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Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.2206/91
M.A.No.671/95

New Delhi this the 2nd Day of May, 1995.

Hon'ble Sh. J.P. Sharma, Member(J)
Hon'ble Sh. B.K. Singh, Member(A)

Smt Usha Madan,
W/o Sh. K.K. Madan,
working as Senior Clerk
'P' Branch, Stores Depot
Northern Railway,
Shakurbasti, New Delhi. Applicant

(through Sh. S.K. Sawhney, advocate-none present)

versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Deputy Controller of Stores,
Northern Railway,
Shakurbasti,
New Delhi. Respondents

(through Sh. P.S. Mahendru, advocate)

ORDER(ORAL)


delivered by Hon'ble Sh. J.P. Sharma, Member(J)

We have taken M.A.No.671/95 alongwith the O.A. This M.A. has been filed by the Railways that the original application be dismissed in view of the fact that the applicant himself sought transfer to Head Quarter Office, Baroda House, New Delhi by accepting bottom seniority of Senior Clerk vide letter dt. 07.09.94. A copy of this letter is annexed to the aforesaid M.A. Earlier to this, the applicant has been working as officiating Head Clerk in 'P' Branch of SSB Depot. While she was working as such, she was aggrieved by a non-promotion to the post of Head Clerk on the basis of the decision of the Allahabad High Court in J.C. Mallik's case. In that case the Allahabad High Court has taken the view that if SC/ST

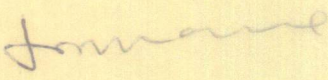
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has released a statutory point then there cannot be a reservation on the raised point. The applicant also prayed in the O.A. that the point No.7 be not given to ST candidate and instead the applicant be given regular promotion to the post of Head Clerk as a general category candidate in the next available vacancy in the grade of Rs.1400-2300/-.

Applicant has not filed reply to the M.A. regarding the maintainability of the O.A. seeking promotion in another branch of SSB Depot. while she herself sought transfer to H.Q., Baroda House, New Delhi on acceptance of bottom seniority. In view of this, the M.A. is allowed. As a consequence also, the original application becomes infructuous. The Original Application is, therefore, dismissed as having become infructuous, leaving the parties to bear their own costs.


(B.K. Singh)

Member(A)


(J.P. Sharma)

Member(J)

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