

(2019) 03 CAT CK 0116

In the Central Administrative Tribunal

Case No : Original Application No. 670 Of 2016

Ranjeet Singh Choudhary

APPELLANT

Vs

Union Of India Through Its General Manager

RESPONDENT

Date of Decision : 15-03-2019

Acts Referred:

Citation : (2019) 03 CAT CK 0116

Hon'ble Judges : Nita Chowdhury, J; S.N. Terdal, J

Bench : Division Bench

Advocate : Ajesh Luthra, Prabodh Kumar Singh, Kripa Shankar Prasad

Final Decision : Dismissed

Judgement

S.N.Terdal, J

1. We have heard Mr. Ajesh Luthra, counsel for applicant, None for respondents. 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) 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 in Pay-Band-1 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 crucial question arising in this case is whether the rejection of the appointment of the applicant on the ground of 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 30.12.2013 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. 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 he has prayed for the above stated relief. In support of his contention, the counsel for the applicant referred to the judgment of Hon'ble Delhi High Court in the case of Staff Selection Commission & Anr. Vs. Sudesh (W.P (C) 9055/2014)

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 judgments of Hon'ble Supreme Court in the case of Union of India & Another Vs. Sarwan Ram & Another (SLP (C) No. 706/2014), Dr. Umrao Singh Choudhary Vs. State of Madhya Pradesh & Anr. (1994) 4 SCC 328, Syndicate Bank & Ors Vs. Venaktesh Gururao Kurati (JT 2006) 2 SC 73, Shankarshan Dass Vs. UOI (AIR 1991 SC

1612), T. Jay Kumar Vs. A. Gopu (2008(9) SCC 403) and Ekta Shakti Foundation Vs. Govt. of NCT of Delhi (2006(11) SC 709), Rahul Prabhakar Vs. Punjab Technical University, Jalandhar (1997) 3 SCT 526) 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) and Papendra Singh and Ors Vs. Union of India through the General Manager(NR) and Ors. (OA 2619/2015), Hajar Deen Khan Vs. Union of India through the General Manager(NR) and Ors.(OA 440/2015), Praveen Kumar Vs. Railway Recruitment Cell through the Chairman (OA 2061/2015), Sandeep Vs. Union of India through the General Manager(NR) and Ors. (OA 894/2015), Pardeep Kumar Vs. Union of India through the General Manager(NR) and Ors.

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.