

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.1390/2014

Monday, this the 5<sup>th</sup> day of October, 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)**  
**Hon'ble Dr. B. K. Sinha, Member (A)**

1. Arvind Mohan Sharma, aged 54 years  
s/o Mr. O P Sharma  
Working as Assistant Engineer  
Under Director General  
All India Radio, New Delhi  
R/o H.No.185, Kanti Niwas, Dhaka  
Delhi-110 009
2. Hari Gopal Sharma, aged 48 years  
s/o late Mr. B L Sharma  
Working as Assistant Engineer  
Under Director General  
All India Radio, New Delhi  
R/o 1-Bha-55, Vigyan Nagar, Kota
3. Naresh Kumar Gupta, aged 50 years  
s/o late Mr. Ram Nath Gupta  
Working as Assistant Engineer  
Under Director General  
All India Radio, New Delhi  
r/o 398, Laxmi Bai Nagar, New Delhi-23
4. Anil Kumar Sinha, aged 51 years  
s/o Mr. Sushil Kumar Sinha  
Working as Assistant Engineer  
Under Director General  
All India Radio, New Delhi  
R/o 617, Asia House, K.G. Marg  
New Delhi-1

.. Applicants

(Mr. Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary  
Ministry of Information & Broadcasting  
Govt. of India, Shastri Bhawan, New Delhi-1
2. Director General  
All India Radio  
Akashwani Bhawan, Sansad Marg, New Delhi

3. Director General  
Doordarshan, Doordarshan Kendra  
Doordarshan Bhawan  
Mandi House, Copernicus Marg, New Delhi

..Respondents

(Mr. S.M. Arif, Advocate)

### **O R D E R (ORAL)**

**Mr. A.K. Bhardwaj:**

It is not in dispute that the controversy involved in the present Original Application is, in all fours, of the Order dated 27.7.2015 passed by the Tribunal in **Shyamal Dasgupta & others v. Union of India & others** (O.A.No.1103/2014). The Order reads:

“Learned counsel for the applicants submitted that this case is squarely covered by the judgment of this Tribunal dated 09.07.2015 passed in OA No.2986/2014 - Purushan T. & Ors. Vs Union of India & Ors. The said order, being a short one, is reproduced below:-

“The applicants in this OA are challenging the letter No.1/2/2004-S.IV(B) dated 18.3.2014 vide which the draft eligibility list of Assistant Engineers working in AIR and Doordarshan as on 1.1.2009 has been drawn.

2. Their grievance is that their names have not been included in the said list on the ground that the degree obtained by them through distance education mode is not recognized.

3. Admittedly, this issue was earlier considered by this Tribunal and later on by the Honble High Court of Delhi in Writ Petition (Civil) No.1149/2012 (S.C. Jain and others vs. Union of India and others). Vide Order dated 28.1.2013, it was observed that the issue in this case was originally originated out of the decision of the Punjab and Haryana High Court in one Kartar Singh’s case) and the same is pending before the Honble Supreme Court of India (SLP No.35793-35796 of 2012). The Honble High Court has, therefore, ordered that writ petitioners would be treated as having valid degrees subject to the view which the Supreme Court may finally take. The relevant portion of the said Order of the Honble High Court is as under:-

“7. Learned counsel for the parties agree that the instant writ petition could be disposed of observing that if the Supreme court were to set aside the decision of the Punjab and Haryana High Court in Kartar Singh case

(supra), impugned decisions dated December 21, 2011 and February 02, 2012 passed by the Tribunal would be treated as been over ruled and the result would be the writ petitioners being entitled to the benefit of the degrees obtained by them through Distance Education treating the degrees to be legal and valid. Should the Supreme Court negate the challenge to the decision of the Punjab and Haryana High Court, view taken by the Tribunal would be corrected resulting in the writ petitioners being held not eligible for promotion on the strength of the degrees they rely upon.”

8. But till the Supreme Court decides on the subject, petitioners would be treated as having valid degrees but this would be subject to the view which the Supreme Court may finally take.

9. The writ petition stands disposed of declaring as above but without any order as to costs

4. Learned counsel for the applicants has submitted that in terms of the aforesaid Order of the High Court of Delhi, the petitioners therein were included in the eligibility list. However, when the applicants similarly placed, their names have not been included in the said eligibility list.

5. In view of the above position, we allow this OA and quash the impugned letter dated 18.3.2014 to the extent that the applicants names have not been included in the eligibility list of Assistant Engineer working in the AIR and Doordarshan as on 1.1.2009. We further direct that the respondents would include their names in the eligibility list but this will be subject to the outcome of Kartar Singhs case (supra) pending before the Honble Supreme Court. The applicants will also be entitled to any other benefits given to the petitioners in Writ Petition (Civil) No.1149/2012 (supra). The said direction shall be complied with, within a period of two months from the date of receipt of a copy of this Order. There shall be no order as to costs.”

2. In view of the above submission made by the learned counsel, we dispose of this OA with the directions to the respondents to examine the case of the applicants in the light of the aforesaid order and pass appropriate orders in their cases also. If they are found to be covered by the aforesaid order, they shall also be extended the same benefits. The aforesaid order shall be complied with, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.”

2. In view of the aforementioned Order passed by the Tribunal, the Original Application stands disposed of with direction to the respondents to examine the claim of the applicants in the light of the aforementioned Order and if they are found covered by the Order passed in O.A. No.2986/2014 – **Purushan T. & others v. Union of India & others**, to extend the benefits of the Order to the applicants herein also. No costs.

**( Dr. B.K. Sinha )**  
**Member (A)**

**( A.K. Bhardwaj )**  
**Member (J)**

**October 5, 2015**  
/sunil/