CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1701/2015

New Delhi this the 24th day of January, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)

Manoj Kumar, Aged years,
Roll No. 10145994, Control No.1076292,
Group 'D', Subject Appointment,
S/o Sh. Jai Bhagwan,
R/o H.No. 1089, Balbir Pardhan
Wali Gali, VPO Kanjhawala,
Delhi-81. … Applicant

(By Advocate: Mr.Nitin Kumar Gupta)

VERSUS

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Railway Recruitment Cell
Through Assistant Personnel Officer,
RRC, Northern Railway, Lajpat Nagar-1,
New Delhi-110024.

3. The General Manager (Northern Railway),
Head Quarter Office, Baroda House,
New Delhi. … Respondents

(By Advocate: Mr. Prabodh Kumar Singh for Mr. Kripa Shankar Prasad)

O R D E R (ORAL)

Hon'b le Mr. S.N.Terdal, Member (J):

We have heard Mr. Nitin Kumar Gupta, counsel for applicant and Mr. Prabodh Kumar Singh for Mr.Kripa Shankar Prasad, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

"(a) Direct the Respondents to set aside the 'Case rejected by the expert i.e. Mismatch in handwriting/signature on application form, OMR & document verification papers etc has been reported by Forensic Document Expert, duly nominated by Ministry of Railway/Govt. of India and based on this advice, Candidature rejected by Chairman/RRC" result dated 22.03.2015 issued by the Respondents issued against the applicant;

(b) remove the name of applicant from the list of rejected candidates and declare the applicant herein eligible for appointment in the Employment Notice No.220-E/Open/Mkt./RRC/2012 under UR Category as per his merit;

(c) Direct the respondents to grant appointment to the Applicant on the appropriate post pursuant to the marks obtained by him alongwith all benefits and allowances, with retrospective effect from the date of withholding of candidature;

(d) Pass any such other and further order(s)/direction(s) as this Hon'ble Court may deem fit and proper."

3. The crucial question arising in this case is whether the rejection of the appointment of the applicant on the mismatch in the handwriting/signature of the applicant available on the Application Form, ORM Sheet, D.V. papers etc. is sustainable at the final stage of the recruitment process.

4. The relevant facts of the case are that the applicant had applied for Group 'D' post in response to the Employment Notification No.220-E/Open Mkt./RRC/2012 dated 30.08.2012 published in the Employment News issued by the respondents. He had successfully cleared the written examination and physical efficiency test. He was provisionally found eligible for documents verification. But, however, at the time of documents verification, the respondents found that there is handwriting/signature mismatch on the relevant papers referred to above and on that basis the candidature of the applicant was rejected.

5. The counsel for the applicant vehemently submitted that no opportunity was given to the applicant to explain the mismatch in the handwriting/signature, as such there is violation of principle of natural justice and on that ground he has prayed for the above stated relief.

6. The respondents in their counter affidavit stated that the admission of the candidate at every stage of the recruitment process is purely provisional, subject to satisfying the prescribed condition and they have also stated that one of the conditions is that the candidate should fill up the application form in his/her own handwriting as per the conditions of the recruitment, and that during the examination of the applicant's case it was decided by the respondents (Northern Railway) to get the expert advice from the Forensic Document Expert duly nominated by the Ministry of Railways for the purposes of reference to matching the hand-writing/Signature on the relevant papers. The said Documents Expert after examining the relevant documents with reference to the applicant advised that the hand-writing/signature of the applicant do not match and accordingly his case was rejected by the competent authority. They have also submitted that as the competent authority after getting the Expert Advice have taken a conscious decision to reject the case of the applicant for appointment, the OA of the applicant should be dismissed. He has relied upon the judgment of Hon'ble Supreme Court in the case of **Union of India & Another** Vs. **Sarwan Ram & Another** (SLP (C) No. 706/2014 and also the judgment of CAT/Chandigarh Bench in the case of **Deepak** Vs. **Union of India and another** (OA No. 1355/HR/2013) and also the judgments of CAT

Principal Bench in the case of **Devendra Kumar** Vs. **The General Manager(NR) and Others** (OA No. 2356/2014), **Pradeep Kumar** Vs. **UOI Through the General Manager (NR) and Others** (OA No. 4143/2013 with connected OAs), **Praveen Kumar** Vs. **UOI through General Manager (Northern Railway) and Others** (OA 128/2015), **Prakash Chand Meena** and **Amit Kumar** Vs. **UOI through the General Manager (NR) and others** (OA416/2015 with OA 2064/2015), **Rahul Mavai** Vs. **Union of India through Secretary, Ministry of Railways and Others** (OA 32/2016) and **Papendra Singh and Ors** Vs. **Union of India through the General Manager(NR) and Ors**. (OA 2619/2015), **Hajaru Deen Khan** Vs. **Union of India through the General Manager(NR) and Ors**.(OA 440/2015)

7. It is also observed that at the request of the counsel for the applicant, this Tribunal directed the respondents to produce the original records for the perusal of the Tribunal. Accordingly the respondents produced the original records at the time of hearing. From the perusal of the original records, we are of the opinion that the decision taken by the respondents is based on objective and reasonable examination and assessment and is neither arbitrary nor unreasonable.

8. In view of the law laid down by the Hon'ble Supreme Court and also in view of the various judgments of the Tribunal, relied upon by

the counsel for the respondents and in view of the facts and circumstances referred to above, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

'sk'

…