

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00051/2015

&

OA/020/00058/2015

HYDERABAD, this the 24th day of February, 2021



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

OA No. 20/51/2015

1. Kuncha Sekhar Balu, S/o. Chinna Rao,
Aged 21 years, Occ: Unemployee,
R/o. D.No.6-80-3/A, Dattha Sai Nagar, Srinagar,
Gajuwaka, Vsp – 530 026.
2. Malina Pavani, D/o.Gonga Layya (Late) ,
Aged 24 years, Occ: Unemployee,
R/o. D.No.8-41,Rajeevnagar Colony,
ZP High School Back Side, Kothavalasa,
Vizianagaram – 535 183.
3. Mulampaka Gopi, S/o. Eswara Rao,
Aged 21 years, Occ: Unemployee,
R/o. D.No.1-14, Golagam (Vi), Batlapudi (Po),
Anakapalli – 531 001, Visakhapatnam.
4. Kasi Reddy Venkateswara Rao,
S/o. K. Eswar Rao, Aged 24 years,
Occ: Unemployee, R/o. D.No.5-59, Raghavendra Colony,
Bommuru, Rajahmundry Rural,
East Godavari District.
5. Vengala Ganesh, S/o. Krishna Rao,
Aged about 27 years, Occ: Unemployee,
R/o. D.No.1-7-144, Akkireddy Palem,
BHPV Post, Visakhapatnam - 530 012.
6. Peeta Nanaji, S/o. Neelakantha Rao,
Aged about 25 years, Occ: Unemployee,
R/o. D.No.2-29, NTR Colony Gopalapuram Post,
Visakhapatnam – 530 044.
7. Palleti Tata Rao, S/o. P. Sathiyya,
Aged about 21 year, Occ: Unemployee,
R/o. D.No.15-2-90, Gangavaram post,
Pedagantyada, Visakhapatnam – 530 044.



8. Motamarri Balamurali, S/o. Appala Raju,
Aged about 23 years, Occ: Unemployee,
R/o. D.No.19-1-12, Old Ayyappalem Rh Colony,
Visakhapatnam – 530 044.
9. Molli Appalaraju, S/o. Venku Naidu,
Aged about 26 years, Occ: Unemployee,
R/o. D.No.19-8-10, Mounivanipalem,
Nellinukku, Pedagantyada,
Visakhapatnam – 530 044.
10. Panchadarla Sujana, S/o. P. Satyanarayana,
Aged about 24 years, Occ: Unemployee,
R/o. D.No.58-14-112/1, Netaji Colony, NAD Post,
Near New Pass Port Office, Visakhapatnam – 9.
11. Gondesi Veeru Babu, S/o. Prakash Rao,
Aged about 28 years, Occ: Unemployee,
R/o. D.No.19-23-25, Pedagantyada,
Nellimukku Rh Colony, Visakhapatnam.
12. Perla Appa Rao, S/o. Radhamayya,
Aged about 27 years, Occ: Unemployee,
R/o. D.No.15-2-89, Gangavaram Post,
Pedagantyada, Visakhapatnam – 530 044.
13. Devi Kumar, S/o. Govinda Raju,
Aged about 30 years, Occ: Unemployee,
R/o. D.No.65-03-95, Nehru Nagar, Cora Mandal Gate,
Visakhapatnam – 530 044.
14. Sirasapalli Srinu, S/o. Suri Babu,
Aged about 28 years, Occ: Unemployee,
R/o. D.No.27-8-190/1, Sri Ram Nagar, Sri Nagar,
Old Gajuwaka, Visakhapatnam – 530 026.
15. Tirri Srinivasa Rao, S/o. T. Nageswara Rao,
Aged about 22 years, Occ: Unemployee,
R/o. D.No.5-10, Butchiyya Peta,
Kasimkota Mandalam, Kothapalle,
Vagginapalem, AP- 530 026.
16. Sani Vada Lakshman Rao, S/o. S. Apparaao,
Aged about 21 years, Occ: Unemployee,
R/o. Flat.No.461 Kotha Dibbapalem Colony, Sinagar,
Gajuwaka , Visakhapatnam – 530 026.
17. Nammi Kasu Kumar, S/o. N. Ramana,
Aged about 25 years, Occ: Unemployee,
R/o. Pedagantyada Mandalam,Visakhapatnam,
Andhra Pradesh.



18. Medeasetti Bhuvaneswara Rao, S/o. M. Raja Rao,
Aged about 26 years, Occ: Unemployee,
R/o. D.No.5-106/2, Dibbapalem, Pedamadaka,
Aganampudi, Visakhapatnam – 46.
19. Pili Sankar Reddy, S/o. Puli Musalayya,
Aged about 26 years, Occ: Unemployee,
R/o. D.No.20-12-34, Nellimukku, Rh Colony,
Pedagantyada, Andhra Pradesh – 530 044.
20. Panchipenta Nikhil, S/o. Pachipenta Ramana Murthy,
Aged about 21 years, Occ: Unemployee,
R/o. D.No.20-12-34, Nellimukku, Rh Colony,
Pedagantyada, Andhra Pradesh – 530 044.
21. Rallalli Naidu Babu, S/o. Appala Naidu,
Aged about 26 years, Occ: Unemployee,
R/o. Gullapalli Post, K. Kotapadu Mandalam,
Visakhapatnam.
22. Manchala Nagesh, S/o. M. Appa Rao,
Aged about 26 years, Occ: Unemployee,
R/o. D.No.6-45, Mantripalem Village,
Pedamusivada Post, Paravada Mandalam,
Visakhapatnam – 531 019.
23. Battina Ravi Teja, S/o. B. Appa Rao,
Aged about 19 years, Occ: Unemployee,
R/o. D.No.30-54-115, Siddardha Nagar, Vadlapudi,
Visakhapatnam – 530 046.
24. Missula Ramesh, S/o. M. Nageswara Rao,
Aged about 25 years, Occ: Unemployee,
R/o. D.No.2-108, Kotanara, Vapedanarana Post
Visakhapatnam – 530 047.
25. Shaik Afija Begam, D/o. Sheik Khardavalli,
Aged about 23 years, Occ: Unemployee,
R/o. D.No.2-7-1, Ramnagar, BHPV Post, Main Road,
Visakhapatnam – 530 027.
26. Shaik Beshid, S/o. Khader Velli,
Aged about 23 years, Occ: Unemployee,
R/o. D.No.2-7-1, Ramnagar, BHPV Post, Main Road,
Visakhapatnam – 530 012.
27. Kakara Ravi Sankar, S/o. K. Samba Murthy,
Aged about 28 years, Occ: Unemployee,
R/o. D.No.8-62, RTC Complex, Kothavalasa,
Village, Vizianagaram – 535 183.

28. Kakara Ravi Sankar, S/o. K. Chinna Rao,
Aged about 31 years, Occ: Unemployee,
R/o. D.No.6-80-3/4, Datta Sai Nagar,
Sramik Nagar, Gajuwaka, China Gantyada,
Visakhapatnam - 530 026.

29. Kolli Krishna, S/o. K. Chinna Rao,
Aged about 31 years, Occ: Unemployee,
R/o. D.No.20-20-3, Nelli Mukku, Pedagantyada,
Visakhapatnam – 530 014.

30. Netti Bhaskara Rao, S/o. Rama Rao,
Aged about 21 years, Occ: Unemployee,
R/o. D.No.27-9-56,Sundarayya Colony,
Pedagantyada, Nadupuru, Visakhapatnam .

31. Dulla Shyam Sundar, S/o. D. Ramnaidu,
Aged about 27 years, Occ: Unemployee,
R/o. D.No.5-23, E-Marripalem,
Aganampudi Post Gajuwaka,
Parawada Mandalam, Visakhapatnam – 530 046.

32. Dasari Srinivasa Rao, S/o. D. Tata Rao,
Aged about 21 years, Occ: Unemployee,
R/o. D.No.27-5-97,Sundarayya Colony, Gajuwaka,
Visakhapatnam – 530 026.

33. Kuncha Rajesh Naidu, S/o.K. Chinna Rao,
Aged about 25 years, Occ: Unemployee,
R/o. D.No.6-80-3/A, Datta Sai Nagar,
Sramik Nagar, Chinagantyada,
Visakhapatnam – 530 026.

34. Netti Bhaskara Rao, S/o. N. Rama Rao,
Aged about 21 years, Occ: Unemployee,
R/o. D.No.27-9-31/1, Yudirivada Colony,
Sri Nagar, Gajuwaka , Visakhapatnam – 530 044.

35. Adla Boina Rajesh, S/o. A. Jagannadha Rao,
Aged about 23 years, Occ: Unemployee,
R/o. D.No.7-16-87, Druvas Colony near Nookalamma Temple,
Gajuwaka, isakhatpatnam – 530 026.

36. Seerem Setty Venlata Appala Raju, S/o. S. Babji,
Aged about 27 years, Occ: Unemployee,
R/o. D.No.5-1/1, Old Dibapalem, Pedamarka Post, r.M.
Aganampudi, Visakhapatnam – 530 053.

37. Eepu Nageswara Rao, S/o. E. Tatha Rao,
Aged about 25 years, Occ: Unemployee,
R/oGajuwaka, Visakhapatnam, Andhra Pradesh.





38. Yessi Pilli Mounika, D/o.Lokeswara Rao,
Aged about 27 years, Occ: Unemployee,
R/o. D.No.15-03-185/1, Gangavaram,
Pedagantyada, Visakhapatnam – 530 044.
39. Viyyapu Santosh, S/o. Chandra Rao,
Aged about 23 years, Occ: Unemployee,
R/o. D.No.58-12-114/2, Visakhapatnam.
40. Vurukenti Raju, S/o. V. Apparao,
Aged about 23 years, Occ: Unemployee,
R/o. D.No.40-10-22/2, Thikkavanipalem,
Kancharapalem, Visakhapatnam – 530 009.
41. S. Sai Kumar, S/o. Rama Rao,
Aged about 22 years, Occ: Unemployee,
R/o. D.No.36-96-82, Ramjee estate, Kancharapalem,
Visakhapatnam – 530 009.
42. Neelam Settee Kondala Rao, S/o. Perraju,
Aged about 28 years, Occ: Unemployee,
R/o. Krishnapuram Village, S. Kota Mandalam,
Vizianagaram.
43. N. Kiran Kumar, S/o. Chinna Rao,
Aged about 29 years, Occ: Unemployee,
R/o. D.No.18-130, Anjinadri Colony,
Prahaladhapuram, Visakhapatnam.
44. Mantri Sivaji, S/o. Chinnam Naidu,
Aged about 23 years, Occ: Unemployee,
R/o. Pedamantripeta Village,
Bhyripuram Post, Mirakamudidam,
Vizianagaram – 535 102.
45. Macharla Damodara Rao, S/o. M. Janardanrao,
Aged about 22 years, Occ: Unemployee,
R/o. Garbham Village Post, Merakamudidam Mandal,
Vizianagaram.
46. Shaik Silar, S/o. Md. Shajahan,
Aged about 23 years, Occ: Unemployee,
R/o.Visakhapatnam.
47. Routhu Venkat, S/o. Eruku Naidu,
Aged about 23 years, Occ: Unemployee,
R/o. Timiteru Village, T.B. Valasa,
Vizianagaram.

48. Challagulla Arvind, S/o. Srinivasa Rao,
 Aged about 21 years, Occ: Unemployee,
 R/o. H.No.3/106/1, Khamma Bazar,
 Vemsoor village and Mandal,
 Khammamm Dist - 507 164.

...Applicants

(By Advocate : Sri V. Govinda Raju)



Vs.

1. The Union of India rep. by
 The Secretary,
 Ministry of Defence, South Block, New Delhi.
2. The Flag Officer, Commanding - in - Chief,
 Head Quarters, Eastern Naval Command,
 Visakhapatnam – 530 014, A.P.
3. The Chief General Manager,
 Naval Armament Depot, NAD Post,
 Visakhapatnam – 530 009, A.P.
4. The Chief Staff Officer (for Civilian Personnel),
 Head Quarters, Eastern Naval Command,
 Visakhapatnam – 530 014, A.P.

....Respondents

(By Advocate : Smt L. Pranathi Reddy, Addl. CGSC)

OA No. 20/58/2015

- 1.Jami Naidu S/o Jami Bangarayya,
 Age : 22 Years, Occ : Unemployee,
 R/o Ganisettpalem Village,Denderu Post,
 Kothavalasa Mandal, Vizianagaram District-535183.
- 2.Radhakrishna Molli S/o Appalaswami,
 Age : 27 Years, Occ : Unemployee,
 R/o K.Kotapadu Village post and Mandal,
 Visakhapatnam District – 531034.
- 3.Veludurti Satish kumar S/o. Veludurti Lakshmana Rao,
 Age : 23 Years, Occ : Unemployee,
 R/o D.No.8-4-9/3 Maruthinagar,
 Behind Sarsawathi Vidyalam, Gajuwaka,
 Visakhapatnam – 530026.
- 4.Vanum Syamprasad S/o Vanum Appa Rao,
 Age : 23 Years, Occ : Unemployee,
 R/o D.No.1-121 Besides ZP High School,

Chintapalli, Tailors Colony, Chintapalli
Village and Mandal,
Visakhapatnam Dist. – 531111.

5.Bammidi Ramakrishna S/o Bammidi Krishna,
Age : 26 Years, Occ : Unemployee,
R/o Vizinigiri Village and Post, Jami Mandal,
Vizianagaram Dist – 535250.



6.Majji Ramu S/o Majji Bangaru Naidu,
Age : 28 Years, Occ: Unemployee,
R/o Vizinigiri Village and Post, Jami Mandal,
Vizianagaram Dist – 535250.

7.Komineni Raju S/o Naidu Babu,
Age : 26 Years, Occ: Unemployee,
R/o Vizinigiri Village and Post, Jami Mandal,
Vizianagaram Dist – 535250.

8.Chitikireddi Sateesh S/o Chitikireddi Suryarao,
Unemployee, R/o Raguvali Village and Post, Gantyada Mandal,
Vizianagaram Dist – 535160.

9.Karri Krishna Girish S/o Bangarayya,
Age : 23 Years, Occ : Unemployee,
R/o Door No.4-15, Rayavarapuvanipalem Village,
Pendurthi Mandal, Visakhapatnam District – 531173.

10.Chikkala Siva Santhosh Kumar S/o Chikkala Krishna,
Age : 30 Years, Occ : Unemployee,
R/o Door No.37-10-42, P.R.Gardens, Ayyappa Nagar,
Muralinagar, Industrial Estate Post,
Visakhapatnam District – 530007.

11.Karaka Satyanarayana S/o Karaka Suribabu,
Age : 25 Years, Occ : Unemployee,
R/o Karakavanipalem Village,Dorapalli Post,
Pendurthi Mandal,Visakhapatnam – 531173.

12.Challa Mery Velangani D/o Challa Vara Prasadarao,
Age : 25 Years, Occ : Unemployee,
R/o Door No.34-12-7/2, Holycross Street,
Gnanapuram,Waltair R/S,
Visakhapatnam – 530004.

13. Appalaraju Gummari S/o Jagga Rao,
Age : 29 Years, Occ : Unemployee,
R/o D.No.2-82, Dorapalli Post, Pendurthi Mandal,
Visakhapatnam – 531173.

14.Chiriki Siva Ganesh S/o Chiriki Avatharam

Age : 21 Years, Occ : Unemployee,
R/o Door No.3-45, Karakavanipalem Village,
Dorapalli Post, Pendurthi Mandal,
Visakhapatnam Dist. – 531173.

15. Pakurthi Srilatha D/o Pakurthy Ramana,
Age : 26 Years, Occ : Unemployee,
R/o D.No.51-17-25/1, Kranthi Nagar,
Nakkavanipalem, Visakhapatnam – 530013.



16. Pakurthi Ganesh S/o Pakurthi Ramana,
Age : 23 Years, Occ : Unemployee,
R/o Door No.51-17-25/1, Kranthi Nagar,
Nakkavanipalem, Visakhapatnam – 530013.

17. Shaik Azeez S/oAbdulla,
Age : 25 Years, Occ : Unemployee,
R/o D oor No.23-4-5, Velampeta, Poorna Market,
Visakhapatnam – 530001.

18. Bonula Sudheer Kumar S/o Bonula Gompaswamy,
Age : 25 Years, Occ : Unemployee,
R/o Pedda Madiga Veedhi, Parvathipuram,
Vizianagaram Dist. 535501.

19. Bandaru Venkateswara Rao S/o Bandaru Satyam,
Age : 21 Years, Occ : Unemployee,
R/o Door No.156, PedagogadaVillage and Post,
Chidikada Mandal,Visakhapatnam Dist – 531036

...Applicants

(By Advocate : Mr. V. Govind Raju)

Vs.

1. The Union of India rep by the Secretary,
Ministry of Defence, South Blok, New Delhi.

2. The Flag Officer, Commanding in Chief,
Head Quarters, Eastern Naval Command,
Visakhapatnam – 530014, A.P.

3. The Chief General Manager,
Naval Armament Depot, NAD Post,
Visakhapatnam 530009, A.P.

4. The Chief Staff Officer (for Civilian Personnel),
Head Quarters, Eastern Naval Command,
Visakhapatnam – 530014, A.P.

....Respondents

(By Advocate : Mrs.B.Gayatri Varma, Sr Panel Counsel for Central Govt.)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OAs are filed for a direction to issue call letters and permit the applicants to participate in the written test scheduled to be held on 25.01.2015 for the post of MTS/ Trade Men pursuant to the notification published in the Employment News dt.22.12.2012 – 28.12.2012.

3. Brief facts of the case are that the applicants applied for the posts of MTS against the notification issued by the respondents in Employment News from 22.12.2012 to 28.12.2012. Applicants claim that though they are eligible in all respects, they were not issued the hall tickets and hence, the filing of the OAs. Respondents and the relief sought being one and the same in both the OAs, a common order is passed.

4. The contentions of the applicants are that they are fully eligible to appear in the exam to be held for selection to the post of MTS as per the notification issued by the respondents. Not granting the hall tickets to appear in the written exam and the subsequent interview is against the Principles of Natural Justice. Applicants have cited the judgment of the Hon'ble Supreme Court in 1996(6) Scale 676 and the judgment of the Hon'ble High Court in WP No.29719 of 2010 dated 13.11.2010 in support of their contentions.

This Tribunal passed an interim orders in both the OAs on 09.01.2015 and 13.01.2015 respectively directing the respondents to permit the applicants to participate in the written examination scheduled to be held



on 25.01.2015 or any subsequent date pursuant to the notification referred to and with a further direction not to declare the result of the applicants till further orders.

5. Respondents have filed replies wherein they have stated that the rejection of the applications was as per the terms and conditions of the notification. The applications for the exam were sent to the 2nd respondent by registered post instead of submitting them to the CGM, Naval Armament Depot, Vizag i.e. 3rd respondent by ordinary post only, as per the notification. Only those applications received at the proper address in time and as per other terms and conditions of the notification were entertained and hall tickets issued. The respondents state that, they have complied with the interim directions granted by this Tribunal in letter and spirit.

6. The case pertains to the year 2015 and despite being called twice, none appeared on behalf of the applicants in both the OAs and the respondents in OA No.51/2015. Heard Learned counsel for the respondent s in OA No. 58/2018. Six years have lapsed since the filing of the OA and as is said justice delayed is justice denied, we perused the pleadings on record and adjudicated the matter in the interest of Justice.

7. I. The dispute is about non issue of hall tickets to the applicants to appear in the exam held by the respondents for selection to the post of MTS, as per the notification published in the Employment News from Dec' 22, 2012 to Dec' 28, 2012. On approaching the Tribunal, interim orders were passed on 09.01.2015 (OA 51/2015) and on 13.01.2015 (OA 58/2015) directing the respondents to permit the applicants to participate in the written examination, subject to the result of the OA.

II. As seen from the notification, the applications are to be sent to the Chief General Manager, Naval Armament Depot, Vizag – 9 i.e. the 3rd respondent and it was also made clear that incomplete applications/not in format prescribed/with unattested copies/without attested photo copies will be summarily rejected, without assigning any reason.



III. The details of the applications received by the respondents and the reasons for rejection are given hereunder:

Out of 48 applicants in OA 51/2015, only five applications were received by the 3rd respondent within due date viz., Applicants Nos. 7, 21, 23, 27 & 36 and out of them, applicant No. 7 was alone issued call letter. The other four applications were rejected due to the reasons viz., Photograph not attested; photograph and supporting documents were not attested. Applications of remaining 43 applicants were not received by the 3rd respondent.

Likewise, out of 19 applicants in OA 58/2015, application of applicant No. 11 was received by the R-3 within due date and call letter was issued to him. Applications of other 18 applicants were not received by 3rd Respondent.

The reasons given by the respondents are as per the conditions laid down in the notification, which has been appended to the OA. It is well settled in law that the mandatory conditions in the notification have to be followed. Any violation in following the terms and conditions of the notifications will make the applications preferred invalid. We are supported

by the observation of the Hon'ble Supreme Court in **State of Tamil Nadu & Ors v G. Hemalathaa & Anr.** in Civil Appeal No. 6669 of 2019, decided on 28.8.2019, as under:



10. In her persuasive appeal, Ms. Mohana sought to persuade us to dismiss the appeal which would enable the Respondent to compete in the selection to the post of Civil Judge. It is a well-known adage that, hard cases make bad law. In Umesh Chandra Shukla v. Union of India, Venkataramiah, J., held that:

“13.... exercise of such power of moderation is likely to create a feeling of distrust in the process of selection to public appointments which is intended to be fair and impartial. It may also result in the violation of the principle of equality and may lead to arbitrariness. The cases pointed out by the High Court are no doubt hard cases, but hard cases cannot be allowed to make bad law. In the circumstances, we lean in favour of a strict construction of the Rules and hold that the High Court had no such power under the Rules.”

11. Roberts, CJ. in Caperton v. A.T. Massey held that:

“Extreme cases often test the bounds of established legal principles. There is a cost to yielding to the desire to correct the extreme case, rather than adhering to the legal principle. That cost has been demonstrated so often that it is captured in a legal aphorism: “Hard cases make bad law.”

12. After giving a thoughtful consideration, we are afraid that we cannot approve the judgment of the High Court as any order in favour of the candidate who has violated the mandatory Instructions would be laying down bad law. The other submission made by Ms. Mohana that an order can be passed by us under Article 142 of the Constitution which shall not be treated as a precedent also does not appeal to us.”

IV. Thus, as per legal principle laid down by the Hon'ble Apex court as at above, the applicants who did not fulfill the relevant clauses of the notification are ineligible to take the exam. Hence, their claim has to be rejected. Only those applicants who have been granted hall tickets by the respondents in accordance with the terms and conditions of the notification, as indicated at para III above, their results be announced and further selection process be completed as per rules and law, if not done so far.

V. The OA is thus dismissed to the extent of the claim of the applicants, who have not complied with conditions of the notifications, while applying for the post of MTS against the relevant notification as brought out in the para III supra. No order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/