

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No. 543 of 2005

Patna, dated the 13<sup>th</sup> February, 2006

CORAM: The Hon'ble Mr. Justice P.K. Sinha, VC

Birendra Kumar, son of Shri Keshaw Lal Yadav, Village Khaprail  
Chak, PO Parsa, District Patna.

.. Applicant

By Advocate: Shri S. Kumar

versus

1. The Union of India, through the Ministry of Post and Telegraph,  
Department of Post, New Delhi.
2. The Chief Postmaster General [Mail/Treasury], Patna GPO, Patna
3. The Deputy Chief Postmaster [Mail/Treasury], Patna GPO, Patna.

.. Respondents

By Advocate: Shri P.N. Kumar

**ORDER**

Justice P.K. Sinha, Vice-Chairman:-

Heard learned counsel for the applicant and learned counsel for the respondents. No MA for condonation of delay has been filed. The learned counsel for the applicant today has based his claim on the letter of the respondents dated 4.7.2005 which is at Annexure-2 which was in reply to a letter for appointment dated 28.6.2005, in which the applicant was told that ED Substitutes are not appointed by the Department and that this could be done only after name of the substitute has been proposed by the regular ED



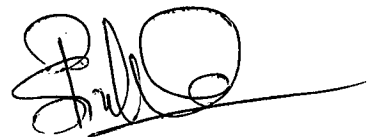
employee, and the period of such substitution ends when the regular ED re-joins the post.

2. The learned counsel for the applicant admits that the applicant had worked as ED Substitute up to 25.4.1991 whereafter he was removed and then he made his representation for re-appointment on 25.6.1992 and, thereafter, on various dates, lastly dated 28.2.2005. Ultimately, this application was filed on 4.8.2005.

3. In that view of the matter, if no order was passed on the representation dated 25.6. 1992 within six months, the limitation would start running, and an application <sup>had</sup> to be filed within a year counting from the date on which the period of six months expired, by virtue of Section 21 of the A.T. Act. Same prayer even if made in a number of applications filed thereafter, till 28.6.2005, those would not renew the period of limitation every time such an application <sup>was</sup> filed.

4. Besides this, the learned counsel for the respondents also submits that a person working as Substitute has no right to be re-appointed on the basis that he had worked as Substitute on a particular post in absence of the regular ED employee, which period ends with the rejoining of the regular ED employee.

5. Be that as it may, this application appears to be grossly hit by limitation, hence not maintainable. This application is dismissed.



[P.K.Sinah]  
Vice-Chairman