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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 189/2000

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SECTION OFFICER (Judl.)

**In The Central Administrative Tribunal**  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO. 189/2008 OF 199

Applicant(s) Sri K. G. Singh and ors.

Respondent(s) Union of India and ors.

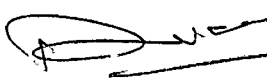
Advocate for Applicant(s) Mr. N.K. Singh Mr. A. Rashid  
Mr. R.K.D. Choudhury.

Advocate for Respondent(s)  
C.G.S.C.

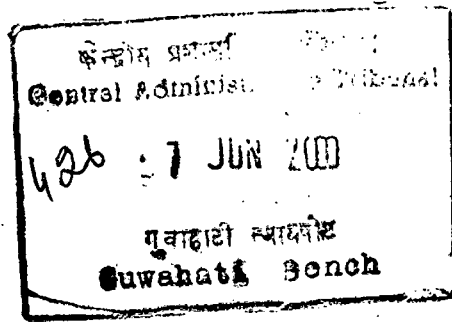
Notes of the Registry	Date	Order of the Tribunal
<p>the application is not filed within time. B.F. of Rs. 500 deposited with PO B.D. No. 492/95 Dated 15.6.2000</p> <p>9/7/16/2000</p> <p>1m.</p>	<p>8.6.00</p>	<p>Present: Hon'ble Mr.D.C.Verma., Judicial Member.</p> <p>Mr.R.K.Choudhury, learned counsel for the applicant seeks time to <del>fix</del> produce relevant rules where the reliefs has been claimed. List on 14.6.00 for Admission.</p> <p style="text-align: right;">Member(Judicial)</p>
<p>Not Requisite 4 copies Bld.</p> <p>9/7/16/2000</p>	<p>14.6.00</p>	<p>Present : The Hon'ble Mr D.C.Verma, Judicial Member.</p> <p>The applicant has claimed that his answer scripts of General Accounts, Treasury and financial Rules for the Divisional Accountant Grade Examination held on 6.12.1999 be re-evaluated by an impartial examiner.</p>

Notes of the Registry	Date	Order of the Tribunal
	14.6.00	<p>The brief facts of the case is that the applicant appeared in the Divisional Accountant Grade Examination held on 6.12.1999. The applicant could not pass the said examination. Memo dated 12.5.2000 was issued from the office of the Accountant General (A&amp;E) Meghalaya, Shillong directing the applicant to appear in the remaining papers i.e. General Accounts, Treasury and Financial Rules, the examination of which is scheduled to be held on 26.6.2000. The claim of the applicant is that he performed all the papers well and consequently the direction to appear in the supplementary examination is not correct. The applicant has therefore prayed that his answer script be examined by impartial examiner.</p> <p>At the time of admission learned counsel for the applicant admitted that the applicant has not made any representation to the department in respect of the relief claimed by him before this Tribunal. The learned counsel has rightly agreed that he may be given only two days time to make a proper representation to the department. Learned counsel however, submitted that as the examination is scheduled on 26.6.2000 his representation be decided prior to the same date. Learned counsel for the respondents has no objection to the aforesaid prayer of the learned counsel for the applicant.</p> <p>In view of the above the O.A. is decided at the admission stage with liberty to the applicant to make a representation to the appropriate authority of the respondents department within 3 days from today. The respondents are directed to decide the said representation within a period of 1 week from the date of receipt of the said representation.</p>

 contd..

Notes of the Registry	Date	Order of the Tribunal
<p>Received copy of order dated 14/6/2000 on behalf of Mr. B.C. Patrak Advl. CGSC</p> <p><i>Standing Advocate</i> 14/6/2000</p>	<p>14.6.00</p> <p>pg</p>	<p>The O.A. is decided accordingly. Costs on parties.</p> <p> Member (J)</p>





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH: GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION No. 189 of 2000.

Between

Sri L. Krishna Gopal Singh - Applicant

-Versus-

The Union of India & others. - Respondents

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Annexure</u>	<u>Page No.</u>
1.	Application		1 to 7
2.	Verification		8
3.	Letter dated 25-10-99	A/1	9-10
4.	Memo dated 12-05-2000	A/2	11.

Filed by

*Ranjit Kumar Dev Choudhury*  
(R.K.Dev Choudhury)

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH: GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION No. 189 of 2000.

BETWEEN

1] Sri L. Krishna Gopal Singh  
Unqualified Divisional Accountant  
Office of the Executive Engineer,  
Irrigation & Flood Control Dept.,  
Flood Control & Drainage Division  
Division No.1 (I & F C D)  
Lamphal Pat,  
Imphal, Manipur,  
PIN- 795004.

- Appellant.

-Versus-

- 1] The Union of India,  
Represented by the Comptroller  
and Auditor General, New Delhi.
- 2] The Accountant General (A&E)  
Meghalaya etc.,  
Shillong, Meghalaya.
- 3] The Chief Engineer, Irrigation  
& Flood Control Dept., Manipur,  
Khuyathong, P.O.- Imphal,  
Manipur, PIN-795001.

*L. Krishnagopal Singh*

Filed by the applicant  
through  
Forjit Kumar Dev Choudhury  
Advocate  
7/6/2000

4] ~~That~~ The Executive Engineer,  
 Irrigation & Flood Control &  
 Drainage Division No.1, Irriga-  
 tion and flood control Dept.  
 Manipur, Lamphal Pat,  
 Imphal, Manipur, PIN 795004

Respondents.

DETAILS OF THE APPLICATION:

1] PARTICULARS OF THE ORDER AGAINST  
 WHICH THE APPLICATION IS MADE:

This application is made against the Memo.No. DA/Cell/Result/DAG/96-97/99-2000/231 •236 dated 12-05-2000 issued by the Office of the Accountant-General (A & E) Meghalaya etc. Shillong declaring that the applicant who appeared in the Divisional Accountant Grade Examination held during December 1999 bearing Roll No.1 could not pass in the aforesaid examination. The Memo further declared that the applicant secured exemption marks in Elementary Book-keeping. He was however directed to appear in the only remaining paper, i.e., General Accounts, treasury, and Financial Rules, the examination of which is scheduled to be held on 26-6-2000 and this is his last chance to appear in the D.A. Grade Examination.

2] JURISDICTION OF THE TRIBUNAL:

L. Krishnagopal Singh

The applicant declares that the subject matter of the case which he wants to redress is within the jurisdiction of this Hon'ble Tribunal.

3] LIMITATION:

This application further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal's Act, 1985.

4. FACTS OF THE CASE:

4.1] That the applicant is an employee under the Accountant General (A & E), Manipur, Imphal and at present he is posted as the unqualified Divisional Accountant in the Office of the respondent No.4, i.e., the Executive Engineer, Flood Control & Drainage Division No.1, Irrigation and Flood Control Department, Manipur, Imphal. The cadre of the same post is controlled by the respondent No.2.

4.2 That the Respondent No.2 issued letter No. E.O. No. DA Cell/135 dated 25-10-99 directing the applicant to appear in the Divisional Accountant Grade Examination to be held on 06-12-99 and 07-12-99 in the following two subjects - (i) General Accountants, Treasury and Financial Rules, and (ii) Elementary Book-keeping.

L. Krishna Rao Gopal Singh:

Annexure-A/1 is a copy of the above letter dated 25-10-99.

4.3] That, the applicant as per direction in the above letter dated 25-10-99 appeared in the Divisional Accountant Grade Examination held on 06-12-99 and 07-12-99 at Shillong. The applicant had done well in the said examination in both the subjects and as such was expecting to come out successful in both the subjects.

4.4 That the applicant received a letter issued under memo No. DA Cell/Result/DAG/96-97/99-2000/231-236 dated 12-05-2000 issued by the respondent No.2 informing the applicant that he could not pass the Divisional Accountant Grade Examination held on 06-12-99 and 07-12-99. However, the applicant had secured exemption marks in Elementary keeping. He was further directed to appear in the remaining paper, i.e., General Accountants, Treasury and Financial Rules in an examination to be held on 26-06-2000 and that this is his last chance to appear in the Divisional Accountant Grade Examination.

Annexure-A/2 is a copy of the above Memo dated 12-05-2000.

4.5 That the applicant states that he had fared well in the Divisional Accountant Grade Examination held on 06-12-99 and 07-12-99 and was sure that he would come out successful. However, he was shocked to receive the above

L. Krishnagopal Singh

letter vide memo dated 12-05-2000 informing him that he had failed in one subject, namely General Accounts, Treasury and Financial Rules.

5]  GROUNDS FOR RELIEF WITH LEGAL PROVISION:

- 5.1 For that the Respondents have not evaluated the applicant's answer scripts, as such, the same has violated applicants right under Article 14 of the Constitution of India and principles of natural justice.
- 5.2 For that the Respondents acted arbitrarily and irregularly as such the answer script of the paper of General Accounts, Treasury and Financial Rules of Divisional Accountant Grade Examination held on 06-12-99 were not evaluated properly and liable to be re-evaluated.
- 5.3 For that fair play and transparency being the guiding spirit in such matter the applicant is entitled to claim for re-evaluation of the paper.
- 5.4 For that justice and equity demands that the applicant is entitled to get justice in the matter.

6]  DETAILS OF REMEDIES EXHAUSTED:

The applicant states that there is no other statutory and/or alternative remedy

*L. Krishnalingappa Singh*

which the applicant is supposed to have exhausted before approaching this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT OR TRIBUNAL:

That the applicant declares that the matter regarding which this application is made is not is not pending before any court of law or any other authority or any other bench of the Tribunal..

8. RELIEF SOUGHT FOR:

8.1 To direct the respondents to re-evaluate the answer script of General Accounts, Treasury and financial Rules for the Divisional Accountant Grade Examination held on 06-12-99 by any impartial examiner.

9] INTERIM ORDER IF ANY PRAYED FOR:

No interim order is prayed for.

10] Particulars of Postal Order:

i]	NO. of I.P.O.	: 497365
ii]	Name of issuing Post Office	: GPO Guwahati
iii]	Date Of Issue of Postal Order	: 6/6/2000
iv]	Post Office at which payable	: Guwahati

12] LIST OF ENCLOSURES: As per Index.

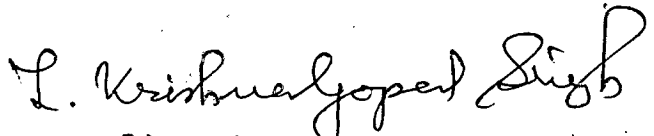
L. Krishnalingam Singh.

VERIFICATION

I, Sri L. Krishna Gopal Singh, son of Late L. Ratnamani Singh, aged about 51 years, resident of Keishhamthong Maning Longjam Leikai, Imphal-795001 presently working as unqualified Divisional Accountant; Office of the Executive Engineer, Flood Control & Drainage Division, No. I (I & FCD) Lamphal Pat, Imphal Manipur, PIN-795004 do hereby verify that the statements made in paragraph nos. 4.1, 4.3, 4.5 are true to my knowledge and those made in paragraph nos. 4.2, 4.4 are matters of records derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court. I have not suppressed any material fact of the case.

Place Guwahati

Date : 7/10/2000

  
Signature.

OFFICE OF THE ACCOUNTANT GENERAL (A&amp;E) MEGHALAYA ETC:SHILLONG.

E.O. NO. DA Cell/135

R.R.No. 1073  
Date 22/11/99

Dated. 25.10.99 14

The next Divisional Accountant Grade Examination will be held as per schedule indicated below :-

<u>Date</u>	<u>Day</u>	<u>Time</u>	<u>Subject</u>
6.12.99	Monday	3hrs from 10.30a.m to 1.30 p.m.	General Accounts, Treasury and Financial Rules.
7.12.99	Tuesday	2½ hrs from 10.30a.m to 1.00p.m.	Elementary Book Keeping.

2. The Examination will be held at Shillong and the particulars and actual venue are to be obtained from DA Cell Section just half an hour before the commencement of the Examination.

3. Shri L. Krishna Gopal Singh is allowed, to appear in the Divisional Accountant Grade Examination to be held as per the Programme mentioned above. Index No.1 is allotted to Shri L. Krishna Gopal Singh and he is instructed to write only the Index No. on the fly leaf of answer book. He is not to write his name on the fly leaf or any page of the answer book.

4. The Rules and syllabus for the D.A. Grade Examination are available in Annexure-III to Appendix-I of C.P.W.D. Code (2nd Edition) 1965. The extract of these rules may be seen in Annexure-I to this circulars.

5. Shri L. Krishna Gopal Singh should bring an identify card issued by the respective Divisional Officer and should produce the same when demanded at the time of Examination.

Sr. Deputy Accountant General (Admn).

Attested  
  
 Advocate

Memo No. DA Cell/2-2/92-93/1298-1301

Copy forwarded to :-

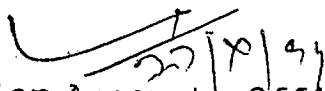
10-  
Dt. 28/10/99/15

REGISTERED:1. The Executive Engineer, Flood Control & Drainage Division No. I (I&FCD) Imphal, Manipur. He is requested to bring the content of this circular to the notice to Shri L. Krishna Gopal Singh, unqualified DA, working under him. He is also requested to direct Shri L. Krishna Gopal Singh to appear the DA Grade Examination to be held at Shillong on 6th and 7th December 1999.

REGISTERED:2. Shri L. Krishna Gopal Singh unqualified DA, O/o of the Executive Engineer, Flood Control & Drainage Division No. I (I&FCD), Imphal. He is directed to appear in the DA Grade Examination to be held on 6th and 7th December '99 as per the programme indicated above, at Shillong. *Copy of Rules & Syllabus enclosed.*

3. P.C. file of Shri L. Krishna Gopal Singh.
4. Court Case file.

Attested  
of  
Advocate

  
27/10/99  
Senior Accounts Officer.

A/C

# ANNEXURE

A/2  
117  
16

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC.,  
SHILLONG.

E.O. No. DA Cell/22

Dated, 8/5/2000.

The Accountant General (A&E), Meghalaya, etc., Shillong declares that Shri L. Krishna Gopal Singh who appeared in the Divisional Accountant Grade Examination, held during December, 1999 bearing Index No./Roll No. 1 could not pass the aforesaid Examination.

But Shri L. Krishna Gopal Singh secured exemption marks in Elementary Book Keeping.

Authority : A.G.'s Order dated 27.4.2000 at P/ 46 in the file No. DA Cell/ Result/ DAG/96-97/99-2000.

84/-

Sr. Dy. Accountant General (Admn.).

Memo No. DA Cell/ Result/DAG/96-97/99-2000/231-236 dt. 8 MAY 2000  
Copy forwarded for information and necessary action to:

- 1) The Accountant General (A&E), Manipur, Imphal.
- 2) The Chief Engineer, (I & FCD), Manipur, Imphal.
- 3) The Executive Engineer, Flood Control & Drainage Division No. I (I & FCD), Imphal, Manipur. He is requested to instruct Shri L. Krishna Gopal Singh, unqualified DA, to appear next DA Grade Examination to be held on 26.6.2000. Shri L. Krishna Gopal Singh is to appear only remaining paper i.e. General Accounts, Treasury & Financial Rules.
- 4) Shri L. Krishna Gopal Singh, unqualified DA, O/D the Executive Engineer, Flood Control & Drainage Division No-I (I & FCD); Imphal, Manipur. He is directed to appear the remaining paper i.e. General Accounts, Treasury and Financial Rules to be held on 26.6.2000. It may be noted that the next examination to be held on 26.6.2000 is his last chance to appear the DA Grade Examination.
- 5) P.C. File of Shri L. Krishna Gopal Singh.
- 6) S.C. File.

Attested  
of  
Advocate

  
Sr. Accounts Officer.