

Central Administrative Tribunal
Jabalpur Bench

OA No. 789/04

Given, this the 13th day of September 2005

CORAM

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Mrs. Kiran Pachehara
(Plawat) wife of Shri Amit Plawat
LDC in the Sub Regional Office
Employees Provident Fund Organisation
C/o Ex Sub Major Mahavir Singh
44/7 Mahavir Compound, Sadar
Jabalpur. Applicant.

(By advocate Shri S.P. Sethi)

Versus

1. **Union of India through**
The Secretary
Ministry of Labour and Employment
Parliament Street
New Delhi.
2. **The Central Provident Fund Commissioner**
Employees Provident Fund Organization
14, Bhikaji Cama Place
New Delhi.
3. **The Regional Provident Fund Commissioner**
Regional Office of the EPF Organization
Block No. 802
7, Race Course Road
Indore.
4. **The Regional Provident Fund Commissioner**
Sub Regional Office
Scheme No. 5
Vijay Nagar
Jabalpur. Respondents.

(By advocate None)



ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks a direction to the respondents to consider promotion of the applicant to the post of UDC (now redesignated as Social Security Assistant from the date of the original result, with all consequential benefits.

2. The brief facts of the case are that the applicant joined as a LDC in the Employees Provident Fund Organization on 13.4.98 in the Sub Regional office, Jabalpur. The applicant cleared her probation period by passing the mandatory departmental examination within 8 months from the date of joining. She was promoted as UDC (ad hoc) in April 2002 and also granted one increment. The Regional Office of the organization at Indore conducted a departmental examination for promotion to the post of UDC (permanent) on 21.4.2003 and 22.4.2003 in which the applicant appeared as a departmental candidate, with her roll number as 27. There were two papers consisting of two parts each, Part-A (English Language and Part-B (FR, SR, GFR etc) and the second paper Part-A (EPF Act and Manual) and Part-B (Arithmetic and Numerical Ability). Even though the applicant did well in the said examination, she was declared fail in paper II vide result annexed as Annexure A2. The applicant got only 38 marks in paper II though she expected minimum 60 marks i.e. less by only two marks for qualifying in the said examination. The applicant attended part-A of question paper II in main answer book and part-B in supplementary answer book. The applicant strongly feels that her supplementary answer book of Paper-II got separated or detached malafidely and attached to someone else. For general candidates, minimum 40 marks are required to qualify. It is alleged in the application that she has been treated malafidely and awarded less marks only with a view to fail her and to accommodate someone else.



After declaring fail, the applicant was reverted to the post of LDC. Hence this OA is filed.

3. Heard learned counsel for the applicant. None is present on behalf of respondents. Hence the provision of Rule 16 of CAT (Procedure) Rules, 1987 is invoked to dispose of this OA.

4. Learned counsel for the applicant argued that the papers in which she was declared failed had not been evaluated properly. The applicant had used one main and one supplementary answer books in Paper No.II and she could not fail in that paper. Her supplementary answer book had either been detached or removed malafidely which resulted in her failure as such.


5. Respondents in their reply contend that the applicant appeared in the departmental examination for promotion to the post of UDC held on 21st and 22nd April 2003 and the result of the examination was declared on 14.7.2003. The applicant belongs to General Category and had secured only 38 marks in paper II. The apprehension of the applicant that her supplementary answer book of Paper II got separated accidentally or it was detached malafide and attached with the answer sheet of someone else was baseless. The applicant had applied for re-totaling and verification of marks. Her request was acceded to and it was found that all the answers written by the applicant were evaluated and the total marks already indicated were correct. This position was communicated to the applicant. The contention of the applicant is frivolous and the OA is liable to be dismissed.


6. After hearing the learned counsel for the applicant and perusing the records, we find that the submissions made by the respondents in their reply that the applicant secured only 38 marks in second paper and her apprehension that the supplementary answer book of the second paper is detached malafidely and attached with the answer



sheets of some one else is baseless and the request of the applicant for re-totaling and re-verification of the marks was accepted by the respondents and it was found that all the answers written by the applicant were evaluated and the total marks already intimated to the applicant as 38 is right, seems to be correct on the basis of the original answer book of second paper produced by the respondents. We find that this examination was held on 22.4.2003 and the total number of pages used by the applicant is 8. We have perused Annexure A-7 i.e. the question paper of the said examination. This question paper is divided in two parts i.e. Part-A and Part-B. Part-A carries 70 marks and Part-B carries 30marks. The applicant has secured only 29 marks out of 70 marks in Part-A and in part B she has secured only 9 marks out of 30 marks as per the original answer book submitted by the respondents for our perusal. Hence, from the original records produced before us it is clear that the applicant has secured total 38 marks out of 100 marks and not out of 70 marks as apprehended by the applicant.

7. Considering all the facts and circumstances of the case we are of the opinion that this Original Application has no merits and is liable to be dismissed. Accordingly, the same is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

aa./SA

पूठकन सं ओ/न्या.....जबलपुर, दि.....
 पतिविविपि अचो रित:-
 (1) सचिव, उच्च न्यायालय नगर एसेजिएशन, जबलपुर
 (2) आवेक श्री/श्रीमती/शु.....के काउंसल
 (3) प्रत्यर्थी श्री/श्रीमती/शु.....के काउंसल
 (4) कथवत, लेव.अ., जबलपुर न्यायाधीश
 सचन एवं आवश्यक कार्यवाही हेतु
 21-9-05
 उप शजिस्ट्रार
 shm' s.p.sethi, 2hr 05/05
 shm' s-c sharma