

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 989/97

Date of Decision: 9.1.98

Shri R.D. Talwar and 10 others. Applicant.

Shri D.V. Gangal. Advocate for Applicant.

Versus

Union of India and others. Respondent(s)

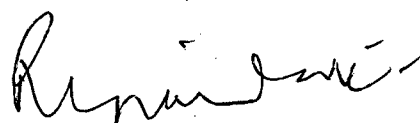
Shri V.S. Magurkar. Advocate for Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

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

- (1) To be referred to the Reporter or not? *W*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *W*


(.R.G. Vaidyanatha)
Vice Chairman.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 989/97.

Friday the 9th day of January 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

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

R.D. Talwar
residing at
B-15, Mantri Niketan,
Dapodi, Pune.

B.S. Jangam
Residing at
Shivam, S.No. 223,
Trimurthi Society,
Hadapsar, Pune.

D.H. Darekar,
Residing at
M-16/1954, M.H.B. Colony
Yerawada, Pune.

V.M. Murkewar,
Residing at
88/2+3, Vrindavan
Colony, Azadwadi
Kothrud, Pune.

K.L. Chilvery,
Residing at
472/E-2, Gultekdi
Markhondey Society,
Pune.

V.M. Raskar,
Residing at
At-Post-Khalad,
Tal Purandar, Dist.Pune

D.S.Kadam,
Residing at
At-Post-Urali Kanchan,
Tal-Haveli,
Dist.Pune.

V.G.Vaghale,
Residing at 222,
Gurwar Peth, Pune

B.H. Kamble,
Residing at
Shantirakshak Society
Yerawada, Pune.

M.D. Tamboli,
Residing at
92 -Shivajinagar,
Pune.



R.Y. Thorat,
Residing at PMC Colony
Ghorpadi Peth,
Pune.

... Applicants.

By Advocate Shri D.V.Gangal.

V/s.

Union of India through
the Secretary,
Ministry of Communication,
Govt. of India, Dak Bhawan,
New Delhi.

The Director General
Department of Telecommunication
Dak Bhawan, New Delhi

The Chief General Manager
Maharashtra Telecom Circle
GPO Mumbai.

The Asstt. Director
(Department of Examination)
Office of the
Chief General Manager,
Telecom, Maharashtra Circle
Mumbai.

The Principal General Manager
Pune Telecom, Telecom Bhavan,
Bajirao Road, Pune.

... Respondents.

By Advocate Shri V.S.Masurkar.

O R D E R (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman)

This is an application filed by the applicants challenging the validity of the results declared 23.10.97. The respondents have filed reply opposing the application. Heard both sides regarding admission.

2. The applicants had appeared for Departmental Competative Examination for promotion to the post of Junior Telecom Officer. The results was declared on 31.12.96. It appears that the marks were not informed to the applicants, ^{in spite} instead of requests made by the applicants in January 1997.

...3...

[Signature]

The respondents are bound to supply the marks subject to payment of requisite fees, but inspite of requisite fees the marks were not supplied to the applicants. There was a fire in the office on 13.5.96. The applicants came to the conclusion that the answer papers must have destroyed among many of the records. It is stated that the results have been declared in a suspicious manner. It is alleged that the respondents are not declaring the mark list because they have destroyed the answer papers in the fire. The applicants have also the legal right of rechecking or reverification of the answer books on payment. On this allegation the applicants want the declaration on the result dated 23.10.97 be quashed. For want of answer books, the applicants right of rechecking, re-verification or re-totalling has been lost.

3. At the time of hearing the learned counsel for the respondents has produced the bundle of answer books. We have verified 1-2 answer papers and the marks have been shown on the facing sheet of the answer sheet and against each answer inside the answer book.

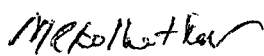
4. The learned counsel for the applicants wants us to examine all the answer papers or through Court Officer. The learned counsel for the respondents opposes this request.

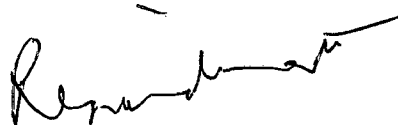
5. The main contention is that the answer books are lost and the declaration of result should be quashed. Now the respondents have filed their reply stating that the answer papers are available and they have produced the same, the very basis of the applicant's claim for verification of the marks made on behalf of the applicants is not tenable. Whether under the rules the applicants.

are entitled for statutory right to ask for re-totalling etc. In fact they have paid the necessary fees .

Shri Masurkar states that as per ^{with} instructions no such fees are paid. We make it clear that if the applicants ^{have} are not paid the necessary fees, they may pay the necessary fees within 15 days from today. On the basis of that the department is directed to take necessary action of re-checking or re-totalling etc. as per rules.

6. In the result , the O.A. is disposed of at the admission stage with a direction to the respondents, that on payment of necessary fees by the applicants, should get all the answer books of the applicants re-checked or re-totaled as provided under the Rules, within a period of one month from the date of receipt of this order and intimate the result to the applicants personally by letter. Needless to say that liberty is given to the applicants to approach this Tribunal if they are agrieved by any such re-checking or re-totalling etc. in accordance with law. In the circumstances of the case no order as to costs.


(M.R. Kolhatkar)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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