefore is founded on good reason and there is no reason for interfering with it.

6. In the light of what is stated above, we find nothing in this case for further deliberation. We reject the application under Section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated 28th day of April, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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