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

+ LPA 13/2017

RAGHUVINDER KUMAR Appellant
Through : Mr. U. Srivastava, Adv.
versus

BANK OF INDIA & ORS. ... Respondents
Through : Mr. Jagat Arora, Adv.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
01.05.2017

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1. This appeal assails the judgment dated 15th September, 2014 dismissing W.P.(C)No.5748/2014 wherein the appellant had prayed for setting aside the recruitment process for sub-staff cadre i.e. *Sepoy/Safai Karamchari-cum-Sepoy* of the respondent no.1 undertaken by them pursuant to an internal office memorandum dated 2nd July, 2013.
2. The appellant also assails the order dated 4th November, 2016 passed by the ld. Single Judge rejecting Rev.Pet.No.475/2014.
3. We find that by the judgment dated 15th September, 2014, the ld. Single Judge has held that the writ petition was not maintainable on the ground that the appellant had failed to demonstrate that he fulfilled the eligibility criteria prescribed by the respondent bank for appointment to the post of driver in the above stated sub-staff cadre.

4. We find that the judgment dated 15th September, 2014 passed by the Id. Single Judge notes the objections of Id. counsel for the respondent that the appellant was not an employee of the bank. We also find that an objection was pressed that even if the contention of the appellant was accepted, he ought to have availed the appropriate remedy as a workman under the Industrial Disputes Act, 1947.

5. At this stage, Mr. U. Srivastava, Id. counsel for the appellant prays that he may be permitted to withdraw the present appeal with liberty to avail the appropriate remedy. There can be no possible objection to the grant of such prayer.

6. In view thereof, this appeal is dismissed as withdrawn with liberty to the appellant to seek such appropriate remedy in law as may be prescribed and available to him.

7. It is made clear that nothing contained in the judgment dated 15th September, 2014 and the order dated 4th November, 2016 shall be considered as a final expression of opinion on the merits of contentions of either side.

8. This appeal is disposed of in the above terms.

Dasti.

ACTING CHIEF JUSTICE

ANU MALHOTRA, J

MAY 01, 2017

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