

FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. 122/2006
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(S) MR M. DAS

Respondents NOT 2018

Advocate for the Applicant(S) Mr. P.K. Deka, Mr. I.H. Laskar
and Mr. I. Krishan Tiwari

Advocate for the Respondant(S) Railway...Comseh...
Bharat Dei

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/ C. F. I. No. 10/ deposit/ Rs. 10/- No. 2601 32 4270	23.5.2006	<p>Present: The Hon'ble Shri K.V. Sachidananda Vice-Chairman.</p> <p>The case of the applicant is that he had appeared in the written test for the post of Group - D (Trackman) under Category No. 01 of Employment Notice No. 1/2003, qualified in the same and also passed the physical efficiency test. Verification of his documents was also done. But his name was not included in the select list dated 6-12.8.2005. This Tribunal vide order dated 24.1.2006 in O.A. No. 9/2006, filed by the applicant, directed the respondents to dispose of the pending representation by passing a speaking order, which was done as per impugned order dated 10.4.2006 (Annexure-9). According to the applicant, his case was referred to Forensic Laboratory for confirming alleged dis-similarity of his handwritings and the said authority has</p>

A. Sengupta
1/10 Dy. Registrar
22/5/06

Contd.

to comply order
dated 23.5.06.

NS
24.5.06.

28/5/06
SC/Alph

23.5.2006 filed its report in favour of the applicant. But the respondents vide aforesaid Annexure -9 order rejected the claim of the applicant and being aggrieved, the applicant has filed this O.A.

Heard Mr. P. K. Deka, learned counsel for the applicant. Dr. J. L. Sarkar, learned Railway Standing counsel was represented and time was sought on his behalf for getting instruction in the matter. Let it be done.

Post the matter on 23.6.2006.

Vice-Chairman

bb

23.6.2006

No instruction is received from the respondents. Let the case be posted on 10.7.2006.

Vice-Chairman

bb

10.07.2006

None for the railways. Two opportunities have already been granted to the counsel for the railways to take instruction.

Post on 04.08.2006. It is made clear that this will be the final opportunity.

Vice-Chairman

mb

- 3 -

04.08.2006 Present: Hon'ble Sri K.V. Sachidanandan, Vice-Chairman
Hon'ble Sri Gautam Ray, Administrative Member.

For complete order, O.A.
4-8-06.

IVS 4-8-06

Notice & order & Sent
to D/Section for
issuing to resp.

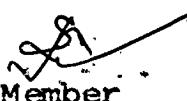
nos: 1, 2, 3, 4 by
regd. A/D post.

~~Class~~ 21/8/06. D/No. 850 to 851
Dt = 23/8/06.

When the matter came up for standing, Dr J.L. Sarkar, learned/counsel for the Railways submitted that considering the issue involved, the O.A. has to be admitted.

Accordingly, the O.A. is admitted.

Four weeks time is granted to the respondents to file reply statement Post on 06.09.2006.


Member


Vice-Chairman

06.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Respondents wanted time to file reply statement. Let it be done.

Post on 24.10.2006.

Notice duly Served
on resp. no - 1.


Vice-Chairman

/mb/

24.10.2006 Mrs. B. Devi, learned Railway counsel was represented four weeks time is sought on her behalf to file reply statement. Let it be done.

Post on 24.11.2006.

No W.L.S has been
filed.


Vice-Chairman


bb

No W.L.S has been
filed.


23.11.06.

24.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice - Chairman.

30.11.06

W/S filed by the
Respondents.

SD

Learned Counsel for the Applicant submitted that he has received a copy of the reply statement with annexures thereto. Let it be brought on record, if otherwise in order.

Post on 15.12.2006. Learned Counsel for the Applicant also submitted that he has not file rejoinder.

No rejoinder has
been filed.

/mb/

L
Vice-Chairman

3y
18.12.06

19.12.06

Post the matter before the next
available Division Bench.

U
Vice-Chairman

1m
1.3.07

Counsel for the respondents is not present due to her personal difficulty. Post on 16.3.07 for hearing.

No rejoinder has
been filed.

20
16.3.07

Ce

Member

L
Vice-Chairman

pg

19.03.2007 Present: Hon'ble Shri K.V. Sachidanandan,
Vice-Chairman

Hon'ble Shri Tarsem Lal,
Administrative Member.

Post this matter on 21.03.07.

D
Member

V
Vice-Chairman

nkm

(5) - 5 -

21.3.2007 Smti. B. Devi, learned counsel for the Railways submits that she would like to produce original documents pertaining to the selection of the candidate alone and the expert opinion etc. Let it be done.

Post on 10.4.2007. Copy of the order shall be furnished to the counsel for the respondents.

*Received
Smti. B. Devi, learned counsel
for the Railways*

- ① Writ bailed by the respondents.
- ② No rejoinder has been bailed.

*21
25.4.07*

26.4.2007

Case was called during the forenoon session. Learned counsel for the Applicant was not present. Again the case was called in the afternoon session. We have heard Smti B. Devi, learned Railway counsel. As directed by this Tribunal she has produced the original records. We perused the original records. Since learned counsel for the Applicant did not turn up, post the case on 27.04.2007 as part heard matter.

Learned counsel for the Respondents will inform the learned counsel for the Applicant about the posting on 27.04.2007.

Member (J)

/bb/

*Ghawali app
Member (A)*

O.A. 122/2006

27.4.2007 Present: The Hon'ble Mr. G. Shanthappa
Member (J)

The Hon'ble Mr. G. Ray, Member (A)

When the case was heard on 26.4.07 as directed by the Tribunal the learned counsel for the respondents informed the counsel for the applicant about the date of hearing. Mr I.H. Laskar, learned counsel for the applicant is present today and argued the case and cited 3 judgments of the Hon'ble Apex Court.

- (i) AIR 1972 SC 1091,
- (ii) AIR 1967 SC 1326 and
- (iii) AIR (1998) 2 SCC 192.

The learned counsel for the respondents submitted that the said judgments are not applicable in the present case and the Court has to accept the opinion of the experts.

Hearing concluded. Order reserved.


Member (A)


Member (J)

/pg/

3.7.2007 Judgment pronounced on behalf of the Division Bench.

The O.A. is dismissed in terms of the order. No costs.


Vice-Chairman

/bb/

17.7.07
Copy of the Judgment
has been sent to the
Office for issuing the
same to the applicant
by post.

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

ORIGINAL APPLICATION NO.122 of 2006

DATED THE 3rd DAY OF *July*, 2007

HON'BLE MR. G. SHANTHAPPA

MEMBER (J)

HON'BLE MR. GAUTAM RAY

MEMBER (A)

Sri Monotosh Das,
S/o Lt. Kirti Ch. Das,
R/O Vill.-Barnipar,
P.O.-Salchapra,
P.S. Silchar,
District.-Cachar, Assam

Applicant

(By Advocate Shri I.H. Laskar)

v.

1. Union of India represented
by the General Manager,
N.F. Railway,
Law Maligaon,
Guwahati-1, Assam

2. The Chairman
Railway Recruitment Board (RRB),
Guwahati, Station Road,
Panbazar, Guwahati-1

3. The Assistant Secretary,
For the Chairman,
Railway Recruitment Board,
Station Road, Guwahati-1

4. The Divisional Personal Officer,
Lumding Division, N.F. Railway
Lumding, Dist.Nagaon, Assam

Respondents

(By Mrs. B. Devi, Railway Advocate)

O R D E R

HON'BLE MR. GAUTAM RAY, MEMBER (A)

This Original Application under Section 19 of
the Administrative Tribunals Act, 1985, has been filed
seeking for the following reliefs:

295

"(a) To set aside the impugned speaking order dated 10.4.06 (Annexure-6) passed by the Respondent No.2 (The Chairman/RRB/Guwahati).

(b) To direct the concerned Respondent Authorities to appoint the applicant for the post of Group-D (Trackman).

(c) Any order/orders or directions as Your Lordships may deem fit and proper and in accordance with law in order to give full relief to the applicant."

2. The facts of the case as submitted by the applicant are as hereunder:-

The applicant applied for the post of Group-D (Trackman) under Category No.01 of the Employment Notice No.1/2003 issued by the Railway Recruitment Board in 2003. After duly qualifying the Written Test, Physical Efficiency Test and Document Verification, list of the selected candidates was published in the Employment News dated 6-12 August, 2005 by the Respondent authorities and the applicant's Roll Number was not there. The applicant approached this Tribunal by filing O.A.No.235/2005 which was disposed of by the Tribunal by its Order dated 12.9.2005 with a direction to the respondent-authorities to dispose of the representation of the applicant dated 22.8.2005 by a speaking order. A copy of the said Order of the Tribunal dated 12.9.2005 is enclosed as Annexure 2 to the O.A. Thereafter the applicant submitted a fresh representation on 16.9.2005 to the 2nd respondent (Annexure-3 to the O.A.) in reply to which the respondent-authorities vide letter dated 3.10.2005

intimated the applicant that his case was receiving due consideration and investigation but the respondent-authorities did not intimate anything further to the applicant. A copy of the letter dated 3.10.2005 is annexed as Annexure-4 to the O.A. The applicant again approached this Tribunal through O.A.No.9/2006 which was disposed of by the Tribunal by its Order dated 24.1.2006 with a direction to dispose of the representation of the applicant dated 16.9.2005 by a speaking order. A copy of the Order of the Tribunal dated 24.1.2006 is enclosed as Annexure-5 to the O.A. Thereafter the 2nd respondent disposed of the representation of the applicant dated 16.9.2005 by passing a speaking order dated 10.4.2006 rejecting the claim of the applicant which was intimated to the applicant by the said 2nd respondent vide his letter No.RRB/G/OA/235/05/MD dated 12.4.2006, a copy of which is enclosed as Annexure-6 to this O.A. The applicant contends that the concerned respondent-authorities most arbitrarily and illegally rejected the bonafide claim of the applicant whereas the Forensic Laboratory Report No.FSL/208/05-06/239 dated 24.3.2006 goes in favour of the applicant which clearly states that the person who sat in the written examination and that whose documents were verified vide Document Verification dated 24.6.2005 is the same person i.e., the applicant herein. But the applicant is surprised that the authorities have deprived the applicant from getting



the post of Group-D (Trackman) stating that both these persons are not the same by misreading the FSL report. Aggrieved by the said action of the respondents, the applicant has moved this Tribunal through the instant Original Application.

3. The respondents have contested the Application by filing a counter-reply. The respondents have not disputed the fact that vide letter No. OA/235/05/RRB/MD dated 3.10.2005 issued by the 2nd respondent, the applicant was intimated that this case would be considered after due investigation as to the genuineness of his handwriting and that the final decision would be taken by the competent authority.

4. The respondents further state that since there had been some doubt about the handwriting of the applicant at different times and in different places in the process of appointment, the same compelled the authority to refer the subject case to the Forensic Laboratory for proper scientific investigation by the experts to that effect. As per the findings of the Forensic Department, the respondents had to take decision which resulted in passing the speaking order by the respondents dated 10.4.2006 (Annexure-6 to the O.A.). The respondents submit that according to the report of the Forensic Laboratory it appears that the person who had originally filled up the Application Format in response to Centralized Notice No.1/2003 is



not the same person who had appeared in the written examination as well as on the day of verification of original documents. The respondents are guided by the opinion of the expert body i.e., the Forensic Laboratory. The respondents have denied the allegations of illegality and arbitrariness and they have stated that they have no ill motive to deprive a candidate unreasonably dehorning the rules of procedure.

5. Applicant has not filed any rejoinder to the reply filed by the respondents.

6. Heard Mr.I.H. Laskar, learned counsel for the applicant and Mrs. B. Devi, learned Railway Counsel. We have gone through the pleadings of the either parties and also perused the documents produced before us and the judgment relied upon by the learned counsel for the applicant.

7. Before dealing with the matter we may reproduce the speaking order issued by the respondents dated 10.4.2006 which has been communicated to the applicant vide No.RRB-OA/235/05/MD dated 12.4.2006 (Annexure-6 to the O.A.) hereinbelow:-

"RAILWAY RECRUITMENT BOARD:: GUWAHATI

Sub:- O.A.No.09/2006 of Hon'ble CAT Guwahati and order of CAT Guwahati, Dated 24/1/2006.

Ref:- Your Application dated 09/012001.

The Hon'ble CAT, Guwahati order dated 24/01/2005 in the OA No. of 09/2006, has been carefully gone through by the undersigned and after due consideration the undersigned passes the following order.



1. While verifying the original Documents of Sri Monotosh Das, S/o Late Kirti Ch. Das, R/o-Vill.Barnipur, P.O. Salchapra, P.S.-Silchar, District-Cachar, Assam there had been some doubt about the handwritings of the Original Application form of the petitioner in response to the Centralized Employment Notice of 1/2003 with reference to the handwritings of the particulars filled up by Shri Monotosh Das in the Office of RRB/Guwahati on 24/06/2005 before verification of documents.

2. As such for further verification of handwriting of Shri Monotosh Das also taken on the very date as at taken of sample with his clear signature and thumb impression.

3. For conformation of the dis-similarity of the handwritings of Shri Monotosh Das at different places in different times the case was referred to the Director of Forensic Laboratory. Government of Assam, Kahalipara, Guwahati - 19.

4. In the report received from the Director of Forensic Laboratory vide his letter No.FSL.1208/05-06/239 dated 24/3/2006 conformed that

(a) hand writings of the person, who reported for verification of documents on 24/6/2005 and the handwritings of the person who actually appeared in the Written Examination held on 12/12/04 is same.

(b) hand writings of the person, who reported for verification of documents on 24/06/2005 and the handwritings in the Original application are not same.

5. It has been specifically pointed out the Centralized Notice No.1/2003 directing to all the candidates who desired to apply in response to the Employment Notice of 1/2003 that He/She should fill up his/her application format in his/her own handwritings. But in this particular case the person who appeared in the written examination and appeared on 24/6/2005 for verification of Original Documents is not the same person. As per guidelines to the candidates in the Centralized Employment Notice, this is the false/mis-statement declared by the candidate himself in the original application form which tantamount cancellation of his candidature.



5. In view of the facts narrated above the candidature of the Original applicant (Shri Monotosh Das, S/O Late Kirti Ch. Das) is treated as cancelled.

Please communicate the Order to the applicant.

Secretary

Sd/-

RRB/Guwahati

10.4.2006.

Chairman

RRB/Guwahati.

Sd/-

10/4/06

8. When asked as to whether the handwritings in the original application format and the written examination and during verification of original documents are of the applicant, the learned counsel for the applicant could not answer the question straightway. He stated across the Bar that the Forensic Laboratory Report No.FSL/208/05-06/239 dated 24.3.2006 goes in favour of the applicant which clearly states that the person who sat in the written examination and that whose documents were verified vide document verification dated 24.6.2005 is the same person. In this connection, the opinion of the Forensic Science Laboratory, Assam conveyed vide their letter dated 23.3.2006 addressed to the 2nd respondent (Annexure-B to the reply of the respondents) is reproduced hereunder:-

"The disputed writings and signatures received vide No.RRB/GEQD/Gr.D/EN of 2003 (loose) dated 21.9.05 have been carefully and thoroughly examined and compared with the supplied standard writings and signatures from their original documents in all aspects of handwriting identification and detection of forgery with scientific aids in the laboratory.



2. The person who wrote the blue enclosed writings and signatures stamped and marked S1 to S3 also wrote the red enclosed writings and signatures similarly stamped and marked B1 to B6.

3. The person who wrote the blue enclosed writings and signatures stamped and marked S1 to S3 did not write the red enclosed writings and signatures similarly stamped and marked Q1, Q1/1 and Q2 to Q11."

9. Hon'ble Supreme Court in the case of Gulzar Ali vs. State of H.P. [(1998) 2 SCC 192] has held that Modes indicated in Ss.45 and 47 of the Evidence Act are not exhaustive. In this context relevant part of Para 9 of the Judgment is extracted below:-

"It must be remembered that expert evidence regarding handwriting is not the only mode by which genuineness of a document can be established. The requirement in Section 67 of the Evidence Act is only that the handwriting must be proved to be that of the person concerned. In order to prove the identity of the handwriting any mode not forbidden by law can be resorted to. Of course, two modes are indicated by law in Sections 45 and 47 of the Evidence Act. The former permits expert opinion to be regarded as relevant evidence and the latter permits opinion of any person acquainted with such handwriting to be regarded as relevant evidence. Those and some other provisions are subsumed under the title "Opinion of third persons, when relevant". Opinions of third persons, other than those enumerated in the fasciculus of provisions, would have been irrelevant. Among the permitted opinions those mentioned in Sections 45 and 47 are also included. So it cannot be said that identity of handwriting of a document can be established only by resorting to one of those two sections."

It is to be noted here that in this case the applicant has categorically stated in Para 9 (at pages 10-11 of the O.A.) that -



".....the concerned respondent authorities most arbitrarily and illegally rejected the bonafide claim of the applicant by passing the said speaking order dated 10.4.2006 whereas the Forensic Laboratory report No.FSL 1208/05-06/239 dated 24.3.2006 goes in favour of the applicant which clearly states that the person who sat in the written Examination and that whose documents were verified vide document verification dated 24.6.2005 is the same person i.e., the present applicant. But most surprisingly, the authorities have deprived the applicant from getting the post of Group-D Trackman stating that both these persons are not same by misreading the FSL report, departing from what it said, which is clearly an arbitrary action since the handwriting was sent to FSL at the instance of the respondent authorities and when they found that the same goes in favour of the applicant, the respondent authorities, finding no other ground to deprive the applicant, took this frivolous ground, that too, by blatant misreading of the FSL report."

A close reading of the FSL report extracted above would show that, in fact, the applicant has failed to understand the FSL report. The entire report is to be read as a whole. No paragraph of the report can be read in isolation. The applicant has not said anywhere that the FSL report cannot be relied upon. In fact, statements made in para 9 of the O.A. (extracted above) go on to show that the applicant has accepted the report but his interpretation is incorrect. That being the position, question of resorting to other mode to identify his signature in his case does not arise. Moreover, on perusal of the application form and documents signed by him on 24.6.2005 we find no reason to doubt that signature of the person who reported for verification of documents on 24.6.2005 and who signed

the application form are different. It is very much clear that the signatures affixed on the above two documents are different. When applicant has accepted one part of the report he cannot say that the report cannot be taken as conclusive proof.

10. That being so, we find nothing wrong in the decision taken by the respondents. Applicant is, therefore, not entitled to get the relief prayed for. The Original Application, being devoid of merit, is dismissed accordingly with no order as to costs.



(GAUTAM RAY)
MEMBER (A)



(G) SHANTHAPPA)
MEMBER (J)

ua.

the result, we hold that the suit in question is not hit by Section 17 of the Act and, therefore, the Division Bench is right in allowing the appeal. Consequently, the appeal is dismissed. However, there will be no costs.

(1998) 2 Supreme Court Cases 192

(BEFORE M.K. MUKHERJEE AND K.T. THOMAS, J.J.)

Criminal Appeal No. 657 of 1996

GULZAR ALI

Appellant

Versus

STATE OF H.P.

Respondent

With

Criminal Appeal No. 658 of 1996

RAJ MOHAMMAD AND ANOTHER

Appellant

Versus

STATE OF H.P.

Respondent

Criminal Appeals Nos. 657 and 658 of 1996, decided on October 21, 1997

A. Evidence Act, 1872 — Ss. 45, 47 and 67 — Identity of handwriting — Modes of proof of — Modes indicated in Ss. 45 and 47 not exhaustive — Other external and internal circumstances also can be taken into consideration

The modes of proof envisaged in Sections 45 and 47 of the Evidence Act are not exhaustive for proving the genuineness or authorship of a document. (Para 11)

The requirement in Section 67 of the Evidence Act is only that the handwriting must be proved to be that of the person concerned. In order to prove the identity of the handwriting may mode not forbidden by law can be resorted to. Of course, two modes are indicated by law in Sections 45 and 47 of the Evidence Act. The former permits expert opinion to be regarded as relevant evidence and the latter permits opinion of any person acquainted with such handwriting to be regarded as relevant evidence. Those and some other provisions are subsumed under the title "Opinion of third persons, when relevant". Opinions of third persons, other than those enumerated in the farcious provisions, would have been irrelevant. Among the permitted opinions those mentioned in Sections 45 and 47 are also included. So it cannot be said that identity of handwriting of a document can be established only by resorting to one of those two sections. There can be other modes through which identity of the handwriting can be established. Citing an example, if a letter is seized from the possession of 'A' and the letter contains the name of the sender as well as the name of the sendee and if such sendee happens to be 'A' himself, those circumstances even without resorting to the mode indicated in Sections 45 and 47 of the Evidence Act, would be sufficient to draw an inference that the author or even the writer of that letter is the individual 'A', the subject of a

Ramchandras v. State of H.P., 1957 Cr. L.J. 331, 1957 Cr. L.J. 339, 340, and *Ali Aboudy v. State of Bombay*, AIR 1958 Bom. 147, 1958 Cr. L.J. 346, referred.

¹ From the Judgment and Order dated 16-3-1992 of the Haryana Pradesh High Court in Cr. A. No. 22 of 1992.

Suggested Case Finder Search Text (*inter alia*):

(handwriting or "hand writing") (expert or evidence or proof)

B. Evidence Act, 1872 — S. 45 — Expert witness — Tendency to support the view of person who called him — Evaluation or substance of

Observation of the High Court that "there is a natural tendency on the part of an expert witness to support the view of the person who called him" cannot be downstaged, for, many so-called experts have been shown to be remunerated witnesses making themselves available on hire to pledge their oath in favour of the party paying them. (Para 8)

C. Penal Code, 1860 — Ss. 302/34 and 120-B — Circumstantial evidence — Letters seized from the possession of the appellants and petition presented by one of them to the Chief Minister establishing motive for the crime — Statement of the witness that he found the deceased lying dead in a pool of blood — Merely because the injuries were not sufficient to cause instantaneous death no inference can be drawn that the witness reached there only much after the occurrence — Possibility of the deceased lying unconscious and the witness taking it for granted that he was dead could not be ruled out — Evidence of recovery of weapons of offence at the instance of accused does not become valuable merely on ground that blood found on those weapons was not identified as human blood — Held, in the circumstances of the case guilt of A-1 and A-2 is established — However, circumstances are not sufficient to complete the chain against A-3 (Paras 13 to 16)

S-M/18727/CR

Advocates who appeared in this case :

Uday Sharma and K.B. Sinha, Senior Advocates (Alok K. Sharma and P.D. Sharma, Advocates, with them) for the Appellants;

A.S. Rayat, T.A. Khan, T. Sridharan and Naresh K. Sharma, Advocates, for the Respondent.

3. Chronological list of cases cited

on page(s)

1. AIR 1957 SC 857 : 1958 Cri LJ 1346, *Mobarak Ali Ahmed v. State of Bombay*

196a-b

2. AIR 1957 SC 381 : 1957 Cri LJ 559, *Ram Chandra v. State of U.P.*

196a

The Judgment of the Court was delivered by

THOMAS, J. — Three brothers were charged for implementing a designed criminal conspiracy for elimination of one who was their bête noire. The Sessions Court and the High Court concurrently found them guilty of Section 120-B and Section 302 read with Section 34 of the Indian Penal Code and consequently they were convicted and sentenced to undergo imprisonment for life besides payment of some fine. These appeals, by special leave have been filed by the aforementioned three brothers.

2. The person who was murdered in pursuance of the criminal conspiracy — Tara Chand — was the factotum of Jai Paul (PW 13) with whom the appellants had scores to settle for long. Prosecution case, briefly, is that on the morning of 9-5-1990 the three appellants had a dig at Smt Kiran Chauhan (wife of Jai Paul) and it resulted in the initiation of a proceeding under Section 107 of the Code of Criminal Procedure against them. The appellants were infuriated by it and the acerbity between the two

factions got aggravated further. At about 6.00 p.m. the three appellants together proceeded to a glade situate near a jungle where the deceased Tara Chand was working and showered blows on him with gandasi and chhura (both cutting weapons). The victim made a loud cry which attracted the attention of some people in the proximity who rushed to the spot, but in the meanwhile the assailants took to their heels towards the jungles. Those who reached the spot found Tara Chand lying dead in a pool of blood.

3. As there was no eyewitness for the murder, the prosecution had to rest on circumstances alone for proving that the appellants have murdered Tara Chand. The Sessions Court and the High Court found, in one accord, that the circumstances have concatenated into a complete chain pointing unerringly to the complicity of the appellants in the murder of Tara Chand.

4. There was no dispute that Tara Chand was murdered on the evening of 9-5-1990 at the place of occurrence mentioned by the prosecution. The post-mortem examination conducted on the body of Tara Chand revealed that he had a number of incised injuries, fracture of ribs, and some stab wounds. One of the stab injuries had penetrated into the abdominal cavity. Another stab wound plunging through the second and third intercostal space (right side) had caused a cut on the peritoneum. It is clear that the deceased was the victim of a murderous attack inflicting many blows with cutting weapons.

5. The main circumstances found by the two courts are the following: (1) The appellants were sore with Tara Chand for his role as *goonda* of Jai Paul; (2) the three appellants were found proceeding towards the place of occurrence just a few minutes before the occurrence. PW 6-A (a clerk attached to the post office of Naham) saw the three appellants during the evening and later PW 6-A heard about the murder of Tara Chand; (3) PW 4 a boy aged 13 saw the appellants sitting in the open field near the place of occurrence at about 5.30 p.m. and a few minutes later PW 4 heard a cry "Hai Ram mar diya" (Oh God, I am killed); (4) PW 2 Ram Singh heard the same cry from near the place of occurrence and the witness ran to the spot and saw the three appellants running towards jungle area and Tara Chand lying dead in a pool of blood; (5) A-1, Raj Mohammad, told the investigating officer, during interrogation, that he had concealed a gandasi among the bushes. When he was taken to that place he took out P-2 — a gandasi — from the concealed place. Likewise the second accused, when interrogated, told the investigating officer that he had concealed the knife in the jungle and when he was taken to that place he took out P-3, the chhura from beneath the growth of the jungle; (6) that the gandasi and the chhura were subjected to chemical tests in the Forensic Science Laboratory, and blood was found sticking on both the weapons.

6. Learned counsel contended that there is real dearth of evidence to prove that there was any motive for the appellants to target Tara Chand, for, their grouse was only towards Jai Paul (PW 13). Learned counsel contended

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resorting

that it was most unlikely that the appellants would have turned against the deceased who was only a bodyguard of Jai Paul.

7. We have come across, in the evidence, that some letters have been seized by the police from the house of the appellants. One such letter was dated 8-4-1990 and it was written by A-1, Raj Mohammad to A-2, Niaz Ali. In that letter mention has been made of some incident which took place on 28-3-1990. The letter contains a request to the addressee to come home on leave with a weapon. Ex. PMM is a petition addressed by A-1 to the Chief Minister of Himachal Pradesh on 2-5-1990. A-1 has mentioned in it that he and his family were suffering from the atrocities perpetrated by Tara Chand at the behest of PW 13. Ex. PW 13-B is a letter written by Niaz Ali to Raj Mohammad (A-1) on 4-4-1990. In the petition a reference was made to some acts of the deceased including pelting stones at the house of the accused.

8. If those letters are genuine, no doubt, they would reflect the mind of A-1 and A-2 towards the deceased. PW 20 (M.L. Sharma), Government Examiner on questioned documents, after comparing the handwriting in the said letters gave an opinion that both were written by the accused. An attempt was made by the accused, through the evidence of DW 1 (N.K. Jain who claimed to be an expert in the science of handwriting) to show that opinion of the Government Examiner is basically faulty. The High Court has observed that "there is a natural tendency on the part of an expert witness to support the view of the person who called him" and preferred the opinion of PW 20 M.L. Sharma. The said observation of the High Court cannot be downstaged, for, many so-called experts have been shown to be remunerated witnesses making themselves available on hire to pledge their oath in favour of the party paying them.

9. It must be remembered that expert evidence regarding handwriting is not the only mode by which genuineness of a document can be established. The requirement in Section 67 of the Evidence Act is only that the handwriting must be proved to be that of the person concerned. In order to prove the identity of the handwriting any mode not forbidden by law can be resorted to. Of course, two modes are indicated by law in Sections 45 and 47 of the Evidence Act. The former permits expert opinion to be regarded as relevant evidence and the latter permits opinion of any person acquainted with such handwriting to be regarded as relevant evidence. Those and some other provisions are subsumed under the title "Opinion of third persons, when relevant". Opinions of third persons, other than those enumerated in the 'a circulus' of provisions, would have been irrelevant. Among the permitted opinions those mentioned in Sections 45 and 47 are also included. So it cannot be said that identity of handwriting of a document can be established only by resorting to one of those two sections. There can be other modes through which identity of the handwriting can be established. Citing an example, if a letter is seized from the possession of 'A' and the letter contains the name of the sender as well as the name of the sendee and if such sendee happens to be 'A' himself, those circumstances even without resorting to the mode indicated in Sections 45 and 47 of the Evidence Act,

would be sufficient to draw an inference that the author or even scribe of that letter is the sender and 'A' is the sendee of it.

10. Reference can be made to two decisions of a three-Judge Bench of this Court. First is *Ram Chandra v. State of U.P.*¹ wherein authorship of some questioned letters has been found on the strength of "various items of external and internal evidence". The same three-Judge Bench has observed in *Mobarik Ali Ahmed v. State of Bombay*² thus:

"The proof of the genuineness of a document is proof of the authorship of the document and is proof of a fact like that of any other fact. The evidence relating thereto may be direct or circumstantial. It may consist of direct evidence of a person who saw the document being written or the signature being affixed. It may be proof of the handwriting of the contents, or of the signature, by one of the modes provided in Sections 45 and 47 of the Indian Evidence Act.

It may also be proved by internal evidence afforded by the contents of the document. This last mode of proof by the contents may be of considerable value where the disputed document purports to be a link in a chain of correspondence, some links in which are proved to the satisfaction of the Court. In such a situation the person who is the recipient of the document, be it either a letter or a telegram, would be in a reasonably good position both with reference to his prior knowledge of the writing or the signature of the alleged sender limited though it may be, as also his knowledge of the subject-matter of the chain of correspondence, to speak to its authorship."

11. We find much support from the aforesaid observations to formulate the legal position that the modes of proof envisaged in Sections 45 and 47 of the Evidence Act are not exhaustive for proving the genuineness or authorship of a document.

12. In this case Ex. PW 20-B, a letter was taken into custody from the possession of A-1, Raj Mohammad. It is ostensibly a letter written by his brother A-2, Niaz Ali, the contents whereof are seemingly matters within the personal knowledge of those persons. From those internal circumstances the Court can justifiably reach a conclusion that the letter was written by Niaz Ali (A-2) to his brother Raj Mohammad (A-1).

13. That apart, A-1 (Raj Mohammad) has not disputed his authorship of Ex. PMM, the petition which was presented to the Chief Minister of Himachal Pradesh. The contents of the petition would unmistakably point to the fact that Tara Chand was considered a nightmare to the family of the appellants. Therefore, we unhesitatingly agree with the finding of the two courts that the appellants had sufficient motive as against the deceased.

14. Learned counsel contended that as PW 2 found the deceased lying dead an inference can be drawn that he would have reached the place only

1 AIR 1957 SC 381 : 1957 Cri LJ 559

2 AIR 1957 SC 857 : 1958 Cri LJ 1346

much after the occurrence of injuries sustained by the deceased lying clinically correct. It has been lying unconsious for granted that the body surrounded by particular note of midline which the would have rendered and it was quite possible that Tara Chand had been lying in the evidence of PW 1.

15. Learned counsel contended that the chhura was evidence relating to the evidence concerning recovery of A-1 (Raj Mohammad) as admissible in evidence as he concealed the recovered. Section 47 accused admissibility only to the extent of incriminating circumstances. Chhura were disallowed to be admitted to the places.

16. The circumstances undoubtedly point to the fact that PW 4 (Sanjeev) was not sufficient to conclude that the other two accused in the circumstances may be running towards conviction as the circumstances also (Ali) had also participated in the conviction and sentence.

17. In the re *Mohammad and Gulzar Ali* the sentence passed on Gulzar Ali was set aside.

✓ after the occurrence. His contention is based on the premise that the injury sustained by the deceased would not have resulted in his instantaneous death. It is true that PW 2 said in his evidence that he found the deceased lying dead in a pool of blood. Such an impression need not be a clinically correct observation. It is possible that the deceased would have been lying unconscious and was nearing death, but PW 2 would have taken it for granted that he had reached his end when he observed the still lying body surrounded by a carnage background. In this context we make particular note of one incised wound on the parietal region just left to the midline which the doctor found on the dead body during autopsy. That injury would have rendered the victim to suddenly go into an unconscious stage and it was quite possible that when PW 2 reached the spot he would have felt that Jara Chand had already died. We are, therefore, not persuaded to reject the evidence of PW 2 on that score alone.

15. Learned counsel contended that since blood found on the gandasi and the chhura was not identified as human blood there is no utility with the evidence relating to the recovery of the weapons. The important aspect concerning recovery of the weapons is that it renders the statements made by A-1 (Raj Mohammad) and A-2 (Niaz Ali), to the police investigating officer inadmissible in evidence. Both of them had stated to the police separately that they concealed the respective weapons at the place whence it was recovered. Section 27 of the Evidence Act renders such statement of the accused admissible in evidence, whether it amounts to confession or not, but only to the extent it distinctively relates to the fact discovered. So the incriminating circumstance in this case is not merely that a gandasi and a chhura were disinterred by the police but that those accused persons admitted to the police that such weapons were concealed by them at those places.

16. The circumstances narrated above when put together would undoubtedly point to the guilt of A-1 and A-2. But those circumstances are not sufficient to complete a chain as against A-3. In this context we point out that PW 4 (Sanjeev Kumar) did not see A-3 (Gulzar Ali) at all when he saw the other two accused sitting near the place of occurrence. The only circumstance made against A-3 is that PW 2 Ram Singh saw him also running towards the jungle, besides the motive established. But those two circumstances alone are not enough to conclusively say that A-3 (Gulzar Ali) had also participated in the murder of the deceased. Consequently the conviction and sentence passed on him are liable to be set aside.

17. In the result, we dismiss the appeal filed by the appellant Raj Mohammad and appellant Niaz Ali but we allow the appeal filed by the appellant Gulzar Ali and accordingly we set aside the conviction and sentence passed on him and we acquit him. We direct that the appellant Gulzar Ali be set at liberty forthwith unless he is required in any other case.

गुवाहाटी बैचन्च ^{NS} THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 122 OF 2006.

Sri Monotosh Das , Applicant

- Versus -

The Union of India & Ors. Respondents

LIST OF DATES :-

12.12.2004 : Applicant appeared in the written statement test for the post of Group- D (Trackman) under Category No.01 of Employment Notice No. 1/2003.

2) 10.05.2005 : After qualifying the written test the Respondent No.3 issued a call letter to the applicant for physical efficiency test vide letter No.RRB/G/41/10.

3) 23.06.2005 : The applicant appeared in physical efficiency test held at Maligaon Railway Stadium, Guwahati.

4) 23.06.2005 : After successfully qualifying the physical efficiency test another call letter for Document Verification was issued to the applicant by respondent No. 3, vide letter No. RRB/G/41/10.

5) 24.06.2005 : Applicant appeared before the concerned authority for Document Verification with all his Original Certificates, testimonials.

6) 06-12.8.05 : List of selected candidates for the said post were published in the Employment news.

7) 22.8.05 : Applicant submitted representation to allow him to know the reason for his non selection in the said list.

8) 06.09.05 : Filed an Original application being O.A. No.235/05 before this Hon'ble Tribunal.

9) 12.09.2005 : Order passed by this Hon'ble Tribunal in O.A.No.235/2005 disposing of the matter with a direction to the respondents to dispose of the representation, if so filed by the applicant afresh, by a speaking order expeditiously.

10) 16.9.05 : Applicant submitted a fresh representation to the respondent No.2 alongwith a copy of the Order dated 12.0.2005 praying for his appointment.

11) 3.10.05 : Respondent No.3 wrote a letter to the applicant intimating him that his case was being given due consideration and investigation by the competent authority, i.e. the Chairman, RRB.

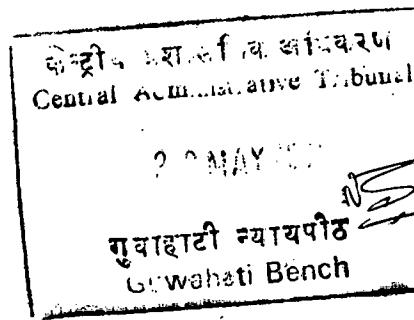
12) 24.1.06 : Order dated 24.1.06 passed by this Hon'ble Tribunal in O.A.No.9/2006 disposing of the matter with a direction to the respondents to dispose of the representation by a speaking order.

13) 10.4.06 : Impugned speaking order dated 10.4.06 passed by respondent No.2.

Filed by

Pankaj Kumar Deka
Advocate

DISTRICT: CACHAR :



22 MAY 2006
Date

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. 122 /2006.

Sri- Monotosh Das Appellant .

-Versus -

The Union of India & Ors Respondents.

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Date : 22.05.2006

Filed by :

Pankaj Kumar Deka

Advocate .

DISTRICT: CACHAR.

Filed by: -

Sri Monotosh Das
The Applicant

thought: - 26

Pankaj Kumar Deka
Advocate
22.05.2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH .

ORIGINAL APPLICATION NO. 122 /2006.

- BETWEEN -

Sri Monotosh Das

S/O Lt. Kirti Ch. Das

R/O Vill.- Barnipar

P.O.- Salchapra

P.S. - Silchar

Dist.- Cachar , Assam .

..... Applicant .

- Versus -

1. Union Of India

Represented by the

General Manager , N.F. Railway ,

Law Maligaon , Guwahati-1 , Assam .

2. The Chairman ,

Railway Recruitment Board (RRB)

Guwahati , Station Road

Panbazar , Guwahati - 1 .

Contd.....

3. The Assistant Secretary ,

For the Chairman ,

Railway Recruitment Board

Station Road , Guwahati- 1 .

4. The Divisional Personal Officer ,

Lumding Division , N.F. Railway

Lumding , Dist.- Nagaon , Assam .

..... Respondents .

DETAILS OF APPLICATION :-

- (a) Name of the Applicant :- Sri Monotosh Das
- (b) Name of the Father :- Late Kirti Ch. Das
- (c) Age of the Applicant :- About 35 years
- (d) Address of the Applicant:- Sri Monotosh Das

S/O Lt. Kirti Ch. Das

R/O Vill- Barnipar

P.O.- Salchapra

P.S.- Silchar

Dist.- Cachar, Assam .

Contd.....

REASON FOR WHICH APPLICATION IS MADE :-

The applicant applied for the post of Group-D (Trackman) under Category No.01 of the Employment Notice No. 1/2003 advertised by the Railway Recruitment Board in the year 2003. After duly qualifying written Test, Physical Efficiency Test and Document Verification, list of the selected candidates was published in the Employment News dated 6-12 August 2005 by the Respondent Authorities and the applicant's Roll number was not present in the said result sheet. Having no other alternative, the applicant approached this Hon'ble Tribunal by filing an Original Application (O.A. NO. 235/05) and the Hon'ble Tribunal was pleased to dispose of the matter vide its order dated 12.9.2005 with a direction to the Respondent authorities to dispose of the representation dated 22.8.05, by a speaking order expeditiously. Thereafter, the applicant submitted a fresh representation on 16.9.2005 to the Respondent No. 2 and accordingly the Respondent authorities vide its letter dated 3.10.2005 intimated the applicant that his case was receiving due consideration and investigation. But the Respondent authorities are sitting over the matters and having no other alternative, the applicant again approached this Hon'ble Tribunal by filing an Original Application (O.A. NO. 9/2006) and the Hon'ble Tribunal was pleased to dispose of the matter vide its Order dated 24.1.06 with a direction to dispose of the representation dated 16.9.2005 by a speaking order. In view of this Hon'ble Tribunals Order, the Respondent No. 2 (Chairman / RRB/ Guwahati) disposed of the representation dated 16.9.2005 of the applicant by passing a speaking order dated 10.4.2006 rejecting the claim of the applicant which was intimated to the applicant by the said Respondent

No. 2 vide his letter No. RRB/G/OA/235/05/MD dated 12.4.2006. That the concerned respondent authorities most arbitrarily and illegally rejected the bonafide claim of the applicant by passing the said speaking order dated 10.4.2006 whereas the Forensic Laboratory Report No. FSL./ 208/05-06/239 dated 24.3. 2006 goes in favour of the applicant which clearly states that the person who ^{appeared} ~~appeared~~ in the written Examination and that whose documents were verified vide document verification dated 24.6.05 is the same person, i.e. the present applicant. But most surprisingly, the authorities have deprived the applicant from getting the post of Group-D (Trackman) stating that both these persons are not the same by misreading the FSL report, thereby departing from what it said which is clearly an arbitrary action since the handwriting was ^{sent} ~~sent~~ to FSL at the instance of the respondent authorities and when they found that the same goes infavour of the applicant, the respondent authorities, finding no other ground to deprive the applicant, took this frivolous ground, that too, by blatant misreading of the FSL report and hence being aggrieved, the applicant has approached this Hon'ble Court by filing this Original application.

SUBJECT IN BRIEF :

The applicant applied for the post of Group-D(Trackman) under Category No. 01 of the Employment Notice No. 1/2003 advertised by the Railway Recruitment Board in the year 2003. After duly qualifying written Test, Physical Efficiency Test and Document verification, list of the selected candidates was published in the Employment News dated 6-12 August 2005 by the

Respondent Authorities and the applicant's Roll number was not present in the said result sheet. Having no other alternative , the applicant approached this Hon'ble Tribunal by filing an Original Application (O.A. NO. 235/05) and the Hon'ble Tribunal was pleased to dispose of the matter vide its order dated 12.9.2005 with a direction to the respondent authorities to dispose of the representation dated 22.8.05 , by a speaking order expeditiously . Thereafter , the applicant submitted a fresh representation on 16.9.2005 to the Respondent No. 2 and accordingly the Respondent authorities vide its letter dated 3.10. 2005 intimated the applicant that his case was receiving due consideration and investigation . But the Respondent authorities are sitting over the matters and having no other alternative , the applicant again approached this Hon'ble Tribunal by filing an Original Application (O.A. NO. 9/2006) and the Hon'ble Tribunal was pleased to dispose of the matter vide its order dated 24.1.06 with a direction to dispose of the representation dated 16.9.2005 by a speaking order . In view of this Hon'ble Tribunal's order , the Respondent No. 2 (Chairman / RRB / Guwahati) disposed of the representation dated 16.9.2005 of the applicant by passing a speaking order dated 10.4.2006 rejecting the claim of the applicant which was intimated to the applicant by the said Respondent No. 2 vide his letter No. RRB/G/OA/235/05/MD dated 12.4.2006 . That the concerned respondent authorities most arbitrarily and illegally rejected the bonafide claim of the applicant by passing the said speaking order dated 10.4.2006 whereas the Forensic Laboratory Report No. FSL./ 208/05-06/239 dated 24.3.2006 goes in favour of the applicant which clearly states that the

person who sat in the written Examination and that whose documents were verified vide document verification dated 24.6.05 is the same same person , i.e, the present applicant. But most surprisingly , the authorities have deprived the applicant from getting the post of Group-D (Trackman) stating that both these persons are not the same by misreading the FSL report , thereby departing from what it said which is clearly an arbitrary action since the handwriting was ~~sent~~ to FSL at the instance of the respondent authorities and when they found that the same goes infavour of the applicant , the respondent authorities , finding no other ground to deprive the applicant , took this frivolous ground , that too , by blatant misreading of the FSL report and hence being aggrieved , the applicant has approached this Hon'ble Court by filing this Original application .

JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

LIMITATION :-

The applicant further declares that the present application is within the limitation provided under Section 21 of the Central Administrative Tribunal Act, 1985 .

BRIEF FACTS OF THE CASE :-

1. That the applicant is a citizen of India and a permanent resident of Village-Barnirpar, P.O. Salchapra, P.S. Silchar in the District of Cachar, Assam and he is entitled to all the rights, privileges and protections guaranteed under the Constitution of India and the laws framed thereunder.
2. That the applicant being a qualified candidate applied for the post of Group-D (Trackman) under category No. 01, of Employment Notice No. 1/2003 for Lumding Division in the year 2003 and accordingly he qualified both the written Test as well as Physical Efficiency Test successfully. Thereafter Respondent No. 3 issued call letter vide letter No. RRB/G/41/10 date 23.06.2005 for document verification. The applicant appeared in the test and subsequently the list of candidates in the Employment News dated 6.12.2005 was published but the applicant's name was not found in the list. Thereafter applicant submitted representation dated 22.8.2005 to the Respondent No. 2 to allow him to know the reason for his non-selection for the post.

A copy of the aforesaid representation
dated 22.8.2005 is annexed as Annexure-1.

3. That having no other alternative remedy, the applicant approached this Hon'ble Tribunal by filing an Original Application being O.A. NO. 235/2005 and the Hon'ble Tribunal was also pleased to dispose of the same vide its order dated 12.9.05 with a direction to the Respondents, particularly the Respondent

No. 2 , to dispose of the representation , if so filed by the applicant afresh , by a speaking order expeditiously .

A copy of the said order dated 12.9.05 passed by this Hon'ble Tribunal in O.A. No.235/2005 is annexed as Annexure-2 .

Page -

4. That thereafter , the applicant submitted a fresh representation to the Respondent No. 2 on 16.9.2005 alongwith a copy of the order dated 12.9.2005 passed by this Hon'ble Tribunal in O.A. NO. 235/2005 praying for his appointment to the post of Group-D under Category No. 1 of Employment Notice No. 1/2003 .

A copy of the aforesaid representation dated 16.9.2005 is annexed as ~~Annexure-3~~ Annexure - 3 .

5. That thereafter, the Respondent No. 3 vide his letter dated 3.10.2005 intimated the applicant that his case was receiving due consideration and investigation by the competent authority, i.e. , the Chairman , Railway Recruitment Board , Guwahati (Respondent No. 2 .

A copy of the aforesaid letter dated 3.10.2005 is annexed as Annexure-4 .

Contd.....

6. That the applicant begs to state that since the date of submission of the representation on 16.9.2005, the Respondent authorities had been intentionally delaying in the matter in order to deprive the applicant from his legitimate claim for appointment to the post of Group-D(Trackman) and having no other alternative remedy , the applicant again approached this Hon'ble Tribunal by filing an Original Application being O.A. No. 9/2006 and this Hon'ble Tribunal was also pleased to dispose of the same vide its order dated 24.1.2006 with a direction to the competent authority particularly the respondent No. 2 to dispose of the representation by a speaking order intimating the position to the applicant within a period of three months from the date of receipt of this Order.

A copy of the said order dated 24.1.06
passed by this Hon'ble Tribunal in
O.A. No. 9/2006 is annexed as
Annexure - 5 .

7. That thereafter , the applicant submitted a copy of the said Hon'ble Tribunal's order dated 24.1.2006 to respondent No. 2 and other competent authorities .

8. That in view of this Hon'ble Tribunal's order dated 24.1.2006 , the respondent No. 2 (Chairman /RRB/Guwahati) passed a speaking order on 10.4.2006, which was intimated to the applicant vide letter dated 12.4.2006 issued by the said Respondent No. 2 wherein he stated that there had been some doubt about the handwriting of the applicant found in the

MD 35
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Application Form in response to the Centralized Employment Notice of 1/2003 with reference to the handwriting in the particulars filled up by the applicant in the Office of RRB, Guwahati on 24.6.2005 before Document verification. For confirmation, the handwriting of the applicant was referred to the Director of Forensic Laboratory, Govt. of Assam, Kahilipara, Guwahati-19 and the said Forensic report conformed that handwriting of the person, who reported for verification of documents on 24.6.2005 and the handwriting of the person who actually appeared in the written Examination held on 12.12.2004 is same, but the handwriting in the Original Application is not same with the handwriting of the person who reported for verification of document.

A copy of the said speaking order dated 10.4.2006 passed by respondent

No. 2 is annexed as Annexure -6.

9.

That the applicant begs to state that the concerned respondent authorities most arbitrarily and illegally rejected the bonafide claim of the applicant by passing the said speaking order dated 10.4.2006 whereas the Forensic Laboratory report No. FSL 1208/05-06/239 dated 24.3.2006 goes in favour of the applicant which clearly states that the person ~~is~~ who sat in the written Examination and that whose documents were verified vide document verification dated 24.6.2005 is the same person i.e., the present applicant. But most surprisingly, the authorities have deprived the applicant from getting the post of Group-D Trackman stating that both these persons are not same by misreading the

FSL report, departing from what it said, which is clearly an arbitrary action since the handwriting was sent to FSL at the instance of the respondent authorities and when they found that the same goes in favour of the applicant, the respondent authorities, finding no other ground to deprive the applicant, took this frivolous ground, that too, by blatant misreading of the FSL report.

10. That the applicant prayed that as per the said FSL report, handwriting of the person, who reported for verification of documents on 24/6/2005 and the handwriting in the Original application are not same, the applicant denies the same and most humbly states that he himself had filled up the Original Application Form by complying all the norms prescribed in the application form. Further the applicant had already qualified the written Test as well as physical Efficiency Test and the stage of Document verification is only a formality and if Certificates and testimonials as submitted by the applicant earlier are found to be true and also that the handwritings in the ~~answer~~ scripts of the written Tests are found to be genuine, then there cannot be any ground for deprivation of the applicant from getting selected for appointment.

11. That the applicant further begs to state that earlier the Respondent No. 3 verbally informed the applicant on 22.8.05 the reason for his non-selection was due to the dis-similarity in the photograph submitted by him in the Original application form in the year 2003 with that of his recent photograph and

this time the respondent authorities depriving him by taking a new and false plea that the handwriting in the Application Form is not same does not conform with that of the applicant's handwriting . All these acts clearly show the malafide intention of the Respondent authorities in depriving the applicant from getting appointment .

12. That the applicant's Fundamental Rights have been violated by the Respondent authorities on extraneous considerations by illegally depriving him for the post of Group-D (Trackman) under Category No. 1 of Employment Notice No.

1/2003 .

13. That the selected candidates were already recruited in the Group-D (Trackman) post by the respondent authorities whereas the applicant was deprived, although he genuinely passed all the tests and had bonafide impression that the authority might select him for the post of Group-D (Trackman) but unfortunately he was not selected and having no-other alternative the applicant has approached this Hon'ble Tribunal by filing this Original Application and this time urgent interference is sought for in the matter so that the applicant also get appointment .

14. That the applicant has no other alternative and/or efficacious remedy and the remedy prayed for is just adequate and proper .

15. That the applicant has demanded justice and the same was denied to him .

16. RELIEFS SOUGHT FOR :

In view of the facts mentioned above , the applicant Prays for the following reliefs :-

- (a) To set aside the impugned speaking order dated 10.4.06 (Annexure- 6) passed by the Respondent No. 2 (The Chairman / RRB/ Guwahati).
- (b) To direct the concerned Respondent Authorities to appoint the applicant for the post of Group-D (Trackman).
- (c) Any order/orders or directions as Your Lordships may deem fit and proper and in accordance with law in order to give full relief to the applicant .

And for this act of kindness , Your applicant as in duty bound shall ever pray .

17. LIST OF ENCLOSURES :

- (a) A copy of the representation made by the applicant to the Chairman, Railway Recruitment Board, dated 22.8.2005.
- (b) A copy of the order dated 12.9.2005 passed by this Hon'ble Tribunal in O.A. No. 235/2005 .
- (c) A copy of the fresh representation made by the applicant to the Chairman, RRB, dated 16.9.2005 .

(d) A copy of the letter dated 3.10.2005 issued by the Respondent No. 3 to the applicant .

(e) A copy of the order dated 24.1.2006 passed by this Hon'ble Tribunal in O.A. No. 9/2006 .

(f) A copy of the impugned Speaking order dated 10.4.2006 passed by Respondent No. 2 .

18. DETAILS OF POSTAL ORDERS :-

Postal Order No. :- 26 Cr 324270

Date of issue :- 22/5/06

Issued from :- Cr. P. O.

Payable at :- Cranthi

..... Verification .

: V E R I F I C A T I O N :

I, Sri Monotosh Das, aged about 35 years, S/O -
Late Kirti Ch. Das, Resident of Village-Barnirpar, P.O.-
Salchapra, P.S.- Silchar, Dist.- Cachar, Assam do hereby
verify the contents of Paragraph Nos. 1, 7, 9 to 15

of the application are true to my personal knowledge and the
contents of paragraphs No. 2, 3, 4, 5, 6 & 8 are
matters of records, which I believe to be true and correct and
the rest are my humble prayer and submissions before this
Hon'ble Tribunal.

And I sign this Verification on this the 22nd day
of May / 2006 at Guwahati.

Date :- 22.05.2006

Place :- Guwahati

Sri Monotosh Das.

Signature of the Applicant.

To

The Chairman
Railway Recruitment Board
Station Road, Guwahati - 1.

Sub: Prayer for allowing me to know the ground for non-selection to the post of Group-D under Category No.01 of Employment Notice No. 1/2003 .

Respected Sir ,

It is to bring forth to your kind notice that I qualified in the Selection for the post of Group-D under Category No. 01 of Employment notice No. 1/2003 . That after passing the Written Exam , I was called for physical Efficiency test under Roll. No. 24686652 on 23/6/05 at 6.30 A.M. and I also qualified in the same and thereby was called for Document verification on 24/06/2005 at 10 A.M.

That, thereafter, the declaration of the result I was very much taken aback when I found that my Roll No. was not there in the result sheet. It is a matter of grave concern as to why my name (Roll No.) was not published .

Therefore Sir , it is prayed to you to let me know why my Roll. No. was not there in the result sheet since I have produced before you all my original testimonials and documents to your satisfaction as asked by your goodself .

Thanking you

Dated ,
The 22nd Aug/2005 .

Yours faithfully .
Sd/-

(Sri Monotosh Das)
Roll No. 24686652

Address for Communication : Monotosh Das , P.O.-Salchapra ,
Vill- Barnirpar, Dist.-Cachar, Assam.
Pin.- 788814.

To

The Chairman,
Railway Recruitment Board,
Station Road, Guwahati - 1.

Sub: Prayer for allowing me to know the ground for non-selection to the post of Group-D under Category No. 01 of Employment Notice No. 1/2003.

Respected Sir,

It is to bring forth to Your kind notice that I qualified in the Selection for the post of Group-D under Category No. 01 of Employment notice No. 1/2003. That after passing the Written Exam, I was called for physical Efficiency test under Roll. No. 24686652 on 23/6/05 at 6.30 A.M. and I also qualified in the same and thereby was called for Document verification on 24/06/2005 at 10 A.M.

That, thereafter, the declaration of the result I was very much taken aback when I found that my Roll. No. was not there in the result sheet. It is a matter of grave concern as to why my name ('Roll No.') was not published.

Therefore Sir, it is prayed to you to let me know why my Roll. No. was not there in the result sheet since I have produced before you all my original testimonials and documents to your satisfaction as asked by your goodness.

Thanking you,

Dated,

The 22nd Aug/2005

Yours faithfully,

Sri Monotosh Das
(Sri Monotosh Das)

Roll No. 24686652

Address for Communication :

MONOTOSH DAS,

P.O. SALCHAPRA,

VILL. BARNIRPAR,

DIST. CACHAR, ASSAM.

PIN .- 788814

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORDER SHEET.

Original Application No 235/05

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant(s) Monotosh Das

Respondent(s) U. O. I. & Ors

Advocate for the Applicant(s) :-

P.K.Deka, I.H.Laskar,

Ms. I.Krishnatraiya.

Advocate for the Respondent(s) :- Railway Counsel

Notes of the Registry / Date / Order of the Tribunal

12.9.2005/ Present: The Hon'ble Mr. Justice G.

Sivarajan, Vice-Chairman.

The applicant, Pursuant to an employment notice No.1/2003, applied for the post of Group 'D' (Trackman) under the respondents. His case is that he had passed the qualifying Written Examination, Physical efficiency test and had also appeared before the respondents for document verification. His grievance is that his name is not seen in the final select list published by the respondents. It is his case that he made a representation dated 22.8.2005 (Annexure-13) before the Second respondent on 22.9.2005,

Contd.....

-2-

12.9.2005 :

But the same was not accepted. It is also/stated that the Office of the Second respondent had orally informed the applicant that his name was not included in the Select list for the reason that there was dissimilarities in the photograph submitted by him in the application form in the year 2003 with that of his recent photograph. The applicant without pursuing the matter before the respondents have approached this Tribunal for direction to the second respondent to appoint him in the Group 'D' post (Trackman) .

I have heard Mr. P.K.Deka, learned Counsel for the applicant and Mr. J.L.Sarkar, learned Counsel for the Railways. I am afraid the reliefs sought for by the applicant cannot be granted in this application. If the reason alleged to have been given by the respondents to the applicant and mentioned above is correct, the respondents ought to have afforded an opportunity to the applicant but that does not mean that the applicant can straightway approach this Tribunal. If the applicant is so advised, he can file a fresh representation before the second respondent within two weeks from today. If any such representation is filed, the same will be disposed of by the second respondent by a speaking order expeditiously .

The O.A. is disposed of with the above observations. The applicant will produce this order before the second respondent along with the representation for compliance .

Sd/- Vice Chairman

Date of Application: 13.9.05

Date on which copy is ready: 13.9.05

Date on which copy is delivered: 13.9.05.

ANNEXURE- 3

- 20 -

To

The Chairman

Railway Recruitment Board,
Station Road, Guwahati - 1.

Sub:- Prayer for Appointment for the post of Group-D under Category No. 01 of Employment Notice No. 1/2003.

Respected Sir,

It is to bring forth to your kind notice that I qualified in the selection for the post of Group-D under Category No. 01 of Employment Notice No. 1/2003. That after passing the Written Examination, I was called for physical Efficiency Test under Roll No. 24686652 on 23/06/05 and also qualified in the same and thereby I was called for document verification on 24/06/2005 at 10 A.M.

That, thereafter on declaration of the result, I was very much shocked when I found that my Roll Number was not there in the result sheet.

Thereafter I approached the Hon'ble Central Administrative Tribunal, Guwahati Bench through an Original Application being No. 235/2005 and accordingly the Hon'ble Tribunal vide its Order dated 12.9.2005 disposed of the said Original Application with a direction to you to consider my claim for appointment and pass appropriate order expeditiously. I have enclosed a Copy of the said Hon'ble Tribunal's Order dated 12.9.2005 with this application.

Therefore Sir, I pray before you to consider my claim and to take initiative for my appointment for the abovesaid post keeping in view that I am a very poor person and an eligible candidate for the post and had qualified all the qualifying tests organised by you for selection of Candidate for the post of Group-D under Category No. 01 of Employment Notice No. 1/2003. If any dissimilarity is there in my photograph as submitted in the application form in the year 2003 with that of the recent photograph, then I may be allowed to clarify the same so that I may not be deprived for getting appointment for this reason.

This is my humble prayer before You.

Date:- 16/09/05.

Address for Communication.
SHRI MONOTOSH DAS
S/O Lt. KIRTI CH. DAS
VILL. BARNIRPAR
P.O. SALCHAPRA
P.S. SILCHAR
DIST. CACHAR, ASSAM

Yours faithfully
Sri Monotosh Das
(Sri Monotosh Das)
Roll No. 24686652

Received
16/09/05

RAILWAY RECRUITMENT BOARD & GUWAHATI,
PANBAZAR, STATION ROAD, GUWAHATI, 781 001 (Assam)

No. OA/235/05/RRB/M. Ds)

Dt. 03-10-05

To : SHRI MONOTOSH DAS,
S/O KIRTI CHANDRA DAS,
VILL. BARNIRPAR, P.O. SALCHAPARA,
PG silchar, DIST. DACHAR,
ASSAM PIN 763 814.

Sub:- Judgment/Order dated 12-09-2005 in OA
No. 235/05 Shri Monotosh Das vs. - Union
of India & others.

Reff:- Your letter (representation) dated 16.09.05

The competent authority i.e. Chairman, Railway Recruitment Board, Guwahati gone through your representation referred to above as well as the judgment/order dated 12-09-2005 in OA No. 235/05. Shri

Your case is receiving due consideration and investigation. You will be intimated after the decision is taken finally by the competent authority.

This is for your information please.

*1/1/2005
53/10/05*
(R K Sonowal)

Asstt. Secretary
for Chairman/RRB/Guwahati

Copy to :- CPO/Maligaon for his kind information please.

(R K Sonowal)
for Chairman/RRB/Guwahati

Exhibit No. 3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 09/2005

Date of Order : This the 24th January 2005.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Sri Monotosh Das
S/o - Lt. Kirti Ch. Das
R/o - Vill. - Barnipar
P.O. Salchapra
P.S. - Silchar
District - Cachar, Assam.

... Applicant

By Advocates Mr. P.K. Deka, Mr. I.H. Laskar and Mr. J. Krishnatiya.

Versus -

1. Union of India,
Represented by the General Manager,
N.F. Railway,
Law Maligaon, Guwahati - 1, Assam.

2. The Chairman,
Railway Recruitment Board (RRB),
Guwahati, Station Road, Panbazar,
Guwahati - 1.

The Assistant Secretary,
For the Chairman,
Railway Recruitment Board, Station Road,
Guwahati - 1.

4. The Divisional Personal Officer,
Lumding Division, N.F. Railway,
Lumding, Dist. - Nagaon, Assam.

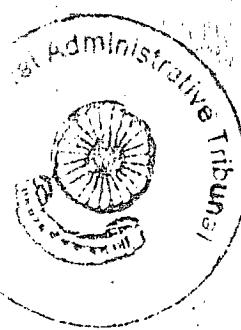
... Respondents

By Dr. J.L. Sarkar, Railway Stating Counsel.

ORDER (ORAL)

SIVARAJAN. (V.C.)

The claim of the applicant is that he appeared for written test for the post of Group - D (Trackman) under the Category No. 01 advertisement published in the Employment Notice No. 1/2003 in the year 2003. According to the applicant, the respondent No. 3 issued call letter for physical efficiency test and the applicant successfully passed the test. Another call letter was issued by the Respondent No. 3 vide letter No. RRB/G/41/10 date 23.06.2005 for document verification. The applicant appeared in the test. A list of candidates in the Employment News dated 06.12.2005 was published. But the applicant's name was not found in the list. He submitted representation dated 22.08.2005 to allow him to know the reason for his non-selection for the post. Thereafter, the applicant had approached this Tribunal by filing O.A. No. 235/2005. This Tribunal vide order dated 12.09.2005 disposed of the O.A. directing the respondents to dispose of the representation, if so filed by the applicant afresh, by a speaking order. As per direction of this Hon'ble Tribunal, the applicant submitted a representation dated 16.09.2005. But on 03.10.2005 though a letter was received from the Respondent No. 3 that the applicant's case is being considered and investigated by the competent authority, nothing is heard so far. Aggrieved by the said inaction, the applicant has filed this O.A. seeking the following relief :-



"(a) To direct the concerned Respondent Authorities to appoint the applicant for the post of Group - D (Trackman).

(b) Any order/orders or direction as Your Lordships may deem fit and proper and in accordance with law in order to give full relief to the applicant."

2. Mr. P.K. Deka, learned counsel for the applicant submits that as per direction of this Hon'ble Tribunal, the applicant had filed representation before the concerned respondent, which is yet to be disposed of. Counsel further submits that he will be satisfied if a direction is given to the concerned respondent to dispose of the representation filed by the applicant. Dr. J.L. Sarkar, learned standing counsel for the Railways submits that he has no objection in adopting such course of action.

3. In the interest of justice, this Court directs the Chairman, Railway Recruitment Board, N.F. Railway, Maligaon and/or any other competent authority to dispose of the representation by a speaking order intimating the position to the applicant within a period of three (3) months from the date of receipt of this order.

The O.A. is disposed of as above at the admission stage itself. In the circumstances of the case, there shall, however, be no order as to costs.

sd/ VICE CHAIRMAN

24/1/06

Date of Application : 24/1/06

Date on which copy is ready : 24/1/06

Date on which copy is delivered : 24/1/06

Certified to be true copy

24/1/06

Section 17(1)(b) of the RTI Act

C. A. T. shall be the

Officer in Charge

24/1/06

24/1/06

ANNEXURE - 6

- 25 -

Regd with A/D.

Railway Recruitment Board, Guwahati.

No. RRB-0A/235/05/MD

Dt. 12.04.06

Shri Monotosh Das,
S/O Late Kirti Das,
R/O-Vill. Barnipar
Dist.- Cachar, Assam.

Sub:- Original Application No. 09/2006.

Ref:- Hon'ble Vice Chairman, CAT/Guwahati's

Order dated 24/01/06.

In reference to the above, the Original application submitted by you alongwith the Hon'ble CAT/GHY'W order dated 24/1/06, Your application was put up to the competent authority, Respondent No. 2 (Chairman/RRB/Guwahati), his speaking order passed on 10/04/06 is enclosed herewith for your information please.

Please note that, with the speaking order of the competent authority, your Original application has been disposed of.

Enclo : One

Sd/-

12/4/06

(R.K. Sonowal)

Secretary

For Chairman/RRB/Guwahati.

Copy to : APO/ Legal Cell for information and necessary action
please.

For Chairman ~~Y~~ RRB/Guwahati.

RAILWAY RECRUITMENT BOARD :: GUWAHATI .

Sub:- O.A. No. 09/2006 of Hon'ble CAT Guwahati and order of
CAT Guwahati , Dated 24/01/2006 .

Ref:- Your Application dated 09/01/2001 .

The Hon'ble CAT , Guwahati order dated 24/01/2005 in the
OA No. of 09/2006 has been carefully gone through by the
undersigned and after due consideration the undersigned passes
the following order .

1. While verifying the original Documents of Sri Monotosh Das ,
S/O Late Kirti Ch. Das , R/O- Vill. Barnipar , P.O. Salchapra,
P.S.- Silchar , District-Cachar, Assam there had been some
doubt about the handwritings of the Original Application form
of the petitioner in response to the Centralized Employment
Notice of 1/2003 with reference to the handwritings of the
particulars filled up by Shri Monotosh Das in the Office of
RRB/Guwahati on 24/06/2005 before verification of documents.
2. As such for further verification of handwritings of Shri-
Monotosh Das also taken on the very date as at taken of
sample with his clear signature and thumb impression .
3. For conformation of the dis-similarity of the handwritings
of Shri Monotosh Das at different places in different times
the case was referred to The Director of Forensic Laboratory.
Government of Assam , Kahalipara , Guwahati - 19 .
4. In the report received from the Director of Forensic Laboratory vide his letter No. FSL, 1208/05-06/239 dated 24/03/2006
conformed that
(a) hand writings of the person , who reported for verification of documents on 24/06/2005 and the handwritings of
the person who actually appeared in the Written Examination
held on 12/12/04 is same .

- 2 -

(b) hand writings of the person, who reported for verification of documents on 24/06/2005 and the handwritings in the Original application are not same .

5. It has been specifically pointed out in the Centralized Notice No. 1/2003 directing to all the candidates who desired to apply in response to the Employment Notice of 1/2003 that He/She should fill up his/her application format in his/her own hand writings . But in this particular case the person who appeared in the written examination and appeared on 24/06/2005 for verification of Original Documents is not the same person. As per guidelines to the candidates in the Centralized Employment Notice, this is the false/ mis-statement declared by the candidate himself in the original application form which tantamount cancellation of his candidature .

5. In view of the facts narrated above the candidature of the Original applicant (Shri Monotosh Das, S/O Late Kirti Ch. Das) is treated as cancelled .

Please communicate the Order to the Applicant .

~~SECRETARY~~
Secretary

RRB/Guwahati

Sd/-
10/4/06

Sd/-

10/4/2006 .
Chairman

RRB/Guwahati .

Monalash Das

53

District CACHAR

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. 122/2006



Sri Monalash Das

Appellant
Petitioner

Versus

The Union of India & Ors.

Respondent
Opposite Party

ents that above-named

Applicant

do hereby nominate, constitute and appoint Shri P. K. Deka, I. H. Laskar &

Mr. I. Krishnadraya

Advocate and such of the undermentioned
gentlemen as may be present at the time of the service of this Vakalatnama to be my/our true and lawful Advocates to appear
in the matter noted above and in connection therewith and for that purpose
I/we nominate and appoint them to act for me/us in that connection including depositing or drawing money, filing in
any documents or papers, or any other acts or proceedings of composition etc. for me/us and on my/our behalf and I/we agree
that all acts so done by the said Advocates as mine/ours to all intents and
purposes shall be deemed to be done on my/our behalf and on-payment of the stipulated fee in full, no Advocate will be bound to
act for me/us in any other case.

In witness whereof I/we hereunto set my/our hand this

day of May 2006

22/5/06

ADVOCATES

M. A. Laskar
B. L. Singh

✓ I. H. Laskar
✓ P. K. Deka

And Accepted

Imam Hussain Laskar
Advocate
22/5/06

Received from the executant.
Satisfied and accepted.

Mr. _____
leads me/us in this case.

Pankaj Kumar Deka

Advocate

22.05.2006

Advocate

NOTICE

NOTICE

Date

22/05/06

From,
Mr. P. K. Deka.
Advocate.

To. Mr. J. L. Sarkar,
Railway standing counsel.

sub- O. A. NO. ————— /2006

Sri- Monotosh Das

-vs-

The Union of India & Ors.

Sir, with reference to the subject cited
above please take notice of the
foresaid O. A. application filed
by the petitioner above-named before
this Hon'ble Tribunal.

Kindly receipt and acknowledged
the same.

Thanking you.

Yours faithfully,

Q.K.D.

Advocate.

22/5/06

copy received

Advocate Standing Counsel
Railway Standing Counsel
I understand to serve to Sr. Standing Counsel
Railway 22/5/06

VAKALATNAMA

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA No. 122 of 2006

Sri Manotosh Das Applicants

Versus

U.O.I. & Ors Respondents

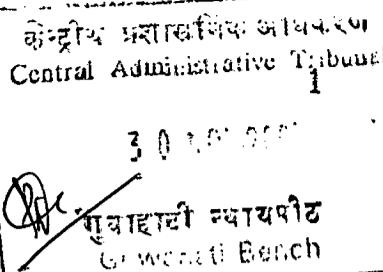
We, Sri Jiban Jyoti Borah, Chairman, Railway Recruitment Board, Guwahati of the Northeast Frontier Railway Administration, who is also ex-officio authorised to act for and on behalf of the Union of India as representing the Northeast Frontier Railway Administration do hereby appoint and authorised Smt B. Devi, Railway Advocate, Guwahati to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back document, to accept processes of the court to appoint and instruct counsel, Advocate or pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal proceedings and to do all things incidental to such appearing, acting, applying, pleading and presenting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate officer of the Govt. of India, the said Counsel/Advocate/Pleader or any counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defense/ proceedings against all or any defendants/respondents/ appellants/ plaintiffs/opposite parties or enter into agreement, settlement or compromise hereby the suit/appeal/proceedings is/are wholly or partly adjusted or refer all or any matter or matters arising out in dispute therein to arbitration PROVIDED THAT IN exceptional circumstances when there is not sufficient time to consult such appropriate officer of the Govt. of India and on omission to settle or compromise would be definitely prejudicial to the interest of the Govt. of India the said Pleader/Advocate or Counsel may enter into any agreement, settlement or compromise whereby the suit/ appeal proceedings is/are wholly or partly adjusted and in every such case the said counsel/advocate/pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

I hereby agree to ratify all acts done by the aforesaid Smt B. Devi, Railway Advocate, Guwahati in pursuance of the authority.

IN WITNESS WHERE OF THOSE presents are duly executed for and on behalf of the Union of India this _____ day of _____ 2006.

Bharatli Devi
CAT
RJA
5/9/06

FOR AND ON BEHALF OF UNION OF INDIA



DIST. - CACHAR

Filed by
Chairman
C.A., 27/10/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH AT GUWAHATI

O.A. No. 122 of 2006

Shri Monotosh Das Applicant
-Vs-

Union of India & others Respondents.

WRITTEN STATEMENTS ON BEHALF OF THE
RESPONDENTS.

The Written statements of the Respondents are as follows :-

1. That a copy of the Original Application No. 122/06(herein after referred to as the " application" has been served upon the respondents . The respondents have gone through the same and understood the contents thereof.

2. That save and except the statements which are specifically admitted by the respondents , the rest of the statements made in the application may be treated as denied.

3. That the statements made in paragraph 1,2,3& 4 to the application the answering respondent has no comment unless contrary to the records.

4. That in regard to the statements made in paragraph 5 to the application the answering respondent begs to state that as per communication contained in the letter vide No. OA/235/05/RRB/MD dated 3.10.05 issued by the Chairman , RRB, Guwahati, the applicant was intimated that his case will be considered after due investigation as to the genuineness of his handwriting and the final decision will be taken by the competent authority.

5. That in regard to the statements made in paragraph 6 to the application the answering respondent begs to state that since there has been some doubt about the handwritings of the applicant at different times and in different places in the process of appointment which compelled the authority to refer the subject case to the Forensic Laboratory for proper scientific investigation by the experts to that effect. Hence the delay has been caused in

Copy enclosed
Date _____
Place _____

John Dijo Dhandu

taking decision . There has been no intentional lapse or negligence on the part of the respondents to dispose of the applicant's case as directed by the Hon'ble Tribunal..

6. That with regard to the statements made in paragraph 7 to the application the answering respondent has no comment .

7. That with regard to the averments made in paragraph 8 to the application the deponent begs to state that since reasonable suspicion had arisen as to the genuineness of handwriting of the applicant at different stages of recruitment , so in order to make confirmation to that effect the respondent/ competent authority had to take opinion from the Forensic Department , Assam, Kahilipara , Guwahati . As per findings of the Forensic Department the respondent had to take decision which resulted in passing the speaking order by the respondent dated 10.6.2006.

8. That the statements made in paragraph 9 to the application are untrue allegation and not admitted by the deponent. In pursuance of the report of the FSL it appears that the person who had originally filled up the Application Format in response to Centralized Notice No. 1/2003 is not the same person who had appeared in the written examination as well as on the day of verification of original documents. The respondent is guided by the expert , FSL hence the question of illegality and arbitrariness is out of tune. The respondent has no ill motive to deprive a candidate unreasonably dehoring the rules of procedure.

All the relevant documents are enclosed herewith and marked
as *ANNEXURE-A, B ,C, D, E, F, G, H, I & J* respectively.

9. That the statements that averred in paragraph 10 to the application are not correct and the same are unacceptable at all. It is pertinent to mention that on the day of verification of documents a self-declaration with full particulars of the candidate has been taken to avoid any impersonation. From the writings of the original application Form, written examination and document verification it cast serious doubt as to the genuineness of the handwriting of the person who wrote these papers which compelled the authority to get it confirmed through the opinion of the Expert, FSL, Govt. of Assam. As per findings of the FSL the candidature of the applicant has been

Jehan Jyoti Borkh 58

rejected and not found eligible. Further it is brought to the notice of the Hon'ble Tribunal that the main aims and objectives of RRB/GHY is to select a genuine person if he is one and same person in all the occasions till the recruitment process is over. In the above pretext it can not be said to be illegal deprivation of the applicant from getting selection for appointment.

10. That the statements made in paragraph 11 to the application are not admitted by the answering respondent which are chilly pleas only to attract the sympathy of the Hon'ble Tribunal.

11. That the statements made in paragraphs 12,13,14 and 15 are not acceptable by the respondent. From the facts and circumstances quoted above, there is no reason for violation of fundamental rights as alleged by the applicant.

12. That the applicant is not entitled to any relief as claimed by him.

13. That the Application Form alleged to have filled up by the applicant itself is defective as the applicant's name has not been written in column No.1 of the Application Form.

14. That it is imperative that in each and every Advertisement it is specifically directed to all the candidates to fill up the original application format in his/her own handwriting.

15. That the application filed by the applicant is devoid of merit and as such not tenable in the eye of law and liable to be dismissed.

16. That the respondent has rightly passed the order and there is no impediment, infirmity and illegality to be interfered by the Hon'ble Tribunal.

17. That in any view of the matter raised in the application and the reasons set forth thereon, there cannot be any cause of action against the respondents at all and the application is liable to be dismissed with cost.

In the premises aforesaid , it is, therefore, prayed that Your Lordships would be pleased to peruse the records and after hearing the parties be pleased to dismiss the application with cost. And pass such other orders/orders as to the Hon'ble Court may deem fit and proper considering the facts and circumstances of the case and for the ends of justice.

And for this the humble respondent as in duty bond shall ever pray.

VERIFICATION

I, Shri Jibonjoyti Baruah Son of resident
 of Guwahati at present working as the
Chairman, R.R.B., Guwahati being competent and
 duly authorised to sign this verification do hereby solemnly affirm and state
 that the statements made in paragraph 1,2,3,4,5,6,7,8, 9 ,10 & 11 are true
 to my knowledge and belief , and the rests are my humble submission
 before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this day of Oct., 2006 at
Guwahati.

Jibonjoyti Baruah
DEPOVENT

ANNEXURE - A

-5-

OFFICE OF THE DIRECTOR, POKERUSI LABOUR COLLECTIVE
ASSAM-GUWAHATI.

10

Ref ID: 2281185, 2181696, FAX (0361 - 2281305)
E-mail: ffsfusam@saty.com

✓ By Special Messenger

No FSL 1208/03-06 239

Dated Guwahati, the 24/3/2006

Frontiers in Chemical Engineering | www.frontiersin.org
10 | December 2021 | Volume 3 | Article 710620

The Chairman,
Railway Recruitment Board
Cyravahali Salien Road, Tambuzar Ghat

Subject: Please find herewith the enclosed Opinion No. JKS/GOD/Gen/2005/15/15 dated 15/07/2005 with a confidential P.S. Case No. 2005/15/15 dated 15/07/2005 with your memo No. JKS/GOD/Gen/2005/15/15 dated 15/07/2005 through messenger. Please acknowledge receipt.

The exhibit(s)/document(s) to be examined will be sent in due course.

For all future correspondences or payments the account number may please be quoted and

Mr. M. N. Baruah, Senior Scientific Officer, Question & Document Division, Forest Research Institute, Dehradoon-12, may be authorized for exchange, if necessary.

卷之三

Opinion No. FST/ODS 1630.

EST 24.02.06.

10 Docks, stopped and marked (1), 24/1

From Q11 to Q10 and S1 to S3 in

10 *Journal of Envelope and Variable*

2010-2011 学年第一学期高二年级期中考试

Notes and References

Government of Assam, Forensic Science
Laboratory, Assam, Kaziranga, Guwahati-19.

26/10/2010
Secretary
Railway Recruitment Board
Lokmanya Tilak Marg
Mumbai - 400 012

— 1 —

GOVERNMENT OF ASSAM
OFFICE OF THE DIRECTOR, FORENSIC SCIENCE LABORATORY, DIST. M.
KAHILNARAJA MAHATI

76

The Chairman,
Railway Recruitment Board,
Chennai Central Station Road, 21

OPENCON

NO FSL/QDS-163/05

LAWRENCE, 1903, VOL.

2. The person who wrote the blue enclosed writings and signature on S1 page and marked S1 to S8 also wrote the red enclosed writings and signatures similarly stamped and marked H1 to H6.

3. The person who wrote the blue enclosed writings and signatures stamped and marked S1 to S3 did not write the red enclosed writings and signatures stamped and marked Q1, Q1/1 and Q2 to Q11

(M.N. BORAH), M. Sc.,
Senior Scientific Officer,
Questioned Document Division,
Central Bureau of Laboratory, Ass. I.,
Kahilipura, Guwahati-19.

A 3

28/8/19
Secretary
Railway Recruitment Board
1966/10/1

Personal Data Sheet

ANNEXURE - G - 7 -

Ref. No (for office use only)

2019633

24686652

Control No (for office use only)

Please write in CAPITAL LETTERS. Please tick (✓) wherever required

Category No. 01 Emp. Notice 1/03

1. Post: (a) Trackman/Calignian
 (b) Khalasi/Helper - II
 (c) Both
(d) Preference for the Post (if any):

2. Medium of Question paper: Hindi/English/Regional

3. Name MONOTOSH DAS

3. a Dt. of Birth d d m m y y 1 7 0 1 7 0 3. b Nationality I N D I A N

3. c Religion Hindu Muslim Christian Sikh Buddhist Jain Parsi Others

5. Father's/ Husband's Name KIRTI CHANDRA DAS

6. Sex M F
Status Married Married
Pin 7688197. a Correspondence Address P O S A L C H A R R A V I L L B A R N I R P A R D T C A L C U T T A
R D I S T C A L C U T T A
State ASSAM Pin 7888197. b Permanent Address KIRTI CHANDRA DAS P O S A L C H A R R A V I L L B A R N I R P A R D T C A L C U T T A
R P R A V I L L B A R N I R P A R D T C A L C U T T A
State ASSAM Pin 788819

7. c Nearest Rly. Station S A L C H A P R A

8. Community OBC SC ST 8. a Sub Caste P M T M I have enclosed OBC certificate in format as per Annex. '1' (For OBCs)

8. b Seek Age relaxation under
(Tick appropriate box ONLY where specified
i.e. Emp. Notice) SC ST OBC Judicially Separated/ Divorced Women J & K Resident Ex SM Railway Employee

Ans 9 For Educational Qualification should comply with minimum requirements specified in the advertisement

9 Edu Qualification	University/Board	Year	Subjects	Marks(%) & Division
HSLC	SEBA	1987	Eng, Beng, Math, Science, Sanskrit, SST, Adv. Maths	898 3 16% D/1 85%

Name of Post office/Bank	Serial No & Date	Amount Rs

11. Marks of Identifications Visible:

01. Dark Man Color (Light black)
02. Black spot in Spinealt 1/1
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Railway Recruitment Board

No RRB.C.

APPLICATION FORM

For Group-D Post

To, Member Secretary/Assistant Secretary
Railway Recruitment Board,

NFR Guwahati-781001.

Subject: Application For Vacancies Notified Against Category No. 101 of Employment Notice No. 2103
Name of post Trackman for Railway/Production Unit NFR

I do hereby apply for recruitment in railway and furnish the following particulars:

1. Name of the candidate

2. Marks of Identification

Black spot on the stomach

2. Spot on the left knee

3. For serving Railway employees

4. If you are an Ex serviceman, state Unit

Designation	Dept/Rly office	No of years of service	Enrolment Date	Attestation Date	Unit	Date of Discharged/ Retirement/Length of service	Length of service

Enclosures (As applicable)

5. List of enclosures (as applicable)

1. HSLC certificate
2. Matriculation certificate
3. Caste certificate
4. Photo
5. P.R.C.
- 6.
- 7.

6. Declaration: "I hereby declare that the facts and evidences given by me in the above application are true, complete and correct to the best of my knowledge and belief. In the event of any misstatement/discrepancy in the particulars being detected at any stage my candidature/service would be cancelled/terminated without any notice."

(Above para to be written by the candidate in his/her own running hand in English below)

I hereby declare that the facts and evidences given by me in the above application are true, complete and correct to the best of my knowledge and belief. In the event of any misstatement/discrepancy in the particulars being detected at any stage my candidature/service would be cancelled/terminated without any notice.

not of
the
candidate

7. Sample signatures in running script (signatures in Block letters shall DISQUALIFY the candidate)

1. Monjosh Das 2. Monjosh Das 3. Monjosh Das
1. Monjosh Das 2. Monjosh Das 3. Monjosh Das

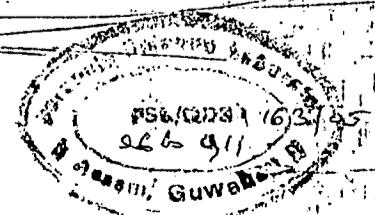
Place Ghatkopar

Date: 22/07/03

Left Thumb Impression of Candidate

Monjosh Das

Signature

Dated 22/07/03
Recd. 22/07/03
Signature
Railway Recruitment Board
Guwahati

QUESTION BOOKLET NO.

प्रश्न-पुस्तिका क्रमांक

348773

Roll No.

रोल नं. 24686652

Candidate's Name

परीक्षार्थी का नाम

Name of the Post

पद का नाम

Date of Exam.

परीक्षा तिथि

Venue

स्थान

Monosh Das

Signature of Candidate

परीक्षार्थी के हस्ताक्षर

E.N. No.

ई. एन. संख्या

Signature of

Invigilator

निरीक्षक के हस्ताक्षर

19/1/2003

21/12

Time : 1 Hour 30 Minutes

Full Marks : 100

For the benefit of Candidates, this Question Booklet is prepared in five languages, i.e., English, Hindi, Assamese, Bodo and Bengali. Candidate may refer to any one of these languages as per their choice. This booklet contains 100 questions of one mark each.

1. Fill up required information in the Question Booklet and OMR Answer Sheet accurately. Thereafter start answering questions no. 1 to 100. A total of 90 minutes is provided.
2. This booklet contains objective-type questions which are required to be answered in the OMR Answer Sheet. A separate OMR answer sheet is provided for marking your answers in this booklet. Please do not mark your answers on this Question Booklet.
3. There is negative marking for wrong answers. For Q. Nos. 1 to 100 Negative marking is at the rate of 1/3 mark for each wrong answer.
4. The carbonless OMR answer sheet is in two copies. You have to darken only the top sheet which will automatically appear on the duplicate sheet. Please do not detach the top sheet from the duplicate bottom sheet of the OMR Answer Sheet.
5. Please fill in all the entries on the Answer Sheet in the space provided such as Roll No., Question Booklet No., etc. Also darken the ovals in the space provided below all such columns given in the Answer Sheet. Do not write anything else on the OMR Answer Sheet.
6. For filling up the answers into the ovals marked in the Answer Sheet, use only blue/black ball-point pen. Use of Pencil is not permitted. The ovals should be carefully marked and should be completely filled up, so that the letter written inside the oval is not visible. The oval once marked cannot be erased. Any attempt to erase will spoil the Answer Sheet and it will not be evaluated. The sample for filling up the correct answers is given as under :

WRONG METHODS



CORRECT METHOD



7. For each question in this test, four probable answers, viz., A; B; C; D are given, out of which only one is the correct answer. You have to mark the correct answer on the OMR Answer Sheet by darkening the oval with the correct alternative.
8. An example is given below to make you understand the process of answering the questions :
Example - Question : $2+5=?$
(A) 9 (B) 6 (C) 11 (D) 7
The correct answer of the question is (D) '7'. Hence Answer Sheet should be marked as shown below.

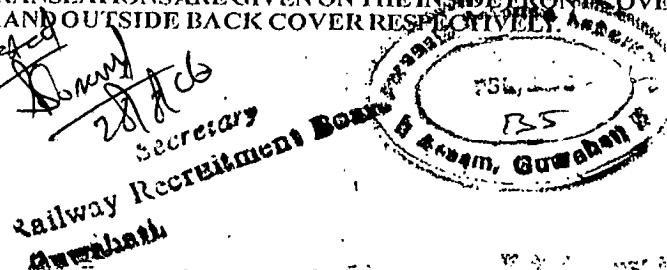


No marks will be awarded for crossed out, rewritten and overwritten answers.

9. The OMR Answer Sheet is evaluated by computer. You should, therefore, ensure that it is not folded, folded or damaged in any manner. No rough work should be done on the OMR Answer Sheet.
10. After you are told to open the Question Booklet, please check that your booklet contains 100 questions. If there is any defect or deficiency, have it replaced at once.
11. The rough work should be done only at the prescribed place in the Question Booklet.
12. Use of calculator, slide rule, etc., is not permitted. Use of Cell-phone is not permitted during examination.
13. Copying or adoption of any other malpractice by a candidate at the time of examination will render a candidate being disqualified.
14. Do not leave the examination hall without the permission of the Invigilator. The Question Booklet as well as the Answer Sheet in duplicate should be handed over to the Invigilator before you leave the examination hall.
15. In case of any ambiguity in the Hindi/Assamese/Bodo/Bengali version, the English version is to be considered authentic.

ASSAMESE, BENGALI AND HINDI TRANSLATIONS ARE GIVEN ON THE INSIDE FRONT COVER,
INSIDE BACK COVER AND OUTSIDE BACK COVER RESPECTIVELY.

CESC/GD/0103/1212/MS



CESC/GD/0103/1212/MS

QUESTION BOOKLET NO.

34873

परीक्षा-पुस्तिका क्रमांक

Roll No.

रोल नं. 24686652

Candidate's Name

परीक्षार्थी का नाम

Monotosh Das

Name of the Post

पद का नाम

1/Group D

B3

Date of Exam.

परीक्षा की तिथि

12-12-2009

Venue

स्थान

Govt. Boys H.S. School, Silchar

Signature of Candidate

परीक्षार्थी के हस्ताक्षर

E.N. No.

ई-एन.-संख्या

Signature of

Invigilator

निरीक्षक के हस्ताक्षर

Monotosh Das

18-12-09

H/12/12

CONTENTS

Sl.No.	Description	L. No.	Sl.No.	Description	Page No.
1.	Instruction in English	1	6.	Questions in Assamese	2 to 34
2.	Instruction in Assamese	2	7.	Questions in Bodo	35 to 44
3.	Signature, etc. of Candidate & Paragraph Writing	3	8.	Questions in Bengali	45 to 55
4.	Questions in English	4 to 13	9.	Space for Rough Work	56 to 58
5.	Questions in Hindi	14 to 23	10.	Instruction in Bengali	59
			11.	Instruction in Hindi	60

निर्देश INSTRUCTIONS

नीचे एक हिन्दी का तथा एक अंग्रेजी का पैराग्राफ दिया गया है। इन दोनों पैराग्राफों में से किसी एक की नकल स्वयं की हस्तालिपि में पेज संख्या 3 पर खाली छोड़ी गयी जगह में करना अनिवार्य है।

One paragraph in Hindi and one in English is given below. Copying of any one paragraph in your own handwriting on page no. 3 of this question paper is compulsory.

हिन्दी पैराग्राफ : भारत की प्राकृतिक तथा सांस्कृतिक विरासत समृद्ध और विविध है। इसका कारण है कि भारत एक विशाल देश है और अनेक प्रकार की भौतिक और भौगोलिक विविधताओं के कारण इसकी सुपरिभाषित भौगोलिक गत्ता का तितास हजारों वर्ष पुराना है।

English Paragraph : India has a very rich and diverse natural and cultural heritage. This is because it is a vast country and has a well defined geographical entity, having a wide variety of physical and geographical features. Its history is quite ancient and goes back to several thousand years.

हिन्दी / अंग्रेजी

पैराग्राफ की नकल के लिये स्थान

Space for Copying Hindi/English Paragraph

India has a very rich and diverse natural and cultural heritage. This is because it is a vast country and has a well defined geographical entity, having a wide variety of physical and geographical features. Its history is quite ancient and goes back to several thousand years.

IN ENGLISH/H

DI/ASSAMESE/BODO/BENGALI

1. Signature of the Candidate Monotosh Das
परीक्षार्थी के हस्ताक्षर
2. Name of the Candidate Monotosh Das
परीक्षार्थी का नाम
3. Father's Name Kirti Chandra Das
पिता का नाम

CESC/GD/0103/1212/MS

altered
Journal
28/12/09
Secretary
Railway Recruitment Board, GEW
PSL/0103-1212/MS
1329 B/2009

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RAILWAY RECRUITMENT BOARD : GUWAHATI ANNEXURE - H-12-
ATTENDANCE REGISTER

Exam. Date : 12/12/2004

Category No : 1 of 1/2003 Group - D

Room No. 4

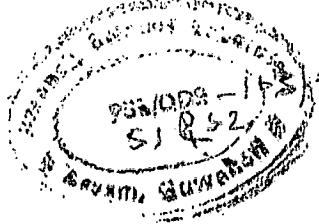
Venue : GOVT. BOYS' H. S. SCHOOL, SILCHAR
SILCHAR

Sl No.	Roll Number	Name & Signature	Thumb Impression	Question Booklet Number
21	34686646	JAYENDRA JAHARI Jayendra Jahari		348768
22	44686647	TRIBHUVAN CHANDRA SINCHA Tribhuvan Chandra Sincha	A	
23	34686648	LALHUNTHAR JOUTE Lalhunthar Joute		348769
24	34686649	THIENUAODOUNGEL Thienuaodoungel	A	
25	34686650	LALRAMLIEN HENGNA Lalramlien Hengna		348771
26	34686651	JAY SINGHA CHOWDHARY Jay Singh Choudhary		348770
27	34686652	MONOTOSH DAS Monotosh Das		348773
28	34686653	DAUBUING JEMB Daubuing Jemb		348772
29	44686654	KRISHNA BAHADUR CHETRI Krishna Bahadur Chettri		348775
30	14686655	ATTAB UDDIN LASKAR Attab Uddin Laskar		348774

63/05

Signature of the Invigilator

PRESENT



RAILWAY RECRUITMENT BOARD : GUWAHATI

Reg. No. 24686652

(Form to be filled in by the applicant) for use in the APPLICATION FOR APPOINTMENT AS

Scale 2.610 - 3540 Employment Notice

Category is C Railway : NORTHEAST FRONTIER RAILWAY, DIVISION

(Name in block letters) MONOTOSH DAS

S/

Educational Qualification	Division	Year of Passing	Percentage of Marks	Medium of Instruction	Board / University
---------------------------	----------	-----------------	---------------------	-----------------------	--------------------

H.S.C. II 1984 46.82% Bengali SEBA.

12th E 1991 36.33% English Assam University, Silchar.

(i) TECHNICAL:

(i) Engineering: 1993 60.15% English N.C.V.T.

(ii)

3. Father's Name: Kinti Chandan Das

4. Date of Birth: 17-01-70 (in words) Seventeenth zero one Seventy

5. Place of Birth: Saliabpara

6. Place of communication: P.O: Saliabpara, Vill: Bakniate

7. P.O: Saliabpara, P.M: 788874

8. Present address: Mr. Kinti Chandan Das, Bakniate

9. State of birthplace: Assam, Date: 28/8/14

10. Sex: Male / Female: M/F

11. Caste: B.C.T. (Schedule Caste / Schedule Tribe / Other) (General strike out in applicable item).

12. Native tongue of the candidate: Bengali S/

13. Languages candidate can speak: Bengali, English, Hindi, Assamese

14. Languages candidate can write: Bengali, English

15. Do you migrate to India from another country? NO If so, name of the country

16. Date of migration:

17. TECHNICAL:

I hereby declare that the statements made in this application are true, complete and correct to the best of my knowledge and belief. I understand that in the event of my particulars of information given herein being found false or incorrect, my candidature is liable to be rejected or cancelled and in the event of any mis-statement / discrepancy in the particulars being detected after my appointment, my service is liable to be terminated without notice to me.

Monotosh Das

Signature of the Applicant

Date: 21/10/1988

Place: Guwahati

Address to which answer should be sent: R.R.C. Guwahati

Date: 21/10/1988

I hereby declare that the statements made in this application are true, complete and correct to the best of my knowledge and belief. I understand that in case my statements of information given here are found false or incorrect, my candidature is liable to be rejected and in the event of my candidature being rejected, my name is liable to be struck off the list of selected after my retirement, my service is liable to be terminated without notice to me.

Monotosh Das

Monotosh Das

24/06/05

24/06/05

All the writings of the documents are of the applicant.

SD R 1977 Magan Bikar (al - w) SC 1091 states per job

SD R 1967 Patna (al - 15) SC 1326 states M. P.

relevant - para - 10 & 11

(1998) 2 SC 199 Al - 14 States of H.P

~~earlier
referred
in SD R 1977 & 1091~~

Hence in open court
and asks the
named with