

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
 AT HYDERABAD

O.A.No.961/97

Dt. of Decision : 27-01-99.

M.Vijaya Sekhar

..Applicant.

VS

1. The Sr.Superintendent of Post Offices, Guntur Division, Gunture-522 007.
2. The Postmaster General, Vijayawada Region, Vijayawada-2.
3. The Asst.Superintendent of Post Office, Mangalagiri, Guntur District.
4. The Postmaster, Collectorate Post Office, Guntur-4.
5. D.Seshaiah
6. T.V.Purna Umamaheswar
7. R.Srinivasa Rao
8. G.Ramesh
9. Sk.Ch.Sabeer
- 10.G.Sivarama Krishna
- 11.K.Raghavaiah
- 12.P.Bhaskar Rao
- 13.G.Venkateswara Rao
- 14.J.Subba Rao
- 15.G.Subba Rao
- 16.R.V.Subba Rao
- 17.T.Thomas
- 18.P.Ratna Kishore

..Respondents.

Counsel for the applicant : Mr.C.Ramachandra Reddy

Counsel for the respndents : Mr.B.N.Sharma, Sr.CGSC.
 for R-1 to R-4.

Mr.K.S.R.Anjaneyulu ~~for~~
 for R-5 to R-18.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON.MR.B.S.JAI PARAMESHWAR : MEMBER (J))

Heard Mr.C.Ramachandra Reddy, learned counsel for the applicant, Mr.M.Jacob for Mr.B.N.Sharma, learned counsel for Respondents No.1 to 4 and Mr.D.Subramanyam and Mr.K.S.R.Anjaneyulu, learned counsel for the private respondents No.5 to 18.

2. The department conducted examination for promotion to the cadre of Postman (13 posts) for the inservice candidates. That examination was conducted on 11-5-97. On the basis of the valuation of the answer scripts a select panel was published. The applicant was not found in the said select panel.

3. Hence, he has filed this OA to set aside the results declared by the R-1 vide memo No.B.III/3/96/E dated 21-7-97, of the Departmental examination held on 11-5-97 for promotion to the post of Postman, by declaring the same as illegal, arbitrary and against the principles of natural justice and consequently to direct the respondent authorities to conduct the said examination afresh or in the alternative to direct the respondents No.1 and 2 to promote the applicant for the post of Postman, if necessary by reversing promotion to Respondent No.5 or 6 or any other candidate and consequently to refix the seniority over and above the other candidates according to his merit, category and grant other benefits.

4. The examination for Postman consists of three papers. Paper-A - making entries in postman book - Duration 45 mts. and maximum marks 50, Paper-B - Arithmetic - Duration 90 mts. and maximum marks 50 and Paper-C - Writing from Dictation in English & in regional language - Duration 30 mts. and maximum marks 50. The applicant has not groused in record to Paper-A and Paper-C. But he submits that Paper-B ^{had} 6 questions. But in the question

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paper given to him there were only 4 questions and there were no 5th and 6th questions and second page of the question paper was blank. Hence Arithmetic paper given to him ~~is~~ ^{was} defective. As it was defective he contends that the examination has to be set aside and he should be given consequential appointment as Postman. We have checked up the question paper supplied to him for the Arithmetic examination. It is seen from the question paper supplied to him that in the first page there are 4 questions. In the note on the beginning of the question paper reads as follows:-

Question No.1 is compulsory. Write answers to four questions out of the remaining.

The learned counsel for the private respondents submits that it has been clearly stated that question No.1 has to be answered compulsorily and remaining 4 questions have to be answered. When there are only 3 remaining questions in the first page the applicant should know that the question paper is defective and he should have immediately approached the Supervising authority to give him a proper correct question paper, which he did not do so.

5. The second contention of the private respondents is that at the bottom of the first page of the question paper it is written as P.T.O. i.e., please turn over. That itself should have been given an indication to the applicant that next page also to be seen. As the applicant was given enough caution to answer the questions and when he did not find any question with the second page he should have complained for giving proper question paper. That he failed to do so.

6. Having failed to follow the instructions given in the question paper ~~meticulously~~ the applicant cannot ask for



the relief as prayed for in this OA.

7. The applicant ~~is~~ was a ED Staff. We do not consider that the applicant will have that much of ~~inquisitiveness~~ ^{inquisitiveness} to read the note at the beginning and also the P.T.O. entered at the bottom of the question paper. Even highly educated official in an examination ~~may~~ ^{feel} ~~there will be nervousness~~ ^{anxieties}. Hence if any of the examinee do not read it fully it cannot be quoted against him to deprive him of the relief. Further the P.T.O. does not ~~said~~ ^{include} that there are other questions in the second page and that also should be answered. P.T.O. means Please Turn Over. He turned over the page. Thus he fully carried out the instructions given in the question paper. Hence, we do not consider the contention raised by the learned counsel for the private respondents is valid to reject the relief prayed for in this OA.

8. In view of the above some relief has to be given to the applicant. Hence, the respondents should examine him only in Arithmetic paper once again and that mark should be added to the total marks obtained earlier for Paper-A and Paper-C. If on that basis ~~if~~ ^{by him} the applicant secured mark higher than any of the candidates who have been empanelled then the applicant should be empanelled to the post of Postman in accordance with the rules and post him if required after training. In case his name is to be interpolated in the already selected list then the last empanelled postman name should be deleted from that list.

8. Time for compliance is three months from the date of receipt of a copy of this judgement.

9. With the above direction the OA is disposed of.
No consorts.

1st and IIInd Court.

Copy to:

1. HDHNO
2. HHRD M(A)
3. HOSJP M(J)
4. P.R. (A)
5. SPARE

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Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD
MEMBER (A)

THE HON'BLE R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESHWAR:
MEMBER (J)

To copy

DATED: 27/1/99

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

IN
C.A.NO.: 961/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

