

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/49/2017

Reserved on: 03.09.2019

Pronounced on: 04.09.2019

Between:

M. Prem Kumar, S/o. Bikku,
Aged 30 years, Occ: Unemployed,
R/o. H. No. #2-1, Govindrala Habitation,
Govindrala Village, Kamepalle Mandal,
Kammam District – 507 182.

... Applicant

And

1. The Union of India,
Rep. by its Secretary,
Department of Atomic Energy,
Anushakti Bhavan, CSM Marg,
Mumbai – 400 001.
2. The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
ECIL PO, Hyderabad – 500 062.
3. The Administrative Officer (Recruitment-1)
Nuclear Fuel Complex,
Department of Atomic Energy,
ECIL PO, Hyderabad – 500 062.

... Respondents

Counsel for the Applicant ... Mr. Anita Swain

Counsel for the Respondents ... Mr. V. Vinod Kumar, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. OA is filed for not granting hall ticket to the applicant to appear in the exam conducted for selection to the post of Work Assistant 'A'/ Hospital Work Assistant 'A'.

3. Brief facts of the case are that the respondents issued a notification No.NFC/01/2016 dated 11/12.11.2016 for filling up of 3 posts of Work Assistant 'A'/ Hospital Work Assistant earmarked for the physically handicapped. The last date for receipt of applications is 2.12.2016. Applicant's version is that being fully eligible as per the eligibility criteria prescribed; he has personally dropped his application along with the relevant certificates in the drop box provided for receipt of applications in the respondents office on 2.12.2016. Respondents did not give any acknowledgement. On 10.1.2017 respondents notified the list of candidates eligible to appear in the exam to be held on 28.1.2017 in their web site and as the name of the applicant did not appear in the list, he made a representation on 12.1.2017. There being no response the OA has been filed. As an interim relief, Tribunal permitted the applicant to appear at the examination vide order dated 25.1.2017, with a proviso that his selection is subject to outcome of the OA.

4. The contentions of the applicant are that the notification has not spelt out the criteria of screening the candidates to appear in the exam. Applicant fully satisfies the eligibility criteria in all respects and hence has to be issued the hall ticket. Less meritorious and similar candidates

have been issued hall tickets. Not issuing the same to the applicant is illegal and violates Articles 14 and 21 of the Constitution.

5. Respondents oppose the contentions of the applicant by stating that 579 applications were received by 2.12.2016 and 78 during the period 3.12.2016 to 2.1.2017. A screening committee was formed which screened the applications as per the terms and conditions stipulated in the notification and issued hall tickets to 354 candidates. Applications received after the last date were not scrutinised. Applicant has manually submitted the application on 3.12.2016 and hence he was not issued the hall ticket along with other 78 candidates who submitted the applications after the last date. No drop box for receipt of applications was placed at the respondents office for dropping applications. Besides there is no practice of acknowledging applications received against advertisements made in regard to employment.

6. Heard both the counsel and perused the pleadings on record.

7. I) Respondents have issued an advertisement bearing the no NFC/01/2016 dated 11/12.11.2016 to fill up the 3 posts of Work Assistant A/ Hospital Work Assistant 'A' earmarked for the physically handicapped. The last date prescribed is 2.12.2016. The conditions laid for acceptance of applications in the notifications under the heads "General Instructions" and "How to Apply" are as under:

"15. Applications, which are not in conformity with the requirements, will be rejected at any stage. No correspondence will be entertained with the candidates not shortlisted for written test."

"4. The completed applications in the prescribed format should be sent to the Administrative Officer, Recruitment-I, Nuclear Fuel Complex, ECIL Post, Hyderabad – 500 062 within three weeks from the date of publication of advertisement in

Employment News i.e. latest by 02.12.2016 (closing date of receipt of applications). Applications received beyond this date will be rejected."

"5. Note:

- a. Application which is illegible, incomplete, unsigned, not in prescribed format, without photo of the candidate, not enclosing attested photo copies of certificates and which is received after the last date prescribed, is liable to be rejected. **If the post applied for is not indicated on the top of the application and envelope, the same will not be entertained.***
- c. Mere fulfilling the norms do not bestow any right for short listing the candidates for written examination."*

II) Applicant claims that he has personally dropped his application in the drop box on 2.12.2016 and sought an acknowledgment for the same. Respondents state that they have not kept any drop box in their office to allow candidates to drop their applications and that they have no practice of acknowledging applications received in regard to employment. Generally, if a drop box is arranged the same would be notified in the advertisement. There is no such indication in the notification. Therefore the contention of the applicant that he has dropped the application in the drop box defies logic. Presuming for a moment that the applicant has dropped the application in the drop box, then how would the respondents know that he has dropped the application to issue the acknowledgement. Even on this count the averment made by the applicant that he has sought an acknowledgment does not appear to be reasonable. Respondents have produced a document signed by the Assistant Personal Officer dated 29.8.2019 furnishing the applications received from 78 candidates after the last date, in which the applicants name figures at serial 604 clearly indicating the date of receipt of his application as 3.12.2016. Hence the submission of the applicant that he has submitted his application on 2.12.2016 is not true. If he has submitted in time where was the need for the respondents to reject his application?

Respondents have screened in 354 candidates and the applicant would have been one among them, had he submitted the application before the last date. In fact, respondents have not just rejected the application of the applicant but that of 78 others. The decision of the respondents in not issuing the hall ticket, is as per the terms and conditions of the notifications referred to above. One cannot find fault with the same.

III) Therefore, in view of the above, Tribunal is of the view that the OA is devoid of merit and hence merits dismissal. Accordingly OA is dismissed, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 4th day of September, 2019

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