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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1869/2004

New Delhi, this the 18<sup>th</sup> day of September 2007

**HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)**  
**HON'BLE MRS. NEENA RANJAN, MEMBER (A)**

N. Gin Sian Lian  
Doordarshan, CPC  
Asiad Village Complex,  
New Delhi-49

... Applicant

(By Advocate Shri C. Hari Shanker)

VERSUS

1. Union of India  
Through the Secretary,  
Ministry of Personnel,  
Public Grievances and Pension  
North Block, New Delhi
2. Chairman  
Staff Selection Commission  
Block No.12, Kendriya Karyalay Parisar,  
Lodhi Road, New Delhi
3. Director General  
Prasar Bharati,  
Doordarshan, Mandi House  
Copernicus Marg, New Delhi

... Respondents

(By Advocate Shri S.M. Arif)

O R D E R (ORAL)

**By Mrs. Meera Chhibber, Member (J):-**

By this OA, applicant seeks to assail memorandum dated 30.6.2004 by virtue of which his candidature for recruitment in Clerk Grade Examination, 1997 had been cancelled and he is debarred for a period of three years for such examination by the Commission (page-16).

2. It is submitted by the applicant that after being selected by <sup>following 12</sup> ~~way of~~ due process of law, he was appointed as LDC / Clerk in September, 2000. After almost over two years, he was given a show cause notice on 17.7.2002 (page - 17A) stating therein that on the basis of a complaint received in SSC, a

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preliminary enquiry was initiated to look into the suspected impersonation adopted by him in the typewriting test conducted by SSC. The records were referred to the Government Examiner of Questioned Document (GEQD) for verification and their opinion, who opined that the handwriting / signatures did not tally with his writing on the answer sheets used by him for typing test on 21.7.1999, which proved that he had procured impersonation in typewriting test conducted by Staff Selection Commission on 21.7.1999. Accordingly, he was called upon to give his reply. Applicant denied the allegations in his reply (page-19), yet vide memorandum dated 01.10.2002, his candidature was cancelled and he was also debarred for life long for all future examinations of SSC (page-21). Applicant challenged this order by filing OA No.2735/2002, which was allowed vide judgment dated 09.4.2003 (page-38 at 40) by observing that applicant had not been provided the copies of complaint and report of handwriting expert so as to enable him to answer the show cause notice properly. Therefore, while quashing the order dated 01.10.2002, liberty was given to the respondents to proceed from the stage of show-cause notice.

3. The respondents thereafter issued memorandum dated 07.8.2003 (page-43) by giving him all the documents. Applicant gave his reply but not satisfied with the same, final order was passed on 30.6.2004, whereby applicant's candidature was cancelled for the recruitment of Clerks Grade Examination, 1997 and he was debarred for a period of three years for all future examinations of the Commission (page-16).

4. Now, the only ground on which applicant has challenged this memorandum, is that he had appeared for the typing test along with his Admit Card on which his photograph was annexed, which was seen by both the invigilators but no objection was raised by them nor any report was filed by those invigilators. Therefore, it cannot be said that the applicant had resorted to impersonation. Counsel for applicant also submitted that the reasons for giving



the opinion by Shri N.C. Sood, GED placed now in the Court, as per the directions dated 12.1.2007 are not singed, therefore, in all probabilities these reasons seem to have been given on a subsequent date and if that be so, these reasons are not to be taken on record nor can be made the basis for passing the impugned order. No other argument was advanced. Counsel for the applicant relied on following judgments:-

- o AIR 1954 SC 316 [Sri Sri Sri Kishore Chandra Singh Deo vs. Babu Ganesh Prasad Bhagat and Others] at page-318;
- o 1994 Supp (2) SCC 619 [A. Neelalohithadasan Nadar vs. George Mascrene and Others] at page-621, para-15

5. Respondents, on the other hand, have opposed this OA. They have submitted the only ground, on which earlier OA was allowed, was that the records or the documents, which were taken into account for passing the orders, were not given to the applicant. However after the first judgment, another opportunity was given to the applicant to give his representation after seeing all the documents. It was after considering his reply that final order was passed on 30.6.2004 on the basis of the report given by the expert i.e. Government Examiner of Questioned Document, Central Forensic Institute, Bureau of Police Research Development, Government of India, Shimla, who had proved that the writings did not match. Therefore, now applicant cannot have any grievance. They have also stated that applicant cannot have any ground or reason to doubt the correctness or otherwise of the expert opinion given by GED. They relied on the judgment given by Hon'ble Supreme Court in Criminal Appeal No.202 of 2001 in the case of **Alamgir vs. State (NCT Delhi)** decided on 12.11.2002, wherein it was held that "needless to record that the science of identification of handwriting have attained more or less a state of perfection and the risk of an incorrect opinion is practically non-existent." In any case, Central Forensic Institute has not been impleaded as a party nor correctness of the opinion

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rendered by them has been challenged in these proceedings. Therefore, it is not open to the applicant to make such an allegation before this Tribunal.

6. We have heard both the counsel and perused the original documents as well, produced by the counsel for respondents. It is seen that while allowing first OA, this Tribunal had given liberty to the respondents to proceed from the stage of show cause notice by providing all the relied upon documents to the applicant. Pursuant to which, memorandum dated 07.8.2003 was issued (page-43) along with which all the relevant documents were annexed. (which have been filed by the applicant himself as Annexure A-7 collectively). Therefore, now it is not open to the applicant to suggest that principles of natural justice have been violated. As we have noticed above, the only argument advanced by the counsel for applicant was that the reasons for opinion, which have now been filed by respondents, doesn't bear a date therefore, in all probabilities, have been prepared subsequently. However, neither correctness of the report rendered by Directorate of Forensic Science is the subject matter of this OA nor we have any reason to doubt or suspect the correctness of the report given by an expert body. No malafides have been alleged against the expert body. Therefore, there is no reason or justification why an expert would give a wrong report. The report which was earlier given clearly states as under:-

*"the person who wrote the red enclosed writing and signatures stamped and marked S1 to S34 and A1 also wrote the red enclosed writings and signatures similarly stamped and marked Q1, Q1/1, Q1/2 and Q3.*

*The person who wrote the red enclosed writings and signatures marked S1 to S34 and A1 did not write the red enclosed writings and signature stamped and marked Q2, Q2/1 to Q2/5 and Q4."*

7. The reasons, which have now been filed by the respondents, have dealt with each and every letter in detail to come to the conclusion. To quote a passage it is observed as follows:

*"the signatures in question are not written freely and show hesitation and laboured movement at places. An attempt has been*

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made to copy the questioned signature from some model. The commencement of the first character show blunt commencement, body curve is not smooth and the finish is towards straight line in questioned whereas in standard it is written freely and the finish is going downward."

It is thus clearly observed by the Government Examiner that the questioned and the standard signatures show differences, which are not due to disguise on the part of the writer and are also not due to natural variations. The aforesaid differences along with the defective line quality at places lead to the aforesaid opinion of different authorship. It is not necessary for us to give the entire reasoning suffice to note that each and every letter has been dealt with in the reasons to show that the person who wrote the specimen of writings and signatures also wrote the written examination but the person who wrote said specimen of writings and signatures did not take the skilled test.

8. Moreover, it is seen that while giving reply, applicant had himself admitted that both the signature might not tally 100% after such a long gap as signatures / writings tend to change some way or the other. However, signatures even if not identical will have the similarities, therefore, in a way, applicant admitted that both the signatures, which were found to be different by the experts, were not identical. Whether they were written by the same person or by another person, can best be decided by the experts on the subject, who have already given their report. Moreover, the difference in handwriting is apparent even to a naked eye. If a comparison of Q3 and Q4 is seen, it can easily be made out that someone else has tried to copy the signatures because the flow is missing apart from the difference in curves and way of writing, therefore, we are satisfied that impersonation was indeed done.

9. It is relevant to note that even in the judgment relied upon by counsel for applicant, **1994 Supp (2) SCC 619 (supra)**, Hon'ble Court had also observed that Court can apply its own observation to the admitted or proved writings and to compare them with the disputed one. This was in fact emphasized that the Court



must see for itself whether it can safely be held that two writings are of the same person or not. Since we have ourselves seen the original documents and are satisfied that the signatures of Q3 and Q4 are not written by the same person, we find no ground to interfere with the findings recorded by the expert body.

10. Coming to the other argument of counsel for the applicant, it is rather unfortunate that these kinds of impersonations in the examinations go on without being detected by the invigilators in spite of the fact that the Admit Card bears the photograph of the candidate. In all fairness, in order to check these kinds of malpractices, it would have been better, if authorities had taken action against those invigilators also for not checking the Admit Cards properly, but at this distant time, we do not wish to give any positive directions because examination was conducted somewhere in the year 1997 i.e. almost ten years' back. But in future if this kind of cases come to the notice, SSC must take action against those also, who are responsible for not checking such kind of impersonations. However, simply because the invigilators did not file any report with regard to impersonation, it cannot give any benefit to the applicant because there is a positive report by the expert body that the applicant had not appeared for the typing test, which is apparent as the signatures put on the form, which was filled up by applicant for the typing test, are not tallying with the applicant's signature. In view of above, we find no merit in the OA. The same is accordingly dismissed. No order as to costs.

*Neena Ranjan*

(Mrs. Neena Ranjan)  
Member (A)

*Meera Chhibber*  
18/9/07

(Mrs. Meera Chhibber)  
Member (J)

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