

# LIBRARY

## CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH KOLKATA

O.A.No.350/00579/2014

Date of Order : 07-09-2015

Present : **Hon'ble Mr Justice G. Rajasuria, Judicial Member**  
**Hon'ble Ms Jaya Das Gupta, Administrative Member**

Shri Nagendra Sharma

.....Applicant

-Versus-

Union of India & Ors. (S.E.Railway)

.....Respondents

For the applicants : Mr A. Chakraborty, Counsel  
For the respondents : Mr S. K. Ghosh, Counsel

### ORDER (ORAL)

#### JUSTICE G.RAJASURIA, JM,

Heard Both. This O.A has been filed seeking the following reliefs :

- a) An order do issue directing the Respondents to allow the applicant to appear in the Medical Test for recruitment in the Group-D post as he was declared suitable both in the Written Test and the Physical Efficiency Test.
- b) Costs and incidentals.

2. The grievance of the applicant as aired by the learned counsel for the applicant would be to the effect that the candidature of the applicant was rejected on the ground that the signature in the Admit Card did not tally with the signature available in the office record and that there was impersonation in the examination. However, it was held so without giving opportunity to the applicant to explain the details that no such impersonation occurred at all.

3. Per contra, the learned counsel for the respondents would place reliance on para 6.3 of the reply, which is extracted hereunder for ready reference :



"After passing Written Examination and PET, the candidate was called for documents verification 10.04.2014 and the candidate had not been sent for pre-recruitment medical examination on the following grounds :-

- i) The Admit Card of the Written Examination of the candidate is not tallying with the office records fils.
- ii) LTT and handwriting of the candidate is also mismatched.
- iii) The candidate did not filled up the date of application in the Application Form.
- iv) Written Examination Video not found."

4. The learned counsel for the Respondents would submit that there was impersonation at the time of written examination and that was found out by the Railway authorities in this case and therefore they rejected the candidature of the applicant. The expert in an unbiased manner found out that there was mismatch in the signatures of the applicant. If an opportunity has to be given to the applicant to cross examine the expert who analysed the documents, then it would be a difficult task for the respondents, as most of them might have retired or they might be in a far off place.

6. The point for consideration as to whether this case has to be processed by taking a cue from the decision of the Hon'ble Calcutta High Court dated 5.6.2013 in W.P.C.T. No.467 of 2012. The perusal of the records would demonstrate that in a sizable number of cases the Hon'ble Calcutta High Court interfered in the matter of expert opinion, regarding the alleged mismatch of the applicant's signature and observed that opportunity should be given to the applicant to cross examine the experts. Hence in the factual matrix of this case also, we are of the view that the applicant cannot be singled out and he should also be treated like others. In the meantime, we are also of the considered opinion that if there is any practical difficulty in securing the presence of the experts for cross examination then as suggested by the learned counsel for the Respondents, the Railway authority is at liberty to get the disputed signature/signatures compared with the admitted anti litum motum signatures of the applicant by an expert and



after getting opinion from him, if it is found that it was adverse to the applicant, a copy of the same be served on him and opportunity be given to him to file his objection and cross examine the expert. Thereafter, a reasoned order shall be passed by the appropriate authority of the Railways and communicate the same to the applicant. The entire process shall be completed within a period of four months from the date of receipt copy of this order.

O.A is accordingly disposed of. No costs.

(Jaya Das Gupta)  
Member (Admn.)

(Justice G. Rajasuria)  
Member (Judl.)

pg