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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7375/2024**

UNION OF INDIA AND ORS.

.....Petitioners

Through: None.

Versus

AMIT

.....Respondent

Through: Mr. Ankur Chibber, Mr. Yogesh
Kumar and Mr. Harkesh, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

28.08.2024

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1. Pursuant to directions passed by the Hon'ble Supreme Court vide order dated 20.03.2024, the present petition has been received on transfer from High Court of Chhattisgarh.
2. None has appeared on behalf of the petitioners.
3. The brief background of the case is that on 21.12.2014, the petitioner floated an advertisement and published in the daily newspaper for recruitment to the post of Postal Assistant (PA)/ Sorting Assistant (SA). The written examination was conducted on 11.05.2014 by M/s CMC Ltd. and the result for the Chhattisgarh Circle, Raipur Office was declared on 18.12.2014.
4. The petitioners vide Notice dated 22.12.2015 informed the respondent regarding termination of his service.

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5. A show cause notice dated 14.06.2018 was issued to the respondent by the Sr. Superintendent of Post Offices, Drug Division vide Memo No.B2-18/PA.DR/2013-14 at CC Bhilali based on observation (signature on OMR sheet, Data Entry and Typing Test Sheet seems to be of some candidate but appears to be different from signature on online registration form) made by the Committee.
6. According to petitioners, as per report of CFSL in r/o of respondent, i.e. Shri Amit, the person who signed the OMR sheet is different than the person who appeared in the Data Entry and Typing Test. Also the person who has given specimen signature at Circle Office, Raipur is found different than the person who signed the OMR sheet. Thus, as per the report of Observation Committee (signature on OMR Sheet, Data Entry and Typing Test Sheet appears to be of same candidate but appears to be different from signature on online registration form) and CFSL, case of impersonation is confirmed.
7. Being aggrieved respondent filed OA No.2431/2022 before learned Central Administrative Tribunal (the Tribunal), Principal Bench, New Delhi and vide impugned order dated 13.04.2023, the learned Tribunal set aside the order dated 10.05.2022 and directed the petitioners to reinstate the respondent in service.
8. The case of the petitioners is that the learned Tribunal did not consider that the as per the report of Observation Committee (signature on OMR Sheet, Data Entry and Typing Test Sheet appears to be of same candidate but appears to be different from signature on online registration form) and CFSL, case of impersonation is confirmed.
9. Learned counsel appearing on behalf of the respondent submits that



the issue raised in the present writ petition is similar to the one raised in W.P.(C) 15248/2022 which has already been decided by this Court vide judgment dated 18.07.2024. Further W.P.(C) 13635/2023 is another similar petition based on alike facts.

10. Relevantly, in W.P.(C) 15248/2022 this Court upheld the judgment dated 10.03.2022 passed by the learned Tribunal in O.A. No.2756/2019, whereby the respondents therein, who were successfully recruited to the post of Postal Assistant (PA)/Sorting Assistant (SA) in the Department of Posts and whose services were terminated on the charge that their signatures on their respective OMR sheets did not tally with those on the registration forms; were directed to be reinstated observing that without conducting any departmental enquiry and based upon unproved FSL report, termination order cannot be sustained.

11. It is not the case of petitioners that there is any dispute with regard to identification of the respondent. This Court is of the opinion that the case of respondent is on similar footing as decision of this Court in W.P.(C) 15248/2022.

12. The present petition and pending application, if any, are accordingly dismissed, with direction to the petitioners to reinstate respondent and grant consequential benefits within four weeks.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

AUGUST 28, 2024/rk/r