

JUDICIAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 10 FEB 1989

APPLICATION NO (S) 1821 /88 (F)

W.P. NO (S) /

Applicant (s) Respondent (s)

Shri R.M. Dhareshwar V/s The Director General, Telecom, New Delhi
To

1. Shri R.M. Dhareshwar
Telephone Inspector
Telephone Exchange
Tarikere
Chickmagalore District
2. Shri G.R. Ramachandrappa
Advocate
No. 871, 38th Cross
19th Main, IV 'T' Block
Jayanagar
Bangalore - 560 011
3. The Director General
Telecommunications
Dek Tar Bhavan
Parliament Street
New Delhi - 110 001
4. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAN/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 8-2-89.

Received
K. M. J. H. 10-2-89

of J. H. Lee
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE EIGHTH DAY OF FEBRUARY, 1989.

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice Chairman
Hon'ble Shri P. Srinivasan .. Member (A)

APPLICATION NO.1821/1988

Shri R.M. Dhareshwar
S/o. Shri M.S. Dhareshwar
Aged about 35 years
Telephone Inspector
Telephone Exchange
TARIKERE (Chickmagalore District) .. Applicant
(Shri G.R. Ramachandrappa, Advocate)

Vs.

The Director General
Telecom
DAK TAR Bhavan
Parliament Street
New Delhi. .. Respondent
(Shri M. Vasudeva Rao, A.C.G.S.C.)

This application having come up for
hearing before this Tribunal today, Hon'ble Vice Chairman
made the following:

ORDER

This is an application made by the
applicant under Section 19 of the Administrative Tribunals
Act of 1985 ('the Act).

2. Shri R.M. Dhareshwar, the applicant
before us, who is working as a Telephone Inspector in
the Telecom Department of Government of India appeared
for a departmental competitive examination for
promotion held in July 1984 in which he had secured
the marks as set out in the endorsement dated 20.4.1985
issued to him (Annexure-A). On the marks so secured,

the applicant is declared as 'failed'. He then moved the competent authority to retotal the marks in one of the papers, which was allowed. On that the competent authority retotalled the marks in the disputed paper and found that what had been done earlier was correct and he has accordingly informed the same to the applicant by his endorsement no. 488/88-89/36 dated 28.10.1988.

3. Shri G.R. Ramachandrappa, learned counsel for the applicant contends that notwithstanding the endorsement issued on 28.10.1988, this is a fit case in which we should summon the answer book of the concerned subject, examine its valuation, find out every mistake committed by the valuer and render justice to the applicant to whom grave injustice ~~had~~ been done by the department.

4. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondents contends that on the authority finding that the earlier totalling was correct, this Tribunal should desist from examining the interesting reliefs sought by the applicant.

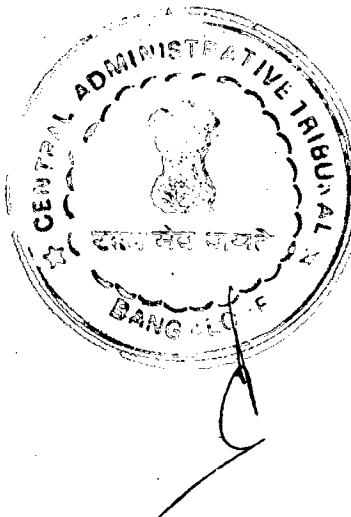
5. In reality and in substance the applicant is asking us to revalue the papers and then retotal the marks and declare the applicant as passed in the concerned subject. The reliefs sought by the applicant and highlighted

by Shri Ramachandrappa only be understood in this way and not in any other way, much less as seeking for a direction to retotalling only.

6. It is now well settled that a Court or a Tribunal has no jurisdiction and power to revalue any paper in any examination, including a departmental examination. If that is so, then the substantial relief sought by the applicant cannot be granted.

7. We have earlier noticed that the competent authority acceding to the request of the applicant had retotalled the marks and had found that there was no mistake in the same and has thus refused to concede the request of the applicant before us. We have no reason to disbelieve the correctness of the marks awarded or the action of the authority in retotalling and finding out that there was no mistake in the earlier marks awarded to the applicant.

8. Everyone of the submissions made by Shri Ramachandrappa only proceed on the suspicion entertained by the applicant on unverifiable sources of information. We cannot act only on the suspicion of the applicant and undertake a roving inquiry into the matter as if we are a Commission of Inquiry.



9. On any view we see no justification to interfere with the action of the authorities. We, therefore, reject this application. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-

VICE CHAIRMAN

Sd/-

MEMBER (A)

TRUE COPY

Mr.

~~Deputy Registrar (JDL)~~
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE