

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Dated : This the 09<sup>th</sup> day of August 2018

Original Application No. 330/01790 of 2015

Hon'ble Mr. Gokul Chandra Pati, Member (A)  
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Kanishka (Candidate Recruitment Employment Notice no. 01/2013 Group D.) S/o Pramod Kumar, R/o 145 B/13M Chandpur, Salori, Post-Teliyarganj, District Allahabad, U.P. and permanent Address- Village – Kohadabhatt, Tehsil-Allahpur, District- Ambedkar Nagar U.P.

. . .Applicant

By Adv : Shri D. Tiwari

**V E R S U S**

1. Chairman, Railway Recruitment Cell, North Central Railway, Balmiki Chauraha, Nawab Yusuf Road, Allahabad.
2. Chief Personnel Officer (recruitment) Railway Recruitment Cell, North Central Railway, Balmiki Chauraha, Nawab Yusuf Road, Allahabad.
3. Assistant Personnel Officer (recruitment), Railway Recruitment Cell, North Central Railway, Balmiki Chauraha, Nawab Yusuf Road, Allahabad.
4. General Manager North Central Railway, Allahabad.

. . .Respondents

By Adv: Shri R.K. Pandey

**O R D E R**

**By Hon'ble Mr. Gokul Chandra Pati, Member (A)**

Heard Shri D. Tiwari, learned counsel for the applicant and Shri R.K. Pandey, learned counsel for the respondents.

2. This OA was originally filed in December, 2015 challenging the publication of the final result dated 15.12.2015 declared by the respondents in respect of the recruitment test for Group 'D' post vide the employment notice No. 01/13 advertised by the respondents. Subsequently, the OA was amended after the respondents passed an order dated 31.03.2016, by which the applicant was debarred from appearing in all Railway Recruitment Cell (in short RRC) / Railway Recruitment Board (in short RRB) examinations for life time, in addition to the cancellation of his candidature by employment notice No. 01/13. The amended OA is taken up for consideration.

3. The facts of the case in brief are that the applicant was a candidate for employment notice No. 01/13 published by Respondent No. 3 regarding recruitment of Group 'D' post in Railways. The applicant appeared in the written examination on 30.01.2015 and also appeared in the physical efficiency test on 13.03.2015 after qualifying the written examination. Respondent No. 3 issued letters dated 19.08.2015 and 21.08.2015 for verification of his documents, which was done. On 15.10.2015, final result was declared by the Respondent No. 3 (Annexure A-5 to the OA) in which it was mentioned that the applicant's candidature has been rejected with the remark "Handwriting / Thumb mismatch". It was mentioned in para 5 of the said result that 339 candidates have been found to be indulge into impersonation. It was proved following specified procedure that these candidates did not appear in the written test and in their place, someone else had appeared, for which there is mismatch of the handwriting / thumb impression of these candidates.

4. In the counter reply submitted by the respondents it was stated that the handwriting of the applicant in the application form and OMR sheets on verification did not match and the same has been confirmed by the Government Examiner for Questionable Documents (in short GEQD). It was further stated that the show cause notice dated 22.01.2016 was issued to the applicant asking his reply within 30 days. On receipt of the reply of the applicant, the competent authority had decided to debar the applicant to appear in any examination conducted by RRC / RRB for life time vide order dated 31.03.2016 (Annexure A-6).

5. At the time of hearing, learned counsel for the applicant submitted that in another OA No. 1492/2014 – Nem Kumar Vs. Union of India and others were disposed of by this Tribunal with similar facts and the respondents have directed to retest the thumb impression as well as the signature of the applicant in another laboratory and by handwriting expert to confirm if the applicant had indulged in any malpractice. He submitted that similar order may be passed in this OA also. He also submitted copy of the order dated 17.01.2018 passed in the case of Nem Kumar (supra), which is taken on record.

6. Learned counsel for the respondents submitted that the respondents have issued the show cause notice before taking the decision

in the matter to debar the applicant in appearing in all examinations conducted by RRC/RRB for life time by passing the impugned order dated 31.03.2016. He further submitted that the action of the respondents are based on the report of GEQD and that he will have no objection if a direction is given to the respondents for re-testing the handwriting / thumb impression of the applicant.

7. It is seen that in OA No. 1492/14 – Nem Kumar vs. Union of India and other which was disposed of vide order dated 17.01.2018, following direction was given:-

**“6. With the consent of both the learned counsel, the O.A. stand disposed of with the direction to respondents to re-test the thumb impression as well as the signature of applicant by another laboratory and by handwriting expert and if the case of impersonation is not been established, the applicant will be given appointment, as he had already been selected by the respondents. This exercise shall be completed within a period of six months, as prayed by respondents” counsel, from the date of receipt of a certified copy of the order. Till the above said process of settling the issue of impersonation is not being completed by the respondents, the applicant shall not be debarred from appearing in the examination conducted by the RRBs/RRCs.”**

8. In view of the above and following the decision of this Tribunal in OA No. 1492/14 (supra), we dispose of this OA with direction to the respondents to re-retest the handwriting / thumb impression of the applicant, for which mismatch has been detected, in another laboratory and by handwriting expert. If the allegation of impersonation against the applicant was not established, the applicant's case for appointment be considered as per the extant rules. If the handwriting / thumb impression still mismatch after re-testing in another laboratory and by the handwriting expert, the same shall be informed to the applicant. This exercise shall be completed by the respondents within a period of 06 months from the date of receipt of a certified copy of this order. Pending compliance of this exercise, the applicant shall not be debarred by the respondents from appearing in the appearing in any examination conducted by RRCs / RRBs.

9. With above directions, the OA is disposed of. There is no order as to costs.

**(Rakesh Sagar Jain)**  
Member (J)

**(Gokul Chandra Pati)**  
Member (A)