

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA



O.A. 350/01521/2014

Dated: 23.9.2015

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. R. Bandyopadhyay, Administrative Member

Raghawendra,
Son of Krishna Singh Chauhan,
Ramkrishna Puri Masumgang,
P.O. Bhagawan Bazar,
P.S. Bhagawan Bazar,
District – Chapra (Saran),
State of Bihar.
As unemployed.

..... Applicant.

VS.

1. Union of India,
Through the General Manager,
South-Eastern Railway,
11, Garden Reach Road,
Kolkata – 700 043.
2. The Railway Recruitment Cell ,
.Through the Chairman,
Railway Recruitment Cell,
11, Garden Reach Road Bungalow
No. 12A (1st Floor),
Kolkata – 43.
3. The Chairman,
Railway Recruitment Cell,
11, Garden Reach Road,
Bungalow No. 12A, 1st Floor,
Kolkata – 700 043.
4. The Assistant Personnel Officer,
(Recruitment Railway Recruitment Cell,
South-Eastern Railway,
11, Garden Reach Road,
Bungalow No. 12A) (1st Floor),
Kolkata – 700 043.

..... Respondents.

For the Applicant : Ms. B. Ghosh (Dutta), Counsel

For the Respondents : Mr. S.K. Ghosh, Counsel

Per Ms. Bidisha Banerjee, JM:

This application has been filed seeking the following reliefs:

"8.(a) Direct the respondents to quash the impugned order dated 28.10.2014 passed by the Chairman, Railway Recruitment Cell/South-Eastern Railway in accordance with law.

(b) Direct the respondent authorities to forbear from giving any effect or further effect to the impugned order dated 28.10.2014 in accordance with law and to allow the applicant appointment at par with other similarly situated possession in accordance with law.

(c) Any other order or orders as to Your Lordships may seem fit and proper."

The order impugned in the present O.A. is extracted verbatim hereinbelow for clarity.

2. The admitted and indisputable facts that could be culled out from the reply are as under:

*The applicant Sri Raghavendra, had applied for recruitment in erstwhile Gr. D Category in Pay Band Rs. 5200-20,200/- with GP Rs. 1800/-, against S.E. Railway's Employment Notice No. SER/RRC/02/2012 dated 29.09.2012. He appeared in the Written Examination held on 01.12.2013 which he passed successfully. He also qualified the Physical Efficiency Test along with other successful candidates.

Thereafter the candidates were called to appear for documents verification before the documents Verification Committee with all original testimonials and other relied upon documents which was a pre-requisite for appointment if otherwise they came out successful in Prescribed Medical Examination.

In the documents verification, Sri Raghavendra failed to produce his original lower portion of the Call letter of Written Examination to the Screening Committee on 26.03.2014. The scanned copy of the lower portion of the Admit card, which he was produced was not at all found acceptable as per norms of Railway Recruitment Cell.

Hence he was not selected.

3. We heard the Ld. Counsels for the parties and perused the materials on record.

We had asked for the original admit card which have been produced by ^{Ld. Lk} ~~talent~~ counsel for the applicant. The respondents failed to substantiate that it was not the original admit card for the selection.

Ld. Counsel for the applicant vociferously submitted that the identity and genuinity of the applicant could be ascertained from the video footage of the examination hall.

4. We considered such submission and discerned the following:

- (i) The FIR/GD was lodged on 15.2.14 by the applicant i.e. on losing his original documents. It is lodged before verification of the testimonials on 26.3.14.
- (ii) The scanned copy of the Admit Card is not labelled as a fake or a manufactured document.
- (iii) It may not be a case of impersonation.
- (iv) The veracity or genuinity of the candidate could be ascertained from the video footage of the examination hall, which would be the irrefutable proof of the fact whether the applicant had participated in the selection and he himself had written his papers.
- (vi) Once ascertained, the applicant should not be penalised for having lost his original documents.

5. In view of the aforesaid revelations we dispose of this O.A. with a direction upon the respondents to ascertain the following:

- (i) Whether the part of the admit card produced by the applicant is infact the scanned copy of lower portion of the Admit Card that was supplied to him.

- (ii) Whether the applicant had appeared in the examination, from the video footage, as enumerated above.

If it is established that he had infact presented scanned copy of a genuine admit card i.e. the card that was supplied to him, and he himself had appeared at the examination the competent authority shall pass an appropriate order in accordance with law in view of the established ~~fact~~. The entire exercise be completed by 3 months.

6. O.A. is accordingly disposed of. No costs.

(R. Bandyopadhyay)
AM

(Bidisha Banerjee)
JM

drh