

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 27th day of April Two Thousand And Eighteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A.310/570/2018

Posa Mohan Krishna,
ID No. 3401, Office Surveyor,
Tamil Nadu, Puducherry, Andaman & Nicobar Islands GDC,
Survey of India, Guindy,
Chennai-600 032.Applicant

(By Advocate : Mr. Priya Kumar)

VS.

1. Surveyor General of India,
Survey of India,
Post Box No. 37, Hathibarkala Estate,
Dehradun- 248 001 (Uttarakhand);
2. Union of India represented by
The Secretary, Ministry of Science & Technology,
Technology Bhavan, New Mehrauli Road,
New Delhi- 110 016. Respondents

(By Advocate: Mr. C. Kulanthaivel)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. This O.A. is filed by the applicant seeking the following reliefs:-

"to call for the records of the Respondent culminating in the impugned orders letter No.E1-3268/579-Rules/LDCE dated 28.11.2017 and letter No. E1-1577/579-Rules/LDCE(Coll.21) dated 24/04/2018 and quash the same and consequently direct the respondents to allow the applicant to continue in the post of Officer Surveyor."

2. It is submitted that the applicant was aggrieved by Annexure-A/11 order dated 24.4.2018 by which he had been reverted from 'Officer Surveyor' to 'Surveyor'. He had been promoted to the post of 'Officer Surveyor' with effect from 1.6.2016 based on the results of Limited Departmental Competitive Examination-2013. It is stated in the impugned order that consequent upon the grievance expressed by some candidates with regard to alleged incorrect evaluation of the answer sheets of 'General English' at the relevant time, they were deprived of their promotion and some less meritorious candidates had been promoted, a Board was constituted to look into the allegations by an order dated 20.10.2016 and to re-evaluate the answer sheets of the 'General English' paper. Consequent to such re-evaluation of the 'General English' paper, 37 out of 40 previously failed candidates were found to have passed. Accordingly, a final revised merit list was prepared and in the final revised merit list, the applicant's name did not figure. Hence, the reversion order.

3. Learned counsel for the applicant would allege that the applicant was never given a notice or an opportunity to represent against the proposed action and that the entire exercise had been carried out behind his back. If there was an incorrect valuation and a Board was constituted to look into the matter, the applicant ought to have been provided an opportunity to present his case as a stake holder having been declared successful on the basis of which he had already been promoted and worked on the higher post for over 22 months. However, the authorities acted unilaterally without any notice to the applicant and without any enabling provision in the rules for such retrospective revaluation and this is against the principles of natural justice.

4. Mr. Kulanthavel, Learned Standing Counsel takes notice for the respondents.

5. On perusal, it is seen that the applicant had been promoted earlier from the post of 'Surveyor' to 'Officer Surveyor' w.e.f. 1.6.2016 on the basis of a Limited Departmental Competitive Examination. On receipt of representation from some of the failed candidates who had alleged that some questions in their answer sheets of 'General English' were either incorrectly checked or incorrectly marked, a Board was constituted on 20.10.2016 to re-evaluate the answer sheets in 'General English' paper. Following such revaluation, 37 out of 40 previously failed candidates were found to have passed and presumably their names went up in the merit list above the applicant. There is no evidence of the successful candidates having been given an opportunity to represent their cases before the Board

or the authorities. It is not clear if any revaluation of the answer sheets of the successful candidates was also carried out and if so, the marks obtained by them following such revaluation. The impugned order states that the Board reevaluated the answer sheets of all the previously failed 40 candidates but no mention is made of any revaluation of the papers of the successful candidates. Needless to say that such if revaluation is done in respect of all the candidates, the list might undergo further revision unless the rules of the examination require only a 'pass' in the 'General English' paper and the marks are not taken into consideration for the purpose of drawing up the merit list.

6. Learned counsel for the applicant would submit that at this stage, the applicant would be satisfied if he is granted an opportunity to represent his case to the authorities and the Board and the authorities are directed to consider the same in accordance with law pending which the operation of the impugned order of reversion be held in abeyance. Keeping in view the limited relief, without going into the substantive merits of the case, I deem it appropriate to direct the respondents to grant an opportunity to the applicant to represent his grievance before implementing the impugned order. A final decision in regard to his reversion shall be taken after disposal of his representation in consultation with the Board and in accordance with the service rules as well as rules of the LDCE. The applicant shall submit his representation within two weeks, which shall be disposed of in the said manner within a period of two months thereafter. The operation of the

impugned order of reversion shall remain be stayed till such disposal of the representation by the competent authority.

7. O.A. is disposed of with the above direction at the admission stage.

No costs.

(R. RAMANUJAM)
MEMBER(A)

27.4.2018

asvs.