

RESERVED.

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 04th day of January 2019.

ORIGINAL APPLICATION No. 150 of 2016

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)

HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J)

1. Bhupendra Chaurasiya S/o Sudarsan Chaurasiya, R/o Ward No. 02 Rampur Ltiha, Tehsil and Post Bhatparrani, District Deoria.
2. Naseem Alam S/o Saiyad Ali, R/o Village & Post Ahirauli Bhaghel, Police Station Bankata, District Deoria.
3. Kapindra Kumar S/o Virju Prasad, R/o Village Kharjama, Post Reva, Police Station Majhauthi, District Patna (Bihar).
4. Ajay Kumar S/o Surya Dev Prasad, R/o Village Kharjama, Post Reva, Police Station Majhauthi, District Patna (Bihar).
5. Manoj Kumar S/o Madan Prasad, R/o Village Daudpur, Post Seruya, Police Station Makhdumpur, District Jahanabad (Bihar).
6. Shivbachhan S/o Kamta Yadav R/o Village Kohara Tola Domna Bigha Post Tehta, Police Station Makhdumpur, District Jahanabad (Bihar).
7. Jitendra Chaudhari S/o Mahendra Chaudhari, R/o Village Kohara Tola Domna Bigha Post Tehta, Police Station Makhdumpur, District Jahanabad (Bihar).
8. Brijendra Prasad S/o Kuleshwar Prasad R/o Amain Uttari Math, Post Amain, Police Station Parsijaha, District Jahanabad (Bihar).
9. Ashish Kumar S/o Madheshwar Prasad, R/o Village Madari Chak, Post Saren, District Jahanabad (Bihar).

.....Applicants.

By Advocate: Shri S.K. Mishra/Shri Munna Tiwari

VERSUS

1. Union of India through Secretary, Ministry of Railway, New Delhi.
2. Chairman, Railway Recruitment Cell, North Eastern Railway, Gorakhpur.
3. Senior Personnel Officer (RRC) North Eastern Railway, CCM Annexe Building, Railway Road No. 14, Gorakhpur.

.....Respondents

By Advocate : Shri K.P Singh

O R D E R**BY HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J)**

The present Original Application has been filed by the applicants under section 19 of Administrative Tribunals Act, 1985 for the following reliefs:-

- "(i) To issue an order, rule or direction for quashing and setting aside the impugned order dated 18.11.2015 passed by respondent No.2 by which the applicant for debarring from examination for all Railway Recruitment Boards/Cells for lifetime.
- (ii) To issue an order, rule or direction directing the respondents to allow the applicants to join and declared success in above Railway Board Examination in pursuance of above advertisement.
- (iii) To issue an order rule or direction, which this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case to which the applicants may be found entitled under law.
- (iv) To award the cost of the original applications may also be awarded in favour of the applicants".

2. Learned counsel for the applicants submitted that the case of the applicants is similar to the applicant of OA No.330/1349/2016 (Ranjeet Kumar vs. UOI & Ors.) decided on 01.08.2018, applicant of OA No.330/1492/2014 (Nem Kumar vs. UOI & Ors.) decided on 17.01.2018 and OA No. 330/1112/2016 (Dharamjeet Kumar Vs. UOI and Ors) decided on 01.09.2016. They have further submitted that applicants will be satisfied if similar order is given in the instant OA as well.

3. Learned counsel for the respondents has opposed the claim of the applicants and stated that during the document verification

the signature/hand writing of the applicants did not match with the signature/hand writing obtained during written and PET examination.

4. We have perused the impugned order dated 18.11.2015 (Annexure A -1), wherein it has been mentioned that signature/hand writing of the applicants during document verification did not match with the signature/hand writing obtained during written and PET examination and Authority concerned presumed that someone else had appeared in the Written and PET examination impersonating the applicants.

5. We have gone through the order dated 01.08.2018 passed in OA No.330/1349/2016, order dated 17.01.2018 passed in OA No.330/1492/2014 and order dated 01.09.2016 in OA No. 330/1112/2016. 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.

6. In the instant OA, applicants have also cleared the written and PET examination but their candidature has been rejected on the ground of impersonation. Hence, the facts of the instant OA is identical to the O.A. No. 330/1349/16, OA Nos.330/1112/2016 and 330/1492/2014, therefore, the applicant is entitled for the same relief as granted in the aforesaid OAs.

7. 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 applicants by another laboratory and by handwriting expert and if the case of impersonation is not established, the applicants will be given appointment, as they 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 applicants shall not be debarred from appearing in the examination conducted by the RRBs/RCRs. No order as to costs.

(Rakesh Sagar Jain)

Member (J)

Manish/-

(Gokul Chandra Pati)

Member (A)