

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00789/2020

HYDERABAD, this the 05th day of January, 2021.

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



R.Hemanth Kumar S/o R.Suryanarayana,
Aged 58 years, Occ : Assistant Engineer, Gr.'B',
O/o The Deputy Director General (Engineering),
Prasara Bharathi (Broadcasting Corporation of India),
Doordarshan Kendra, Ramanthpur, Hyderabad.

...Applicant

(By Advocate : Mr. K. R. K. V. Prasad)

Vs.

- 1.Union of India represented by
The Secretary, Ministry of Information & Broadcasting,
Shastri Bhavan, New Delhi – 110 011.
- 2.The Director General, Prasara Bharathi,
(Broadcasting Corporation of India),
All India Radio, Akashvani Bhavan,
Parliament Street, New Delhi.
3. The Director General, Prasara Bharathi,
(Broadcasting Corporation of India),
Doordarshan Bhavan, Copernicus Marg,
Mandi House, New Delhi.
- 4.The Deputy Director General (Engineering),
Prasara Bharathi (Broadcasting Corporation of India),
All India Radio, Doordarshan, Ramanthpur,
Hyderabad.

....Respondents

(By Advocate : Mr. A. Radhakrishna, Sr.PC for CG)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA is filed in regard to promotion of the applicant to the Junior Time Scale on par with juniors.

3. Brief facts are that the applicant is working as Assistant Engineer in the respondents Organization and is eligible for promotion to the grade of Assistant Director Engineering (ADE). The promotion could not be decided in view of a litigation in respect of the B.Tech degree offered by JNTU, through Distant Education mode. Hon'ble Supreme Court in SLP filed by JNTU has observed on 10.4.2018 that the admissions granted by JNTU prior to the academic year 2009-10 is valid. Respondents have promoted the juniors to the applicant and after the Tribunal declared that the B.Tech degree awarded by JNTU is valid, he submitted a representation to grant promotion on par with juniors. As there was no reply, the OA is filed.

4. The B.Tech degree obtained by the applicant from JNTU is valid as per the Hon'ble Supreme Court order on 10.4.2018. The applicant is eligible to be considered for promotion to the post of ADE and not granting the same is violation of Articles 14 & 16 of the Constitution of India. Representation submitted was not disposed.

5. Ld. Respondents' counsel was directed to obtain instructions from the respondents on 9.12.2020 as to when they would conduct the DPC to consider the case of the applicant, if he is otherwise eligible, in view of the observation of the Hon'ble Supreme Court. In response, the learned

respondents counsel on 5.1.2021 has intimated that the respondents are likely to hold the DPC in the near future after obtaining the clarification from the competent authority.

6. Heard both the counsel and perused the pleadings on record.



7. I. The case is about the validity of the B.Tech degree issued by JNTU in distant education mode. Applicant obtained the B. Tech degree on 25.3.2006 as per Annexure A-1 enclosed. This Tribunal allowed the OA 353/2018 on 29.4.2019 as under:

“13. Therefore, the Hon'ble Supreme Court modified the order of the High Court which said that norms of the AICTE have to be followed and distance learning will not be permitted at all in technical education subject to the concession given in the case of Orissa Lift Irrigation Corporation Ltd., and held that the norms laid down by the AICTE have to be followed in future, but the degrees and the diplomas in question already granted by the appellant – University to the candidates admitted up to the academic year 2009-2010 may be left undisturbed. Since the decision relates to the degrees and the diplomas awarded by the JNTU and in view of the fact that the Hon'ble Supreme Court specifically held that the degrees and diplomas in question may be left undisturbed, this Tribunal cannot take a different view basing on the judgements relied upon by the learned standing counsel for the respondents. The contention that the special consideration given by the Hon'ble Supreme Court to those candidates who had obtained degrees through various institutions directing them to appear for the test to be conducted by AICTE would apply to the applicants has no force. The Tribunal has to pass order in the present OA strictly basing on the decision rendered by the Hon'ble Supreme Court in the above case and it shall not try to interpret the order of the Hon'ble Supreme Court basing on the judgements relied on by the learned standing counsel for the respondents. The reason being decision of the Hon'ble Supreme Court in C.A.No.3697-3698/2018 is directly applicable to the case of the applicants in the present OA.

14. For the foregoing reasons, the respondents are directed to declare the applicants as eligible for promotion to the Junior Time Scale Grade treating the Degrees obtained by them as valid and consider them for promotion to the post of Junior Time Scheme on par with their juniors by granting all consequential benefits.”

Hon'ble High Court dismissed Writ Petition No.24155/2019 on 20.02.2020 which was filed challenging the order of the Tribunal in OA

353/2018 dt.29.4.2019 and the SLP No.14163 filed thereupon got dismissed on 26.11.2020.

II. Applicant was awarded the B.Tech degree on 25.3.2006 and is thus covered by the judgments cited supra. Therefore, in view of the above, as the matter has attained finality, respondents are directed to consider conducting the review DPC for promoting the applicant to the post of ADE, if he is otherwise eligible as per extant rules and law, within a period of 6 months from the date of receipt of this order and declare the outcome, as is deemed fit with attended benefits permitted as per rules/law.



III. With the above directions, the OA is disposed of, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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