

[8.B] The action of the respondents in delaying the matter of applicant of his appointment against the post of Postal Assistant in Bhojpur Division, Ara on the basis of incorrect foundation of impersonation without any basis unsustainable in the eye of law may be declared erroneous and bad in law.

[8.C] Any other relief/reliefs as the applicants are entitled in the ends of justice.”

2. The brief facts of the case are as under:-

- (i) Pursuant to an advertisement, the applicant being eligible, applied for the post of Postal Assistant and after facing different stages of selection process he was declared successful for the post of Postal Assistant. The applicant was intimated about his selection with further direction to appear before the Superintendent of Post Offices, Bhojpur, Division, Ara on 17.01.2014 alongwith all his original certificate/documents.
- (ii) The applicant appeared before the Superintendent of Post Office on due date and submitted his original documents. Thereafter, about one month, applicant was issued letter dated 28.02.2014 wherein the applicant was asked to submit explanation about allegation of impersonation. The applicant submitted his reply on 28.02.2014 (Annexure A/3 refers)denying all allegation and requested to issue his appointment order.
- (iii) The applicant was again issued a letter dated 01.04.2014 by the Superintendent of Post Offices, Bhojpur Division Ara and he was again directed to appear before him on 11.04.2014 at 10:00 am and to supply his signature and handwritings. Despite compliance of the said order, the applicant was denied his appointment but the candidates who were junior in merit list were issued appointment letter and sent for postal training. Being aggrieved by the denial of his appointment, the applicant preferred the instant O.A.

3. In response to the notice, the respondent have filed their written statement and submitted as below :-

- (i) The learned counsel for respondents submitted that pursuant to advertisement for recruitment to the post of Postal Assistant for

the year 2011-12, dated 04.12.2013 (Annexure R/1 refers) the applicant had applied for the post of Postal Assistant under Direct Recruitment quota and after due process he was declared successful and he was allotted Bojpur Division, Ara.

- (ii) It is further contended that the applicant was issued provisional selection letter subject to the condition that he will produce original certificates/documents in person in the office of the Superintendent of Post Offices, Bhojpur Division, Ara on 17.01.2014 (Annexure-R-III refers) at 09:00 hrs. The applicant appeared before the verifying team constituted at Divisional Office for verification and during the course of verification, it has been found that his signature available at OMR Form differs from the signature available on the computer typing test and it has been accepted by the applicant himself and, thereafter, he withdrew all his original certificate/documents produced before the verifying team. Thereafter, on 20.01.2014, the applicant again reported in the office of Suptt of Post Offices, Bhojpur and submitted his original certificate/documents and he claimed that the signatures available at OMR form and Computer/typing test are his own and the same is correct.
- (iii) The respondents had issued notice dated 18.2.2014 requiring the applicant to explain as to why his candidature should not be cancelled on the basis of the preliminary inquiry. The reply was to be filed within seven days.(Annexure R/6 refers). In response to it, the applicant submitted his reply/explanation dated 3.3.2014 and reiterated that his photographs were available in every document of his application, he was permitted to appear in typing /computer test and thereafter, he was asked to put his signature on five-six paper sheet, including typing sheets. It is further stated in the reply that his signatures were obtained in hurry and as such they may be some discrepancies in signatures. However, for his photographs and

his admit card, no objection has been raised by the officers who were present in the centre and requested to issue an appointment letter permitting him to join on post of Postal Assistant (Annexure R/7 refers). On receipt of reply dated 03.03.2014, it has been decided to refer the matter to CFSL, Kolkata for forensic test and accordingly the applicant was directed to submit his specimen signature and hand writing.

- (iii) Thereafter, a letter dated 30.10.2014 containing the opinion of the CFSL Kolkata was received in which it has been stated that the case of the applicant has been carefully and thoroughly examined and it is not possible to express any opinion regarding disputed signatures as all the hand writing characteristics as occurring in disputed signatures are not similarly and cumulatively accounted from the specimen signature. For further examination, some admittedly genuine signatures along with a few more specimen signatures taken repeatedly on 4-5 sheets in the model and design as that of the disputed signatures are required. (Annexure R/10 refers). It is further contended that vide letter dated 2.7.2014, the applicant was informed that his case is under inquiry with regard to genuineness of the signatures. On completion of the same, the respondents will inform the result of the inquiry. (Annexure R/11). Therefore, the respondents submitted that the applicant is not entitled for the relief sought by him in this OA.

4. Heard the parties, perused the documents and considered their submissions :-

5. The view that has emerged from the pleadings and submissions of the parties that the verification of the correctness of the signatures of the applicant is still under the process of inquiry/examination by the CFSL. During the course of hearing of the present case, the learned counsel for the respondents placed on record the reminder letter 12.2.2017 addressed to the Director, CFSL, Kolkata with a request that the result of the may kindly be

completed at the earliest as it is appointment related case which is required to be disposed without delay/ within a time frame. The learned counsel for the applicant submitted that he is ready to extend his co-operation with the CFSL for expeditious examination of the correctness of his signatures and other documents.

6. In view of the above stated factual matrix of the present case, this Tribunal is of the opinion that it is the prerogative of the employer to be satisfied in all respects about genuineness of credentials of the candidate before they finally recruit him. In absence of expert opinion of the CFSL about the correctness of the signatures of the applicant, the respondents are within their competence to withhold final appointment. Therefore, the OA is disposed of with direction to the respondents to expedite the matter of examination of the disputed signatures of the applicant pending with the CFSL. The applicant is also directed to co-operate with the respondents in this regard. If the signatures of the applicant are found to be genuine, he should be given offer of appointment without any further delay. In the result, the OA is disposed of with no order as to costs.

(Jayesh V. Bhairavia) M [J]

(A.K. Upadhyay) M (A)

/mks/

