

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 112/2016

New Delhi this the 29th day of January, 2019

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

Dinesh Kumar Meena
S/o Sh. Banwari Lal Meena
Aged 26 years, Group D Gateman,
Sub- Recruitment
R/o Vill. & PO: Biwali,
Teh-Baswa, Distt. Dausa,
Rajasthan-303315.

... Applicant

(By Advocate: Ms. Neelima Rathore for Mr. U.Srivastava)

VERSUS

Union of India through

1. The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Railway Recruitment Cell,
Through its Secretary,
Northern Railway, Lajpat Nagar-1,
New Delhi.
3. The Assistant Personnel Officer,
Railway Recruitment Cell,
Lajpat Nagar-1, New Delhi-24

... Respondents

(By Advocate: Mr. Prabodh Kumar Singh for Mr. Kripa
Shankar Prasad)

O R D E R (ORAL)

Hon'ble Mr. S.N.Terdal, Member (J):

We have heard Ms. Neelima Rathore for Mr.U.Srivastava, counsel for applicant and Mr. Prabodh Kumar Singh for Mr. Kripa Shankar Prasad, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- “(a) Directing the respondents to place the relevant records pertaining to the present OA before their Lordships for the proper adjudication in the matter in the interest of justice, and thereafter;
- (b) To quash and setting aside the impugned order dt. Nil 2015 (Annexure A/1) by which the case of the applicant has been rejected by the respondents after declaring the same is a non-speaking, unreasoned, bald and cryptic order which is illegal, biased, perverse, unjust, arbitrary, malafide, unconstitutional, against the principles of natural justice, violative of articles 14, 16 & 21 of the constitution of India against the mandatory provisions of law, bad in law and not sustainable in the eyes of law and thereafter;
- (c) Directing the respondents to appoint the applicants against the vacancies notified under the Employment Notification No. 220E/Open Mkt./RRC/2013 dt. 30.12.13, with all other consequential benefits from the date from which the batch mates of the applicants have been appointed etc.
- (d) Allowing the OA of the applicant with all other consequential benefits and costs.
- (e) Any other fit and proper relief may also be granted to the applicant.”

3. The crucial question arising in this case is whether the rejection of the appointment of the applicant on the 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.

4. The relevant facts of the case are that the applicant had applied for Group 'D' post in response to the Employment Notification No.220-E/Open Mkt./RRC/2013 dated 30.12.13 published in the Employment News issued by the respondents. He had successfully cleared the written examination and physical efficiency test. He was provisionally found eligible for documents verification. But, however, at the time of

documents verification, the respondents found that there is handwriting/signature mismatch on the relevant papers referred to above and on that basis the candidature of the applicant was rejected.

5. The counsel for the applicant vehemently submitted that no opportunity was given to the applicant to explain the mismatch in the handwriting/signature, as such there is violation of principle of natural justice and on that ground she has prayed for the above stated relief.

6. 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 the Forensic Document Expert 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. 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. He 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.), **Rahul Mavai Vs. Union of India through Secretary, Ministry of Railways and Others** (OA 32/2016), **Papendra Singh and Ors Vs. Union of India through the General Manager(NR) and Ors.** (OA 2619/2015), **Hajaru Deen Khan Vs. Union of India through the General Manager(NR) and Ors.** (OA 440/2015), **Manoj Kumar Vs. Union of India through the General Manager(NR) and Ors.** (OA 1701/2015) and **Chet Ram Meena Vs. Union of India through the General Manager(NR) and Ors.** (OA 449/2015)

7. 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)

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