



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 1283/2016

MA 1911/2019

Reserved on 12.12.2019
Pronounced on 08.01.2020

Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Mr. A.K.Bishnoi, Member (A)

Niraj Siwach S/o Azad Singh
Aged 21 years,
Fresh Appointment,
R/o Padana The & Distt.Jind
PO Nidani, Haryana.

... Applicant

(By Advocate: Mr. Manish Paliwal for Mr.Archit Kailana)

VERSUS

1. Union of India
through Secretary, Ministry of Railway,
Ministry of Railways, Rail Bhawan,
New Delhi.

2. Railway Recruitment Cell (RRC),
Through its Chairman,
Lajpat Nagar-1, New Delhi-24

... Respondents

(By Advocate: Mr. R.V.Sinha with Mr. Amit Sinha)

ORDER

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

We have heard Mr. Manish Paliwal for Mr. Archit Kailana, counsel for applicant and Mr.R.V.Sinha, 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) Quash the impugned order dated Nil of the respondent department whereby the candidature of the applicant is cancelled, being arbitrary and unjust and/or;
- (b) Direct the respondents to produce the records relating to the recruitment of the applicant before this Hon’ble Tribunal or its kind perusal and/or;
- (c) Direct the respondent to appoint the applicant at the respective post against the recruitment conducted qua the applicant and wherein the applicant was declared successful in the written examination as well as in the medical examination thus clearing all stage of recruitment at the group D post in the applicable pay band.
- (d) Allow the cost of this application to the applicant.
- (e) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondents.”

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/2013 dated 30.10.2013 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 handwriting/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. The relevant part of the counter reply is extracted below:

- "3. That in pursuance of Employment Notification No.220E/Open Mkt/RRC/2013 dated 30/10/2013 published in Employment News dated 11-17 January 2014, a recruitment process to fill up 5679 vacancies in Pay Band-1 Rs.5200-20200+GP Rs.1800/- Group 'D' Post was initiated. In the said notification detailed information for the candidates was given. Notification clearly stipulated that candidate should fill up the application form in his/her own hand-writing in Para 5 (5.2 & 5.16) with detail information on how to apply, general conditions and invalid applications etc. with specific information that mere selection and empanelment does not confer any right of appointment to the candidate. Admission of the candidate at all stages of recruitment will be purely provisionally subject to satisfying the prescribed conditions. Para 5.16 of the notification clearly stipulates that the candidate should copy the declaration at column N.15 of the application form in his/her own running handwriting otherwise their application will be rejected. Further it was specifically mentioned on the application form also at column No.15 that applicant has to copy the given declaration in his own handwriting. Applicant herein Sh. Niraj Siwach appeared in the Written Examination under Roll No. 20319975 Control No. 11126157 and was called for document verification and medical examination with clear stipulation that calling of candidates for document verification does not automatically confer any right upon candidate for their medical examination or their appointment on any post of Northern Railway. During examination of the applicant's case, it was decided to get the expert advice from Ex. Govt. Examiner for Questionable Documents duly nominated by Ministry of Railway for the purpose with reference to matching of Hand-writing/Signature on the relevant papers on which sample of handwriting taken at various stages of the recruitment i.e. Application Form, OMR Sheet and Document verification Performa. The Document Expert advised that writing of the applicant herein do not match on the relevant papers and accordingly his case



was rejected by the competent authority, i.e. Chairman/RRC and status uploaded on RRC website for information of the Candidates as already notified in the Employment Notification i.e. Candidate are advised to remain in touch with RRC Website which will be primary source of communication with the Candidates.”

In support of his contention, the counsel for the respondents relied upon the judgment of Hon'ble Supreme Court in the cases of **P.U.Joshi Vs. AG Ahmedabad** (2003) 2 SCC 632), **Malikarjuna Rao Vs. State of Andhra Pradesh** (1990 (2) SCC 707), **Chander Parkash Tiwari and Others Vs. Shakuntla Shukla** (2002) 6 SCC 127), **Bedanga Talukdar Vs. Saifudaullah Khan and Ors** (JT 2011 (11) SCC 367), **Vijendra Kumar Verma Vs. Public Service Commission Uttarakhand** (2011) 1 SCC 150), **Rahul Prabhakar Vs. Punjab Technical University, Jalandhar** (1997) (3) SCT 526) and **Union of India & Another Vs. Sarwan Ram & Another** (SLP (C) No. 706/2014 and also the judgment of High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 8273/2017 (**Kuldeep Kumar Vs. UOI & Ors**) 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.), **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).

7. 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. MA pending, if any, stands disposed of. No order as to costs.

(A.K.Bishnoi)
Member (A)

(S.N. Terdal)
Member (J)

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