

**Central Administrative Tribunal
Principal Bench**

OA No.2733/2010

New Delhi, this the 21st day of September, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. V.N. Gaur, Member (A)**

1. Ramesh Singh
S/o Shri Balram Singh
Dy. Director Engg.
Doordarshan High Power Transmeter
Pitampura, New Delhi.
 2. Rajender Pal Singh
(ADE, DG: Doordarshan)
S/o Sh. Hanumant Singh
R/o 155, Type-IV
Laxmi Bai Nagar, New Delhi-110023
- ...Applicants

(By Advocate : Shri M K Bhardwaj)

Versus

Union of India & Ors. through

1. The Secretary
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi.
2. The CEO, Prasar Bharti, PTI Building
New Delhi.
3. The Director General (AIR), All India Radio
Parliament Street, Aakashwani Bhawan
New Delhi.
4. The Engineer-in-Chief, All India Radio
Parliament Street, Aakashwani Bhawan
New Delhi.
5. The Chairman
DEC, IGNOU, Maidangari, Delhi
6. The Chairman, UGC
Bahadur Shah Zafar Marg, New Delhi

7. The Secretary, Ministry of HRD
Department of Education
Shastri Bhawan, Rajendra Prasad Marg
New Delhi.

...Respondents

(By Advocate: Shri S M Arif, Hilal Haider and Shri Manoj R Sinha)

ORDER (ORAL)

Mr. Justice Permod Kohli, Chairman :-

The applicants in this Original Application are seeking quashment of order dated 09.08.2012 (Annexure P-1) as also the order dated 03.06.2010. Vide the impugned orders their eligibility for promotion to the post of Assistant Engineers and thereafter Junior Time Scale(JTS) cadre has been rejected. The dispute in the present OA relates to the validity of the qualification held by the applicants. The applicants' claim they have acquired degree i.e. B.S. (Information System) awarded by BITS Pilani, a deemed university through distance mode. It is claimed that such degree is recognized by Distance Education Council(DEC).

2. Shri S M Arif, learned counsel appearing for respondent Nos.1-4 today has placed on record a copy of communication dated 16.09.2016 addressed to him by the respondents. From perusal of the said communication, it appears that on account of various directions issued from different courts, the eligibility list of AE's for promotion to the JTS has been prepared by the respondents taking into consideration the degrees acquired by them from distance mode of education. This list is further subject

to outcome of SLP No. 35793-96/2012 pending before the Hon'ble Supreme Court. It is further, stated that Hon'ble Bombay High Court passed an interim order dated 14.07.2014 in CWP No. 4121/14 directing the respondents not to finalise the list of AE for promotion to JTS cadre. The relevant part of the said order reads as under:-

"3. In the facts of the case, by way of ad-interim order, we direct the Respondents 1 to 3 not to finalise the list of Assistant Engineer to the post of JTS cadre. Stand over for three weeks."

3. Shri Arif submits that but for the aforesaid interim direction, the respondents are ready with the eligibility list according consideration to the eligible candidates in accordance with various directions of the courts.

4. In this view of the matter, this OA is disposed of with a direction to the respondents to give consideration to the applicants for promotion in accordance with various directions of courts. The said consideration shall be subject to the outcome of the orders passed by the Hon'ble Apex Court and by the Hon'ble Bombay High Court. The claims of the applicants shall be considered in the light of the aforesaid observations.

(V N Gaur)
Member(A)

(Justice Permod Kohli)
Chairman

/vb/