

**Central Administrative Tribunal
Principal Bench**

**OA No.1302/2018
MA No.558/2021**



New Delhi, this the 16th day of March, 2021

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Suneel Kumar, Aged 34 years
(Fresh Appointment),
S/o Sh. Nand Ram,
R/o H.No.A-66,
Moh. Gyani Wali Basti,
Line Par, Muradabad (UP).

...Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Chairman,
Railway Recruitment Cell,
Lajpat Nagar-I, New Delhi-24.
3. The Assistant Personnel Officer,
Railway Recruitment Cell,
Lajpat Nagar-I, New Delhi-24.

...Respondents

: O R D E R (ORAL) :**Justice L. Narasimha Reddy:**

Northern Railway initiated steps for appointment of Khallasis, in the year 2014 by issuing an advertisement. The applicant responded to the same and he was assigned roll number also. The process involved conducting of written test. In the application form as well as on the OMR Sheet, the candidates are required to put their (a) thumb impression; (b) signature in English and (c) signature in Hindi. The applicant secured 89.33 marks in the written test and the last candidate who was selected, was the one who secured 77.30 marks. The applicant was not selected on the ground that his signature in English on the OMR sheet did not match with the one, on the application form. On obtaining this information, in response to an application filed by him, the applicant filed the OA assailing the action of the respondents.

2. The applicant contends that his thumb impression and signature in Hindi are one and the same on both the documents and the difference in the English signature on the OMR sheet was on account of the instructions to the effect that the capital letters shall not be used. He



submits that when the thumb impression is the most reliable source for comparison, there was absolutely no basis for rejecting his candidature by referring to the difference in the signature in English.

3. Respondents filed counter affidavit. It is stated that the very purpose of requiring the candidate to put signature was to verify the identity and to avoid the possibility of impersonation, and that in the instant case, the signatures were found to be at variance.

4. We heard Shri Yogesh Sharma, leaned counsel for the applicant.

5. The applicant took part in the selection process for the post of Khallasi, which began in the year 2014. It is a matter of record that he was awarded 89.33 marks. The last candidate who was selected in that category was the one who secured 77.30 marks. The marks indicate that the applicant figured at a fairly high meritorious position. However, his candidature was rejected only on the ground that there is variation in the signature in English on the OMR sheet.

6. With a view to ensure that the impersonation in the examination does not take place, the respondents have



taken recourse to multiple safeguards. On the application, a candidate is required to put his thumb impression, signature in English and signature in Hindi. The same is repeated on the OMR sheet also. It is not in dispute that the thumb impression and signature in Hindi, put by the applicant on the OMR sheet tallied with those on the application form. The only difference is in respect of signature, in English.

7. In the signature in English, put by the applicant in the application form, he used two capital letters, one for 'Sunil', the other for 'Kumar'. On the OMR sheet, there is an instruction. It reads as under:-

“NOT IN CAPITAL LETTERS”

8. Obviously being under the impression that the capital letters should not be used in the signature, the applicant has put his signature in a form, which is different from the one which existed on the application form. This constituted the basis for the respondents to reject the candidature of the applicant.

9. The explanation offered by the applicant is plausible and in fact, acceptable. The very purpose of having multiple methods is to ensure that the comparison



becomes perfect and fool proof. The safest method is to compare the finger prints on the application form on the one hand and in the OMR sheet on the other. Even if it is difficult to compare with a naked eye, the help of the Forensic Laboratory can be taken. The Hindi signatures of the applicant in both the documents are so identical that even a naked eye can establish that. As observed earlier, the difference in the English signature is on account of the prohibition against using capital letters. Though the intention may have been to prohibit the entire signature being put in capital letters, the absence of such instruction in the application form became the root cause for this confusion. The benefit of meritorious position, secured by the applicant with the dint of hard work, cannot be denied to him, on account of such technical and unverified facts.

10. We, therefore, allow the OA and direct the respondents to treat the applicant as a candidate who did not suffer any disqualification and proceed to consider the issuance of the order of appointment, on the basis of the merit secured by him in the written test. The exercise in this behalf shall be completed within a period of two months from the date of receipt of a copy of this order.



On being appointed, the applicant shall not be entitled to any back wages, but the seniority shall be assigned to him on the basis of the rank in the selection list. There shall be no order as to costs.

All ancillary applications shall stand disposed of.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

pj/rk