

Central Administrative Tribunal, Jabalpur Bench, Jabalpur

Original Applications Nos. 783/2003 and 123 & 125 of 2004

Patna, this the 24th day of November 2004

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri A.K.Bhatnagar, Judicial

(1) Original Application No 783 of 2003

A.K. Khamparia S/o Shri U.P. Khamparia Aged about 51
Yrs. Senior Auditor, PAO (Ors.) JAK Rifles Jabalpur
(M.P.) R/o 622-A Ananad Colony, Baldeobagh,
Jabalpur-482002
Applicant

(By Advocate – Shri Munish Saini)

Versus

1 Union of India Through the Secretary
Ministry of Defence, New Delhi.

2 The Controller General of Defence Accounts,
Block-V R.K. Puram, New Delhi – 110066

Respondents

(By Advocate – Shri Om Namdeo)

(2) Original Application No. 123 of 2004.

1. P.S. Tiwari S/o Late Shri D.R. Tiwari
Aged about 45 Yrs. Senior Auditor, PAO
(Ors) Corps of Signals, Jabalpur(M.P.)

2 R.K. Singhi S/o Shri B.L. Singhi, Aged about
42 Yrs. Senior Auditor, PAO (Ors.) Corps of
Signals, Jabalpur(M.P.)
Applicants

(By Advocate – Shri Munish Saini)

Versus

- 1 Union of India Through the Secretary
Ministry of Defence, New Delhi.
- 2 The Controller General of Defence Accounts,
Block-V R.K. Puram, New Delhi – 110066

Respondents.

(By Advocate – Shri (s.p.singh))

(3) Original Application No. 125 of 2004.

1. R.D. Pardhi S/o Shri R.B. Pardhi
Aged about 43 years.
Senior Auditor PAO (Ors) Corps of
Signals Jabalpur(M.P.)
2. K.K. Siddhrau S/o Shri K.C. Siddhrau
Aged about 53 years
Senior Auditor O/o C.D.A.,
Ridge Road Jabalpur(MP)

Applicants

(By Advocate – Shri Munish Saini)

Versus

- 1 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 – 110066

Respondents.

(By Advocate – Shri (s.p.singh))

Common order

1. Since the issue involved & grounds raised are common and facts involved are identical in these O.As., these are being disposed of by this common order. In these O.As. the applicants have claimed the following main reliefs:-

O.A.No. 783/2003:-

“8.1A. To quash the intimation Annexure A-5 so far as it relates to the applicant.

- 8.2 To get the answer book of Subject ‘D’ Paper VI of SAS Exam Part-II of the applicant evaluated from an independent examiner;
- 8.3 To direct the respondent no.2 to grant the benefit of promotion to the applicant after proper evaluation from the independent examiner.”

O.A.No.123/2004 :-

“8.1 To quash the intimation Annexure A-9 whereby ‘no change’ has been informed.

8.3 To get the answer book of Subject ‘D’ Paper VI of SAS Exam Part-II of the applicant no.1 evaluated from an independent examiner.

8.4 To get the answer book of Subject ‘C’ Paper V of SAS Exam Part-II of the applicant no. 2 evaluated from an independent examiner.

8.5 To direct the respondent no.2 to produce answer books Paper V of SAS Exam Part-II of Roll Nos.486,500,501,502 and 504 comparison with the answer book of the applicant no.2.

8.6 To direct the respondent no.2 grant the benefit of promotion to the applicants after proper evaluation from the independent examiner.”

- 8.1 To quash the intimation Annexure A-8 whereby the applicants have been informed 'no change'.
- 8.2 To call for records relating to the answer books i.e. Paper VI and Paper VII of applicants and revaluation be got done by the office of the respondent no.2.
- 8.3 To get the answer books of Subject 'D' Paper VI and subject 'E' Paper VII of SAS Exam Part-II of the applicants evaluated from an independent examiner.
- 8.4 To direct the respondent no.2 grant the benefit of promotion to the applicants after proper evaluation from the independent examiner."

2. In all these O.As. the applicants are working as Senior Auditors under the respondents. The applicants are challenging the orders of respondents in not properly evaluating the answer books of the Subordinate Accounts Service (for short 'SAS') Examination Part-II and have thus deprived them their promotion to the post of Section Officer. The applicants submit that they had faired well in the examination but they have been declared failed in some of the papers, though they had answered more than 70% question – mostly accounts questions. They were confident of getting through the examination as they have done very well and it came as a bolt from the blue when the result was declared and they were declared failed. The



respondents have informed the applicants that after revaluation there is no change in the marks secured by them. Hence these O.As.

3. The respondents in their reply have stated that the instant applications are based on presumption and false pretext. The applications are devoid of any merit and substance and are liable to be dismissed. The respondents have examined the answer books of the applicants and amongst other candidates as per laid down system. The answer book of SAS Part-II Examination were evaluated in fourth group of four Examiners headed by a Chief Examiner. The Chief Examiner and Examiners are senior officers and well qualified in their subjects. The contention of the applicants although they had done very well or they had done more than 70% paper correctly, is not borne out by their result. The fact of the matter is that all these applicants were declared failed due to their below performance. As regards the evaluation of the answer books is concerned, it may be mentioned that the exercise was carried out by a duly nominated board of officers by respondent no.2 consisting of three senior officers. The Board reevaluated 622 answer books of all four papers of SAS Pt.II Examination in respect of 277 candidates who had applied for revaluation 'including the applicants' and found justification to make change in respect of 2 cases only. Accordingly, where no change was found, the same was also notified. The criteria adopted by the Board of Officers was to check the totals, to verify correct carry forward to the top sheet and to check that all the questions

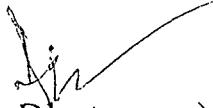
have been evaluated and to rectify any other errors and omissions. The fact that marks in respect of 2 candidates did undergo a change is evidence of the fact that the effort put in by the Board of Officers in checking 622 answer books was not with a pre-determined mind. Further it is a testimony of high quality of the initial evaluation itself that the marks of only two out of 622 answer books evaluated had to be modified. Revaluation again cannot be an unending process. The answer books of the applicants have been evaluated twice over and it is beyond doubt that the result is solely based on their performance in the examination. Only one revaluation is allowed which the applicants have exhausted and repeated revaluation would serve no purpose. In view of the aforesaid submissions, the respondents have submitted that the applicants are not entitled to get any relief in these O.As.

4. Heard the learned counsel of parties and we have given careful consideration to the arguments advanced on behalf of both the sides.

5. We find that the applicants in all the three OAs have failed in SAS Pt.II Examination. They had applied for revaluation of their answer sheets in which they had failed. As per the procedure the respondents have appointed a Board of Officers consisting of three senior officers of the rank of Under Secretary/Deputy Secretary to conduct the revaluation. The board reevaluated 622 answer books of all four papers of SAS Pt.II Examination in respect of 277 candidates who had applied for revaluation 'including the applicants' and found

justification to make change in respect of 2 cases only. The criteria adopted by the Board was to check the totals, to verify correct carry forward to the top sheet, to check that all the questions have been evaluated and to rectify any other errors and omissions. The revaluation of the answer sheets does not mean the marking ^{evaluation is} of the question paper again. We are satisfied that the respondents have taken the action as per the rules and have reevaluated the answer sheets correctly. It is a settled legal position that this Tribunal cannot substitute itself as a selection committee and start reevaluating the answer sheets. The evaluation of the paper is the function of the selection committee and by the Board of Officers constituted by the respondents who are equipped with the requisite expertise required for revaluation of the papers. The contention of the applicants that they have done very well in the paper and should have passed in the examination is only their presumption and over assessment of their performance which is not accepted and accordingly rejected.

6. In the result, for the reasons recorded above, all these O.As are devoid of merits and are accordingly dismissed, however, without any order as to costs.



(A.K.Bhatnagar)
Judicial Member



(M.P.Singh)
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