

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/62/2015

HYDERABAD, this the 1st day of March, 2021

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



1. Siriki Murali, S/o. Appa Rao,
Aged 28 years, Occ: Un employee,
R/o. KLB Patnam, Khandivaram Post,
Lingabhupala Patnam,
Kandivaram, Chidikada, Visakhapatnam – 531 028.
2. Ankamreddy Siva, S/o. Mallayya,
Aged about 20 years, Occ: Unemployee,
R/o. D.No.1-102 Ramalayam Street,
Nathavaram Mandalam, Visakhapatnam – 531 115.
3. Ramu Mattaparthi, S/o. Krishna,
Aged about 23 years, Occ: Unemployee,
R/o. D.No.18-148, Sivalayam Street,
Machavaram, Ambajipeta, East Godavari – 533 214.

...Applicants

(By Advocate : Sri V. Govinda Rajulu)

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 : Sri T. Sanjay Reddy for Sri T. Hanumantha Reddy,
Sr. PC for CG)

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



2. The OAs are filed for a direction to issue call letters and permits 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 as per the applications submitted, they were not issued the hall tickets and hence, the OA.

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 order on 13.01.2015 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. Even as per the OA, the applications 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. The applications of the applicants were not received by the respondents at the proper address in time as per the notification. Therefore, they were not issued 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. Heard learned counsel for the respondents. 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 order was passed on 13.01.2015 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 respondents state that the applications of the applicants were not received and therefore, call letters were not issued.



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 is rejected.



V. The OA is thus dismissed. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/