

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10838 of 2014

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Ram Kumar Yadav S/o Shri Bhagwat Yadav resident of At + P.O. Makuna, P.S. Bihra, District - Saharsa, Bihar

.... Petitioner/s

Versus

1. Union of India through Secretary - cum - D.G. Department of Posts, New Delhi
2. The Chief Postmaster General, Bihar Circle, Patna
3. Post Master General, Northern Region, Muzaffarpur
4. Superintendent of Post offices, Saharsa Division, Saharsa
5. The Assistant Postal Superintendent, Supaul Sub - Division, (Saharsa Postal Division), Supaul
6. The Sub - Divisional inspector of Post offices, Supaul Sub Division, (Saharsa Postal Division), Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ranjit Jha, Advocate

For the Respondent/s : M/s S D Sanjay, AD SG & Kanak Verma, CGC

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CORAM: HON'BLE MR JUSTICE HEMANT GUPTA
&
HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 04-03-2016

Heard learned counsel for the petitioner and the Union
of India.

2 The challenge in the present writ application is to an order passed by the Central Administrative Tribunal (for brevity, *the Tribunal*) on 20th of February, 2014 whereby OA No 760 of 2013 filed by the petitioner was dismissed on account of limitation challenging his termination vide order dated 09.05.2007.

3 The petitioner has filed number of original applications in respect of his termination of services. The first OA being OA No 461 of 2003 was decided by the Tribunal on 28th of May, 2003 whereby a direction was issued to the respondents to decide the representation of applicant treating the Original Application as representation and dispose of in the light of the Tribunal's order in the case of Ramendra Kumar Nidhi. In pursuance of such directions, the representation submitted by the petitioner was declined on 04.08.2003 pointing out that petitioner was appointed as a substituted arrangement and, therefore, has no right for appointment.

4 The petitioner challenged the said order vide OA No 681 of 2003 which was dismissed on 28th of March, 2007, a copy of the order has been appended by the respondents as Annexure C to the counter affidavit. The petitioner filed a writ petition being CWJC No 8485 of 2007 against the said order which was dismissed by the Division Bench on 26th of July, 2007.

5 It is, thereafter, that the petitioner filed another OA No 119 of 2008 which was withdrawn on 11th of March, 2008 (Annexure F to the counter affidavit). It is, thereafter, the present OA No 760 of 2013 was filed along with an application for condonation of delay being MA No 497 of 2013. The Tribunal has not condoned the delay and consequently dismissed the MA and also the OA.

6 The claim of the petitioner has been examined by the respondents in the light of the order passed on 28th of May, 2003. The appointment of the petitioner was only an arrangement to substitute another official. The said finding has attained finality. The petitioner challenged the order in earlier an OA which was dismissed. The writ application against that order was also dismissed. Therefore, the claim of the petitioner, with the dismissal of the writ petition on 26th of July, 2007, is not only barred by limitation but is tenable as all questions of law and facts stands decided against him.

7 This writ application is, thus, dismissed.

(Hemant Gupta, J)

M.E.H./-

(Navaniti Prasad Singh, J)

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