

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD



OA/020/01112/2019
Date of Order : 18-12-2019

Between :

1. Akkireddy Durga Prasad,
S/o A.Appa Rao, Age 27 yrs, Gr.'C',
Occ: unemployed, R/o Metavanipalem (V),
Ravikamtham(M), Visakhapatnam – 531 025.
2. Palla Veni Krishna, S/o P.Yerran Naidu,
Age 24 yrs, Occ: unemployed, R/o D.No.1-446, Gullepalli,
Sabbavaram(M), Visakhapatnam – 531 035.
3. T.Krishnam Naidu, S/o. T.Raju Babu,
R/o.D.No.58-28-1812, Gandhinagar,
Butchirajpalem, NAD x Roads, Visakhapatnam – 530 027.
4. Krishn Murty Raju, S/o. Ksulu,
Aged about 27 years, Occ Unemployee,
R/o.D.No.4-329, BC Colony,
Vepagunta, Pendurthi, Visakhapatnam – 530 047.Applicants

And

1. Union of India,
Rep by its secretary,
Ministry of Defence , South Block,
New Delhi.110011.
2. The Chief of Naval staff,
Integrated Headquarters of Ministry of Defence (Navy) ,
SouthBlock,New Delhi.110011.
3. The Flag Officer Commanding in Chief,
For SO,CRC(Command recruitment officer) ,
Headquarters, Eastern Naval Command, Utility Complex,
2nd floor, Naval Base,Visakhapatnam, 530001.Respondents

Counsel for the Applicant : Mrs. Anita Swain

Counsel for the Respondents : Mrs.K.Rajitha, Sr.CGSC

CORAM :

THE HON'BLE MRS.NAINI JAYASEELAN: ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)

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Heard Mrs. Anita Swain, learned counsel for the applicants and Mrs. K. Rajitha, learned Sr Central Govt., Standing Counsel for Respondents.

2. Mrs. Anita Swain, learned counsel for the Applicants moved a lunch motion regarding 4 candidates whose candidature has been rejected for participating in the written examination for the post of Civilian Motor Driver (Ordinary Grade) for the reasons recorded at page-26 to OA.

3. Mrs.K.Rajitha, learned Sr Central Govt., Standing Counsel for Respondents sates that on such a short notice it is difficult to obtain instructions from the Respondents Department. Page No.26 annexed by the learned counsel for the applicant lists the reasons for rejection for example on the ground of non possession of a valid Driving License for Heavy Vehicle Driving. Learned counsel for the applicant submits that the applicants have Transport Vehicle License and the said license is equivalent Heavy Vehicle Driving License and in support of her contention she has placed reliance on the Hon'ble Supreme Court judgments :

- (i) National Insurance Company Ltd Vs. Annappa Irappa Nesaria & Ors, dated 22.01.2008 in Appeal (Civil) No.574/2008;
- (ii) Ashok Gangadhar Maratha Vs. Oriental Insurance Co. Ltd, dated 02.09.1999.

4. On hearing the submissions of learned counsel for the applicant, the learned Sr Central Govt., Standing Counsel, is directed to convey the Respondents Department today itself that the candidature of the applicants

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may be examined and re-verified based on the above cited judgments of the Hon'ble Apex Court wherein it is held that the Driving License of Transport Vehicle Goods Carriage is equivalent to Heavy Motor Vehicle before conduct of the written examination to be held on 21.12.2019 FN and to intimate the same to the applicants. Similarly, the Respondents are directed to examine and re-verify the reasons of rejection of each of the applicants before the conduct of the written examination and if they are found eligible, they may be permitted to give the written examination on 21.12.2019.

5. The Original Application is disposed of accordingly at the admission stage without going into merits, with the above direction.
6. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

Dated : 18th December, 2019.
Dictated in Open Court.

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