

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/81/2015

HYDERABAD, this the 2nd day of March, 2021



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

1. Vadlapudi Malleswara Rao,
S/o. Late Nestalu,
Aged about 26 years,
R/o. D.No. Yarada Village,
Gandha Post, Visakhapatnam District.
2. Vanapilli Chandra Sekhar,
S/o. Simhachalam,
Aged about 30 years, R/o. D.No.7-47/A,
Gowthamayar, Vepagunta,
Vishakhapatnam District.
3. Tamara Vara Lakshmi,
D/o. Late Dharmaraju,
Aged about 23 years,
R/o. D.No.58/19/17/2,
N.A.D. Kotha Road Butehi raj palem,
S.C Colony, Gopalpatnam Post,
Visakhapatnam district.
4. Tamara Kanka Durga,
D/o. Late Dharmaraju,
Aged about 28 years, R/o. D.No.58/19/17/2,
N.A.D. Kotha Road Butehi raj palem,
S.C Colony, Gopalpatnam Post,
Visakhapatnam District.
5. GRA. Chakravarthi,
S/o. Narasinga Rao,
Aged about 27 years, R/o. D.No.3-73,
Narava , Gopalapatnam,
Vishakhapatnam District.
6. Devireddy Vinod Kumar, S/o. Narayana Rao,
Aged about 20 years, R/o. D.No.44-45-40/311,
Rly-new-colony, Venkateswara colony,
Vishakhapatnam District.

7. Dasarai Babu Yogendranath,
S/o. Appalaraju,
Aged about 26 years, R/o. Plot No. 242(A),
Lemarthi Village, Pharmacity Colony,
Aganmpudi Post, Vishakhapatnam District.
8. Shaik Rahamath Basha, S/o. Pedda Bude,
Aged about 23 years, R/o. D. No.1-16-8, 24th ward,
Venkatapuram, Chirala, Prakasam District.
9. Pudi Venkata Ramana,
S/o. Pudi Bharatudu,
Aged about 21 years, R/o. D. No. 18-33-4,
Chinakorao, Pedagantyada, Vishakhapatnam District.
10. Aaralla Arun Kumar, S/o. Venkateswarlu,
Aged about 26 years, R/o. D. No. 41-26-9,
Rajaka Veedhi, Krishnalanka, Vijayawada.
11. Penumudi Rajesh, S/o Pamula Babu,
Aged about 28 years, R/o. D. No. 1-151,
Undavalli Post, Tadepalli Mandal, Guntur District.
12. Kolli Srinivasa Rao, S/o. Pydam,
Aged about 32 years, R/o. D. No. 2-374/A,
Ravalamma Palem Village,
Anthaka Palli Post, Sabbavari Mandal,
Vishakhapatnam District.
13. Saragada Parvathi, D/o. Appala Reddy,
Aged about 22 years, R/o. D. No. 53-16-74
P&T Colony, Near Krishna College, Maddilapalem.
14. Pyda Charan Sagar, S/o. Sanjeeva rao,
Aged about 25 years, R/o. D. No.31-17-34,
Allipuram, Venkateswara Metta, Vishakhapatnam.
15. Thota Sravani, D/o. Bangar Naidu,
Aged about 21 years, R/o. D.No. 68-69,
Sri Ram Nagar Colony, Aripaka Village,
Sabbavaram Mandal, Vishakhapatnam.
16. Nondapati Sudhakar, S/o. Krishna,
Aged about 29 years, R/o. D. No. 16-198,
Operation colony, setor-5, Arilova colony,
Vishakhapatnam.
17. Barinikana Eswara Rao, S/o. B. Muthyalu,
Aged about 29 years, R/o. D. No. 2-192,
Porlupalem Village, Vepagunta Post,
Vishakhapatnam.



18. Tholi Venkata Apparao, S/o. T. Yellayya,
Aged about 25 years, R/o. D. No. 2-117,
Kollivani Palem Village, Kapoluppada Post,
Bheemunipatnam Mandal, Vishakhapatnam.
19. Dondapati Sathish, S/o. D. Krishna,
Aged about 27 years, R/o. D. No. 16-198,
Operation Colony, Sector-5,
Ariova Colony, Vishakhapatnam.
20. Gorli Krishna, S/o. Samba Murthy,
Aged about 28 years, R/o. D.No. 2-11,
Sari Palli, Pendurty, Vishakhapatnam.
21. Mudunuru Anjeneya siva Kumar Varma,
S/o. Kasu Raju, aged about 28 years,
R/o. D. No. 13-07-5/1, B.C. Road,
New Gajuwaka, Vishakhapatnam.
22. Vijinigiri Krishna, S/o. Appala Swamy,
Aged about 25 years, R/o. D.No. 2-11,
Saripalli, Pendurty, Vishakhapatnam.

...Applicants

(By Advocate : Sri V. Govinda Rajulu)

Vs.

1. The Union of India rep. by its
Secretary, Ministry of Defence,
Government of India,
South Block, New Delhi.
2. The Chief General Manager,
Naval Armament Depot (PO),
Visakhapatnam – 530 009.

....Respondents

(By Advocate : Sri T. Hanumantha Reddy, Sr. PC for CG)

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

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.

This Tribunal passed an interim order on 21.01.2015 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. The applicants should reach the CGM, Naval Armament

Depot, Vizag i.e. 3rd respondent by ordinary post only, as per the notification. 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 21.01.2015 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 22 applicants, only five applications were received by the 3rd respondent within due date viz.,

Applicants Nos. 2, 3, 4, 7 & 19 and out of them, applicant No. 7 was issued call letters. The other four applications were rejected due to the reasons viz., Age limit exceeded for the post; Photograph and supporting documents were not attested. Applications of remaining 17 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/