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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

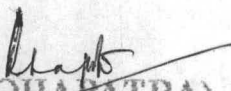
ORIGINAL APPLICATION NO. 445 OF 2007

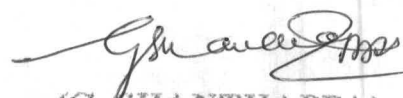
CUTTACK THIS IS THE 5th DAY OF AUG., 2010

Sri B. Venkata Rao..... Applicant
Vs.
Union of India & Others..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(G. SHANTHAPPA)
JUDICIAL MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 445 OF 2007

CUTTACK THIS IS THE 5th DAY OF AUG., 2010

CORAM:

HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER
HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

Sri B. Venkata Rao, aged about 33 years, S/o- B. Narasimha, At-D.
No.50-5-3/2, Seethampeta, Visakhapatnam.

..... Applicant

By the Advocate(s)M/s-G.A.R. Dora,
Smt. G. R. Dora,
J.K. Lenka

Vs.

1. Union of India, represented through by its General Manager, East Coast Railway, Chandrasekharapur, Bhubaneswar-751614
2. Divisional Railway Manager, Khurda Road Division, East Coast Railway, At/Po/Dist-Khurda-752050.

..... Respondents

By the Advocate(s).....Mr. M.K. Das

ORDER

HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER

We have heard Mr. J.K. Lenka, Ld. Counsel for the applicant and Mr. M.K. Das, Ld. Counsel for the Railways.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:-

- “(i) To quash the rejection/cancellation letter at Annexure-A/6 dt. 16.06.2006.
- (ii) To direct the Respondents to give appointment to the applicant in Group 'D' post forthwith with consequential benefits.”

3. It is an admitted fact from both side, that the applicant had applied for the post of Group 'D' post under the notification No.1/98 dated 05.11.1998. The applicant passed the physical test and was asked for verification of documents. The applicant produced the documents, finally the Respondents issued an order dated 16/28.06.2006 in which it is stated that the photograph and signature on the admit card for physical test is not at all matching with the photographs and signatures on the admit card for written test and original application. The applicant approached this Tribunal by challenging this order.

4. The Respondents have filed their counter and additional counter to the O.A. In the additional counter, they have stated at para 7 that in view of the judgement in O.A. No.21 of 2006, as directed by this Tribunal, the Railway Authorities to send the Signatures of Applicant



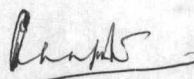
along with similar situated cases of different Candidates to the Hand Writing Experts to ascertain the correctness of Signatures. Accordingly, the Signature of present Applicant was also sent to the Office of Hand Writing Expert and finally, the Respondents got Report from the Hand writing Expert and it is stated in the said Report that:-

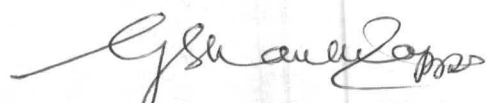
(i) Signature on the Original Application submitted by the Applicant in response to E. N. No.1/98 & Verification Form do not tally with the Signatures on the Written Test Admit Card & Written Test Attendance Sheet.

(ii) Signatures on the Original Application submitted by the Applicant in response to E.N. No.1/98 & Verification Form also do not tally with the Signatures on the Physical Test Admit Card, Physical Test Attendance Sheet and original O.M.R. Answer Sheet.

5. In the additional counter the Respondents have not stated whether they have sent to the GEQD for verification and to get the experts opinion. Hence, we direct the Respondents to refer the documents in the present case to the GEQD, Kolkatta for examination, if not sent to the GEQD. After obtaining the expert opinion, the Respondents are directed to supply a copy of the expert opinion as stipulated in para 7 of the additional counter and also the expert opinion from the GEQD after obtaining from the GEQD. If the applicant is aggrieved by the expert opinion, it is open to the applicant to challenge before appropriate forum. Since we are directing the Respondents to supply a copy of the experts opinion, keeping pending of this O.A. is not necessary.

6. Accordingly, the O.A. is disposed of. No costs.


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(G. SHANTHAPPA)
JUDICIAL MEMBER