

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5385 of 2016

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Rohit Raj Son of Sri Raj Kumar Singh, Resident of village- Naudihan, P.S.-
Rahimpur, District- Saran- 841101 (Bihar)

.... Petitioner/s

Versus

1. The Union of India through Director General, Employees State Insurance Corporation, Panchdeep Bhawan, C.I.G. Road, New Delhi- 110002
2. The Joint Director (Recruitment), Employees State Insurance Corporation, Panchdeep Bhawan, C.I.G. Marg, New Delhi- 110002
3. The Additional Commissioner and the Regional Director, Employees State Insurance Corporation, Regional Office Panchdeep Bhawan, Ashram Road, Ahmedabad- 380014
4. The Regional Director, Employees State Insurance Corporation, Regional Office Panchdeep Bhawan, Ashram Road, Ahmedabad- 380014
5. The Deputy Director, Employees State Insurance Corporation, Regional Office Panchdeep Bhawan, Ashram Road, Ahmedabad- 380014
6. The Joint Director I/C, Employees State Insurance Corporation, Sub-Regional Office Vadodara, ESI Corporation, Sub Regional Officer, Vadodara ESI Corporation, Vadodara (Gujarat)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate

For the Respondent/s : Mr. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 18-07-2016

The challenge in the present writ application is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') on 9th December, 2015. The Tribunal dismissed an application filed by the petitioner terminating his service on 28th October, 2014 under Rule 6(3) of the ESIC Corporation (Staff and Conditions of Service) Regulation, 1959.



As per facts on record, the respondent Corporation was cautious at the time of completion of pre-appointment formalities as certain frauds came to its notice actuated at the time of process of appointments. One caution was to obtain the thumb impression of both the thumbs and 10 signatures in running hand plus a statement obtained in running handwriting before two witnesses to identify a candidate who has appears in the examination. On the basis of such precaution, the appointment orders were issued to the selected candidates by incorporating the condition that the appointment is subject to correctness of the identity of the candidates. The petitioner was appointed subject to such condition.

In the present case, the fingerprint examination of the alleged answer sheet of the petitioner was conducted by the Central Forensic Science Laboratory on the basis of photocopy of the thumb impressions on the admit card, attendance sheet, OMR sheet and the specimen left and right thumb impression taken at the time of pre-appointment formalities. From the naked eye, it was also found that thumb impressions taken in three documents at the time of the examination were different from the sample thumb impressions of the applicant taken at the time of pre-appointment formalities. On such basis, a show cause notice was issued to the petitioner on 16th June, 2014 and termination order passed on 28th October, 2014. The show

cause notice was issued within the probation period as the petitioner was appointed on 7th August, 2012.

The sole argument raised by learned counsel for the petitioner is that there is complete violation of principles of natural justice before terminating the services of the petitioner.

We do not find any merit in the said argument. A show cause notice was issued on the basis of CFSL report, and after considering reply, the order of termination has been passed. The thumb impressions have been found to be different by the fingerprint experts. Even from the naked eye, it has been observed that they are different. Once show cause notice has been issued and the reply obtained, the principles of natural justice stands complied with. Nothing more was required to be done as the allegations are that of impersonation at the time of appearing in the examination.

We do not find any merit in the present writ application and it is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

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