

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

Original Application Number. 606 OF 2005.

ALLAHABAD this the 21st day of *September, 2010.*

**HON'BLE MR. JUSTICE SHIV CHARAN SHARMA, MEMBER (J).
HON'BLE MR. S. N. SHUKLA, MEMBER (A)**

Amit Kumar Singh, son of Sri Awadh Narayan Singh, resident of Vill. & Post- Katwanth, District- Sant Kabir Nagar.

.....Applicant.

VE R S U S

1. Union of India through Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. Assistant Superintendent of Post Office, Sub Division Bast Purab, Basti.
3. Superintendent of Post Office, Basti Mandal, Basti.

.....Respondents

Advocate for the applicant: Sri H.P. Mishra
Advocate for the Respondents : Sri S. Srivastava
Sri R.D. Tiwari

O R D E R

(Delivered by Hon'ble Mr. Justice Shiv Charan Sharma, J.M.)

Under challenge in this Original Application is the order dated 28.02.2005 passed by respondent No. 3. Prayer has also been to give further direction to the respondents not to give effect the impugned order dated 28.02.2005.

2. It has been alleged by the applicant that he joined as GDS MD/MC in Branch Post Office Semra (Nagar). He was transferred from Semra Post Office to Bihura Branch Post Office. The services of the applicant were dispensed with and being aggrieved he filed O.A No. 1075/2003, which was disposed of vide order dated 25.05.2004 and a direction was given to

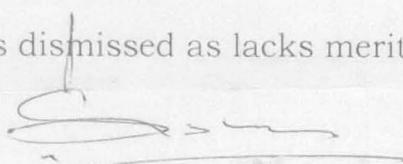
Det. Chetan

the respondents to decide the representation of the applicant by a reasoned and speaking order

3. The respondents alleged that the applicant was appointed as substitute and there is no provision in the Rules to regularize the services of a substitute as the appointment was not regular and when the regular incumbent of the post has joined, his service were dispensed with and in pursuance of the direction of the Tribunal in O.A No. 1705/2003, a representation was filed with the respondents and the same was disposed of by a reasoned and speaking order.

4. We have heard Sri D. Tiwari, holding brief of Sri S. Srivastava, Advocate for the respondents. None is responding for the applicant. We have also perused the previous order-sheets, which show that on so many dates, none appeared for the applicant and it appears that the applicant has lost interest in the case. In pursuance of the directions of the Tribunal, a reasoned and speaking order was passed by the respondents and we have perused the impugned order passed on the representation of the applicant. In our opinion, the order dated 28.02.2005 is perfectly justified. Otherwise also it appears that the applicant was appointed as substitute and he has no locus to request for regularization on the post to which he was appointed as substitute. There is no infirmity in the order of the respondents and the O.A is liable to be dismissed.

5. O.A is dismissed as lacks merit. No costs.



MEMBER- A.



MEMBER- J.

/Anand/