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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.254 of 2009

Upendra Kumar .... Applicant

Vs

UOI & Ors. .... Respondents

.....

Order dated - 14-07-2011.

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

In Annexure-A/8 dated 27.4.2009 the Applicant was intimated that he was a candidate for the post of Jr. Trackman and Helper II against category No.1&2 of Employment Notice dated 28.10.2006 issued by Railway Recruitment Cell, East Coast Railway, Bhubaneswar. He was called for written examination held on 30-09-2007 and for physical efficiency test on 2.4.2008 with Roll No.3172011 for the above recruitment. While verifying the finger prints available in his application with those available on the written examination and PET documents pertaining to his roll number, finger print examiner concluded that the finger prints did not match. Hence it was concluded that this was a case of impersonation and accordingly he was noticed to explain as to why he should not be debarred for life from appearing in any examination of the RRCs/RRBs and also for appointment in Railway (apart from rejecting his candidature for the said

selection). Applicant submitted his reply. In response to this the documents were sent for re-verification to Expert once again. The Expert upheld that the finger prints in his various examination documents are not of the same person proving that this is a case of impersonation. Hence he was debarred for life from appearing at any examination conducted by all RRCs/RRBs and also for appointment in Railways besides rejecting his candidature for the said post for which he appeared at the selection. Being aggrieved by the said order, the applicant filed this OA with the following prayers:

“....to admit the Original Application, issue notice to the Respondents and upon hearing quash Annexure-8 dated 27.4.2009 with regard to the debarment and cancellation of the candidature for the post of Junior Trackman and Helper-II against category Nos. 1&2 pursuant to the employment notice in Annexure-1 dated 28.10.2006 of the Respondent No.2 and issue necessary direction to allow the applicant to participate in the medical examination to be held pursuant to success in the written as well as physically efficiency training in Annexures-3 and 4 and give necessary employment in the category of post applied for.”

2. Quite a few cases of this nature have earlier been decided by this Tribunal. The consistent view of this Tribunal in those cases is as under:

“6. In view of the above, the Respondents hereby directed to send the photographs and signature on



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admit card for physical test and photograph and signature on the admit card for written test of the Applicant and all other similarly situated cases (whose candidature has been rejected due to discrepancy of signature, LTI etc.) to the GEQD/Hand Writing Experts namely to the Government Examiner of Questioned Documents be sent for expert opinion, with intimation to the Applicant to that effect, within a period of 30(thirty) days from the date of receipt of copy of this order with a request to let them send their report as early as possible. On receipt of the report from the GEQD/Hand writing experts, the Respondents are directed to take further action in the matter. In any event the Respondents should intimate the Applicant and each of the similarly placed candidates on the outcome of the reference to the Experts within a period of three months from the date of receipt of the copy of the order.

7. With the aforesaid observations and directions this OA is disposed of by leaving the parties to bear their own costs."

3. In the instant case, besides reiterating the stand taken in the order under Annexure-A/8, exception assertion is as under:

"It may not be out of place to mention here that despite all the above action even after receiving the notice of the present OA, without any hesitation the respondent submit the applicant's exam documents for handwriting analysis by GEQD panel expert since applicant continues to be aggrieved though this is strictly not required as per extant instructions for deciding upon applicant's debarment/cancellation of candidature for which fingerprint examination is adequate. The report of GEQD panel expert, who is also an outsider and independent authority, too led to the conclusion that the applicant impersonated himself during the Written Exam., which only sustains more strongly the correctness of action of department/cancellation of candidature taken earlier


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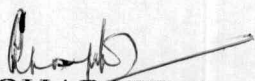
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on the basis of definite report of the fingerprint examiner."

4. According to the Respondents since they have already obtained the opinion of the Government Examiner of Questioned Document about mismatch of the LTI etc., there is hardly any scope for this Tribunal to interfere in the matter. But as the Respondents have not annexed the report of the Government Examiner of Questioned Document obtained by them in the counter nor supplied to the applicant as submitted by his counsel, while dismissing this OA, the Respondents are hereby directed to supply copy of the report of the GEQD within a period of 15 days hence.

5. There shall be no order as to costs.

  
(A.K.PATNAIK)  
Member (Judl.)

  
(C.R.MOHAPATRA)  
Member (Admn.)