

(2021) 01 CAT CK 0072

In the Central Administrative Tribunal

Case No : Original Application No. 140 Of 2021, Miscellaneous Application No. 153 Of 2021

Praveen @ Parveen

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 29-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0072

Hon'ble Judges : L. Narasimha Reddy, J;A. K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : A.K. Behera, Ronak Karanpuria, J.P. Tiwari

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The Department of Posts issued a notification on 21.02.2014 inviting applications for selection to the post of Postal Assistants. The process involved

conducting of examination through OMR sheet. The examination was conducted and the results were declared. The applicant was selected and

appointed on the basis of the marks secured by him. He was allotted to Jamnagar division and is said to have joined the post on 19.10.2014.

2. The respondents verified the records pertaining to the examination, at a later stage. On finding that the name of the applicant was being written as

â??Parveenâ??, whereas the signature on the OMR sheet was in the name of â??Praveenâ??, the matter was referred to the Central Forensic

Science Laboratory (CFSL), Hyderabad. After analysis of the signatures on the OMR sheet, Data entry Evaluation Sheet (DES) and Typing test

Evaluation Sheet (TES) of the concerned candidate; with the sample signatures

obtained from the applicant, the CFSL reported that those on the OMR sheet, TES and DES did not tally with that of the applicant. Taking the same into account, the applicant was removed through order dated 23.12.2015. The order of removal was challenged by the applicant before the Ahmadabad Bench of the Tribunal. The OA was allowed but the judgment rendered therein was reversed by the Honâ??ble Gujarat High Court. It is stated that the Honâ??ble Supreme Court modified the order passed by the Honâ??ble Gujarat High Court directing that the individual cases must be verified instead of cancelling the selection of all the candidates.

3. The applicant states that though the order of reinstatement was issued in the year 2017, he was not allowed to report to duty and a notice was issued on the basis of the CFSL report. On the notice being issued to the applicant, he submitted a detailed representation on 03.07.2019. On a consideration of the same, the respondents passed a detailed order dated 12.02.2020 rejecting it. The same is challenged in this O.A. The applicant contends that the view taken by the respondents is not correct and it was passed just on the basis of conjectures and doubts.

4. We heard Sh. A.K. Behera with Sh. Ronak Karanpuria, learned counsel for the applicant and Sh. J.P. Tiwari, learned counsel for the respondents, at the stage of admission.

5. It is not in dispute that the applicant was selected, on the basis of the performance in the examination. However, on noticing the discrepancy in the signatures, he was discontinued from service through a notice. It was felt that there was impersonation. Initially a general order, cancelling the entire selection was passed and that, in turn, was modified by the Honâ??ble Supreme Court directing that the individual cases shall be verified. It is in this process, that the specimen signature of the applicant was taken and that was forwarded to the CFSL, Hyderabad together with the originals of OMR sheet, DES and TES. On an analysis made by the CFSL, it was found that the signatures in those documents are different from the one obtained from the applicant. Naturally, it turned out to be a case of impersonation, in the examination.

6. The respondents have furnished cogent reasons in the impugned order. Once a specialized agency, working in the field of forensic science has

rendered its opinion, the Tribunal cannot sit as an appellate authority over it. Though it is pleaded that the copies of the CFSL reports were not

furnished to the applicant, we are of the view that he can obtain them by making a proper application.

7. We do not find any basis to interfere in the impugned order. The O.A. is accordingly dismissed.

There shall be no order as to costs.

Pending MA, if any, shall stand disposed of.