



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

**O.A. No. 1315/2021**

**M.A. No. 1762/2021**

**M.A. No. 1667/2021**

**This the 22<sup>nd</sup> Day of July, 2021**

(Through Video Conferencing)

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

1. Pankaj Rajvanshi,  
S/o Sh. Satyavir Singh,  
Aged about 57 years,  
R/o. B-1/904, Krishna Apra Garden,  
Vaibhav Khand Indirapuram, Ghaziabad, U.P.  
Presently posted as Executive Engineer (E&M)  
C/o EE (E&M) Wazirabad,  
Delhi Jal Board
  2. K.G. Mishra,  
S/o Late G.P. Mishra,  
Aged about 57 years,  
R/o. H-3/58, 3<sup>rd</sup> Floor, Sector – 18, Rohini, Delhi – 89,  
Presently posted as Executive Engineer (E&M),  
C/o EE (E&M), Wazirabad,  
Delhi Jal Board
- ... Applicants

(By Advocate : Ms. Pragnya Routray )

**Versus**

1. Delhi Jal Board  
Through its Chief Executive Officer  
Varunalay, Karol Bagh, New Delhi – 110005
2. Delhi Jal Board  
Through the Member (Administration)  
Varunalay, Phase-II, Jhandewalan, New Delhi - 110005

... Respondents

(By Advocates : Shri M.K. Bhardwaj and Shri Rajeev Kumar)



## O R D E R (ORAL)

**Mr. Justice L. Narasimha Reddy:**

**MA No.1762/2021**

This Application is filed with a prayer to implead the applicants herein as respondents in the OA.

2. It is stated that their interests are also involved in the adjudication of the OA. Though learned counsel for the applicants in the OA strongly objected to that, we are of the view that no harm would be caused to the applicants in case the proposed respondents are impleaded. MA is accordingly ordered.

**OA No.1315/2021**

3. The applicants and respondent Nos. 4 and 5 and many others are working as Executive Engineers in Delhi Jal Board. The next promotion is to the post of Superintending Engineer (E&M). The applicants contend that some of the Executive Engineers possessed engineering degrees, obtained through distance mode of education and the Hon'ble Supreme Court did not recognize such degrees vide judgment dated 03.11.2017 in ***Orissa Lift Irrigation Corp. Ltd. Vs. Rabi Sankar Patro & Ors.*** in Civil Appeal No.17869-17870/2017 and ignoring that fact the Executive Engineers are being extended all the benefits.



It is also pleaded that the seniority list for the post of Executive Engineer is not published yet and that their promotions to the post of Superintending Engineer cannot be undertaken unless such seniority list is published.

4. The OA was listed earlier and we passed an interim order also on 15.07.2021.

5. Today, we heard Ms. Pragnya Routray, learned counsel for the applicants and Mr. Rajeev Kumar, learned counsel for respondent Nos.1 and 2 and Mr. M.K. Bhardwaj, learned counsel for respondent Nos. 4 and 5.

6. The grievance of the applicants is that the respondent Nos. 1 and 2 did not publish the seniority list for the post of Executive Engineer and they are proceeding to make promotions to the post of SE(E&M). In the context of preparation of seniority list for the post of SE (E&M), the recent judgment of the Supreme Court in **Orissa Lift Irrigation Corp. Ltd. Vs. Rabi Sankar Patro & Ors.**(supra) becomes relevant. In case any of the Executive Engineers were holding Degree in Engineering, obtained through distance mode from certain institutions, the same was directed to be ignored. Opportunity was also given to such candidates to improve their qualifications in specially conducted examination.

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7. The question as to whether (a) any of the Executive Engineer possessed Degree in Engineering through distance mode of education and; (b) whether any of them have improved their qualifications by appearing in the examination specially conducted by the AICTE; needs to be examined. It is only after verification of this fact that a seniority list can be published which, in turn, shall constitute the basis for promotion to the post of SE (E&M).

8. We, therefore, dispose of the OA directing that the respondents shall publish the provisional seniority list for the post of Executive Engineer within two weeks from the date of receipt of a copy of this order and the final seniority list within four weeks thereafter, duly considering the objections, if any, submitted by the aggrieved persons. The promotion to the post of SE(E&M) shall be made only after the final seniority list for the post of Executive Engineer(E&M) is published.

There shall be no order as to costs.

**(A.K. Bishnoi)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/vinita/vb/ns/akshaya/