

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8962 of 2016

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1. Manoj Kumar Son of Sri Chandra Bhushan Prasad, resident of village-Daivaripar, P.O.- Pillich, P.S.- Parwalpur, District Nalanda.

.... Petitioner/s

Versus

1. The Union of India through the 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 Regional Director, Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, Ashram Road, Ahmedabad- 380014.
6. The Joint Director I/C Employees State Insurance Corporation, Vadodara (Gujarat).
7. Ruesh Kumar S/o Shri Arvind Rajak Resident of Patel Nagar Post + P.S.- Hilsa District- Nalanda 801320 (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D. K. Sinha, Sr. Advocate with
Mr. Anil Kumar Singh No. 1

For the Union of India : Mr. S.D Sanjay, ADDL. S. G.
Mr. Ravinder Kumar Sharma, CGC

For E.S. I. : Dr. Anshuman.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-02-2017

The order under challenge is dated 9th December, 2015
passed by the Central Administrative Tribunal, Patna Bench, Patna in
O.A. No. 891 of 2014. The order of termination simplicitor under
Regulation 6(3) of ESI Corporation (Staff and Conditions of Service)



Regulations, 1959 became the subject matter of challenge before the Tribunal.

2. After the selection and appointment on the post of Clerk, certain materials emerged against some of the selected candidates creating doubts of impersonation. Evidence was obtained by way of thumb impression, multiple signatures as well as a passage in writing was obtained to be compared with the original specimens which were available with the authorities at the time of the examination held in terms of the advertisement. The matter was thereafter referred to the Central Forensic Science Laboratory, New Delhi for an opinion. The opinion of the Central Forensic Science Laboratory, New Delhi went against the candidates and since they were not yet confirmed on the posts, as they were on probation for a period of two years, the authorities decided to invoke Regulation 6(3) of the Regulations, 1959 by issuing an order of termination simplicitor. Since no evidence or materials on record have been brought to rebut the findings given by the Central Forensic Science Laboratory, the Tribunal committed no error in refusing to interfere with the order of termination of the petitioner. .

3. The said situation prevails even before this Court and since the Court has no better evidence and material to cast doubt upon the opinion of the Central Forensic Science Laboratory, the finding



cannot be interfered with.

4. The writ application has no merit. It is dismissed as such.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Amin/-

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CAV DATE	
Uploading Date	
Transmission Date	

