

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 51 OF 2011

Monday, this the 10th day of October, 2011

CORAM:

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

M.A.Varghese
Chief Travelling Ticket Inspector (CTTI) Gr.I
Office of the CTTI/ACS, Southern Railway
Trivandrum ... Applicant

(By Advocate Mr. K.A.Abraham)

versus

1. Union of India represented by Secretary
Railway Board
Rail Bhavan, New Delhi – 110 001
2. The General Manager
Headquarters Office, Southern Railway
Chennai – 600 003
3. The Chief Personnel Officer
Headquarters Office, Southern Railway
Chennai – 600 003
4. The Divisional Personnel Officer
Southern Railway
Thiruvananthapuram ... Respondents

(By Advocate Mrs. Sumathi Dandapani, Senior
Advocate Mr.SUnil Jacob Jose)

The application having been heard on 10.10.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The challenge made in the OA is against Annexure A-1 notification No. P(G) 532/II/ACM/70% (Regular) dated 15.12.2010 proposing to conduct selection for promotion to the post of Assistant Commercial Manager against 70% quota and calling for option / willingness from the employees belonging to different categories in Commercial

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Department. It is contended that Annexure A-1 notification has been issued in violation of the pre condition as laid down in Article 16 (4A) and 16 (4B) as also Articles 14 and 16 of the Constitution of India. It is also contrary to the decision of the Apex Court in M.Nagaraja's case and Suraj Bhan Meena's case.

2. When the matter was taken up for consideration today, the learned counsel appearing for the applicant sought permission to withdraw the OA since pursuant to Annexure A-1 notification no candidates were selected for appointment and hence it has become infructuous as of now. He prays his right to challenge any future notification if any, be reserved.

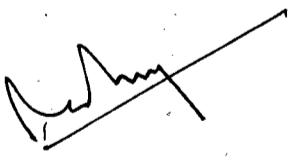
3. In the light of what is stated above, we grant permission to withdraw the OA without prejudice to the right of the applicant, if any, to challenge any fresh notification as and when is issued.

4. OA is dismissed as infructuous. No costs.

Dated, the 10th October, 2011.



**K GEORGE JOSEPH
ADMINISTRATIVE MEMBER**



**JUSTICE P.R.RAMAN
JUDICIAL MEMBER**

VS