



\$~63

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

*Date of decision: 27<sup>th</sup> August, 2024*

+ W.P.(C) 13635/2023

UNION OF INDIA & ORS.

....Petitioners

Through: Mr. Vijay Joshi, Senior Panel Counsel

Versus

SHRI SUKHVINDER

....Respondent

Through:

Mr. Ranbir Singh Kundu, Mr. Mukesh Kumar, Mr. Anurag Pandey and Mr. Srajan Shankar Kulshrestha, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**  
**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**JUDGMENT (oral)**

**CM APPL.48863/2024 (for exemption)**

1. Allowed, subject to all just exceptions.

**CM APPL.48862/2024 (for early hearing by respondent)**

2. Notice issued.

3. Mr. Vijay Joshi, learned senior panel counsel, accepts notice of the application on behalf of the petitioners.

4. In view of reasons stated in the application, it is allowed and the main petition is taken up for hearing today itself.

5. The application is disposed of.

**W.P.(C) 13635/2023**

6. In view of orders passed in CM APPL.48862/2024, the date of 11.11.2024 fixed in the present petition is cancelled and with the consent of



learned counsel representing both the sides, the present petition is taken up for hearing today itself.

7. The respondent had appeared in the examination conducted by M/s CMC Ltd. for filling up the vacancies for the year 2013-14 for the post of Postal Assistant/ Sorting Assistant under the Department of Post and Telegraph. In the result declared on 17.03.2015, he was declared successful and selected. The respondent claims to have completed pre formalities and 15 days house training between 09.03.2015 and 21.03.2015 and he was appointed as SA SRO (Sub Record Office), RMS 'AM' Division, Mehsana.

8. The petitioners vide Notice dated 23.12.2015 informed the respondent regarding his termination from service, identifying him a culprit in Directorate Vigilance Report with remarks "*Forehead as For Head*".

9. Being aggrieved respondent filed OA No.2001/2022 before learned Central Administrative Tribunal (the Tribunal), Principal Bench, New Delhi seeking his reinstatement, which was allowed by the learned Tribunal vide impugned order dated 13.04.2023, thereby, setting aside his termination and immediate reinstatement with consequential benefits as per law.

10. Vide present petition, the petitioners are seeking quashing and setting aside of the impugned order dated 13.04.2023 passed by learned Central Tribunal in OA No.2001/2022.

11. At this stage, learned counsel appearing on behalf of respondent has pointed out that in a similar petition being W.P.(C) 15248/2022 titled as ***Union of India & Ors. Vs. Sanjeev Kumar & Anr.*** vide order dated 18.07.2024 this Court has upheld the order passed by the learned Tribunal.

12. Learned senior panel counsel appearing on behalf of petitioners has disputed the aforesaid submissions by stating that in the present case, though



on the OMR sheet roll number is written, however, the same is not bubbled, due to which services of respondent have been terminated.

13. In the present case also, as per FSL report petitioner's signature on the OMR sheet did not match with the specimen signature.

14. 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.

15. 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.

16. 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)  
JUDGE**

**(GIRISH KATHPALIA)  
JUDGE**

**AUGUST 27, 2024/rk/r**