

24.07.2009

OA No. 489/2005

Mr. P.N. Jatti, Counsel for applicant.
Mr. Gaurav Jain, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of. (b) (5) (A) (6)

(M.L. CHAUHAN)
MEMBER (3)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 24th day of July, 2009

ORIGINAL APPLICATION NO. 489/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Madan Lal Sharma son of Shri Ram Gopal Sharma by caste Sharma aged about 42 years, resident of Tejya Ka Bas, Phulera, presently working in the Head Post Office, Phulera.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Principal Chief Postmaster General, Rajasthan Circle, Jaipur.
3. The Superintendent Post Offices, Jaipur 'M' Dn. Shastri Nagar, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Gaurav Jain)

ORDER (ORAL)

The applicant has filed this OA thereby praying that the respondents be directed to act in terms of Rule 14 of Part I of Appendix 37 of Post and Telegraph Manual IV Part-II (A) which stipulates re-totaling and verification of marks in respect of Paper B in which he has obtained 16 marks.

2. The grievance of the applicant in this case is that despite the fact that he has applied for re-totaling and verification of marks in Paper B in which he has obtained 16 marks out of 50 marks and deposited requisite fee, the respondents are not carrying out the re-totaling and verification of the marks in Paper B.

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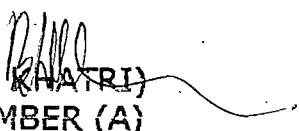
3. Notice of this application was given to the respondents. The respondents have filed their reply. In the reply, the respondents have stated that the examination in question was held on 06.07.2001. The applicant submitted his application for revaluation and re-totaling of the marks of Paper B on 11.06.2005. Since re-totaling of the marks can be got done within a period of six months from the date of announcement of result, as such the request of the applicant cannot be acceded to because the result of the examination was announced on 28.11.2001.

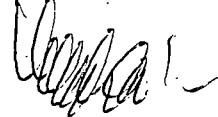
4. When the matter was listed on 03.07.2009, this Tribunal passed the following order:-

"The grievance of the applicant in this case is regarding re-totaling of Paper 'B' whereby the applicant has obtained 16 marks out of 50 Marks. According to the applicant he has submitted an application for re-totaling of the marks on 11.06.2005 after the result of the applicant was communicated to him on 12.05.2005 pursuant to the order of this Bench passed in OA No. 211/2004 dated 01.03.2005. Thus according to the applicant he had submitted the application within six months from the date of announcement of the result. Thus in terms of Rule 14(c) of the Appendix 37 of the P&T Volume IV Part II (A), it was incumbent upon the respondents to carry out re-totaling and revaluation of the marks. In this case, the result of the successful candidates was declared on 28.11.2001. Learned counsel for the respondents is not aware whether the answer sheets in respect of Paper 'B' is still available. Learned counsel for the respondents is directed to apprise this Tribunal whether the answer sheet in respect of Paper 'B' is still available with the Department."

5. Pursuant to the order dated 03.07.2009; the respondents have produced the Answer Sheet in respect of Paper B in sealed cover. We have perused the Answer sheet, from the perusal of the Answer sheet, it is clear that all the questions which has been attempted by the applicant has been marked and assessed by the Appropriate Authority and totaling of the answers has been checked by us, which comes to 16. The Answer-sheet submitted by the respondents is hereby returned to the learned counsel for the respondents.

6. Thus in view of what has been stated above, the prayer of the applicant for re-totaling and verification of the marks has been redressed. Accordingly, the present OA does not survive now, which is accordingly disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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