

4b

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00275/2019

Dated this Tuesday, the 18th day of September, 2019

**CORAM: R.VIJAYKUMAR, MEMBER (A)
R.N.SINGH, MEMBER (J)**

Mugdha Digambar Varadkar, Alias Mugdha R. Pol
(daughter of Digambar Vithoba Varadkar)
Date of birth: 21.09.1987 (age: 31 years 07 months),
worked as: Examiner Trade Marks and Geographical Indication
Group "B" post, in the office of Department of Trade Mark
Registry, Baudhik Sampada Bhavan, S.M.Road,
Next to Antop Hill Post Office, Antop Hill, Wadala,
Mumbai 400 037 and residing at: 209, 2nd Floor, Suyash Coop.
Hsg. Society, Rajabhau Desai Marg, New Prabhadevi Road,
Mumbai 400 025, State of Maharashtra.

- Applicant

(By Advocate Shri R.G.Walia)

Versus

1. Union of India, Through : Secretary,
Union Public Service Commission, Dholpur House,
Shahjahan Road, New Delhi 110 069.
2. Secretary, Ministry of Commerce and Industry,
Udyog Bhavan, New Delhi 110 107.
3. Controller of General of Patent, Design & Trade Marks,
Department of Trade Marks Registry,
Baudhik Sampada Bhavan, S.M. Road,
Next to Antop Hill Post Office, Antop Hill, Wadala,
Mumbai 400 037.

- Respondents

(By Advocates Shri V.B.Joshi for R-1, Shri Mohd. Naved Mulla proxy
counsel for Shri A.M.Sethna for R-2 & 3)

ORAL ORDER

Per : R.N.Singh, Member (Judicial)

Heard Shri R.G.Walia, learned counsel
for the applicant and Shri V.B.Joshi,
learned counsel for the respondent No.1-
UPSC and Shri Mohd. Naved Mulla, learned
proxy counsel for Shri A.M.Sethna, learned
counsel for the respondents Nos.2 and 3.

2. This application has been filed on
22.04.2019 under Section 19 of the

Administrative Tribunals Act, 1985 seeking the following reliefs :-

“8(a). This Hon'ble Tribunal will be pleased to call for the record which has led to the non-appointment of the Applicant to the one post of Examiner Trade Marks and Geographical Indication amongst 58 posts which was advertised by the Respondents and after going through its propriety, legality and constitutional validity be pleased to order and direct the Respondents to appoint the Applicant against the one post which remains vacant due to the impugned action of the Respondents with all consequential benefits of pay fixation, arrears of pay, seniority etc.

8(b). This Hon'ble Tribunal will be pleased to hold and declare that the impugned stand of the Respondents as stated in the letter dated 14.3.2019 to not appoint the Applicant by stating that her case does not fall under the purview of EXCEPTIONAL CIRCUMSTANCES and that 18 months had passed is absolutely illegal and wrong and accordingly quash and set aside the same with further direction to appoint the Applicant which has been refused by Gaurav Saini followed by HARI KISHAN or any other person.

8(c). Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.”

3. At the outset, the learned counsel for the respondents-UPSC submits that the UPSC had reviewed its guidelines for operation of the reserved list and has decided to release the name of the applicant for appointment to the post of Examiner of Trade Marks and thus, the applicant's grievance as raised in the present OA has been redressed substantially. In this regard, he submits a copy of the

order/letter dated 21.08.2019 of the UPSC along with a letter dated 11.09.2019 addressed to him by the UPSC.

4. In the facts and circumstances, the OA is disposed of as having become infructuous. No costs. /

(R.N.Singh)
Member (Judicial)

(R.Vijaykumar)
Member (Administrative)

kmg*

JD
19/9/19

