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

+ **W.P.(C) 6914/2019 & CM APPL. 28772/2019**

MR. RAVI NEGI

..... Petitioner

Through: Mr. Pawan Piyush and Mr. Vaibhav
Dabas, Advocates

versus

**BALVANTRAY MEHTA VIDYA BHAWAN ANGURIDEVI
SHERSINGH MEMORIAL ACADEMY - SECOND SHIFT & ORS.**

..... Respondents

Through: Mr. S.N. Kalra and Ms. Meenakshi
Kalra, Advocates for R-1 & R-2
Ms. Avnish Ahlawat, Standing
Counsel for GNCTD (Services) with
Ms. Sakshi, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% 01.07.2019

Vide the present petition, the petitioner seeks direction thereby directing the respondent Nos. 1 and 2 to regularize the service of the petitioner on the permanent post of Office Attendant at par with similar employees working in the same post in Delhi Government Schools under the Delhi School Education Act, 1973 and further seeks direction thereby to fix the grade pay of the petitioner in terms of the recommendations of the Seventh Pay Commission with effect from the date of appointment of the petitioner and pay to the petitioner the arrears of salary accrued in favour of the petitioner along with interest @ 12% accrued thereupon.

It is evident that a show-cause notice dated 28.05.2019 has been

issued to the petitioner and reply thereto has been filed and thereafter vide communication dated 22.05.2019, it is observed that the petitioner has been running a private business in the name of *R.N. Traders* since February, 2017 till date.

It is further observed that despite being on school rolls, the petitioner has engaged himself in some other business without any information to school/office. Further observed that the petitioner is using the school premises/accommodation for his business transactions. Moreover, the stationary material was purchased for the school without any intimation and has forwarded the bills for payment.

As stated by the learned counsel appearing on behalf of respondent from the Principal of concerned school that the preliminary inquiry has been initiated and if required, the regular Departmental inquiry shall be conducted against the petitioner.

She further states that there is no regular post of Office Attendant and he has never been regularized. However, the present petition has filed just to avoid the departmental action to be taken by the respondents.

It is pertinent to note that the allegations made by the respondents have been disputed by the counsel for the petitioner.

In view of the above facts, the present petition is premature and the same is, accordingly, dismissed.

SURESH KUMAR KAIT, J

JULY 01, 2019

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