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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 56/2017

CHHOTE LAL

..... Appellant

Through: Mr. Yudhvir Singh Chauhan, Adv.
with Mr. Aditya Sharma, Advs.

Versus

DELHI POLICE PUBLIC SCHOOL & ORS.

..... Respondents

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

27.03.2024

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REVIEW PETITION 123/2017

1. The appellant had filed a petition being W.P.(C) 4840/2016, *inter alia*, praying that his services be regularised with the respondent no.1 school. The said petition was dismissed by the learned Single Judge by an order dated 07.09.2016 on the ground that there was nothing on record to establish that there was either a sanctioned or vacant post against which the services of the appellant could be regularised. The Court held that in absence of a sanctioned or vacant post, the appellant could not claim any regularisation.

2. The above-captioned appeal was dismissed by an order dated 23.01.2017 as the Court found that there was no dispute that neither a sanctioned nor a vacant post existed. Accordingly, the Court found that the



impugned judgment dated 07.09.2016 passed by the learned Single Judge could not be interfered with.

3. The appellant had filed the present review petition on 28.03.2017 along with an application seeking condonation of delay in filing the review petition. The review petition was, thereafter, adjourned from time to time at the request of the learned counsel for the review petitioner. The appellant did not pursue the review petition diligently and did not appear on two consecutive occasions. Therefore, the same was dismissed on 21.07.2017.

4. The appellant, thereafter, filed an application for restoration of the present review petition, which was also adjourned, on several dates including for want of service of notice. The said application was allowed on 14.12.2018 and the review petition was restored. It is noticed that after the review petition was restored, it was adjourned on several dates on account of non-representation by the review petitioner (appellant).

5. The learned counsel appearing for the respondent submits that the appellant has been functioning as a *Maali* with respondent no.1 school on contractual basis for almost thirty years and has not been regularised. He submits that it is not possible to contemplate that there is no sanctioned post available in respect of such an employee.

6. As noticed above, the appellant's writ petition was dismissed as there was nothing on record to establish, that there was any sanctioned/vacant post against which the appellant's services could be regularised.

7. The appellant's appeal was rejected for the same reason. There is as yet nothing on record to establish that there exists a vacant/sanctioned post against which the services of appellant can be regularised. Accordingly, we find no grounds to review the order dated 23.01.2017.



8. The review petition is dismissed.
9. In the event that the appellant finds any material to claim to the contrary, this order shall not preclude the appellant from seeking an appropriate remedy, *albeit* in accordance with law.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 27, 2024/SA

Click here to check corrigendum, if any