

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 658 OF 2005

[Patna, this Monday, the 30th Day of October, 2006]

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C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

HON'BLE SHRI S.N.P.N.SINHA, MEMBER [ADMN].

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Suman Kumar, S/o Shri Vijendra Singh, resident of village & P.O. - Daulatpur
Gandhi Tola, via – Fatua, District – Patna.APPLICANT
By Advocate :- Shri J.K.Karn.
Shri H.K.Karn.

Vs.

1. The Union of India through the Secretary-cum-D.G., Department of Posts, Dak Bhavan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Asstt. Director [Recruitment], O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Sr. Superintendent of Post Offices, Patna Division, Patna.RESPONDENTS.

By Advocate :- Shri M.K.Mishra, SSC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard both the sides.

2. The applicant who was working as GDSBPM, Daulatpur Gandhi Tola B.O. under Patna Postal Division and, as per departmental rules, was a candidate for his promotion to Group 'D' post of Postman and had appeared in the examination consisting of three papers, having been allotted Roll No. PAT – 177. According to the applicant, he had done exceptionally well in all the three papers, still he was not declared successful in the departmental test rather was intimated his marks through Annexure-A/3 showing his marks as follows :-



Paper - I : 26

Paper - II : 50

Paper - III : 44

3. The learned counsel has submitted that as per the applicant the Paper - I related to day-to-day working in the post office and was the easiest paper but, surprisingly, he received only 26 marks compared to 50 & 44 marks in other two papers, claiming that he had correctly answered all the questions [the question paper at Annexure-A/4]. The learned counsel also submits that about two months back the applicant had also appeared in the subsequent examination and was declared successful this time but his grievance was against the previous examination.

Through supplementary application the learned counsel has pointed out the order of this Tribunal in OA 786 of 2002 in which the matter was remitted back to the Chief Postmaster General, Bihar Circle, Patna [CPMG] and on verification of the copies he found that in two papers marks were improperly added whereafter he issued an order correcting the mark sheet and declaring the applicant in the aforesaid OA, Shyam Nandan Mishra, to be successful.

4. In view of the marks obtained by the applicant in Paper - I, as compared to other two papers and in view of the submissions, we find that this application can be disposed of by issuance of a direction to the respondent no.2, CPMG.

5. The CPMG is hereby directed to call for the copy of Paper - I of the examination in which this applicant had appeared earlier and to go through the copy and verify following points :-



- [i] That the totalling is correct.
- [ii] That all the questions answered have been evaluated.
- [iii] That, if the answers are correct, marking also has been correct.

If thereafter the CPMG finds that the marking was correct and according to the performance of the applicant in Paper-I, he should record such an order. But, if he finds any mistake in the evaluation process and, if he satisfies himself that more marks should have been given to the applicant, he would order awarding of more marks for which he may examine the copy himself or get it examined through a competent subordinate officer and then pass an order relating to the result that was published after the applicant had first time appeared in ^{the} examination. This should be done within two months of receipt of a copy of this order.

At this stage, the learned Sr. Standing Counsel for the respondents submitted that such an order may not be treated as a precedence.

Such orders are passed under specific circumstances of a case and there is no question of treating any such order as a precedence. The applicant is also directed to provide ^{to} respondent no.2 a copy of this order along with a copy of the Application within ten days of receipt of the certified copy of the order.

6. With the aforesaid directions, this Application is disposed of.

[S.N.P.N.Sinha]/M[A]

[P.K.Sinha]/VC

skj.