

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **01st Day** of **August**, 2018)

Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)
Hon'ble Mr. Mohd. Jamshed, Member (Administrative)

Original Application No.330/1349/2016
(U/S 19, Administrative Tribunal Act, 1985)

Ranjeet Kumar S/o Ram Prakash Mahto, R/o Atijraha Post Chhaurahi, Police Station Chhaurahi, Begusarahi, District Bihar.

..... **Applicant**

By Advocate: Shri A.K.Singh proxy to Shri Sachin Upadhyay

Versus

1. Union of India, through its G.M. N.C.R., Allahabad.
2. North Central Railway, Recruitment Cell Allahabad through its Chairman.
3. Chairman, Recruitment Cell Allahabad, North Central Railway.

..... **Respondents**

By Advocate: Shri Dharmendra Tiwari proxy to Shri R.K. Rai

ORDER

Delivered by Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)

Shri A.K. Singh proxy to Shri Sachin Upadhyay, Advocate, is present for the applicant. Shri Dharmendra Tiwari proxy to Shri R.K. Rai, Advocate is present for the respondents.

2. Present Original Application (hereinafter referred to as the 'OA') has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 for the following relief(s):-

"8.1 to issue a writ order or direction in the nature of certiorari calling for the record and to quash the order dated 31.03.2016 passed by respondent no.3.

8.2 to issue a writ order or direction in the nature of mandamus directing the respondents to consider the applicant in vacancy in question."

8.3to issue a writ order or direction in the nature of mandamus directing the respondents allow the applicant in appear in further examination conducted by RRC or RRB for appointment.

8.4 to pass such other order or direction as may be deemed fit and proper under the facts and circumstances of the present case.

8.5 to award the cost of the Original Application to the applicant."

3. Counsel for the applicant submitted that the case of the applicant is similar to the applicant of OA No.330/1112/2016 (Dharamjeet Kumar vs. UOI & Ors.) decided on 01.09.2016 and applicant of OA No.330/1492/2014 (Nem Kumar vs. UOI & Ors.) decided on 17.01.2018 (Annexure RA-1). He has, further, submitted that applicant will be satisfied if similar order is given in the instant OA as well.

4. Counsel for the respondents has opposed the claim of the applicant and stated that during the document verification the thumb impression of the applicant did not match with the thumb impression obtained during written and PET examination.

5. We have perused the impugned order dated 31.03.2016 (Annexure A-1), wherein it has been mentioned that thumb impression of the applicant during document verification did not match with the thumb impression obtained during written and PET examination and authority concerned presumed that someone else had appeared in the Written and PET examination impersonating the applicant.

6. We have gone through the order dated 01.09.2016 passed by this Tribunal in OA No.330/1112/2016 as well as order dated 17.01.2018 passed in OA No.330/1492/2014.

7. In the aforesaid OAs, it was alleged that thumb impression of applicant did not match with the written and PET examination and it was held that someone else had appeared in their places impersonating their candidatures. Considering the reply to the said show cause notice, the respondents had debarred him from appearing in all RRC (Railway Recruitment Cell)/RRB(Railway Recruitment Board) examinations in appointment in Railway for life time. In both the OAs respondents were directed to re-test the thumb impression as well as the signatures of applicants by another laboratory and by handwriting expert and if the case of impersonation was not established, the applicants were to be given appointment, as they had already been selected by the respondents. It was also directed that till the above said process of settling the issue of impersonation is being completed by the respondents, the applicant shall not be debarred from appearing in the examination conducted by the RRBs/RRCs.

8. In the instant OA, applicant has also cleared the written and PET examination but his candidature has been rejected on the ground of impersonation. Hence, the facts of the instant OA is identical to the OA Nos.330/1112/2016 and 330/1492/2014, therefore, the applicant is entitled for the same relief as granted in the aforesaid OAs.

9. Accordingly, the instant OA is finally disposed off with the direction to the 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 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 from the date of receipt of certified copy of this order. During said process of settling the issue of impersonation, the applicant shall not be debarred from appearing in the examination conducted by the RRBs/RRCs.

10. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice Bharat Bhushan)
Member (J)

Sushil