

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.1349 of 2012**

**Reserved: 11.09.2018**

**Order pronounced: 12.09.2018**

Between:

B. Madhava Rao, S/o. Katta Mallu,  
Aged 38 years, Occ: Technician Grade-II,  
O/o. Senior Divisional Electrical Engineer (ELS),  
South Central Railway, Kazipet,  
R/o. No. 521/2, Railway Quarters,  
RE Colony, Kazipet – 506003.

... Applicant

And

1. Union of India, represented by  
The General Manager, South Central Railway,  
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,  
South Central Railway,  
Secunderabad Division, Sanchalan Bhavan,  
Secunderabad.
3. The Senior Divisional Electrical Engineer (ELS),  
South Central Railway, Secunderabad Division,  
Sanchalan Bhavan, Secunderabad.
4. The Senior Divisional Personnel Officer,  
South Central Railway, Secunderabad Division,  
Sanchalan Bhavan, Secunderabad.
5. A. Vittal Rao,  
Occ: Technician Gr. II, Electric Loco Shed,  
South Central Railway, Kazipet.
6. P. Srinivasa Rao,  
Occ: Technician Gr. II, Electric Loco Shed,  
South Central Railway, Kazipet.

... Respondents

Counsel for the Applicant	...	Mr. K.R.K.V. Prasad
Counsel for the Respondents	...	Mr. N. Srinatha Rao, SC for Railways

**CORAM:**

<b><i>Hon'ble Mr. B.V. Sudhakar</i></b>	...	<b><i>Member (Admn.)</i></b>
<b><i>Hon'ble Mr. Swarup Kumar Mishra</i></b>	...	<b><i>Member (Judl.)</i></b>

**ORDER**

***{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}***

The OA is filed aggrieved of the action of the respondents in not evaluating the answer sheet of the applicant properly and declaring the examination result vide Memo. No. SCR/P-SC/2/209/L2/Elec.RS/JE-II, dated 04.06.2012 and declaring the panel for filling up the vacancies of Junior Engineer Gr. II against 25% LDCE quota vide Memo. No. SCR/P-SC/2/209/L2/Elec/TRS/JE-II/KZJ(LDCE) dated 20.06.2012 keeping the request of the applicant for revaluation pending, and revising the original panel by entertaining the request of other employees for recounting of marks in the answer sheets resulting in such employees name coming up within the revised memo. No. SCR/P-SC/2/209/L2/Elec/TRS/JE-II/KZJ(LDCE) dated 15.11.2012 and also the action of not deleting the name of the 5<sup>th</sup> respondent whose name was in the Memo. dated 20.06.2012 from the revised Memo. dated 15.11.2012 in spite of his medical unfitness to hold the post of Junior Engineer Gr. II.

2. Brief facts of the case are respondents have issued a notification for filling up vacancies of JE Gr.-II posts from Technicians in the grade of Sr. Tech, Tech -I, Tech -II and Tech -III of Electrical /TRS organization of SC division on 14.7.2011. Applicant appeared in the written exam and the result was announced on 04.6.2012. The applicant perused the answer sheet and represented for addition of 3.5 marks which will enable him to qualify for the exam. The respondents, it is claimed by the applicant, revised marks of others who appeared in the exam on their representations but not in his case and hence the present O.A.

3. The applicant contends that after scrutiny of his answer sheet under provisions of RTI Act, he noticed many mistakes in valuation of the answer

sheets and hence addressed the 4<sup>th</sup> Respondent on 2/8/12 and 3/8/12 requesting to correct the same. The applicant contention that as he got 57.5 marks an addition 3.5 marks will help him to get selected and being a S.C candidate he can be adjusted against SC unfilled notified vacancy. Further, the applicant affirms that the 4<sup>th</sup> respondent did issue a revised memorandum dt 15.11.2012 by showing Mr I. Jaya Pal against S.C vacancy instead of U.R originally shown, after duly rectifying the marks awarded to P.Srinivasa Rao, due to error in tabulation and adjusting him against UR vacancy vacated by Mr Pal. The applicant makes a pertinent mention that whenever such improper evaluation of answer sheets is done the vigilance branch often orders re-evaluation. Responding to one candidate's request as stated and ignoring his would be unfair to say the least. The applicant also points out that the 5<sup>th</sup> respondent who has qualified but since he met with an accident resulting in amputation of legs is being continued to be shown in the memorandum dt. 15.11.2012 despite he being incapacitated to take up the assignment as per medical standard (A-3) prescribed for J.E. As per the applicant, empanelled candidates are undergoing training except 5<sup>th</sup> respondent who continues to sign in the muster roll as Technician II. A re-evaluation will help him appointed against the vacancy of the 5<sup>th</sup> respondent is the claim of the applicant.

4. The Respondents confirm that after re-evaluation the marks of the applicant have marginally increased from 57 to 59 against 60 required. Respondents further acknowledge that marks for question no 1 and 15 have not been awarded uniformly to all candidates due to certain discrepancies. They also clarify that the 5<sup>th</sup> Respondent has not been medically invalidated but put on the sick list. Further the Respondents assert that there is no provision for re-evaluation of the evaluated answer sheet as per IREM Vol –I . However as per

Railway Board Lr. E(NG)168PM1-60 dt 29.8.1968 genuine grievances are looked into and resolved. They state that errors were inadvertent and not malafide. The respondents also contend that in case, marks were awarded fully to Question Nos.1 and 15 even then the marks that would have been secured by the applicant would be only 66 (51 for professional ability and 15 for record of service ). However, the minimum marks scored by the last empanelled candidate is 67. Therefore, he does not stand a chance.

5. Heard the learned counsel appearing for both sides.

6. Ld. Counsel for the applicant has stated that the applicant has been discriminated by not acceding to his request of re-evaluating the answer sheets. He also pointed out that whenever any discrepancy arises in valuating answer sheets, there are vigilance instructions to examine the same and do the needful. Learned counsel for the respondents has struck to the pleadings in his reply statement. It is observed that there has been certain errors in evaluating the answer sheet. This is an undeniable fact. Respondents themselves have accepted that question No. 1 and 15 of Section 1 of objective questions have not been evaluated for all the candidates because of there being some mistakes in framing the questions/ answers. Besides, they also admit that the marks of the applicant were upgraded from 57 to 59 after re-evaluation. In other words, the respondents in the written statement at para 3(e) are confirming that there is provisions for revaluation. However, they contradict themselves by stating at reply given at para 7 that there is no provision for re-evaluation of the answer as per Indian Railway Establishment Manual Vol. 1. Learned counsel for the applicant has also pointed out that besides the objective questions, there are also descriptive answers which need to be properly marked. The applicant's case is a borderline case wherein he has expressed his deep anguish that if the answers

given by him were properly evaluated he would have been empanelled. The way the errors have been reported and action taken by the respondents does leave much room for the fear of the applicant getting aggravated. The reply statement is silent in regard to the evaluation of the descriptive answers given. The Railway Board Lr.No. E(NG)I-2009/PM1/1 dated 8.7.2009 emphatically specifies that whenever there are irregularities in the evaluation of answer sheets or evaluation was not of required standards or evaluation was not done properly due to one or the other reason, then in such cases, General Manager of the Zonal Railways and the Production Units are competent to take a decision whether revaluation is required to be ordered or not and if so, which part(s) of the question paper are required to be revaluated. Here is a case where the respondents themselves admit that the answers have not been properly marked for one reason or the other. Therefore, the applicant has a case which requires genuine redressal. Hence, the respondents are directed to consider to dispose of the grievance of the applicant in accordance with the Railway Board letter No. E(NG)I-2009/PM1/1 dated 8.7.2009 within a period of two months from the date of receipt of this order.

7. OA is accordingly allowed. No order as to costs.

**(SWARUP KUMAR MISHRA)**  
**MEMBER (JUDL.)**

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 12<sup>th</sup> day of September, 2018

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