

Central Administrative Tribunal - Delhi
Rajeev Kumar Manglik vs The Director General Of Works on 26 May,
2014

Central Administrative Tribunal

Principal Bench

New Delhi

O.A.No.1599/2013

MA 1216/2013

Order Reserved on: 05.05.2014

Order pronounced on 26.05.2014

Hon^{ble} Shri V. Ajay Kumar, Member (J)

Hon^{ble} Shri V. N. Gaur, Member (A)

Rafat Himayat Husain

S/o Sh. I.M.Mufti

R/o 24, Kalibari Apartment

Udyan Marg, DIZ Area-II

New Delhi □ 110 001.

Nafe Singh Kaushik

S/o Sh. Hazari Lal

R/o 4-1/Type-IV, Qtrs, Sec-B

President^s Estate

New Delhi □ 110 004.

Rajeev Kumar Manglik

S/o Sh. Narendra Nath Manglik

R/o B-20, Type □ IV, Ekta Vihar

Sec-25, CBD Belapur

New Mumbai □ 400 614. .. Applicants

(By Advocate: Sh. M.K.Bhardwaj)

Versus

UOI & Ors. through:

The Secretary

Govt. of India

Ministry of Urban Affairs & Employment

Nirman Bhawan

New Delhi □ 110 001.

The Director General of Works

Central Public Works Department

Nirman Bhawan

New Delhi. □. Respondents

(By Advocate: Sh. B.L.Wanchoo)

O R D E R

By V. Ajay Kumar, Member (J):

MA 1216/2013, filed under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987, for joining together is allowed.

2. The applicants, who are three in number, presently working as Assistant Engineers in the respondent-CPWD filed the present OA seeking a direction to the respondents to accept their Degree in Engineering acquired through distance mode of education from Janardhan Rai Nagar Rajasthan Vidhyapeeth University, Udaipur, Rajasthan [for short,

JRN Rajasthan Vidhyapeeth University, Udaipur] and to register in their service record for consideration for promotion and for all other consequential benefits.

3. It is submitted that the applicants are Diploma holders in Engineering and were initially joined as Junior Engineers and thereafter got promoted to the post of Assistant Engineers. As per the Recruitment Rules, for promotion to the next higher post of Executive Engineer, there is a separate quota prescribed for Degree holders as well as Diploma holders and to have better future prospects and higher incentive, the applicants requested the respondents to allow them to acquire higher qualifications. They have also disclosed to the respondents that they have applied for admission to acquire Degree in B.Tech. (Electrical) Engineering in JRN Rajasthan Vidhyapeeth University, Udaipur Rajasthan, declared as deemed to be University, under Section 3 of UGC Act, 1956 vide Notification No.F.9-5/84-U-3 dated 12.01.1987, Govt. of India. As per the permission granted, the applicants pursued the said courses and finally acquired the same.

4. On the application made by the applicants to accept the said Degrees and to register the same in their service record, the respondents got it verified from the JRN Rajasthan Vidhyapeeth University vide Annexure A4 dated 13.10.2010. However, vide Annexure 1A, OM dated 30.08.2011, the respondents refused to enter the Degrees in their respective service registers.

5. Questioning the said action, the applicants filed OA No.3552/2011, and the said OA was disposed of along with OA No.4404/2011 by Order dated 24.04.2012 directing the applicants to make representation before the competent authority, within a period of one week and to consider the same by the respondents within a period of one month therefrom and to pass appropriate orders.

6. In pursuance of the same, the applicants preferred a detailed representation dated 01.05.2012, indicating various Government orders and also the Judgement of the Hon^{ble} High Court of Punjab and Haryana in WP No.21331/2008 and batch wherein the Engineering Degrees issued by JRN Rajasthan Vidhyapeeth University under distance education mode were held to be declared valid for all purposes, but the respondents rejected the same vide impugned Order dated 18.04.2013.

7. The respondents, in their impugned Order dated 18.04.2013, stated that a letter has been written to AICTE on 08.04.2013 asking for whether Degree/Diploma in Engineering acquired through distance mode of education from different Institutions

/Universities is valid for employment/promotion in Government of India and reply from AICTE is still awaited. It is further submitted that in WP(C) No.1149/2012 [S.C.Jain and Ors. v. UOI & Others] the Hon^{ble} High Court of Delhi vide its Order dated 28.01.2013, while considering an identical issue and while referring pending cases on the similar subject before the Hon^{ble} Supreme Court, held that "But till the Supreme Court decides on the subject, petitioners would be treated as having valid Degrees but this would be subject to the view which the Supreme Court may finally take." Accordingly, the respondents stated that the recognition of Degree/Diploma in Engineering of the applicants is kept in abeyance.

8. Heard Shri M.K.Bhardwaj, the learned counsel for the applicants and Sh. B.L.Wanchoo, the learned counsel for the respondents, and have also perused the pleadings on record.

9. The Hon^{ble} High Court of Punjab and Haryana at Chandigarh, by its Order dated 03.03.2010 in CWP No.21331/2008, when the appointment of the petitioners therein was refused on the ground that they secured Degrees through the distant education mode from JRN Rajasthan Vidhyapeeth University, Udaipur, and of the Institute of Advanced Studies in Education, Gandhi Vidhya Mandir, Sardar Shahar Rajasthan, which Degrees the AICTE has not recognized, following the Judgement of the Hon^{ble} Apex Court in Bharathi Dasan University and Another v. AICTE and Others, AIR 2001 SC 2861 (wherein it was held that approval of AICTE is not necessary), allowed the said Writ Petitions, by declaring that the petitioners therein are entitled to be considered on the basis of the Degrees which they have obtained from JRN Rajasthan Vidhyapeeth University, Udaipur and IASE, Sardar Shahar Rajasthan. Similar orders were also passed by the said High Court in CWP No.1405/2009 dated 13.01.2010 and CWP No.575/2009 dated 04.03.2010.

10. A Division Bench of the Hon^{ble} High Court of Delhi in WP(C) No.1149/2012, by its Order dated 28.01.2013 (supra), while considering the Degree in Engineering obtained from Institute of Advanced Studies and Education (IASE) through distant education, after noting that the adjudication against the aforesaid decisions of the Punjab and Haryana High Court, is pending before the Hon^{ble} Supreme Court, held that "till the Supreme Court decides on the subject, petitioners would be treated as having valid Degrees but this would be subject to the view which the Supreme Court may finally take."

11. The contention of the respondents that the Orders of the Hon^{ble} Apex Court in SLP No.35793- 35796 of 2012 filed against the Judgement of the Punjab and Haryana High Court's order passed in WP(C) No.1640/2008 (Kartar Singh v. Union of India & Others) and the Order dated 28.01.2013 in WP (C) No.1149/2012 in S.C.Jain's case (supra) of the Hon^{ble} High Court of Delhi are applicable only to the parties therein, cannot be accepted as the declaration to the effect that the Engineering Degrees obtained under distant education mode, from the JRN Rajasthan Vidhyapeeth University, Udaipur are treated to be valid for all purposes was not stayed by either of the aforesaid Courts and on the other hand it was ordered that the said declaration is subject to the view which the Supreme Court may finally take.

12. In view of the aforesaid orders of the Hon^{ble} High Court of Punjab and Haryana and Delhi, and as there was no stay granted in SLP No.35793-35796 of 2012 by the Hon^{ble} Apex Court, we do not consider necessary to re-examine the issue involved in this case, as the same is identical to that of the issue decided by the Hon^{ble} Punjab and Haryana High Court in Kartar Singh's case (supra).

13. In the aforesaid circumstances and reasons, the OA is allowed and the impugned Order Annexure A1 dated 18.04.2013 is quashed and the respondents are directed to accept the Engineering Degrees of the applicants obtained under distant education mode from JRN Rajasthan Vidhyapeeth University, Udaipur and to register the same in their service record and to consider their cases accordingly for promotion and for all other purposes. However, it is made clear that this order and any of the benefits conferred on the applicants under this order are subject to out come of the SLP No.35793-35796 of 2012.

(V. N. Gaur) (V. Ajay Kumar) Member (A) Member (J)

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