

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CAMP AT NAGPUR
O.A.1413/95

MONDAY the 11th day of MARCH 1996

COURT : HON'BLE SHRI B.S.HEGDE, MEMBER(J)

HON'BLE SHRI M.R.KOLHATKAR, MEMBER(A)

Sudhir Ramkrishna Rukmangad
95, H.B.Estate, Sonegaon,
Khamla, Nagpur 440 025. .. Applicant
(By advocate Shri K.D.Landge)

-versus-

1. Union of India

Department of Posts,
Dak Bhavan,
New Delhi - 110 001.

2. Chief Post Master General,
Maharashtra Circle,
Fort, Mumbai - 400 001.

3. Director of Accounts(Postal)
Civil Lines, Nagpur 440001.

(By counsel Shri R.S.Sundaram) .. Respondents

O R D E R

(Per B.S.Hegde, Member(J))

Heard Mr.K.D.Landge for the applicant
and Mr.R.S.Sundaram counsel for the respondents.
Respondents have filed their reply today.

2. The main contention of the applicant is
that to direct the respondents to produce the
applicant's answer books of Paper VII and paper VIII
of the JAO Part-II Examination held in July '94
and get the marks re-verified and re-totalled
under the supervision of this Tribunal. Applicant

also
has/made a representation to the competent
authority.

3. Respondents in their reply clarified that the applicant has got 19 out of 100 in paper VII and 75 out of 150 in paper VIII, totalling to 94 out of 250. For appointment to JAOs, the minimum number of marks required to qualify in each part is 40% in each subject and 45% in the aggregate provided that a minimum of 40% is also secured separately in the practical papers answered with the aid of books. The applicant has secured the aggregate total marks with 44.9% only which is less than the required minimum percentage of passing marks.

4. In the circumstance we do not find any merit in the O.A. and the same is dismissed.

M.R.Kolhatkar

(M.R.KOLHATKAR)
Member(A)

B.S.Hegde

(B.S.HEGDE)
Member(J)

test issued judgment
dt. 11/3/96. to the
parties by hand.

SDR

22/3/96

R.P. no
6 by circulation

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20/3

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

REVIEW PETITION NO.: 2/96 IN O.A. NO.: 1413/95.

Dated, this 26/4, the day of August, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).
HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Sudhir Ramkrishna Rukmangad ... Applicant

Versus

Union Of India & Others ... Respondents.

Tribunal's order by circulation :

This Review Petition is filed against the decision of the Tribunal dated 11.03.1996 seeking review of the judgement. We have perused the review petition and found that the applicant has raised the very same plea in the R.P. as in the O.A. i.e. revaluation and reverification of marks. In this connection, it is relevant to note the observation of the Tribunal stating that as per rule, the applicant is required to secure in each part, 40% , in each subject and 45% in the aggregate, whereas, the applicant secured only 19 out of 100 in Paper VII and 75 out of 150 in Paper VIII, which is less than the required prescribed minimum percentage of passing marks. Accordingly, the O.A. was dismissed on merits.

2. In the light of the above, and in view of Order 47 Rule 1 of C.P.C., it is not open to the applicant to raise once again the very same point by way of Review Petition, which cannot be utilised for re-arguing the case on the

: 2 :

same ground. Since the applicant has not raised any new points or evidence, which was not within his knowledge at the time of filing the O.A., the R.P. is not maintainable.

3. In the result, we do not find any merit in the R.P. and the same is dismissed.

MR. Kolhatkar

(M. R. KOLHATKAR)
MEMBER (A).

B. S. Hegde

(B. S. HEGDE)
MEMBER (J).

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order/Judgement despatched
to Applicant/Respondent(s)
on 5-9-96

6/10/96