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(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.NO. 384/89  
TR.A.NO.

199

DATE OF DECISION

26-4-94

S.R.Kahar & 12 Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? X
2. Whether it be circulated to all the Benches of the X  
Central Administrative Tribunal or not ?

M. K. Khatkar  
MEMBER (A)

[Signature]  
VICE CHAIRMAN

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mbm

(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.No:384/89

MP No.364/91

&

MP No.938/92

S.R.Kahar & 12 Ors.

.. Applicants

-versus-

Union of India & Ors.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman

Hon'ble Shri M.R.Kolhatkar, Member(A)

Appearances:

1. Mr.D.V.Gangal  
Advocate for the  
Applicants.

2. Mr.P.M.Pradhan  
Counsel for the  
Respondents.

Date of hearing: 7-4-1994

Date of Judgment:

JUDGMENT:

Per M.R.Kolhatkar, Member(A)

In this application filed by applicant and 12 others who are working as Junior Checkers Class-II in the Control Section of India Security Press, <sup>they</sup> have impugned the order dated 31-10-88 issued by Works Manager, India Security Press, Nashik Road announcing the list of successful candidates who passed the examination held by DPC and subsequent order dated 16-12-88 promoting one D.P.Gadhav who was the first successful candidate and the order/ <sup>dated</sup> 3-4-89 which is a notice announcing the promotion of additional three candidates

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from  
the list of successful candidates. It is  
the contention of the applicants that the  
promotion from the post of Junior Checker  
in the grade of Rs.950-1200 to the post of  
Senior Checker Class-II in the scale of  
Rs.1200-1800 takes place after putting the  
concerned employees <sup>through</sup> two months' training  
programme and thereafter subjecting them  
to a departmental test. According to the  
applicants, the respondents violated <sup>the</sup> procedure  
in this regard by holding a training programme  
of only one month instead of two months,  
secondly <sup>by</sup> not providing any guidance through  
instructor or Supervisor during the training  
programme, <sup>and</sup> thirdly by holding the examination  
in a manner <sup>as</sup> to destroy the credibility  
of the examination and ~~xx~~ thereafter  
announcing promotions without following the  
mandatory procedure laid down in Standing  
Order No.366 dt. 10-12-58. So far as the  
nature of the examination is concerned, the  
allegation is that the answer sheet on which  
the examinees wrote their answers to the test  
did not bear any rubber stamp, <sup>or signature</sup> seal of any  
officers as a result of which many result  
sheets of the applicant <sup>are alleged to</sup> have been duplicated  
by interested parties for illegal gratification  
and the said result sheets were not in the  
hand writing of the candidates. According to  
applicants the candidates were required to  
check 750 sheets of stamps and the candidates  
were only required to divide them into good

or bad but there were no specific questions specifying the nature of bad quality of stamp, thus leaving the scope for manoeuvring the results. Moreover the respondents purposely destroyed the lots of 750 sheets of stamps which were given to the candidates for the practical examination so as to make it impossible to anyone to challenge the result sheets. The suitability test of 1½ hour is followed by further 15 minutes' examination in respect of 400 stamps and there again the same malpractices have occurred. Individual representations as well as a collective representation signed by 609

workers was given to the Management but initially the representation was rejected by the Works Manager under the letter dated 7-3-89 and subsequently under the letter dated 29-3-89 the applicants were informed that the General Manager has also rejected their representation. The applicants therefore have prayed to set aside the order declaring the results, the order promoting the successful candidates and the letter rejecting the representation and <sup>also for a declaration</sup> ~~prayed~~ that the applicants being senior to the successful candidates, are entitled to be promoted.

2. Subsequently the applicants filed MP 364/91 on 1-4-91 requesting for early hearing and another MP 938/92 filed on 31-10-92 requesting for joining the successful candidates as party respondents 2 to 12 and also challenging

further promotion of two of the successful candidates ordered by memo dated 19-10-92.

3. The respondents have filed their written statement in which they have denied the allegations of the applicants. According to respondents, the training was for one month and the training was held in the working department where the control staff was available for instruction, guidance and supervision throughout the training period. According to respondents, all efforts were made to have a fool proof system of examination for which purpose following precautions were taken:

" For the practical test highly skilled workers from the category of Head Checker, who had sufficient experience in Multicolour stamp examination were asked to prepare 31 different lots containing good, bad, partly bad, blank, imperforated stamp sheets. All these lots were confidentially prepared in the presence of responsible officials like Inspector Control of the PG Section, Deputy Control Officer, 3 Departmental Promotion Committee Members and 2 elected representatives of workmen and Control Officer. These lots were kept ready on 14-10-88 and these lots were sealed and signed after recording composition of each lot. The said lots were serially numbered from 1 to 31 and were placed in a sealed cabinet in safe custody. On 15-10-88 these sealed lots were

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drown out from the sealed cabinet/cage, at the time of examination and the candidates were asked to choose any one of these lots for the purpose of examination. The candidates were given liberty to choose any one of these 31 lots which were supposed to be examined by each candidate and the results were to be reported on the prescribed accounts slip. " The candidates were supposed to examine and record the results in accordance with the training given to them. During the training period they were provided with similar accounts slip and they were trained how to sort out good and bad sheets and how to record on the accounts slip. During the examination same was supposed to be reproduced in accordance with the training provided to them. The total no. of sheets which were to be examined during this test were 750 issue sheets. The candidates were required to record on the account slip the quantity of good sheets and quantity of bad sheets, reconcile the accounts, sign the accounts slip and place it on the relevant lot examined by each candidate. All these lots were separately bundled/sealed in presence of Departmental Promotion Committee members under their signature and seal who were present during the examination. "

"In the instant case of practical test the candidates were called upon to separate good sheets as instructed during the period of their training and record in account slip accordingly and also to mention against

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bad column the type/s of bad i.e. partly bad partly printed, imperforated, blank etc. This was essential because at the time of evaluation and assessment, their performance which is to be tallied with against the lots issued to each candidate containing good, bad, blank, imperforated etc. etc."

3. The results of the practical test were verified with reference to the lot of 750 sheets examined by each of the candidate and tabulated statement duly signed by the Departmental Promotion Committee members in whose presence evaluation was done is available with these respondents."

4. So far as the destruction of 750 sheets are concerned the same has been explained by reference to the fact that good sheets were supplied to the Department of Posts which had placed an indent and bad sheets were destroyed as per the practice.

5. So far as the Standing Order No. 366 dt. 10-12-1958 is concerned it states as below:

"Paragraph No (vi) of the Standing Order dt. 10th December, 1958 No. 366 "recommendations of the Departmental Promotion Committee will be submitted to the competent authority for sanction (Deputy Master Stamp Press)" and paragraph No. (vii) of the standing order No. 366 dated 10th December, 1958 states that "any appeal against the above will lie with the Master, India Security Press and its decision will be final."

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Such appeals should be submitted through proper channel, not later than 15 days after the issue of orders by the sanctioning authority" (Deputy Master was redesignated as Works Manager and the Master was redesignated as General Manager)"

According to the respondents there has been no violation of this standing order inasmuch as the procedure prescribed by the standing orders was followed while declaring the results and while dealing with the appeals.

6. This Tribunal had directed the respondents vide its order dt. 25.8.93 to produce the various relevant records on the date of hearing. On 7-4-94 viz. the date of hearing, the relevant records were produced. The Tribunal has perused the 30 account slips as well as the result sheets. The destruction of 750 stamp sheets did not in any way hamper the Tribunal in verifying the results because the left hand side of the result does indicate the actual classification of stamps into good and bad and on the right hand side the actual results are available which tally with the account slips. The contention of the applicants that accounts slip not containing any specification of bad characteristics of the stamp is not borne out by perusal of the accounts slips as actually filled in because a large number of candidates have, in fact, shown the classification of the bad stamps as indicated by the respondents in their written statement. On a perusal of the record as well as pleadings and after consideration of arguments this Tribunal is satisfied that there



has been no destruction of credibility of the examination nor has there been any violation of the standing orders. The examination has been held by the respondents as in the past as per the procedure laid down which has been followed and precautions have been taken to ensure that the examination has been fool-proof and tamper proof. The applicants have certain views regarding how the examinations should have been conducted. But this Tribunal cannot go into these technical aspects of the examination. It has basically to satisfy itself that all necessary precautions had been taken to maintain the trustworthiness of the examination process and that Standing Orders have been complied with. We, therefore, dispose of this O.A. as well as the MPs referred to by passing the following order:

O R D E R

The application is dismissed.

No order as to costs.

*M.R. Kolhatkar*

(M.R.KOLHATKAR)  
Member(A)

*M.S. Deshpande*

(M.S.DESHPANDE)  
Vice-Chairman