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O.A.No.260 of 2010

Bijendra Prasad Tiwari Applicant
-Versus-
Union of India & Others Respondents
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Order dated: the 10th August, 2010.

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THE HON'BLE MR.G.SHANTHAPPA, MEMBER (J)

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THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)
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As it appears from the record Applicant came out successful in all the tests conducted by the Respondents for the post of Gangman as per Employment Notice No.1/98 but the Respondents rejected the candidature of the applicant on the ground that during verification of documents it was noticed by the Respondents that the Photograph and signature on the admit card for physical test are not at all matching with the present physical appearance of the candidate and also the present signature taken from the candidate in the verification and communicated the same to the applicant under Annexure-A/7 dated 16/28-06-2006. Thereafter, the Applicant challenged the said order in OA No.675/2006 before this Tribunal. This Tribunal disposed of the aforesaid Original Application with certain direction. Then by filing RA No.17/09 Respondents sought review of the order passed by this Tribunal in the aforesaid order. The said Review Petition was disposed of by this Tribunal with the following direction:

“3. We have considered this submission and verified all the documents once again. We have also heard the Ld. Counsel appearing for the Respondents. The point though had been dealt in our order sought to be reviewed, yet we are of the view that in order to maintain certainty and consistency, it would be proper if the questioned documents are verified by the Government Examiner. Accordingly we direct the Review Applicants to get those questioned documents examined by the Experts in the Government within a period of 30 days from the date of receipt of this order and act in accordance with the opinion expressed by the said Government examiner.”

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As it further appears, after the aforesaid direction of this Tribunal the Respondents intimated the applicant the result of the examination of documents in letter under Annexure-15 dated 10-03-2010. Relevant portion of the letter reads as under:

“In obedience to Hon’ble Tribunal’s order dated 03-02-2010 in the aforesaid Review Application, the documents pertaining to your case was referred to the Govt. Examiner of Questioned Documents which has been examined by the GEQD and certified that in the case of Sri B.P.Tiwari (Roll No.880591), the Signature in the original application form and verification form do not match with signature in the revised Admit Card for Physical Test & Attendance Sheet for Physical Test. From the above, it is very clear that you have tried to cheat the Rly Administration by way of impersonation in the selection process. Hence your case deserves no consideration.”

This letter under Annexure-15 dated 10-03-2010 as well as the earlier letter of rejection under Annexure-A/7 dated 16/28-06-2006 are under challenge in this Original Application.

2. By filing counter Respondents reiterated the stand taken in the order of rejection in Annexure-15 and have contended that after the report of the GEQD there remains nothing further to be adjudicated in this OA unless the said report of the GEQD is questioned and set aside by appropriate court of law.

3. Heard Mr. Rout, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Respondents. Learned Counsel for the Applicant has submitted that as copy of the report of the Hand Writing Experts has not been supplied to him either through the counter or before, he is deprived to know under what circumstances such report was furnished by the GEQD if at all such report has been given by GEQD. He also questioned the Hand Writing Experts opinion on the ground that the Hand Writing Experts opinion obtained by the Respondents was not of the GEQD or Hand Writing Experts of the Government Department of questioned documents but

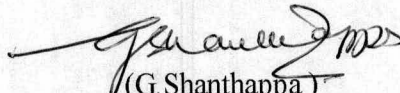
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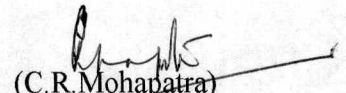
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of the Hand Writing Experts of the Railway. In view of the above, Learned Counsel for the Applicant submitted that a direction be issued to the Respondents to supply him the copy of the report of the Hand Writing Expert obtained by the Respondents.

4. Having heard Learned Counsel for both sides at length perused the materials placed on record. To meet the ends of justice, we direct the Respondent N.4 to supply a copy of the report of the GEQD/Hand Writing Experts [Report of the Government Examiner of Questioned Documents] stated to have been obtained by the Respondents to the Applicant within a period of 15 (fifteen) days of receipt of copy of this order.

5. In view of the above, we find no reason to keep this matter pending. Hence, with the aforesaid observation and direction this OA stands disposed of. No costs.


(G. Shanthappa)
Member (Judl.)


(C.R. Mohapatra)
Member (Admn.)