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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 350/00993/2015

Date of order: 27.11.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ANURANJAN DAYAL

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Ms. A. Roy, Counsel  
For the Respondents : Mr. A.K. Guha, Counsel

O R D E R (Oral)

Per Mr. Justice G. Rajasuria, Judicial Member:

Heard both sides.

2. This O.A. has been filed seeking the following reliefs:-

- "a. An order be passed setting aside the impugned orders dated 14.11.2014 issued by the Assistant Secretary, for the Chairman, Railway Recruitment Board, Malda being Annexure "A-6" hereto and dated 21.1.2015 issued by the Information Officer, being Annexure "A-9" hereto;
- b. An order be passed restraining the respondent authorities from acting in any manner or any further manner on the basis of the impugned orders dated 14.11.2014 issued by the Assistant Secretary, for the Chairman, Railway Recruitment Board, Malda being Annexure A-6 hereto and dated 21.1.2015 issued by the Information Officer being Annexure "A-9" hereto;
- c. Injunction do issue restraining the respondent authorities from acting in any manner or any further manner on the basis of the impugned orders dated 14.11.2014 issued by the Assistant Secretary, for the Chairman, Railway Recruitment Board, Malda being Annexure A-6 hereto and dated 21.1.2015 issued by the Information Officer being Annexure "A-9" hereto pending disposal of the instant application.
- d. Direction do issue upon the respondent authorities directing them to allow the applicant to appear in the Railway Recruitment Board Examination, if any pending disposal of the instant application and further commanding them to act and proceed strictly in accordance with law;
- e. A direction do issue upon the respondents to produce and/or cause to be produced the entire records relating to the case and upon such production being made to render consonable justice by passing necessary orders;
- f. Cost and costs incidental hereto;



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g. And/or to pass such other or further order or orders as to your Lordships may seem fit and proper;

3. Ld. Counsel for the applicant submits that due opportunity was given to the applicant to challenge the impugned order. The said order dated 14.11.2014 was passed debarring the applicant from applying for any post in the Railways consequent upon allegedly indulging in impersonation in RRB examination conducted in the year 2012. As such, he would pray for setting aside such order.

4. Per contra, Ld. Counsel for the respondents would submit that a show cause notice was issued and thereafter the authority concerned after taking into consideration the opinion of the handwriting expert held that there was impersonation. As such, the applicant deserves to be debarred from sitting in Railway examinations and the O.A. has to be dismissed. The respondent Railways, as per him, was justified in passing the impugned order dated 14.11.2014 after taking expert opinion in this regard. Accordingly, he would pray for the dismissal of the O.A.

5. The point for consideration as to whether this case has to be processed by taking a cue from the decision of the Hon'ble High Court dated 5.6.2013 in WPCT No.467 of 2012.

The perusal of the records would demonstrate that in a sizable number of cases the Hon'ble Calcutta High Court interfered <sup>with</sup> in the matter of expert opinion, regarding the alleged mismatch of the applicant's signature and observed that opportunity should be given to the applicant to cross examine the experts. Hence in this factual matrix, we are of the view that the applicant cannot be singled out and he should also be treated like others. In the meantime, we are also of the considered opinion that if there is any practical difficulty in securing the presence of the experts for cross examination then as suggested by the learned counsel for the Respondents, the Railway authority would be at liberty to get the disputed signature/signatures and the thumb impression <sup>of</sup> compared with the



*thumb impression*

admitted *ante litum motum* signatures and the sample that impressed as the case may be of the applicant by an expert and after getting opinion from him, if it is found that it was adverse to the applicant a copy of the same has to be served on him. Opportunity also be given to him to file his objection and cross examine the expert. Thereafter, a reasoned order shall be passed by the appropriate authority of the Railways and communicate the same to the applicant. The entire process shall be completed within a period of four months from the date of receipt copy of this order.

6. O.A is accordingly disposed of. No costs.

(Jaya Das Gupta)  
MEMBER(A)

(G. Rajasuria)  
MEMBER(J)

SP