

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
ORDER SHEET

171C

AD (Legal)

23/6/12

1. ORIGINAL APPLICATION No. : -----/2012
2. Transfer Application No. : -----/2012 in O.A. No.-----
3. Misc. Petition No. : 26 /2012 in O.A. No. 171/2012
4. Contempt Petition No. : -----/2012 in O.A. No.-----
5. Review Application No. : -----/2012 in O.A. No.-----
6. Execution Petition No. : -----/2012 in O.A. No.-----

Applicant (S) : Pradip Kumar Dm & ORS
Respondent (S) : Union of India & ORS
Advocate for the [Applicant (S)] : Mr. S. Dutta, Ms. U. Dutta
Advocate for the [Respondent (S)] : BSNL, Adv.

Notes of the Registry	Date	Order of the Tribunal
	21.06.2012	<p>Mr. M.R. Das, learned counsel for respondent Nos. 2, 3 & 4 appeared along with Mr. V.K. Gupta, GM (Recft), BSNL, Corporate Office, New Delhi. It was admitted by the learned counsel that the expert panel has considered and found that there was ambiguity in 9 questions and accordingly 9 marks in Paper-1 (General Paper) [including to the Question No. 31 in paper - 1 (Set-C)] have been given as bonus marks at the time of evaluation of Optical Memory Reader (OMR in short) answer sheets to all candidates irrespective of the fact whether they have attempted the said questions or not.</p> <p>It was submitted by the learned counsel that since the objections / discrepancies have been taken due care of and 9 bonus marks awarded to all candidates, there remains no cause for any grievance to the petitioner.</p> <p>Mr. S. Dutta, learned counsel for the applicant submitted that objections / discrepancies were in regard to the 28 questions and not 9 questions. Such discrepancies were stated to be crept on the</p> <p style="text-align: right;">Contd/-</p>



Contd/-
21.06.2012

basis of study materials provided to the candidates. He also demonstrated some of such discrepancies before the Bench. It was submitted by the learned counsel that the examination was not fairly conducted.

We have taken into consideration the entire conspectus of the facts. It is a fact that the exam was not properly conducted. In its reply, the respondents have stated that the promotion order of the passed candidates will be issued after necessary scrutiny of their Vigilance clearance by the Corporate Office, New Delhi and it will take some reasonable time. We have taken into account the entire conspectus of facts.




We hereby restrain the respondents to consider the promotion of the candidates to the cadre of Sub-Divisional Engineer (Telecom) based on the result of the Limited Departmental Competitive Examination held by BSNL on 04.03.2012 without the leave of the court.

In the result, M.A. stands allowed.

Sd/-
M.K. CHATURVEDI
MEMBER (A)
Sd/-
MANJULA DAS
MEMBER (J)

CERTIFIED TO BE TRUE COPY


Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench, Guwahati-5