

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 405/90 X88
XXXXXX

DATE OF DECISION 15.6.90

P. M. Joshy and others Applicant (s)

M. R. Rajendran Nair Advocate for the Applicant (s)

Versus

UOI, Secretary, Ministry of Communications and others Respondent (s)

P. Santhoshkumar, ACGSC Advocate for the Respondent (s)
(For R. 1&2).

CORAM:

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

The Hon'ble Mr. A. V. Haridasan, Judicial Member

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

JUDGEMENT

(Shri S. P. Mukerji, Vice Chairman)

In this application dated 23.5.90 filed under Section 19 of the Administrative Tribunals Act, the applicant has mainly challenged the selection process through the competitive examination held on 8th and 9th of January, 1990 as a result of which the select list as at Annexure-I was prepared.

2. The applicants' grievance is that respondents 3 to 6 have been selected and the applicants have been excluded by unfair means. The representations filed by the applicants at Annexure 2 to 4 addressed to the Chief General Manager, who is respondent No. 2, have not yet been disposed of.

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3. We have heard the learned counsel for both the parties and gone through the documents carefully. We had occasion to go through the answer papers of respondent No.6.

The learned counsel for the applicant during the course of the arguments indicated that the applicants will be satisfied

(a) if the marks obtained by them in various papers are totalled up and it is verified by a responsible officer that the totalling is correct and (b) the representations of the applicants at Annexures 2 to 4 are disposed of at the level of the Chief General Manager after getting the facts and allegations looked into dispassionately.

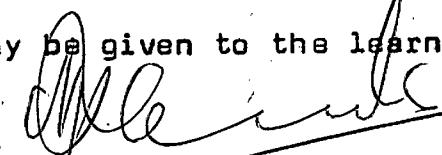
4. We find that the prayers made by the learned counsel for the applicant are quite fair and reasonable and there is no reason the respondents should demur in considering them. In the conspectus of facts and circumstances we close this application with the following directions:

(a) The marks obtained by the three applicants in each paper should be examined by a competent authority and it should be verified that the totalling of the marks is correct; and

(b) Respondent No.2 should consider and dispose of the representations at Annexures 2 to 4 after getting the facts and allegations mentioned therein looked into dispassionately and pass final orders; and

(c) Action on (a) and (b) above should be completed within a period of three months from the date of communication of this order.

5. There will be no order as to costs. A copy of this order may be given to the learned counsel for respondents.


(A.V. Haridasan)
Judicial Member


(S.P. Mukerji)
Vice Chairman

15.6.80