



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

M.A.NO.1043 OF 2020 IN  
O.A.NO.060/00495/2020  
**(ORDER ON INTERIM RELIEF –**  
Reserved on: 14.10.2020)  
Pronounced on: 15.10.2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**  
**HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

Dr. Arman Singh, Assistant Engineer, aged 41 years, Son of Sh.  
Bhoop Singh Bishnoi resident of House No. 406-A, Sector-15,  
Panchkula, Pin-134113, Group A.

.... Applicant

**(BY ADVOCATE: MR. PUNIT BALI, SR. ADVOCATE WITH  
MR. NILESH BHARDWAJ, ADVOCATE)**

VERSUS

1. Chandigarh Administration through its Secretary Engineering,  
Deluxe Building, Sector 9-D, Chandigarh-160009.
2. Chief Engineer cum Special Secretary (Engg.) U.T. Chandigarh,  
First Floor, Deluxe Building, Sector 9-D, Chandigarh-160009.
3. Superintending Engineer, Construction Circle-II, Chandigarh,  
Second Floor, Deluxe Building, Sector 9-D, Chandigarh-160009.

**(BY ADVOCATE: MR. RAJESH PUNJ, ADVOCATE)**

4. Union Public Service Commission, new Delhi through Secretary  
UPSC, Dholpur House, Shahjahan Road, New Delhi-110069.
5. Bipin Kumar, Assistant Engineer (Civil), through superintending  
Engineer, Construction Circle-II, Chandigarh, Second floor,  
Deluxe Building, Sector 9-D, Chandigarh-160009.

**(BY : NONE)**

Respondents



**ORDER**  
**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

M.A.No.1043/2020 has been filed by the applicant under Section 19 read with Section 24 of the Administrative Tribunals Act, 1985, for grant of ad interim protection to him in as much as the letter dated 30.9.2020 (Annexure P-38) whereby the meeting of the DPC has been fixed for 16.10.2020 ignores his claim for promotion as Sub Divisional Engineer (SDE) or alternatively, for issuance of ad interim directions to the respondent No.4 to consider his case also for promotion under the Degree Quota, subject to final outcome of the present Original Application (O.A).

2. The O.A. has been filed by the applicant for issuance of appropriate writ, order or directions especially in the nature of mandamus directing the respondents to consider his representation dated 22.7.2020 and correct the error as stated in qualification of the applicant and in addition thereto, consider him eligible for promotion to the post of SDE available w.e.f. 31.3.2020, against Degree quota and for issuance of writ of certiorari to quashing the process of selection / promotion initiated by respondents being illegal, arbitrary and malafide, with ulterior motive to oust the legitimate claim of the applicant and to consider him eligible for promotion as SDE, as per law, subject to final outcome of the instant O.A.

3. Upon issuance of notice, the contesting respondents No.1 to 3 have filed a reply. They have taken various grounds



to oppose the claim of the applicant for promotion as SDE under the Degree quota. During the course of arguments, Mr. Rajesh Punj, learned counsel for the contesting respondents argued that the case of the applicant has been forwarded to the AICTE for verification of his degree obtained from Amravati University (Maharashtra) and the desired information is awaited, therefore, his case is not being considered for promotion to the post of SDE under Degree quota. He also urged that earlier in some cases, Degrees obtained by individuals were found to be fake, therefore, the Department as a precautionary measure has decided to get the Degree of the applicant also verified from the AICTE. Till such verification is finalized, his case is being considered under Diploma Holders quota for indicated promotion. He, thus, submits that the proceedings of the DPC may be made subject to the ultimate outcome of the O.A. He submits that in case the Degree qualification of applicant is found to be genuine, the respondents would definitely conduct review DPC in that connection. For this, reliance is also placed upon a communication dated 14.10.2020 addressed to him by the Superintending Engineer, Construction Circle-I, Chandigarh, which is taken on record.

4. On the other hand Mr. Puneet Bali, learned Senior Advocate, appearing for the applicant vehemently argued that the legality of the degree is being questioned by the respondents unnecessarily. The applicant had completed his Engineering Degree before joining the service and at the time of joining, he was pursuing his Master Degree which was



granted to him in 2002 from Panjab University. Then he did his Ph.D from PEC University of Technology, Chandigarh. Therefore, the doubts raised by the respondents on Degree obtained by applicant is illfounded and an attempt to defeat his right of consideration for appointment as SDE under Degree Quota, which is illegal and arbitrary. Thus, he submits that the case of the applicant may be directed to be considered in the ensuing DPC scheduled to be held on 16.10.2020 under Degree Quota or in alternative, his case may be considered on provisional basis, subject to ultimate decision of the O.A.

5. We have considered the entire matter minutely and are of the firm opinion that since the DPC meeting is scheduled on 16.10.2020 itself, therefore, we would refrain ourselves from passing any order setting at naught the entire process, which is already at advance stage, as the balance of convenience does not lie in favour of the applicant. He is not going to face any irreparable loss or injury which can always be compensated by conducting review DPC. However, to maintain the balance between both sides, it is directed that the decision taken by the DPC would be subject to ultimate decision of the case. In any case, respondents themselves have come out with a plea that they would conduct review DPC in case the Degree obtained by applicant is found to be genuine. We are quite sure that the respondents would be bound by the statement made at the Bar, as per letter dated 14.10.2020.



6. In view of the above discussion, M.A. is dismissed, but with the above observations.

7. List on 3.11.2020, the date already fixed in the O.A.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**(AJANTA DAYALAN)**  
**MEMBER (A)**

Place: Chandigarh  
Dated: 15.10.2020

HC\*