

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT BILASPUR

OA No.743/04

Bilaspur, this the 12th day of May 2005.

CORAM

Hon'ble Mr.M.P. Singh, vice Chairman
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Puspraj verma
S/o Jagdish Prasad verma
R/o C/o S.S.Rajput
Near P.H.E.Office
Durg Road, Bemetara
Distt. Durg (CG)

Applicant

(By advocate Shri Raja Sharma)

versus

1. Union of India through
Secretary, Ministry of
Railways, New Delhi.
2. Chairman
Railway Board
Rail Bhawan, New Delhi.
3. Chairman
RRB, D-79/80, Rail vihar
BDA Rental Colony
South Eastern Railway Project Complex
Chandrashekarapur, Bhubaneswhwar
Orissa.

Respondents.

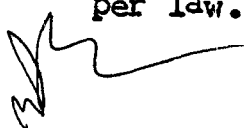
(By advocate Shri M.N.Banerjee)

ORDER (oral)

By M.P.Singh, vice Chairman

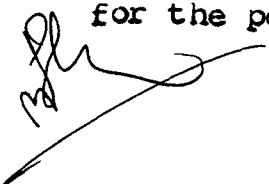
By filing this OA, the applicant has claimed the
following reliefs:

- (i) To hold that the decision communicated vide office No. RRB/BES/CON-4/JEN/1/2002/CAT-1/AD/155 dated 24.3.04 of RRB Bhubaneswar (Annexure A1) cancelling the candidature of the applicant and debarring him for life from appearing in all RRB examinations and appointment in Railways is void, illegal, and vitiated in law, equity, and natural justice and to quash it.
- (ii) To direct the respondents to consider the candidature of the applicant and he be appointed and posted as per law.



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2. The brief facts of the case are that applications were invited by Railway Recruitment Board, Bhubaneswar and Railway Recruitment Board, Kolkata jointly vide Employment Notice No.JEN/1/2002 for recruitment to 12 categories of posts including Trainee Assistant Driver (Elec./Diesel) post at Category No.1. The applicant was a candidate for the said post with Roll No.018111. The applicant appeared in the written examination and qualified the same. Thereafter, a psychological test was held on 25.2.2003 and he was called for certificate verification in the office of Railway Recruitment Board, Bhubaneswar on 11.6.2003. The signatures and handwritings of the applicant taken on the date of certificate verification appeared to be different from that available in his application form, question booklet of written examination and call letters of written examination and psychological test. As such, his case along with all relevant papers were sent to Government Examiner of Questioned Documents (GEQD), Central Forensic Institute, Kolkata vide RRB, Bhubaneswar letter dated 27.11.2003 for verification and opinion regarding the genuineness of the candidate who appeared with Roll No.018111 in written test, psychological test and certificate verification i.e. whether the applicant himself appeared at the written examination and psychological test or not. After thorough examination of all relevant documents, GEQD vide their letter dated 11.12.2003 and opinion dated 11.12.03 confirmed that the signature taken in call letter on the date of psychological test differs from that available in his application and that taken on the date of certificate verification. On receipt of the GEQD opinion, notice was issued to the applicant vide RRB, Bhubaneswar letter dated 24.3.2004 regarding cancellation of his candidature for the post of Trainee Assistant Driver (Electrical/Diesel)



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and about his being debarred for life from all Railway appointments. Accordingly the respondents have debarred the applicant for life from all appointments in Railways in terms of the Railway Board's guidelines dated 14.2.2002 (Annexure R5). Hence this OA is filed.

3. Heard both parties. Learned counsel of the applicant submitted that the opinion obtained by the respondents to the effect that the signature of the applicant differed on different documents i.e. call letter on the date of psychological test and on the date of certificate verification is not correct. He has submitted that the Government examiner while sending the opinion had stated that the person who wrote the blue enclosed writings/signatures stamped and marked S1, S2 & A1 did not write the red enclosed signatures similarly stamped and marked Q2. Learned counsel of the applicant further submitted that the respondents have not given the details of the red mark and also not made available copies of those documents along with the reply. He has also submitted that the applicant could not have entered into the examination hall with call letter bearing his photograph, if it is a case of impersonation. He could have been checked by the invigilator and other persons on duty and, therefore, it was not possible to impersonate. The opinion of the hand writing expert cannot be relied upon without corroborating the evidence. Learned counsel has relied upon the judgement of Andhra Pradesh High Court in the case of vandavasi Karthikeya alias Krishna Murthy vs. S.Kamamma and others AIR 1994 AP 102. He has also relied upon the judgement of the Supreme Court in the case of Alamgir vs.State (NCT), Delhi AIR 2003 SC 282.

Another ground taken by the learned counsel of the applicant is

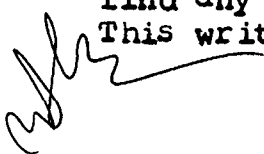


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that the thumb impression which was available with the respondents was not compared and verified. He has submitted that the hand writing expert has not been examined by the respondents.

4. On the other hand, learned counsel for the respondents stated that it is a case of impersonation by the applicant. Proper procedure has been followed by the Railway Recruitment Board. The applicant's signatures and handwritings were sent to the appropriate Government authority for comparison with the signatures and handwritings available in the question booklet and the authority had confirmed that the signatures and handwritings differed. It is only on the basis of this report that the respondents have taken action to debar the applicant for life from employment and future selection, which is in accordance with rules. He has also submitted that the hand writing expert is not required to be examined and no clinching evidence is required as in the case of a criminal case. In service matters, the cases are decided by the Tribunal on the basis of preponderance of probability. Learned counsel for the respondents has relied upon the judgement of the High Court of Jharkhand in WPS No.2864 of 2004 - Shree Kant Kumar vs. UOI & Ors., wherein the High Court has held as under:


"I am, therefore, of the view that since the order of cancellation was passed after getting it verified by the government authority, this court is not supposed to sit over the report on the basis of which the impugned order of cancellation was passed. I, therefore, do not find any reason to interfere with the order. This writ petition is dismissed."




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5. We have given careful consideration to the rival contentions and we find that the respondents have verified the signature and the handwriting of the applicant and they found that the signature on the call letter and also on the answer sheets written by him, as also the handwriting are different. Therefore, his case along with all relevant papers were sent to Government Examiner of Questioned Documents (GEQD), Central Forensic Institute, Kolkata for verification and opinion regarding the genuineness of the applicant and he has given a definite finding that the handwriting is not same on different documents written by the applicant. It is on that basis the respondents have taken a decision to debar the applicant. The contention of the applicant that the examiner should have been examined before a judicial authority on the thumb impression is not accepted and accordingly rejected. The judgements relied upon by the learned counsel of the applicant are distinguishable and are not applicable. In the case of a criminal case only, clinching evidence is required whereas in the present case, only preponderance of probability is required. Moreover, we cannot sit as an appellate court over an opinion given by the Government examiner.

6. For the reasons recorded above, we do not find any ground to interfere in the matter. The OA is without any merit and is accordingly dismissed. No costs.


(A.K. Bhatnagar)
Judicial Member


(M.P. Singh)
vice Chairman