

(2)

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

07.05.2007

OA 179/2006

Present : Mr. P.N. Jatti, counsel for applicant.
Mr. Balveer Singh, proxy counsel for
Mr. Gaurav Jain, counsel for respondents.

This case has been listed before the Deputy Registrar due to non-availability of Division Bench. Be listed before the Hon'ble Bench on 26.07.2007.

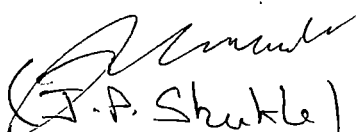
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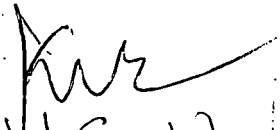

(GURMIT SINGH)
DEPUTY REGISTRAR

26.7.07

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

Heard. The OA is disposed of by
a separate order.


(J.P. Shukla)
M(A)


(Kuldip Singh)
V.C.

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH; JAIPUR**

Original Application No.179/2006

Date of decision: 26.07.2007

Hon'ble Mr. Kuldip Singh, Vice Chairman,

Hon'ble Mr. J.P.Shukla, Administrative Member.

Himmat Singh, s/o Shri Lacchu Singh aged about 31 years resident of Village Somara PO Sehroli via Sarpan District, Dholpur presently working as EDBPM Shahpur dDang BO Bayana MGD, (Mukhya Dak Ghap)

: Applicant.

Rep by Mr. P.N. Jatti: Counsel for the applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur
7
3. The Superintendent of Post Offices, Dholpur Divisdion, Dholpur.

: Respondents.

Rep. By Mr. Gaurav Jain: Counsel for the respondents.

ORDER

Per Mr. Kuldip Singh, Vice Chairman.

The applicant is working as EDBPM at Shahpur Dang Post Office (Bayana). He, being eligible, appeared in an examination for the post of Postman/mail Guard held on 11.09.2005 and the results of the examination was declared on 09.01.2006. He was declared as failed. On receipt of marks vide Annex. A/2, he submitted an application vide Annex. A/1, for re-verification/re-totalling of the marks in paper I and paper III. He also deposited



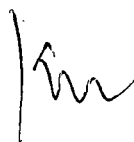
the requisite fee of Rs. 200/-. As the respondents had taken no action, he filed the present O.A praying for a direction to the respondents to re-total/re-verification of paper I and III. The applicant submits that Rule 14 of the P & T Manual Vol. IV Part II A- Appendix 37, prescribes re-totalling and verification marks. It states that after the results of the examination the marks obtained in each paper by a candidate would be communicated to him alone on application and on payment of prescribed fee. It further states that if a candidates desires the retotalling of his marks and verification of the fact that all answers written by him have been duly assessed by the examiner, he should submit an application in the prescribed form and pay the prescribed fees. The applicant submits that though he had paid the prescribed fee for re-totalling and re verification of marks, the same has not been done. Therefore he prayed that a direction be issued to the respondents for retotalling and reverification of marks in paper I & III of the examination held on 11.09.2005.

2. The respondents are contesting the O.A by filing a detailed reply. It is stated that there is no provision for re-totalling and re-verification of marks obtained in the Postman Examination in case of EDAs and therefore the applicant was informed accordingly vide Annex. R/1. It is admitted that the applicant has paid Rs. 200/- as fee for re-totalling and re-verification and the same has been refunded to the applicant vide Annex. R/2. The respondents further points out that as per the DG P & T letter No. 44-18/79-SPB I dated 26.05.79, marks obtained by the EDAs (Now GDS) are not



to be communicated since EDAs are treated as outsiders for appointment as Postman. It is also stated that the re valuation of answer sheets is not as per Rule 15 of Appendix 37 of P & T Manual IV part II (A) and hence the question of re-totalling and re-verification does not arise.

3. We have heard the learned counsel for both parties and gone through the records. The fact that the applicant was communicated the marks obtained by him is not denied by the respondents. Moreover, the applicant has submitted his application for re-totalling and re-verification vide Annex. A/1, in which he has also mentioned marks obtained by him in each paper. Thus the applicant has been supplied with the marks. So the contention of the respondents that marks obtained by EDAs are not to be communicated cannot be sustained since the respondents themselves have already intimated the marks obtained by the applicant. Moreover the respondents have also stated the marks obtained by the other two successful candidates in the examination vide Annex. R/3. Therefore the only question remains to be considered is whether the retotalling should be allowed or not. The learned counsel for the respondents referred to Rule 15 of the P & T Manual Vol. IV, which states that revaluation of answer scripts is not permissible in any case or under any circumstances. In this regard we may say that the applicant was not asking for revaluation of answer books, he is simply asking for re-totalling



and re-verification of marks. We have gone through Annex. R/5, wherein para 14 (d) reads as under:

" 14 (d)

The re-totalling and verification of marks should be carried out by an officer other than the one who had originally valued the answer scripts concerned. No remuneration will be payable for this work "


There is also note 1 below Rule 14 which reads as under:

Note 1

It must be clearly understood that the only scrutiny intended in this Rule is as shown in clause (a) viz whether all the answer written by a candidate (provided that they are not in excess of the number required to be attempted) have been assessed and that there is no mistake in the totaling of the marks.

Sub rule (c) of Rule 14 states that applications must be submitted within six months from the date of announcement of the respective results.

Thus we are of the view that when the rules prescribes re-totalling and verification marks, the department cannot say that there is no provision for retotalling and verification of marks, rather they should retotalled and verified the marks obtained by the applicant as per P & T Manual Vol. IV. Therefore we hold that the respondents action cannot be justified. Hence we direct the respondents to retotal and verify the marks obtained by the applicant in papers I & III as prayed for by him. The result of the same may be communicated to him. This exercise shall be done within a period of two months from the date of receipt of a copy of this order. The O.A is allowed in the above terms. No costs.


(J.P. Shukla)
Administrative Member


(Kuldip Singh)
Vice Chairman.

Jsv.