

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: 9 MAR 1995

APPLICATION NO.

1327 of 1994.

APPLICANTS: Sri.B.Thimmappa,Chitradurga,

V/S.

RESPONDENTS: The Director General,D/o.Telemcunication,
New Delhi and others.,

To

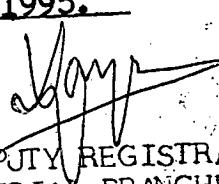
1. Sri.V.Narasimha Holla, Advocate,
No.317, Twelfth-A.Main, Sixth Block,
Rajajinagar, Bangalore-560 010.
2. Sri.M.Vasudeva Rao, Additional Central
Govt. Standing Counsel, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 02-03-1995.

Issued on
9/3/95


DEPUTY REGISTRAR
JUDICIAL BRANCHES.


for

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1327/ 1994

THURSDAY, THE 2ND DAY OF MARCH, 1995

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri B. Thimmappa,
Accountant,
Head Post Office,
Chitradurga - 577 501. ... Applicant

(By Advocate Shri V.N. Holla)

Vs.

1. The Director General,
Department of Telecommunications,
(Departmental Examinations),
Parliament Street,
New Delhi.

2. Post Master General,
S.K. Region,
Bangalore - 560 001.

3. Superintendent of Post Offices,
Chitradurga Division,
Chitradurga - 577 501.

4. Government of India,
by its Secretary,
Ministry of Communications,
New Delhi. ... Respondents

(By Addl. Central Govt. Standing Counsel,
Shri M.V. Rao)

ORDER

Shri V. Ramakrishnan, Member (A)

The applicant who is working as an Accountant in the office
of the Head Post Office, Chitradurga and who appeared in the Junior



Accounts Officer Part-II departmental examination conducted by the Department of Telecommunications to qualify himself for further promotion as JAO is aggrieved by the fact that the department had declared him unsuccessful in the said examination. The applicant took the examination in November, 1992 which consisted of 5 papers. The requirement for successful completion of examination is that the candidates should secure 45 per cent marks in the aggregate and not less than 40 per cent marks in each paper. While he had done very well in two papers, he could get just 40 & 41 marks in two other papers, while in one paper relating to CPWD procedures etc. he secured only 39 marks out of 150. When the marks were communicated to him by the department vide its letter dated 29.3.94 as at Annexure A-6, he had represented to the department for retotalling of the marks in that paper. Despite reminders, the department had not communicated to him as to what step they had taken on the representation. He had also not availed himself of any chance to appear again in the examination held in December, 1993 for the reason that the department had not communicated the decision on his representation. Aggrieved by the stand taken by the department, he has filed the present application.

2. We have heard Shri V.N. Holla for the applicant and Shri M.V. Rao for the department and also gone through the relevant answer papers. Shri Holla, learned counsel for the applicant submits that the applicant had appeared in the same paper, namely Paper-XI dealing with CPWD procedures in 1988 and 1989. In that paper, he secured 50/ 150 in 1988 whereas in 1989 he secured 65/ 150. Shri Holla contends that the applicant had thus shown improvement in the succeeding year in this paper and according to his honest belief he had done even better in the examination held in

November, 1992. As such, the communication of the department that he secured only 39/ 150 marks came as a total shock to him. Shri Holla also submits that while examining the answer script, it was obligatory on the part of the department to have assessed the total answer and even if the portions of the answer are correct, candidates should be entitled to get some marks. Shri Holla submits that the applicant got 'zero' mark for two answers ^{and} ~~as~~ This is not in accordance with the relevant instructions, as even if the final answer was not correct, he was entitled to get some marks for the correct steps.

3. Shri M.V. Rao for the respondents says that the department had done the re-totalling of the marks and the original communication was in order. He also draws our attention to Rule 15 of Part-I of Appendix 37 of P&T Manual Vol.I which deals with departmental examinations and according to Rule 15 re-valuation is not permissible. Shri Rao also produces before us the answer script where we find that totalling has been done correctly. We also find that some marks have been given for three questions. The applicant was not given any marks for two others. Shri Rao contends that duly constituted examiners had gone into the answer script and had evaluated the same as per the principles that have to be followed in such cases. In view of this the learned standing counsel is of the view that the application is devoid of any merit.

4. As we have seen that the re-totalling have been correct, the only issue to be considered is Shri Holla's contention that the applicant is entitled to get marks for steps to his answers, even if the final answer is not correct. Shri Holla also draws our attention to the decision of this Tribunal rendered on 19.1.95 in DA No. 153/95

where the Tribunal in exercise of its plenary powers had directed the department to revalue the answer script. We have gone through that judgement where the issue was different, whereas this answer script relates to preparation of cash book and posting in ledger etc. Shri Rao's contention in support of the stand of the department in respect of this question is that what was required was to examine whether the applicant had understood the basic principles involved. If he had not done so, he is not entitled to get any marks. While going through the answer script, we find merit in the contention of the standing counsel that keeping in view the nature of questions asked, the applicant is not entitled to get any marks when he has not done the question correctly. As regards the case stated by Shri Holla this related to a departmental test where the applicant's ability to read and write grammatically correct English language fairly was tested and in that case we ^{it was found} ~~find~~ that the applicant had recorded a nice essay and some of the answers recorded by the applicant appear to be fairly well founded and the Tribunal concluded that the evaluation done by the concerned department was not in order. The position here is entirely different.

5. Shri Holla also submits that the delay in communication on the representation by the department led the applicant in not appearing in the examination held in December, 1993. We find no merit in this argument as the applicant was never prevented from appearing in the examination held in December, 1993 or in the subsequent test.

In the light of the foregoing and in the fact and circumstances

TRUE COPY of the case, we find no merit in this application and accordingly we

dismiss the same. No costs.

Copy to 10/3/95
Section Officer

Central Administrative Tribunal

Bangalore Bench (A.N. VUJJANARADHYA)
Bangalore MEMBER (J)

11/2/3/95

(V. RAMAKRISHNAN)
MEMBER (A)