

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00059/2015

HYDERABAD, this the 25th day of February, 2021

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



1. Gantla Venkata Ramakrishna S/o G.Narsing Rao
Aged about 21 years, Occ : Unemployee,
R/o D.No.25-3-39/1, China Nadupur, Pedagantyada,
Visakhapatnam – 530044.
2. Jami Pydi Raju S/o J.Ramu,
Aged about 20 years, Occ: Unemployee,
R/o D. No. 18-17-16/2, Rickshaw Colony,
Pedagantyada, Visakhapatnam – 530044.
3. Naresh Bavan S/o Rama Rao,
Aged about 23 years, Occ: Unemployee,
R/o D.No. 1-61, Raja Veedhi, Denkada,
Singavaram, Visakhapatnam – 535216.
4. Manchala Santosh Kumar S/o Apparao,
Aged about 25 years, Occ : Unemployee,
R/o D.No.6-45, Mantripalem (V1), P.M.Vada (Po),
Paravada Mandalam, Visakhapatnam – 531019.
5. Mojadda Chanti S/o Appanna,
Aged about 20 years, Occ: Unemployee,
R/o D.No. 18-4-17, Nadupuru, RH Colony,
Pedagantyada, Visakhapatnam – 530044.
6. Dalibopina Rajesh S/o Pydi Raju,
Aged about 20 years, Occ: Unemployee,
R/o D.No.8-3/A, Pedamushidivada,
Paravada (Md), Visakhapatnam – 531019.
7. Molli Ramana S/o M.Pentayya,
Aged about 27 years, Occ: Unemployee,
R/o D.No.19-11-40, Pedagantyada, Visakhapatnam.
8. Challa Venkata Ramana S/o Appala Naidu,
Aged about 20 years, Occ: Unemployee,
R/o Dayal Nagar, Lova Gajuwaka, Nadupuru,
Visakhapatnam – 530044.



9. Karedla Ram Kishore S/o K.Narayana Rao,
Aged about 20 years, Occ: Unemployee,
R/o D.No.7-36, Sector-1, Duvvada, Vadlapudi,
Visakhapatnam – 530049.
10. Saninada Rama Krishna S/o Appala Raju,
Aged about 23 years, Occ: Unemployee,
R/o Plat No.522, Srinagar Old Dibbapalem
Colony, Visakhapatnam-530026.
11. Appalaraju Salapu S/o Ganga Raju,
Aged about 27 years, Occ: Unemployee,
R/o D.No.65-6-42, Himachal Nagar,
Visakhapatnam.
12. Gokeda Sanyasa Rao S/o Appala Naidu,
Aged about 28 years, Occ: Unemployee,
R/o D.No.3-87, Main Road, Near Racchabanda,
Vepada Mandalam, Vizianagaram – 535281.
13. Bathula Babu Rao S/o Laxman Rao,
Aged about 21 years, Occ: Unemployee,
R/o D.No.25-11-62/5, Old Karnavanipalem,
Gajuwaka, Visakhapatnam – 530026.
14. Mummina Nageswara Rao S/o Kannaiah Dora,
Aged about 20 years, Occ: Unemployee,
R/o Plot No.407, RH Colony, Dibbapalem,
Sri Nagr, Gajuwaka, Visakhapatnam – 530026.
15. Dammu Mohan Krishna S/o China Kanaka Rao,
Aged about years, Occ: Unemployee,
R/o D.No.20-19, Near Pendurthi Railway Station,
Daggaranipalem, Visakhapatnam.
16. Manchala Nagesh S/o Appa Rao,
Aged about years, Occ: Unemployee,
R/o D.No. Mantripalem, Paravada, Visakhapatnam.
17. Mutyala Koteswara Rao S/o Mutyala Appala Konda,
Aged about years, Occ: Unemployee,
R/o D.No.28-81, Avasomavaram Village,
Kondakarla Post, Atchuthapuram Mandalam,
Visakhapatnam – 531033.
18. Nambaru Venkata Ramana S/o Kannayya,
Aged about 20 years, Occ: Unemployee,
R/o D.No.25-4-57, R.H Colony, Chinanadupuru Village,
Pedagantyada, Visakhapatnam – 530044.



19. Nambaru Appala Raju S/o Kannayya,
Aged about 20 years, Occ: Unemployee,
R/o D.No.25-4-57, R.H Colony, Chinanadupuru Village,
Pedagantyada,Visakhapatnam – 530044.
20. Molli Venkata Ramesh S/o Chinna Rao (late),
Aged about 20 years, Occ: Unemployee,
R/o D.No.789, T- Deva Post, Ward-55,
Pedagantyada (M),Visakhapatnam – 530031.
21. Pala Bhulokareddy S/o P.Gurrapa,
Aged about 21 years, Occ: Unemployee,
R/o D.No.20-14-10, Nelli Mukku,
Pedagantyada,Visakhapatnam – 530044.
22. Puli Sankara Reddy S/o Musalayya,
Aged about 22 years, Occ: Unemployee,
R/o D.No. 20-12-34, Nelli Mukku,
Pedagantyada,Visakhapatnam – 530044.
23. Pradhan Deepak Kumar S/o Surendra,
Aged about 21 years, Occ: Unemployee,
R/o atipo ankuli, Berhampur city, Ganjam District,
Odisha State – 760010.
24. Gorakala Narayana S/o Kamaraju,
Aged about 23 years, Occ: Unemployee,
R/o Plot No.4, Aripuram, Via Girisola,
Ganjam District, Odisha State – 761009.
25. Bonda Simhachalam Naidu S/o Satya Narayana,
Aged about 20 years, Occ: Unemployee,
R/o D.No.18-31-25, Bala Cheruvu, Near E Seva,
Pedagantyada,Visakhapatnam – 530044.
26. Ayinelli Nookeswara Rao S/o Gangaraju,
Aged about 25 years, Occ: Unemployee,
R/o D.No.20-14-10. Nelli Mukku,
Pedagantyada,Visakhapatnam – 530044.
27. Rallapalli Ramesh S/o R.Akku Naidu,
Aged about 20 years, Occ: Unemployee,
R/o D.No.Gullepalli Village, K.Kotapadu Mandalam,
Visakhapatnam.
28. Dunna Jagarao S/o Dunna Dalayya,
Aged about 20 years, Occ: Unemployee,
R/o D.No. 27-11-69, Ward 27, Gajuwaka,
Visakhapatnam.



29. Vasantula Harish Kumar S/o V.Surya narayana,
 Aged about 20 years, Occ: Unemployee,
 R/o D.No.1-62/2, Sapthagiri Nagar, Pendurthy Mandalam,
 Chinamusidivada, Visakhapatnam – 531173.

30. Chetti Venkatesh S/o Ch.Lakshmana Rao,
 Aged about 22 years, Occ: Unemployee,
 R/o D.No.17-267, Ganesh Nagar, Near Narasimha Nagar,
 Akkayyapalem, Visakhapatnam.

31. Medasetti Rajesh S/o China Eswar Rao,
 Aged about 20 years, Occ: Unemployee,
 R/o D.No.4-20, Bodapuvanipalem, Edulapaka,
 Bonangi, Paravada, Visakhapatnam – 531021.

32. Palaka Koteswara Rao S/o P.Appa Rao,
 Aged about 22 years, Occ: Unemployee,
 R/o D.No.4-20, E-Bonangi, Bodapuvanipalem,
 Paravada Mandalam, Visakhapatnam – 531021.

33. Padem Bhanu Teja S/o P.Narayana Rao,
 Aged about 21 years, Occ: Unemployee,
 R/o D.No.75-40/2, Ganesh Nagar, Seetammapeta,
 Visakhapatnam 530016.

34. Bathina Nanaji S/o Appa Rao,
 Aged about 26 years, Occ: Unemployee,
 R/o D.No.26-5-340/1, Pandalaveedi,
 Prasad Gardence old bus stop, Visakhapatnam.

35. Dalaya Ramu S/o D.Chandra Rao,
 Aged about 24 years, Occ: Unemployee,
 R/o D.No.9-7-8/1, Kotniveedhi, Anakapalli,
 Visakhapatnam – 531001.

36. Singam Setti Koteswara Rao S/o Appa Rao,
 Aged about 20 years, Occ: Unemployee,
 R/o D.No.18-50-15, MIG 386, HB Colony,
 Pedagantyada, Visakhapatnam – 530044.

37. Motamarri Bala Murali , M.Appala Raju,
 Aged about 21 years, Occ: Unemployee,
 R/o D.No.19-1-12, RH Colony, Old Ayyannapalem,
 Pedagantyada, Gajuwaka, Visakhapatnam – 530044.

38. Masavarapu Sanyasi Rao S/o Appa Rao,
 Aged about 25 years, Occ: Unemployee,
 R/o Vadacherupalli Village, Paravada Mandal,
 Visakhapatnam.

39. Gorli Sankara Rao S/o G.Demudu,
Aged about 22 years, Occ: Unemployee,
R/o D.No. Neelam peta Village, Cheedikada
Mandalam, Visakhapatnam 531075.

40. Simhachalam Sarvasiddi S/o Ramulu,
Aged about 25 years, Occ: Unemployee,
R/o D.No.57-27-11, Sri Ram Nagar, ITI Junction,
Visakhapatnam – 530007.

...Applicants

(By Advocate : Mr.V.Govind 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 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 : Mr.M.Venkata Swamy, Addl.CGSC)

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

Through Video Conferencing:

2. The OA is 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, 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. Hence, the applications of only those 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. 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 out of 40 applicants, only five applications were received by the 3rd respondent within due date viz., Applicants Nos. 21, 22, 30, 31 & 32 and out of them, applicant Nos. 21 & 22 were issued call letters. The other three applications were rejected due to the reasons viz., Caste Certificate not enclosed; and Photograph not attested. Applications of remaining 35 applicants were not received by the 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 is 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 in the 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