

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

Original

APPLICATION NO.: 152/2012

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

09/01/2013

Mr. P.N. Jatti, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
[Anil Kumar]
Member (A)

K.S. Rathore
[Justice K.S. Rathore]
Member (J)

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Wednesday, this the 9th day of January, 2013

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

OA No.151/2012

Mrs. Nisha Bhardwaj w/o Mr. Pawan Kumar aged about 29 years
r/o Q.No.72, Type-III, Dak Colony, Malviya Nagar, Jaipur,
presently working as P.A. I.C.O.(S.B.), o/o Chief Post Master
General, Rajasthan Circle, Jaipur

.. Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through the Secretary to the Govt. of India,
Department of Post, Dak Bhawan, Sansad Marg, New
Delhi,

2. Chief Post Master General, Rajasthan Circle, Jaipur

3. Superintendent Post Offices, Jaipur (MFL) Division, Jaipur

.....Respondents

(By Advocate : Shri Mukesh Agarwal)

OA No.152/2012

Murali Lal Vijay s/o Sedmal Vijay aged about 39 years r/o D-52,
Vidhya Dhar Nagar, Jaipur presently working as O/A in the o/o
the Superintendent Post Offices Jaipur (MFL) Dn. Jaipur-16

.. Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through the Secretary to the Govt. of India,
Department of Post, Dak Bhawan, Sansad Marg, New
Delhi,
2. Chief Post Master General, Rajasthan Circle, Jaipur
3. Superintendent Post Offices, Jaipur (MFL) Division, Jaipur

.....Respondents

(By Advocate : Shri Mukesh Agarwal)

ORDER (ORAL)

Since both the OAs involve similar question of law and facts, therefore, these are being decided by this common judgment.

2. The short controversy involved in these OAs is with regard to Rule-14 of the Post and Telegraph Manual, Vol.IV, Part- II A. Appendix 37 relating to departmental examination wherein it is provided that re-totalling and verification of marks should be carried out by an officer other than the one who had originally valued the answer script concerned. Vide order dated 14th November, 2011 (Ann.A/1 in OA No.152/2012), the respondents have intimated that the competent authority decided to send the original answer script of Paper-III to the Examiner for re-assessment of answers. The Examiner after detailed



examination/evaluation intimated that she secured 35 marks in Paper-III. Even after re-assessment/valuation, there has been no change in the position and she could not secure required qualifying marks in Paper-III. Similar intimation has been given vide order dated 4.11.2011 (Ann.A/1) to the applicant in OA No.152/2012.

3. The learned counsel appearing for the applicants referred to Rule 14 of the P&T Manual, Vol.IV- Appendix No.37, which reads as under:-

"14. Retotalling and verification of marks.- (a) If a candidate desired 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 (as shown in Annexure III) and pay the prescribed fees. The fees for this purpose is Rs. 5 per paper.

(b) The procedure for payment and accounting of such fees will be same as laid down in Rule 13 (b).

(c) Such applications must be submitted within six months from the date of announcement of the respective results. Any applications submitted thereafter should not be entertained.

(d) The retotalling 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.



(e) The fee paid for retotalling of marks will not be refundable in any circumstances."

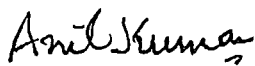
4. Although the applicants have represented through Ann.A/1A requesting revaluation of marks, but as admitted by the learned counsel appearing for the applicants, there is no provision for revaluation, yet under Rule 14 (d) there exists a provision for retotalling and verification of marks. The learned counsel for the applicants further submits that retotalling and verification should be made other than the one who had originally valued the answer scripts and this procedure has not been followed by the respondents.

5. Having considered the rival submissions made on behalf of the respective parties and upon careful perusal of the provisions of Rule 14, it reveals that there is no doubt a provision exists for retotalling and verification of marks to be carried out by an officer other than the one who had originally valued the answer scripts concerned, which has not been done by the respondents, as such, the applicants are not satisfied. The respondents are not able to point out whether retotalling and verification is done by the person other than the examiner or not. Therefore, to resolve this controversy, we deem it proper to direct the respondents to undertake fresh exercise of retotalling and



verification of marks of the applicants by an officer other than the one who had originally valued the answer scripts. It is further expected from the respondents to do the needful expeditiously, but in any case not later than a period of two months from the date of receipt of a copy of this order and communicate the same to the applicants. If any prejudicial order is passed against the interest of the applicants, the applicants will be at liberty to approach the appropriate forum.

6. With these observations, both the OAs stand disposed of with no order as to costs.


(ANIL KUMAR)
Admv. Member


(JUSTICE K.S.RATHORE)
Judl. Member

R/