

**O CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/00920 of 2015

Tuesday, this the 1st day of October, 2019

CORAM

**Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

Shri Anilkumar S.,
Postman, Alappuzha HO.,
Alappuzha-688 001,
Residing at Vallayil Veedu,
Vadckal P.O.,
Allappuzha – 688 003. Applicant

(By Advocate Mr. Vishnu S.Chempazhanthiyil)

Versus

1. The Union of India,
Represented by its Director General & Secretary,
Department of Posts, Dak Bhavan,
New Delhi – 110 116.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram-695 033.
3. The Superintendent of Post Offices,
Alappuzha Postal Division,
Alappuzha – 688 012. Respondents

(By Advocate, Shri A.S.Brijesh, ACGSC for respondents)

This application having been heard on 27th September, 2019, the Tribunal on 1st October, 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.920/2015 is filed by Shri Anilkumar S., working as Postman, Alappuzha Division against non-consideration of revaluation of his answer keys by the respondents. The reliefs sought in the OA are as follows:

1. Direct the respondents to award marks to the applicant for answering Question No.43, 30 and 38 in terms of the revised answer key at Annexure A4 and grant all consequential benefits thereof including appointment as Postal Assistant.
2. Direct the respondents to considering awarding marks to the applicant for attempting Question No.10.
3. Direct the Chief Postmaster General to consider and pass orders on Annexure A6 and A7 complaints given by the applicant regarding erroneous answer key.
4. Direct the respondents to consider correcting the revised answer key at Annexure A4 in respect of Question No.10 of Question Booklet Series B and hold a revaluation and award necessary marks to the applicant.
5. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
6. Award the cost of these proceedings to the applicant.

2. The applicant had appeared for Lower Grade Officials (LGO) examination for promotion to the cadre of Postal Assistant held on 23.11.2014. The examination consisted of three papers each consisting of 50 multiple choice questions. When the results were declared two

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candidates who secured total 146 marks each, being the highest, were declared as qualified. The applicant through an RTI Act application obtained the information that he secured a total of 140 marks. Though the applicant requested for answer keys, the same was not supplied on the ground that the answer keys were not available with the Office of the CPMG.

3. The applicant submits that the Directorate had published provisional answer key in the web site after holding the examination and on the basis of the feed back and comments the provisional key was revised (Annexure A4 and A5). Based on this, the applicant submitted a representation pointing out errors in the answers to question Nos.43, 30, 38 and 10 and that he ought to have been awarded additional marks as per the revised answer key. As grounds the applicant submits that if his answer sheet is valued in the light of Annexure A4, he would get 148 marks. The inaction of the respondents is illegal arbitrary and violative of Articles 14 and 16 of Constitution of India.

4. The respondents have filed the reply statement denying the allegation. They submit that the evaluation was done on the basis of final answer key issued by Postal Directorate vide letter dated 29.06.2015 (Annexure R1). Annexure A5 produced by the applicant was published in India Post Website inviting suggestions from all concerned so as to prepare the final key. After

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considering the feed back the Postal Directorate had published the final key vide Annexure R2. The evaluation was carried out only on the basis of Annexure R2 and not on the basis of Annexure A5. They submit that there is no dispute in answer option marked by the applicant in respect of question no.43, 30, 38. The option mentioned in Annexure R2 final answer key and the option marked by the applicant are one and the same and eligible marks were awarded to the applicant. In respect of question no.10 the applicant's option was wrong as per the Rule 259(v) of Post Office Guide Part I and marks was not awarded for the same. The respondents submit that the contention of the applicant is baseless and devoid of merit.

5. Heard Shri Vishnu S.Chepazhanthiyil, learned Counsel for the applicant and Shri A.S.Brijesh, ACGSC on behalf of the respondents. On a close scrutiny of the documents on offer, it is seen that the contentions of the applicant that he would be eligible for 148 marks is made without any basis. In the final answer key at Annexure R2, it is apparent that he had answered question nos.43, 30 and 38 correctly and had already been given due credit for the same. So far as question no.10 is concerned the applicant's answer was wrong as is evidenced from the facts available. Thus when compared with final key, it is clear that the marks awarded to the

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applicant are correct and is not eligible for any revaluation. OA is rejected.

No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00920/2015

- 1.** Annexure A1 - True copy of the communication No.Rectt/10-3/2014 dated 10.6.2014 issued by the 2nd respondent.
- 2.** Annexure A2 - True copy of the hall ticket issued to the applicant.
- 3.** Annexure A3 - True copy of the communication No.Rectt/33-20/2/2015 dated 30.6.2015 issued by the Office of the 2nd respondent.
- 4.** Annexure A4 - True copy of the Memo No.R&E/-12/LGOs/2014/II dated 24.6.2015 issued by the Office of the CPMG, Karnataka circle.
- 5.** Annexure A5 - True copy of the Provisional key published for the examination held pursuant to Annexure A1 on 23.11.2014.
- 6.** Annexure A6 - True copy of the representation submitted by the applicant to the 2nd respondent.
- 7.** Annexure A7 - True copy of the request dated 23.9.2015 to the 2nd respondent.
- 8.** Annexure A8 - True copy of the representation dated 14.11.2015 to the 2nd respondent.
- 9.** Annexure A9 - True copy of the Question paper issued to the applicant.
- 10.** Annexure A10 - True copy of the answer sheet of the applicant.
- 11.** Annexure R1 - True copy of the Directorate letter No.34012/02/2011 dated 29.06.15.
- 12.** Annexure R2 - True copy of the Final answer key in respect of "B" series question paper.
- 13.** Annexure R3 – True copy of extract of Post Office Guide Part I.
