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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

MP No. 1317/87 &

O.A. No. 1462 1987
T.A. No.

DATE OF DECISION 30.10.87

Shri H.S. Sawhney **Petitioner**

Shri R. P. Oberoi, **Advocate for the Petitioner(s)**

Versus

Union of India & others **Respondent s**

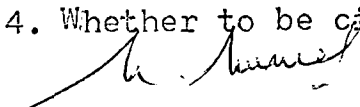
None **Advocate for the Respondent(s)**

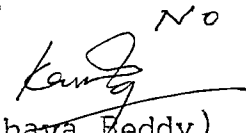
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No


(Kaushal Kumar)
Member


(K. Madhava Reddy)
Chairman

3.

Central Administrative Tribunal
Principal Bench: Delhi

MP No. 1317/87 &

CA No.1462/87

Date of decision: 30.10.87

Shri H.S. Sawhney Applicant

Vs.

Union of India & Others Respondents

Coram : Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

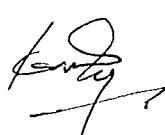
For the Applicant Shri R.P.Oberoi, Counsel

For the Respondents None

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

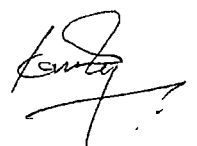
This is an application to quash the order dated 10.8.87 of the Engineer-in-Chief, Army Headquarters, Central Command, Lucknow intimating the applicant that the technical qualification possessed by him has not been recognised by the Government of India for the purpose of employment under the Central Government.

2. The applicant claims promotion to the post of Superintending Engineer from the post of Executive Engineer. One of the qualifications prescribed for promotion to the post of Superintending Engineer is possession of atleast a diploma in Engineering or equivalent qualification. The applicant does not possess a degree; he possesses a diploma issued by the Government Technical Institute Insein, Burma. The applicant earlier moved this Tribunal by way of CA No.424/86 in which he claimed that the diploma possessed by him was a diploma equivalent to the diploma in Engineering which is prescribed as one of the qualifications for promotion to the post of Superintending Engineer. The Tribunal vide its order dated 20.5.87 directed the Respondents to arrive at a definite decision on the question whether



the technical qualification possessed by the applicant can be treated as equivalent to a diploma in Engineering. By the impugned order the Respondents have held that it is not at all recognised and the question of equivalence does not arise. From the material papers now filed before us, it is clear that even at the time of initial appointment of the applicant, the technical qualification possessed by him was not accepted as equivalent to a recognised degree or diploma. Therefore, even for his initial appointment the Rules were relaxed vide letter dated 1.11.62 and it was specifically stated that the relaxation is ordered as a special case. There is no doubt that later he was promoted to the post of Assistant Executive Engineer. Admittedly, the applicant does not possess any of the recognised diplomas. When it is found that the diploma possessed by him is not one of the diplomas recognised by the Government of India for promotion to the post of Superintending Engineer, the Tribunal cannot direct the Government that the diploma possessed by the applicant should be treated as equivalent to the diploma recognised by the Government of India. The question of treating a diploma equivalent to a recognised diploma is a matter which has to be judged by the concerned/ ^{appointing} authority or the Government, as the case may be, having regard to several factors such as curriculum, course & period of study and training, the standard of examination and the like. In the absence of any material before us, it is not proper for this Tribunal to go into this question and give any direction as prayed for or to quash the impugned order. In the circumstances both the Original Application as well as the Miscellaneous Petition are dismissed.

3. However, nothing said herein will prevent the Respondents from taking into account whether the applicant having been promoted to the post of Executive Engineer with

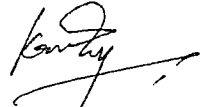


the diploma he possesses should also be considered for promotion to the next higher posts.

4. Ordered accordingly.



(Kaushal Kumar)
Member
30.10.87



(K. Madhava Reddy)
Chairman
30.10.87