

Item No.25



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 1105/2017

This the 13th Day of July, 2021

(Through Video Conferencing)

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Permod Kumar
S/o Sh. Raghuvir Singh,
Aged 46 years, Group-C
Designation – JE/ASE/Rolling Stock in the O & M Wing
R/o F-1, Plot No. 1/3, Sector – 5,
Rajinder Nagar Sahibabad,
Distt. Ghaziabad, Uttar Pradesh

... Applicant

(By Advocate : Shri Sagar Saxena)

Versus

1. Delhi Metro Rail Corporation Ltd.
Through its Managing Director
8th Floor, Metro Bhawan,
Fire Brigade Lane, Barakhamba Road,
New Delhi – 110001
2. Union of India,
Through its Secretary,
Ministry of Urban Development,
Nirman Bhawan,
Maulana Azad Road, New Delhi – 110011
3. Government of NCT of Delhi
Through its Chief Secretary,
Delhi Secretary,
Players Building, I.P. Estate, New Delhi – 110002
4. Ministry of Human Resource Development
Through Secretary,
Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi, 110001
5. The Institution of Engineer (India)

Item No.25



Through Director General,
8 Gokhale Road,
Kolkata 700020

6. Mr. Ravish Panwar, Group A
S/o Harish Chandra Panwar
Designation Assistant Manager/Rolling Stock,
H.No. E-302, Delhi Metro Residential Complex
Opp. Mohan Estate Metro Station Mathura Road
Sarita Vihar New Delhi-110076.

... Respondents

(By Advocate : Ms. Anupama Bansal, Shri V.S.R. Krishna,
Ms. Neetu Mishra for Shri K.M. Singh)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Supervisor in the grade of 14000-26950 in the Delhi Metro Rail Corporation. A Notification was issued on 06.04.2016 for appointment to the post of Assistant Manager, under the Limited Departmental Competitive Examination (LDCE) category. The post of Supervisor, held by the applicant was also treated as one of the feeder posts. The written test was conducted and the applicant qualified therein. The applicant belongs to SC category. On the basis of the marks secured by him, he was included in the list of qualified candidates in the un-reserved category. This was followed by the interview and the final results were declared on 19.10.2016. The name of the applicant did not figure therein. The applicant submitted representations under the Right to Information Act. He was

Item No.25



furnished information on 07.11.2016. The break-up of the marks scored by him, was also furnished. The applicant was awarded 3.5 marks for the educational qualification held by him. He missed the selection under the unreserved category by about 1.5 marks and in the SC category, by 0.4 marks.

2. The applicant filed this OA with a prayer to quash the order dated 19.10.2016, insofar as he was not selected to the post of Assistant Manager, and for a direction to the respondents to grant him equal treatment, on par with the candidates who possessed B.Tech/B.E. degrees, and for extension of the consequential benefits.

3. The applicant contends that though he holds the qualification of AMIE, it is treated as equivalent to BE/B.Tech and there was no justification for the respondents in awarding him only 3.5 marks whereas they awarded 4 marks for B.E. Various other contentions are also urged.

4. The respondents filed a detailed reply. It is stated that the AMIE is not stipulated as one of the qualifications for the post, and all the same, the candidates holding that qualification, are also treated as eligible. It is stated that a policy decision was taken to award 3 marks to Diploma Holders, 3.5 marks to the holders of AMIE degree, 4 marks

Item No.25



to the B.E./B.Tech graduates and 4.5 marks for those with AMIE/Graduates plus MBA and 5 marks to B.Tech plus M.Tech or MBA degree holders. They contend that the applicant did not secure the requisite marks up to the level of selection, and accordingly he was not selected.

5. We heard Shri Sagar Saxena, learned counsel for the applicant, Mr. V.S.R. Krishna, learned counsel for the respondent and Ms. Neetu Mishra for Mr. K.M. Singh, learned counsel for the respondents. The applicant took part in the LDCE that was notified on 06.04.2016. He secured 38.5 marks in the written, online examination. The selection process comprised of awarding marks under various components such as educational qualifications, interview, APAR and seniority. In the aggregate, the applicant was awarded 69 marks. It so happened that in the general category the last candidate was the one who secured 70 marks whereas the last candidate in the SC category was one who secured 69.4 marks. The applicant lost selection by a fraction of mark. The plea of the applicant that the awarding of less marks to AMIE, amounts to discrimination, cannot be accepted.

Item No.25



6. As mentioned above, the respondents have adopted a policy of awarding marks to different categories of degrees.

It is a criterion adopted by them and it would be difficult to treat it as discriminatory or arbitrary. Though AMIE may have been treated as a qualification, enabling a candidate to participate, the awarding of a fraction of mark less than those of B.E./B.Tech cannot be found fault with. At any rate, the selecting agency has its own discretion. The applicant can be said to have been discriminated if only he was not treated as qualified at all even after the AMIE degree was treated as equivalent to B.E./B.Tech Degree.

7. We do not find any merit in the OA it is accordingly dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

sd/pj/vb/akshaya/