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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 502/2016

MANOHAR & ORS

..... Appellant

Through Mr. Ranjeet Kumar, Advocate.

versus

UNION BANK OF INDIA & ANR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% **09.09.2016**

C.M.No.33056/2016

Exemption allowed, subject to all just exceptions.

C.M.No.33055/2016 & LPA 502/2016

There is delay of 75 days in filing of this intra-Court appeal and an application for condonation of delay has been filed. Before issuing notice on the application, we have deemed it appropriate to examine the appeal on merits.

2. This intra-Court appeal impugns the order dated 23rd May, 2015, by which W.P.(C) No. 3125/2016, filed by the appellants herein, has been dismissed. During the course of hearing,

learned counsel for the appellant has accepted that the appellants, 15 in number, were not appointed through a regular selection process or in terms of the Rules. This being the position, we would agree with the learned single Judge that no relief of regularisation could have been granted in terms of the ratio in ***Secretary, State of Karnataka and Ors. Vs. Umadevi and Ors.*** (2006) 4 SCC 49. In fact, the impugned order observes that the appellants were appointed by the concerned officers with whom they were attached.

3. It is stated that the appellants had also participated in the selection process pursuant to the advertisement dated 31st May, 2014 for the post of Housekeepers-cum-Peons. Pursuant to the selection process, it is stated, as per the information available with the appellants, 30 persons have been appointed. Learned counsel for the appellant submits that the appellants have grievance with regard to the selection process. In case, the appellants have any grievance with regard to the selection process, it is open to them to challenge and question the same in accordance with law. As far as the present appeal and the prayer

for regularisation is concerned, the same has to be rejected.

4. We are not inclined to issue notice on the application seeking condonation of delay as we perceive and believe that the appeal itself lacks merit. In these circumstances, the application for condonation of delay is dismissed and as a sequitur, the appeal will be also treated as dismissed.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

SEPTEMBER 09, 2016
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