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

\+ W.P.(C) 1002/2025, CAV 44/2025, CM APPL. 4976/2025, CM APPL. 4977/2025 & CM APPL. 4978/2025

UNION OF INDIA & ORS. .....Petitioners

Through: Mr. Himanshu Pathak, SPC with Mr. Amit Singh, Advs.

versus

SUMIT .....Respondent

Through: Mr. Ankur Chhibber, Mr. Ashish Pandey, Mr. Mukesh Kumar, Mr. Shashank Gusain and Mr. Srikant Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% 20.02.2025

C. HARI SHANKAR, J.

1. The respondent participated in a selection for the post of Postal Assistant, consequent to a notification, on 11 August 2012, issued by the Chief Postmaster General, Haryana, Department of Posts.

2. An aptitude test was held on 7 July 2013 and a data entry and typing test was held on 1 September 2013, in both of which the respondent participated. The result of the selection was declared on

18 December 2013.

3. A list of provisionally selected candidates allotted to the Hissar Division against the available vacancies was released by the Department of Posts on 18 December 2013. The name of the respondent figured therein. The selection was, however, subject to verification of documents.

4. Consequent on completion of formalities, the respondent was appointed as Postal Assistant, Mandi Dabwali, LSG SO *vide* memo dated 11 February 2014.

5. It appears that, thereafter, consequent to certain directions issued by the Postal Directorate, a committee, under the Chairmanship of the Postmaster General, was constituted to examine the record of the selected candidates. As the Committee felt that the signatures of the respondent, on the answer sheet of the examination undertaken by him differed from the signatures on the OMR sheet, the matter was referred to the Central Forensic Science Laboratory[1], Shimla, for an opinion.

6. The CFSL, in its report dated 25 January 2017, opined that "the person who wrote the blue enclosed signatures stamped and marked A1 to A4 (Charge report dated 24.02.2014 (Annexure R-4), Specimen Signatures on Letter addressed to Civil Surgeon Hissar dated 28.01.2014 (Annexure R-5) & Attestation form (Annexure R-6)) did

not write the enclosed signatures similarly stamped and marked Q2, Q3 and Q4 (OMR Answer Sheet (Annexure R-1), Typing test Answer sheet (Annexure R-2), Data Entry Answer sheet) (Annexure R-3).”

7. Predicated on the aforesaid CFSL report, the Department of Posts issued a chargesheet to the respondent under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965[2], alleging that the respondent had been impersonated in the examination, as his signatures in OMR sheet and in the written tests did not match, proposing to initiate disciplinary proceedings against him for imposition of major penalty.

8. It is not in dispute that the chargesheet was accompanied by a list of 17 documents on which the Articles of Charge against the respondent were proposed to be sustained. The said list may be reproduced as under:

> “List of documents by which the articles of charges against Sh. Sumit PA Jhajjar MDG proposed to be sustained.
>
> 1. Notification for the post of PA/SA Direct Recruitment exam for the Year 2011-12 issued vide Chief Postmaster General Haryana Circle Ambala vide no. R & E/34-3/2012/Dated 11.08.2012.
>
> 2. OMR Application form No. 6522297 for the post of Postal Assistant in r/o Sh. Sumit.
>
> 3. OMR Answer Sheet No. 3437194 for Aptitude Test in r/o Sh. Sumit under Roll No. 1711619606.
>
> 4. Data Entry test Answer Sheet No. 42959 Dated 01.09.2012 in r/o Sh. Sumit under Roll No. 1711619606.

[1] “CFSL” hereinafter
[2] “CCS(CCA) Rules” hereinafter

5. Typing test Answer Sheet no. 42928 dated 01.09.2013 in r/o Sh. Sumit under Roll No. 1711619606.

6. Directorate Letter no. A-34012/5/2011-DE(Part-II) dated 23/24.02.2016.

7. Minutes dated 16.06.2016 of the committee constituted by Chief Postmaster General Haryana Circle Ambala for preventive vigilance check.

8. Report No. CX-13/2017 of the Central Forensic Science Laboratory, Shimla issued vide letter No. CX-13/2017/664 dated 31.01.2017.

9. Preliminary enquiry report dated 28.03.2017 of Sh. B.S. Panchal ASP Bahadurgarh.

10. Attestation Form of Sh. Sumit.

11. Letter addressed to Civil Surgeon Hissar for Health Certificate and Health Certificate issued by Civil Surgeon Hissar in r/o Sh. Sumit.

12. Charge Report dated 24.02.2014 in r/o Sh. Sumit.

13. Circle Office Ambala letter no. APS/Con-28/2013 dated 01.11.2013 & 18.12.2013.

14. SPOs Hissar letter no. B-2/4 Rectt/2011 & 2012 dated 01.11.2013.

15. SPOs Hissar letter no. B-2/4 Rectt/2011 & 2012 dated 11.02.2014.

16. Statement of Sh. Sumit dated 28.08.2017 containing 2 pages obtained by Sh. B.S. Panchal, the then ASP Bahadurgarh.

17. Letter dated 01.11.2013."

9. An Inquiry Officer was appointed. It is not in dispute that, from the aforesaid list, documents at serial nos. 6, 7, 8, 10, 12, 13, 14 and

15 were not provided to the respondent, despite the respondent having sought the said documents.

10. Mr. Pathak, learned SPC for the petitioners, submits that the said documents were not provided as, in the perception of the IO, they were not relevant. He also submits that the inquiry report which ultimately came to be issued by the IO on 17 August 2019, was passed essentially on the CFSL report dated 25 January 2017. Inasmuch as the said report had been provided to the said respondent, Mr. Pathak submits that the decision not to provide the respondent the aforesaid documents at serial nos. 6, 7, 8, 10, 12, 13, 14 and 15 of the list of documents annexed with the chargesheet, was not fatal to the proceedings. He also points out, in this regard, that Rule 14 (3)(ii) (b) of the CCS(CCA) Rules requires the DA to draw only a list of the documents by which the articles of charge was proposed to be sustained and Rule 14(4)(a) requires the DA to provide the government servant/charged officer the said list of documents and witnesses along with the articles of charge and statement of imputations of misconduct. Inasmuch as these documents have been provided to the respondent, and the petitioner has also provided the documents which according to the IO were relevant to the case and on which the IO ultimately relied while passing the inquiry report, he submits that there was no violation of Rule 14 or breach of the principles of natural justice.

11. Besides, Annexure-4 to the chargesheet enlisted the witnesses, by whom the articles of charge were proposed to be proved, and reads

thus:

> "List of witnesses by whom the article of Charges framed against Sh Sumit P.A Jhajjar MDG are proposed to be sustained.
>
> 1. Dr. Ravindra Sharma, M.sc. Ph.D (Asstt. Director.& Scientist C) Central Forensic Science Laboratory, Shimla
>
> 2. Sh. Ranjit Singh the then APMG (Staff) o/o CPMG Haryana Circle Ambala.
>
> 3. Sh. S.R Sharma the then SSPOs Hissar
> 4. Sh. B.S Panchal the then ASP Bahadurgarh
>
> 5. Sh. S K Jain O.A. O/o SPOs Hissar"
>
> Sr. Superintendent of Post Offices
> Rohtak Division Rohtak-124001"

12. It is not in dispute that the petitioner did not produce any of the witnesses enumerated in Annexure-4 to the Articles of Charge and, therefore, the respondent could not cross examine any of the said witnesses. This, according to us, is a serious breach of procedure, especially as the first witness named in the list of witnesses, i.e. Dr. Ravindra Sharma, was the Assistant Director & Scientist 'C', CFSL, who was obviously cited as a witness to prove the CFSL report. By not producing him in the witness box, the CFSL report went unproved.

13. We may also rely, in this context, on the judgment of the Supreme Court in ***Roop Singh Negi v Punjab National Bank***[3], in which the Supreme Court has observed that the provisions of the Indian Evidence Act may not be strictly applicable in departmental

[3] **(2009) 2 SCC 570**

proceedings, nonetheless, if the IO or the DA intends to rely on certain documents against the charged officer, those documents have to be proved in the matter known to law. If the documents are not proved, they cannot be relied upon in the inquiry proceedings.

14. The relevant paragraphs from ***Roop Singh Negi*** may be reproduced thus:

> "14. Indisputably, a departmental proceeding is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges levelled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the investigating officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the enquiry officer on the FIR which could not have been treated as evidence."

15. It was in such circumstances that the IO came to pass the inquiry report, relying on the CFSL report and holding the charges against the respondent to stand proved.

16. Following the aforesaid inquiry report, the Disciplinary Authority, by order dated 31 October 2019, removed the respondent from service.

17. An appeal, preferred by the respondent, against the decision of the DA was also dismissed by the Appellate Authority on 17 July 2020.

18. Aggrieved thereby, the respondent approached the Central Administrative Tribunal[4] by way of OA 1133/2022.

19. By the judgment dated 29 May 2024, the Tribunal has allowed the OA in the following terms:

> "10. In view of the aforesaid, we do not find any reason to take a view which could be at divergence. Therefore, the present OA is allowed and all the impugned orders terminating/dismissing the services of the applicants from the post of Postal Assistant, Postal Department, Government of India, being illegal, arbitrary, discriminatory, against the facts, circumstances and documentary evidence as well as against the provisions of the Service Rules are hereby quashed. The order passed on the appeal thereto is also quashed. Respondents are directed to reinstate the applicant into service forthwith with all consequential benefits. All the consequential benefits flowing out of this judgement be released to the applicant within eight weeks of receipt of a certified copy of this order."

20. The Tribunal has, in allowing the OA, relied on its earlier decision in ***Jagmohan v UOI*[5]*,*** rendered by the Tribunal on 20 May 2024.

21. The decision of the Tribunal in ***Jagmohan*** was carried by the department to this Court, and stands affirmed by us[6]. We may reproduce, from the said decision, the relevant paragraphs, thus:

> "9. Joginder had sought 11 documents from the petitioners, to defend the allegations against him. The request was considered by the IO on 8 October 2020, and it was ordered thus:

[4] "the Tribunal" hereinafter
[5] **OA No 20/2023**
[6] Refer **UOI v Jagmohan**, **2024 SCC Online Del 9099**

> "2. The Charged official demanded eleven documents in the list of additional documents to defend his case. Eight (Sr No. 1, 2, 3, 4, 5, 6, 7 and 11) out of a found to be relevant. To decide the relevancy of remaining documents, the charged official was passed to explain the relevancy of documents mentioned that sr no. 8, 9 and 10 in the list.
>
> The charged official explained that exam was conducted PTC Vadodara during the induction training on the same pattern, so documents mentioned at Sr. No. 8 & 9. He explained that the documents sr. no. 10 is required to ascertain the authenticity of the document.
>
> During the, it was explained by the Inquiry Officer that the performance of the exam conducted at PTC Vadodara during the induction training is not relevant with this case. Therefore, the documents mentioned at sr. no. 8 & 9 are not relevant. The authenticity of documents sr. no. 10 will be decided during the regular of the case, so that the demanded document is not required.
>
> Action will be initiated for making available the relevant documents."

Joginder was not, however, provided with any of the documents at S. No. 1, 2, 3, 4, 5, 6, 7 or 11, despite the IO returning a finding that the documents were relevant for Joginder's defence and directing action be initiated for making them available. During the course of arguments before the IO, this point was specifically raised by Joginder, and stands so recorded in the Inquiry Report. The IO has, however, paid no heed to the said submission, while holding the charges against Joginder to be proved.

10. With respect to the request for documents by Sukhvinder, for his defence, the inquiry Report dated 21 December 2021, of the IO, records thus:

> "Accordingly CO has supplied list dated 07.09.2020 of documents and witnesses to be produced during inquiry for his defence. The list was carefully scrutinised by the IO and relevant documents and witnesses were allowed. The letter to supply the same was addressed by letter dated 21.09.2020. The custody of the said documents were reported to be 'SP Gondal/CPMG Ahmedabad/DOP' by the CO. The letter was addressed to PO but a copy of the same was also addressed to the authority having custody of the

same as mentioned by CO in his demand letter i.e. SP Gondal. Custodian of the documents i.e. SP Gondal has also intimated vide letter dated 01.12.2020 that these (defence) documents were called from CO Ahmedabad and will be supplied after receipt of the same. Custodian of the documents i.e. SP Gondal has been sent non-availability letter vide B2/Rule-14/01/Sukhvinder/2020 dated 22.01.2021 as per CO Ahmedabad letter No. R & E/1-1/DR/2013 & 2014-III dated 05.10.2020 additional documents demanded by CO was not available of the said information which was sent to Charge on 28.01.2021 by IO."

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14. The factual and legal position which obtained in the case of the respondents before the High Court of Gujarat in ***Anil Kumar***[7] are identical to those which obtained in the case of the present respondents, inasmuch as the respondents in ***Anil Kumar*** were also among those who participated in the examination conducted for the posts of Postal Assistant and Sorting Assistant pursuant to the advertisement dated 21 February 2014 and who, after initially having been appointed, were terminated by cancellation of their appointment, based on the report of the CFSL. In their case, too, fresh appointment orders were issued, an inquiry conducted, pursuant to the directions of the Supreme Court in its order dated 13 July 2017 in Civil Appeal 10513/2016 and connected cases. In their case, too, documents, which were sought by the respondents for their defence were permitted by the IO but not provided. Among other reasons, the High Court of Gujarat, in its judgment in ***Anil Kumar***, has affirmed the decision of the Ahmedabad Bench of the Tribunal to set aside the termination of the respondents (before the High Court) from service and directed reinstatement, on the ground that there was clear violation of the principles of natural justice in not providing the documents sought by the respondents, especially as the only evidence against them was the CFSL report.

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16. The default, on the petitioner's part, in supplying the documents sought by the respondents Jagmohan and Sukhvinder, and allowed by the IO has relevant for the defence is, in our opinion, fatal to the inquiry proceedings. It signals complete breach of the principles of natural justice and fair play. It is elementary

[7] **UOI v Anil Kumar, MANU/GJ/1221/2024**

that, in any quasi-judicial proceedings, the person charged is entitled to be provided material relevant for his defence. The finding of the IO that the documents were relevant ipso facto render their non-supply to the respondents fatal to the inquiry. In fact, no reasonable purpose would be served even in permitting the petitioners to recommence the inquiry against the respondents, if the documents are essential for the defence are not forthcoming. In this context, we find it difficult to believe that the documents are not available, as the inquiry was conducted in reasonable proximity to the order passed by the Supreme Court.

17. It is, further, well settled in evidence that handwriting comparison constitutes evidence of an extremely weak character, and cannot, in any event, be treated as conclusive. We may reproduce, in this context, the following passages from the judgments of the Supreme Court in ***S.P.S. Rathore* v. *CBI***[8] and ***Padum Kumar* v. *State of UP***[9]**:**

From ***S.P.S. Rathore***:

> 47. With regard to the contention of the learned Senior Counsel for the appellant-accused that the signatures of Ms. Ruchika on the memorandum were forged though she signed the same in front of Shri. Anand Prakash, Shri S.C. Girhotra, Ms. Aradhana and Mrs. Madhu Prakash and they have admitted the same, we are of the opinion that *expert evidence as to handwriting is only opinion evidence and it can never be conclusive*. Acting on the evidence of any expert, it is usually to see if that evidence is corroborated either by clear, direct or circumstantial evidence. *The sole evidence of a handwriting expert is not normally sufficient for recording a definite finding about the writing being of a certain person or not*. A court is competent to compare the disputed writing of a person with others which are admitted or proved to be his writings. It may not be safe for a court to record a finding about a person's writing in a certain document merely on the basis of expert comparison, but a court can itself compare the writings in order to appreciate properly the other evidence produced before it in that regard. The opinion of a handwriting expert is also relevant in view of Section 45 of the Evidence Act, but that too is not conclusive. It has also been held by this Court in a catena of cases that the sole evidence of a handwriting expert is not normally sufficient for recording a definite

[8] **(2017) 5 SCC 817**
[9] **(2020) 3 SCC 35**

finding about the writing being of a certain person or not. It follows that it is not essential that the handwriting expert must be examined in a case to prove or disprove the disputed writing. *It is opinion evidence and it can rarely, if ever, take the place of substantive evidence. Before acting on such evidence, it is usual to see if it is corroborated either by clear, direct evidence or by circumstantial evidence.*

49. In ***Bhagwan Kaur* v *Maharaj Krishan Sharma***[10] this Court held as under:

> "26. It is no doubt true that the prosecution led evidence of handwriting expert to show the similarity of handwriting between (PW 1/A) and other admitted writings of the deceased, but in this respect, we are of the opinion that in view of the main essential features of the case, not much value can be attached to the expert evidence. *The evidence of a handwriting expert, unlike that of a fingerprint expert, is generally of a frail character and its fallibilities have been quite often noticed. The courts should, therefore, be wary to give too much weight to the evidence of handwriting expert.* In ***Kishore Chandra Singh Deo* v. *Babu Ganesh Prasad Bhagat***[11] this Court observed that *conclusions based upon mere comparison of handwriting must at best be indecisive* and yield to the positive evidence in the case."

50. It is thus clear that uncorroborated evidence of a handwriting expert is an extremely weak type of evidence and the same should not be relied upon either for the conviction or for acquittal. The courts, should, therefore, be wary to give too much weight to the evidence of handwriting expert. It can rarely, if ever, take the place of substantive evidence. Before acting on such evidence, it is usual to see if it is corroborated either by clear, direct evidence or by circumstantial evidence."

(Emphasis supplied)

From ***Padum Kumar***

"14. The learned counsel for the appellant has submitted that without independent and reliable corroboration, the

[10] **(1973) 4 SCC 46**
[11] **(1954) 1 SCC 326**

opinion of the handwriting experts cannot be relied upon to base the conviction. In support of his contention, the learned counsel for the appellant has placed reliance upon ***S. Gopal Reddy* v. *State of A.P***[12]., wherein the Supreme Court held as under:

> "28. Thus, the evidence of PW 3 is not definite and cannot be said to be of a clinching nature to connect the appellant with the disputed letters. *The evidence of an expert is a rather weak type of evidence and the courts do not generally consider it as offering "conclusive" proof and therefore safe to rely upon the same without seeking independent and reliable corroboration*. In ***Magan Bihari Lal* v. *State of Punjab***[13]**,** while dealing with the evidence of a handwriting expert, this Court opined:
>
> > '7. …we think it would be extremely hazardous to condemn the appellant merely on the strength of opinion evidence of a handwriting expert. It is now well settled that *expert opinion must always be received with great caution and perhaps none so with more caution than the opinion of a handwriting expert.* There is a profusion of precedential authority which holds that it is unsafe to base a conviction solely on expert opinion without substantial corroboration. This rule has been universally acted upon and *it has almost become a rule of law.* It was held by this Court in ***Ram Chandra* v. *State of U.P.***[14]**,** that it is unsafe to treat expert handwriting opinion as sufficient basis for conviction, but it may be relied upon when supported by other items of internal and external evidence. This Court again pointed out in *Ishwari Prasad* ***Misra* v. *Mohd. Isa***[15] that expert evidence of handwriting can never be conclusive because it is, after all, opinion evidence, and this view was reiterated in ***Shashi Kumar Banerjee v Subodh Kumar***

[12] **(1996) 4 SCC 596**
[13] **(1977) 2 SCC 210**
[14] **AIR 1957 SC 381**
[15] **AIR 1963 SC 1728**

Banerjee[16] where it was pointed out by this Court that an expert's evidence as to handwriting being opinion evidence can rarely, if ever, take the place of substantive evidence and before acting on such evidence, it would be desirable to consider whether it is corroborated either by clear direct evidence or by circumstantial evidence. This Court had again occasion to consider the evidentiary value of expert opinion in regard to handwriting in ***Fakhruddin* v. *State of M.P.***[17] and it uttered a note of caution pointing out that it would be risky to found a conviction solely on the evidence of a handwriting expert and before acting upon such evidence, the court must always try to see whether it is corroborated by other evidence, direct or circumstantial.'"

15. Of course, it is not safe to base the conviction solely on the evidence of the handwriting expert. As held by the Supreme Court in ***Magan Bihari Lal* v *State of Punjab*** that:

> "*7.* … expert opinion must always be received with great caution … it is unsafe to base a conviction solely on expert opinion without substantial corroboration. This rule has been universally acted upon and it has almost become a rule of law."

16. It is fairly well settled that before acting upon the opinion of the handwriting expert, prudence requires that the court must see that such evidence is corroborated by other evidence either direct or circumstantial evidence. In ***Murari Lal* v *State of M.P.***[18]**,** the Supreme Court held as under:

> "4. … True, it has occasionally been said on very high authority that it would be hazardous to base a conviction solely on the opinion of a handwriting expert. But, the hazard in accepting the opinion of any expert, handwriting expert or any other kind of expert, is not because experts, in general, are

[16] **AIR 1964 SC 529**
[17] **AIR 1967 SC 1326**
[18] **(1980) 1 SCC 704**

unreliable witnesses — the quality of credibility or incredibility being one which an expert shares with all other witnesses — but because all human judgment is fallible and an expert may go wrong because of some defect of observation, some error of premises or honest mistake of conclusion. The more developed and the more perfect a science, the less the chance of an incorrect opinion and the converse if the science is less developed and imperfect. *The science of identification of fingerprints has attained near perfection and the risk of an incorrect opinion is practically non-existent. On the other hand, the science of identification of handwriting is not nearly so perfect and the risk is, therefore, higher.* But that is a far cry from doubting the opinion of a handwriting expert as an invariable rule and insisting upon substantial corroboration in every case, howsoever the opinion may be backed by the soundest of reasons. It is hardly fair to an expert to view his opinion with an initial suspicion and to treat him as an inferior sort of witness. His opinion has to be tested by the acceptability of the reasons given by him. An expert deposes and not decides. His duty "is to furnish the Judge with the necessary scientific criteria for testing the accuracy of his conclusion, so as to enable the Judge to form his own independent judgment by the application of these criteria to the facts proved in evidence" [*Vide* Lord President Cooper in ***Davis* v. *Edinburgh Magistrate***[19], quoted by Professor Cross in his evidence].

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6. Expert testimony is made relevant by Section 45 of the Evidence Act and where the Court has to form an opinion upon a point as to identity of handwriting, the opinion of a person "specially skilled" "in questions as to identity of handwriting" is expressly made a relevant fact.… So, corroboration may not invariably be insisted upon before acting on the opinion of an handwriting expert and there need be no initial suspicion. But, on the facts of a particular case, a court may require corroboration of a varying degree. There can be no

[19] **1953 SC 34**

> hard-and-fast rule, but nothing will justify the rejection of the opinion of an expert supported by unchallenged reasons on the sole ground that it is not corroborated. The approach of a court while dealing with the opinion of a handwriting expert should be to proceed cautiously, probe the reasons for the opinion, consider all other relevant evidence and decide finally to accept or reject it."
>
> 18. Keeping in view the above legal position, we find no error in the impugned judgment of the Tribunal, as the petitioners have, in their arsenal, the handwriting opinion of the CFSL and no other evidence, and the respondents were, moreover, not provided with the documents which were found, even by the IO, to be necessary for their defence."

22. The principle enunciated in the aforesaid paragraphs from ***Jagmohan***, in our view, apply *mutatis mutandis* to the case at hand.

23. Mr. Pathak, learned SPC for the petitioner, sought to distinguish the judgment in ***Jagmohan*** rendered by this Court on the ground that the specimen handwriting of the candidate in that case had been taken considerably anterior in point in time from the date when the candidate had attempted the examination.

24. That, in our considered opinion, cannot constitute a ground to distinguish ***Jagmohan.*** We may note that the Supreme Court in ***Magan Bihari Lal v State of Punjab***, held that handwriting opinion is evidence of an extremely weak nature and cannot constitute the sole basis for determining the identity of the person whose handwriting is subjected to examination. The relevant paragraphs from ***Magan Bihari Lal*** may be reproduced thus:

"7. … we think it would be extremely hazardous to condemn the appellant merely on the strength of opinion evidence of a handwriting expert. It is now well settled that *expert opinion must always be received with great caution and perhaps none so with more caution than the opinion of a handwriting expert.* There is a profusion of precedential authority which holds that it is unsafe to base a conviction solely on expert opinion without substantial corroboration. This rule has been universally acted upon and *it has almost become a rule of law*. It was held by this Court in ***Ram Chandra v State of U.P.***[20], that it is unsafe to treat expert handwriting opinion as sufficient basis for conviction, but it may be relied upon when supported by other items of internal and external evidence. This Court again pointed out ***in Ishwari Prasad Misra v Mohd. Isa***[21] that expert evidence of handwriting can never be conclusive because it is, after all, opinion evidence, and this view was reiterated in ***Shashi Kumar Banerjee v Subodh Kumar Banerjee***[22] where it was pointed out by this Court that an expert's evidence as to handwriting being opinion evidence can rarely, if ever, take the place of substantive evidence and before acting on such evidence, it would be desirable to consider whether it is corroborated either by clear direct evidence or by circumstantial evidence. This Court had again occasion to consider the evidentiary value of expert opinion in regard to handwriting in ***Fakhruddin v State of M.P.***[23] and it uttered a note of caution pointing out that it would be risky to found a conviction solely on the evidence of a handwriting expert and before acting upon such evidence, the court must always try to see whether it is corroborated by other evidence, direct or circumstantial. It is interesting to note that the same view is also echoed in the judgments of English and American courts. Vide ***Gurney v. Langlands***[24] and ***Matter of Alfred Foster's Will***[25]. The Supreme Court of Michigan pointed out in the last-mentioned case:

"Everyone knows how very unsafe it is to rely upon any one's opinion concerning the niceties of penmanship — Opinions are necessarily received, and may be valuable, but at best this kind of evidence is a necessary evil.""

25. Apart from the fact that, in the present case, therefore the only

[20] **AIR 1957 SC 381**
[21] **AIR 1963 SC 1728**
[22] **AIR 1964 SC 529**
[23] **AIR 1967 SC 1326**
[24] **1822 5 B and Ald 330**
[25] **34 Mich 21**

basis to remove the respondent from service was the opinion of the handwriting expert, which may not constitute sufficient basis to do so, we are additionally inclined to uphold the order of the Tribunal because of the flagrant breach of Rule 14 of the CCS (CCA) Rules in the manner in which the inquiry was conducted.

26. Rule 14(6) of the CCS(CCA) Rules reads thus:

> "14. Procedure for imposing major penalties
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> *****
>
> (6) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority-
>
> (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
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> (ii) a copy of the written statement of the defence, if any, submitted by the Government servant;
>
> (iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3);
>
> (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
>
> (v) a copy of the order appointing the "Presenting Officer".

27. When one travels through Rule 14 of the CCS(CCA) Rules, one finds that sub-rule 3 thereof deals with what the disciplinary authority is required to draw up. It stipulates that the DA shall draw up or cause to draw up the substance of imputation of misconduct in support of each article of charge and among other things, the list of documents and the list of witnesses by which the articles of charge are proposed to be sustained. Thereafter, Rule 14(4)(a) requires the DA to deliver to

the government servant the copy of the articles of charges along with the statement of imputation of misconduct and the list of documents and witnesses. Proceeding further, Rule 14(6) specifically requires the DA, where it is not the IO, to forward, to the IO, among other things, "evidence proving the delivery of the documents referred to in sub-rule (3) to the government servant". The documents referred to in sub-rule (3) are all the documents contained in the list of documents annexed to the chargesheet.

28. Thus, the IO acquires jurisdiction to proceed with the inquiry only after the DA has forwarded to the IO evidence to indicate that all the documents which are enlisted in the list of documents annexed to the chargesheet have been provided to the charged officer.

29. The IO, therefore, has no liberty to consider, *suo motu*, that some of the documents are not relevant and, therefore, refused to provide them to the charged officer.

30. Indeed, such a decision may be perilously open to an inference that the documents of which copies have not been provided may be adverse to the interests of the department. Else, there can be no explanation as to why, at the time of drawing up of the chargesheet, the documents were felt to be relevant and, during inquiry, the documents were not provided to the charged officer on the ground that they were not relevant.

31. That apart, we find that another fatal infirmity in the enquiry

proceedings in the present case is the omission, on the part of the petitioner, to make available the witnesses enlisted in the list of witnesses annexed to the charge sheet, to support the case that the petitioner was seeking to make out. Most prominently, even the scientist from the CFSL, who was the first witness cited in the list of witnesses annexed to the charge sheet, was never made available. The obvious sequitur is that the CFSL report went unproved. We are fortified, in this view, by the passages from the judgment in ***Roop Singh Negi*** which already stand extracted *supra*.

32. As a consequence of the said witness not being produced in the enquiry proceedings, the respondent was also denied an opportunity to cross examine him or disapprove or contest the correctness of the CFSL report. This was especially so, in view of the legal position that a handwriting report is, as we have already noted, a very weak form of evidence and at the very least, the charged officer had to be afforded an opportunity to disprove the report.

33. For all these reasons, we are in agreement with the Tribunal that the removal of the respondent from service, after he had been appointed, on the sole basis of the CFSL Report, cannot sustain in law.

34. We therefore, find no cause to interfere with the impugned judgment of the Tribunal which is affirmed in its entirety.

35. The writ petition is accordingly dismissed, with no orders as to costs.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 20, 2025
dsn

Click here to check corrigendum, if any