

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 77/2016

New Delhi this the 25th day of April, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)

Amit Malik,
Group 'D',
Aged 25 years,
S/o Shri Virender,
R/o Village and Post Office Kharawar,
Tehsil Sampla, District Rohtak,
Haryana.

... Applicant

(By Advocate: Mr. Asish Nischal)

VERSUS

General Manager,
Northern Railway, Baroda House,
New Delhi-110001

... Respondent

(By Advocate: Mr. S.M.Arif)

O R D E R (ORAL)

Mr.S.N.Terdal, Member (J):

Heard Sh.Asish Nischal, counsel for applicant and Mr.S.M.Arif, counsel for respondent, and perused the pleadings and all the documents produced by both the parties.

2. The crucial question arising in this case is whether the rejection of the appointment of the applicant on the ground of mismatch in the handwriting/signature of the applicant available on the Application Form, ORM sheet, D.V. papers etc. is sustainable at the final stage of the recruitment process.

3. The relevant facts of the case are that the applicant had applied for Group 'D' post in response to the Employment News issued by the respondents. He had successfully cleared the written examination, physical efficiency test, documents verification and medical fitness. But, however, after all the stages are over, the respondents came to know through the website of the respondents that his case was rejected because of the mismatch in handwriting/signature on the relevant papers referred to above. The counsel for the applicant vehemently submitted that the respondents have based their decision on the report of Central Forensic Science Laboratory (CFSL) report and have not given any opportunity of explaining the mismatch, as such because of violation of the principles of natural justice also, the said decision of the respondents requires to be set aside.

4. The respondents in their counter affidavit stated that the admission of the candidate at every stage of the recruitment process is purely provisional, subject to satisfying the prescribed condition and they have also stated that one of the conditions is that the candidate should fill up the application form in his/her own handwriting as per the conditions of the recruitment, and that during the examination of the applicant's case it was decided by the respondents(Northern Railway) to get the expert advice from Ex. Government Examiner for Questionable Documents duly nominated by the Ministry of Railways for the purposes of reference to matching the hand-writing/Signature on the relevant papers. The said Documents Expert after examining the relevant documents with reference to the applicant, advised that the hand-writing/signature of the applicant do not match and accordingly his case was rejected by the competent authority. Counsel for the respondents has also submitted that the said

reports are Ex-Government employees who were employed earlier as expert in examining the Questionable Documents and, therefore, there is no need to refer the documents to CFSL. They have also submitted that as the competent authority after getting the Expert Advice have taken a conscious decision to reject the case of the applicant for appointment, the OA of the applicant should be dismissed. The crucial facts stated by the respondent in para 3 of the preliminary objections/brief submissions which have not been disputed by the applicant are extracted below:-

- "3. That in pursuance of Employment Notification No.220E/ Open Mkt /RRC/2013 dated 30/10/2013 published in Employment News dated 11-17 January 2014, a recruitment process to fill up 5679 vacancies in Pay Band-1 Rs.5200-20200 + GP Rs.1800/- Group "D" Post was initiated. In the said notification detailed information for the candidates was given. Notification clearly stipulated that candidate should fill up the application form in his/her own hand-writing in Para 5 with detail information on how to apply, general conditions and invalid applications etc. with specific information that mere selection and empanelment does not confer any right of appointment to the candidate. Admission of the candidate at all stages of recruitment will be purely provisionally subject to satisfying the prescribed conditions. Applicant Sh.Amit Malik appeared in the Written Examination under Roll No. 10014262 Control No.11173142 and was called for document verification and Medical Examination with clear stipulation that calling of Candidates for Document verification does not automatically confer any right upon candidate for their Medical Examination or their appointment on any post of Northern Railway. During examination of the applicant's case, it was decided to get the expert advice from Ex. Govt. Examiner for Questionable Documents duly nominated by Ministry of Railway with reference to matching of Hand-writing/Signature on the relevant papers i.e. Application Form, OMR Sheet and Document verification Performa. The Document Expert advised that writing/signature of the applicant herein do not match on the relevant papers and accordingly his case was rejected by the competent authority, i.e. Chairman/RRC and status uploaded on RRC website for information of the Candidates as already notified in the Employment Notification i.e. Candidate are advised to remain in touch with RRC Website which will be primary source of communication with the Candidates."

The counsel for the respondent has relied upon the judgment of Hon'ble Supreme Court in the case of **Union of India & Another Vs. Sarwan Ram & Another** (SLP (C) No. 706/2014 and also the judgment of CAT/Chandigarh Bench in the case of **Deepak Vs. Union of India and another** (OA No. 1355/HR/2013) and also the judgments of CAT Principal Bench in the case of **Devendra Kumar Vs. The General Manager(NR) and Others** (OA No. 2356/2014), **Pradeep Kumar Vs. UOI Through the General Manager (NR) and Others** (OA No. 4143/2013 with connected OAs), **Praveen Kumar Vs. UOI Through the General Manager (NR) and Others** (OA No.128/2015), **Deepak Vs. UOI Through the General Manager (NR) and Others** (OA No.489/2015-CAT/Chandigarh Bench) and **Rahul Mavai Vs. UOI Through the General Manager (NR) and Others** (OA No.32/2016).

5. In view of the law laid down by the Hon'ble Supreme Court and also in view of the various judgments of the Tribunal, relied upon by the counsel for the respondents and in view of the facts and circumstances referred to above, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

'sk'