

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH
JABALPUR

Original Application No. 566 of 2006

Jabalpur, this the 28th day of August, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Shri A.K. Gaur, Judicial Member

1. Prem shankar Tiwari,
S/o. Shri D.R. Tiwari,
Aged about 47 years,
Section Officer,
Permanent R/o. H.No. 131,
A.P.R. Colony, Bilhari,
Jabalpur (MP).
2. A.K. Khamparia,
S/o. Shri U.P. Khamparia,
Aged about 51 years,
Section Officer, posted at
P.A.O. (OR's) Corps. of
Signals, Jabalpur, R/o. 622-A,
Anand Colony, Baldeobagh,
Jabalpur (MP).

Applicants

(By Advocate – Shri Deepak Awasthi)

V E R S U S

1. The Union of India,
Through the Secretary,
Ministry of Defence,
New Delhi.
2. The Controller General of
Defence Accounts, South Block-V,
R.K. Puram, New Delhi-110 066.
3. The Controller of Defence Accounts,
Ridge Road, Jabalpur (MP).

Respondents

(By Advocate – Shri S.K. Mishra)

2

O R D E R (Oral)

By A.K. Gaur, Judicial Member –

Heard the learned counsel for the applicant and Shri S.K. Mishra, Additional Central Government Standing Counsel, appearing for the respondents.

2. The applicants are working as Senior Auditors in the office of Joint Controller of Defence Accounts at Jabalpur. In the year 2002 when the departmental examination for promotion from the post of Senior Auditor to the post of Section Officer was held the applicants were declared failed. The applicants' case is that they were granted only 36% and 30% marks respectively in the paper of Book Keeping with Element of Cost Accounting, although they did well and ~~where~~ ^{were} confident of getting through the examination. The applicants being not satisfied with the result applied for revaluation of the answer sheets and the same was considered by the respondents and the respondent No. 2 by letter dated 19.6.2003 intimated the applicants that there is 'no change' in the revaluation. Feeling aggrieved the applicants have filed OA No. 123/2004 and OA No. 783/2003 in this Tribunal. Both the OAs were dismissed by this Tribunal by common order dated 24.11.2004. Further feeling aggrieved by the said order of the Tribunal, they preferred a Writ Petition before the Hon'ble High Court.

3. After hearing the parties counsel and after going through the case of the applicants, the Hon'ble High Court allowed the Writ Petition with the direction to the respondents "to conduct revaluation of the answer sheets of the aforesaid subjects of the petitioners expeditiously and shall communicate the results of such revaluation to the petitioners". In pursuance thereto the respondents have passed the order dated 28th October, 2005 informing the applicants that there is no change in pass status. The applicants being aggrieved by the said

3

order of the revaluation ~~had~~ ^{has} filed this Original Application before this Tribunal.

4. We have considered the submissions of the learned counsel for the applicant and Shri S.K. Mishra, Additional Central Government Standing Counsel appearing for the respondents and we find that this Tribunal cannot sit over the decision of the competent authority and act as a Court of Appeal. The decision so taken by the competent authority deserves to be maintained. Thus, the Original Application has no merits and the same is liable to be dismissed in limine at the admission stage itself.

A.K. Gaur
(A.K. Gaur)
Judicial Member

G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

“SA”

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
पत्रिलिपि अचेतितः—

- (1) सहित, उच्च न्यायालय दार एसोसिएशन, जबलपुर
- (2) आकेशक श्री/श्रीमती/कु. ये काउंसल
- (3) प्रत्यार्थी श्री/श्रीमती/कु. ये काउंसल
- (4) ग्रंथालय, केप्रा. जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

Deekshik Awashey
D 22/201
S.K. Mishra
D 22/201

W. Srivastava
उप रजिस्ट्रार
6/9/06

Issued
on 6/9/06