

**Central Administrative Tribunal
Madras Bench**

OA/310/00071/2018

Dated Tuesday the 23rd day of January Two Thousand Eighteen

P R E S E N T

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

A.Chitrakala,
PS Gr.II to CGE,
O/o Principal Chief Engineer,
Southern Railway/Head Qtrs.,
Chennai. .. Applicant

By Advocate **M/s.Ratio Legis**

Vs.

1. Union of India,
The Secretary,
M/o Railways, Govt. of India,
New Delhi.
2. The General Manager,
Southern Railway, Park Town,
Chennai 600 003.
3. The Chief Personnel Officer,
Southern Railway, Park Town,
Chennai 600 003. .. Respondents

By Advocate **Mr.P.Srinivasan**

ORAL ORDER

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

The applicant has filed this OA seeking the following relief:-

“to call for the records related to the selection and viva voce letter No.P(G)532/XVI/PS Gr.I/Vol.VIII (2017-19) dated 01.09.2017 and the empanelment of four candidates vide letter No.P(G)532/XVI/PS dated 27.09.2017 issued by the 2nd respondent and also the impugned order dated 22.09.2017 and quash the same and to direct the Railway Administration to re-examine the answers and include the applicant in the empanelment for existing vacancy in group 'B' posts and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice.”

2. Heard. Learned counsel for the applicant submits that the applicant is aggrieved by Annexure A9 disposal of his representation dated 05.9.2017 by a communication dated 22.9.2017 stating that the applicant did not obtain the requisite marks to qualify in the written examination for promotion to the Group 'B' post of Private Secretary Gr.I. His request for review of his examination paper had been rejected as not permissible in the absence of specific provision in the rules for such review.

3. Learned counsel for the applicant would contend that the applicant had submitted a comparative statement of the marks allocated and the marks awarded alongwith the correct key answers and drawn the attention of the authorities to the fact that the applicant had been awarded less marks than the marks allocated for the relevant question even when his answers were correct and in accordance with the key answers. It is also alleged that there was no provision in the rules either to

reject a representation summarily when the evaluation had been patently unjust. It is submitted that the applicant would be satisfied if she is permitted to submit a comprehensive representation quoting the relevant rules and the authorities directed to consider the same on merits within a time limit to be prescribed by the Tribunal. It is also urged that the authorities be directed to constitute an expert committee to go into the allegations if any, of incorrect key answers.

4. Mr.P.Srinivasan takes notice for the respondents and submits that if time is granted a detailed reply would be filed.

5. Be that as it may, keeping in view the limited relief sought, this OA is disposed of at the admission stage with the following direction:

“The applicant is permitted to submit a comprehensive representation to the authorities within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the matter objectively at the competent level and pass a speaking order within a period of two months thereafter.”

(R.Ramanujam)
Member(A)

22.01.2018

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