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O.A. No. 569 of 2010

Rajat Kumar Marndi Applicant
Vs
Union of India & Ors Respondents

Order dated: 20.03.2012

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)
&
Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Mr. K.C.Kanungo, Ld. Counsel for the applicant and Mr. T.Rath, Ld. Counsel appearing for the Respondent-Railways.

2. The case of the applicant in nutshell is that he had applied for the post of Gangman/Group 'D' pursuant to the Employment Notice No. 1/98 as at Annexure-A/1 and came out successful in the physical as well as written test.

According to the applicant, although appointments had been given to the other selected candidates whose documents were verified during 2004-05, verification of his documents was done only on 24.03.2009. Applicant, by filing this O.A, has prayed for the following relief:

"...to direct the Respondents to appoint the applicant in Group-'D'/Gangman against employment notice No. 1/98 dt. 05.11.98 since he was selected for the ends of justice.

AND

...to direct the Respondents to recall or modify Annexure-A/3 by deleting "It may be noted that candidates are being called for verification at 20% over and above the number of vacancies to avoid shortfall in the panel and that merely calling a candidate for document verification does not, in any way, entitle him/her to an appointment in the railways." for the ends of justice.

AND

....to direct the Respondents to treat the appointment of the applicant in the post of Group 'D'/Gangman w.e.f. the date of appointment of any selected candidate with all benefits and with arrear for the ends of justice.

AND

...to issue any other...."

3. By filing counter, Respondents have opposed the prayer of the applicant. Respondents in their counter have clarified that due to doubt about the genuineness of the signature of the applicant over the document during the verification of his documents on 24.03.2009, the Members of the verification committee decided to send the documents to the Fingerprint Expert/Ex-GEQD. Fingerprint expert/Ex-GEQD twice asked for the specimen signature of the applicant to render opinion and after examination opined that the specimen writings and signatures, in addition to the earlier standard writings signatures, when compared with the questioned signatures, show some similarity but certain

features still remain unexplained and as such, it has, not been possible to express any definite opinion on the questioned signatures.

4. However, during the course of hearing today, Mr. T. Rath, Ld. Counsel for the Railways produced a Letter No. P/CC/3290/O.A.569/10/OMR-1/98 dated 19.03.2012 and submitted that the case of the applicant is under active consideration. It reveals from the counter that some similarity between the signatures of the applicant has now been established by the Fingerprint Expert/Ex-GEQD. Hence, Mr. Rath submits that for final decision, it may take another four weeks' time & it would be worthwhile to await the same. This proposition was acceptable to the Ld. Counsel for the applicant.

5. In view of the fact that the Respondents are going to consider the grievance of the applicant within a period of one month as stated above, there remains nothing further to be adjudicated in this O.A.

6. Accordingly, we dispose of this O.A. with direction to Respondents to ensure that the decision regarding appointment of the applicant is taken within a period of two months from the date of receipt of a copy of this order.



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7. Send copies of this order to the Respondents and
free copies of this order be given to the Ld. Counsel appearing
for the parties.


MEMBER (Judl.)


MEMBER (Admn.)

RK

