

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 308 of 2010

Nirmal Kumar Applicant

Vs

UOI & Ors. Respondents

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Order dated - 02.09.2011.

CORAM:

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

AND

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

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The prayer of the Applicant in this OA is to quash the letter under Annexure-A/6 passed by the Respondent No.4 and to direct the Respondents to appoint the applicant as Junior Trackman & Helper-II. In Annexure-A/6 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 16.9.2007 and physical efficiency test was held on 25.3.2008 with Roll No.1146035 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

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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. Respondents filed counter trying to justify the reason of rejection mentioned in the letter under Annexure-A/6 dated 27.04.2009 and prayed to dismiss this OA.

2. Learned Counsel appearing for both sides have reiterated the stand in their respective pleadings and having heard them at length perused the materials placed on record. According to the Respondents as there was variance in the finger prints of the applicant which was found during second stage of verification of documents, on receipt of the appeal the matter was reported to the FPE of the Railway. This procedure was adopted based on the extant

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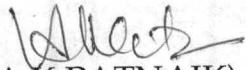
instructions. We have perused the instruction. But we find no reason to uphold the decision taken by the Respondents in view of the earlier order of this Tribunal in similar OA No. 291 of 2010 filed by Shri Satish Kumar V UOI and others disposed of on 21-07-2011. Relevant portion of the order dated 21-07-2011 reads as under:


“4. On examination of the facts of the above case vis-à-vis the present one we find no reason to differ with the view already taken as above. Therefore, by applying the ratio of the principle of precedent as held by the Hon'ble Apex Court in the case of **SI Rooplal and others vs. Lt. Governor through Chief Secretary Delhi and others**, (2000) 1 SCC 644, the order under Annexure-A/6 dated 27.4.2009 is hereby quashed. The Respondents are directed to send the tainted material of Applicant to the GEQD/Hand Writing Experts of the Government 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 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 about the outcome of the reference to the GEQD within a period of three months from the date of receipt of the copy of the order.”

3. In view of the above, the order under Annexure-A/6 dated 27.4.2009 is hereby quashed. The Respondents are directed to send the disputed material pertaining to the Applicant to the GEQD/Hand Writing Experts of the Central Government under intimation to the Applicant, within a period of 30(thirty) days from the date of receipt of copy of this order with a request to send their report as early as

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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 about the out come of the reference to the GEQD within a period of six months from the date of receipt of the copy of the order instead of within three months as ordered in earlier OA, on the request of Learned Counsel appearing for the Respondents. OA is accordingly disposed of. No costs.


(A.K.PATNAIK)
Member (Judicial)


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