

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

O.A. No.671 of 2016

This the 19<sup>th</sup> Day of March 2019

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

Yogesh  
S/o Sh. Om Prakash  
R/o Sunder Colony Near Fire Station,  
Ward No.-8, Silani Gate Jhajjar,  
Haryana.

(age about 24 years,  
Candidate towards Railway Recruitment)

....Applicant  
(By Advocate : Shri Ajesh Luthra)

VERSUS

1. Union of India  
Through its General Manager,  
Northern Railway,  
Baroda House, New Delhi.
2. Railway Recruitment Cell  
Through its Chairman,  
(Northern Railway)  
Lajpat Nagar-I,  
New Delhi-24.

.....Respondents

(By Advocate : Shri Kripa Shankar Prasad)

**O R D E R (Oral)**

**Ms. Nita Chowdhury, Member (A):**

Heard learned counsel for the parties and perused the pleadings as well as documents available on record.

2. By filing this OA, the applicant is seeking the following reliefs:-

'(a) call for the records of the case and

- (b) quash and set aside the impugned decision of the respondents and
- (c) declare that the applicant has been wrongly excluded from the selection process and consequently denied appointment to post of Pay-Band-I of Rs.5200-20200 with Grade Pay Rs.1800/- pursuant to employment notice No.220-E/Open Mkt/RRC/2013
- (d) direct the respondents to further consider and appoint the applicant to the said post with all consequential benefits
- (e) if need arises for grant of prayers above, the respondents be directed to get the case of the applicant freshly examined from independent experts.
- (f) award costs of the proceedings and
- (g) pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case."

3. The issue involved 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 Notice No.220E/Open Mkt./RRC/2013 dated 30.12.2013 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. 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 principles of natural justice and on that ground he has prayed for the reliefs as quoted above.

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 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. They have also submitted that as the competent authority after getting the Expert Advice has taken a conscious decision to reject the case of the applicant for appointment and, therefore, 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) and ***Pradeep Kumar Vs. UOI Through the General Manager (NR) and Others*** (OA No. 4143/2013 with connected OAs).

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, we do not find merit in this case and the same is accordingly dismissed. No order as to costs.

**(S.N. Terdal)**  
**Member (J)**

**(Nita Chowdhury)**  
**Member (A)**

/ravi/