

TR.NO. 150 OF 1987

V.D.Marathe,
Aged 55 years,
R/o Mammad, Tal.Nandgaon,
District Nasik.

.. Applicant.

(By Sri C.Nathan,Advocate)

v.

The General Manager,
Central Railway,
Rail Bhavan, Bombay VT.

.. Respondents.

(By Sri R.S.Gadiyar,Advocate)

CORAM:

Hon'ble Mr.Justice K.S.Puttaswamy,
Hon'ble Mr.M.Y.Priolkar,

.. Vice-Chairman.
.. Member(A).

ORAL JUDGMENT:

(Per: Justice Mr.K.S.Puttaswamy,VC)

Dated: 20-12-1988.

This a transferred application and is received from the Court of Civil Judge, Junior Division, Nandgaon, District Nasik ('the Court') under Section 29 of the Administrative Tribunals Act,1985 ('Act').

2. Prior to 25-5-1981 the applicant was working as Chargeman Grade-A on ad hoc basis in an ex-cadre post in the Production Controller's office of Manmad workshop of the Central Railway. He appeared for a departmental written examination held on 25th and 26th May,1981 for the post of Chargeman Grade-B. On 11-7-1981 the results of the said examination were declared in which the applicant was declared as failed in the written test. On that, he was not called for viva-voce test held later.

3. On issuing necessary notice under Section 80 of the Code of Civil Procedure, the applicant commenced regular suit in R.S.No. 325 of 1984 in the Court on or about 11-3-1982 for a decree that the papers written by him should be revalued by impartial examiners and for other ancillary and incidental reliefs. When the suit was pending in the Court, the defendant/respondent had filed his written statement repudiating the claim of the applicant. On the constitution of this Tribunal, the said suit had been transferred to this Bench and has been registered as TR No.150 of 1987.

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4. Sri C.Nathan, learned counsel for the applicant, strenuously contends that the service record of the applicant was outstanding and brilliant and it was even inconceivable that he should have failed in the examination and, therefore, we should direct the respondents to get the papers of his client revaluated by impartial examiners, declare him as passed in the examination and his service conditions regulated on that basis.

5. Sri R.S.Gadiyar for Sri V.G.Rege, learned counsel for the respondent, refuting the contention of Sri Nathan, contends that this Tribunal cannot direct a revaluation of the papers and the relief sought by the applicant cannot be granted both on principle and authority.


6. Before examining the rival contentions, it is useful to notice that the applicant on attaining superannuation, has retired from service on 31-10-1985.

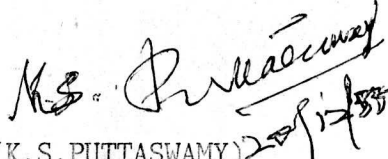
7. It is settled law that a Court or a Tribunal has no power and jurisdiction to direct revaluation of papers for whatever reason that be. If a High Court, Civil Court or this Tribunal which has succeeded to their jurisdiction in service matters has no jurisdiction to order revaluation of papers, then the relief sought for by the applicant on all or any of the grounds urged by him, cannot be granted by this Tribunal. On this short ground this application is liable to be dismissed.

8. As noticed earlier, the applicant has also retired from service on 31-10-1985. On this, we are of the view that even if the claim of the applicant is accepted, then also it would be an exercise in futility.

9. On any view, the reliefs sought for by the applicant cannot be granted by us.

10. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.


(M.Y. PRIOLKAR)
Member(A)


(K.S. PUTTASWAMY)
Vice-Chairman.