

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

Original Application No.021/01231/2015

**Reserved: 05.09.2018
Order pronounced: 06.09.2018**

Between:

S. Mathew, S/o. Joseph,
Aged about 56 years, Occ: Points Man-A,
Dornakal Jn. Railway Station,
South Central Railway, Secunderabad Division,
Dornakal, Khammam Dist.

... 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 Personnel Officer,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan, Secunderabad.

... Respondents

Counsel for the Applicant ... Mr. M.C. Jacob
Counsel for the Respondents ... Mr. M. Venkateswarlu, SC for Railways.

CORAM:

Hon'ble Mr. B.V. Sudhakar* ... *Member (Admn.)
Hon'ble Mr. Swarup Kumar Mishra* ... *Member (Judl.)

ORDER

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

The OA is filed challenging the proceedings of the respondents dt 16.6.2015 rejecting his request for awarding marks for the correct answer to Question No .1 a & b in Part A for the selection of Goods Guard exam vide Notification dt 6.5.2014

2. The brief facts of the case are that the applicant who is working as Pointsman-A in the respondents organization has appeared in a written exam conducted for selection of Goods Guard vide notification no dt 6.5.2014. The 3rd respondent declared the result on 6.11.2014 of successful candidates wherein the name of the applicant did not figure. Thereupon, the applicant sought answer sheet under RTI and on perusal of the same it was noticed by him that though correct answers were given against question 1(a) marks were not awarded. The qualifying marks are 60 and the applicant obtained 56.5 marks. If marks were to be awarded against 1 (a) there would have been a photo finish. The applicant represented to the 2nd respondent and others on 16.12.2014 and 21.01.2015. Based on the representation made, the Dy. Chief Operating Manager in the office of 1st respondent directed the 2nd respondent to take a decision as per Railway Board Master Circular No.31. In response, the 3rd respondent rejected the request on the ground that a committee has found the marks awarded to be correct and this rejection flowered as the present O.A. The applicant's obvious contention is that he would have cleared the exam if marks were awarded for question 1(a). Action as per master circular No. 31 should have been taken.

3. The respondents claim that the answer sheet was sent to the concerned evaluating officer who concluded that the marks awarded are correct.

4. Heard the ld. counsel who echoed their written submissions.

5. The 1st respondent letter dt 19.5.2015 clearly states that there appears to be an error in evaluating the answer script of the applicant and that action be taken as per master circular no 31 of Railway Board which states that decisions in respect of promotion/appointment which are erroneous or otherwise, ought to be taken by an authority higher than the appointing authority. In the present case,

this rule was not followed by sending the answer sheet to the evaluator and not to the competent authority as specified in the master circular 31.

6. Hence the O.A fully succeeds. The respondents are directed to consider taking action as per Master Circular cited and take further steps as is deemed fit in the matter, within 60 days from the date of receipt of this order. No order to costs.

(SWARUP KUMAR MISHRA)
MEMBER (JUDL.)

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

Dated, the 6th day of September, 2018

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