

**Central Administrative Tribunal  
Principal Bench**

**OA No.3592/2016  
MA No.3125/2016**

New Delhi, this the 21<sup>th</sup> day of October, 2016

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

1. Sushil Bhaskar, SDGM (Civil)  
Aged about 52 years  
S/o Late Raghuber Dayal  
R/o D-221, S.J. Rail Nagar  
Sec-50, Noida.
2. Tapan Ghosh, JGM (Elect.)  
Aged about 56 years, S/o S.N. Ghosh  
R/o C-1/4, RITES Flats, Ashok Vihar  
Phase-III, Delhi-110052.
3. S. Sridhar, JGM (Mech.)  
Aged about 51 years, S/o T. Srinivasan  
R/o D-5/5, Rail Vihar, Indirapuram  
Ghaziabad, UP.
4. S.K. Gupta, JGM (Elect.)  
Aged about 51 years, S/o Late K.L. Gupta  
R/o 868, Sec-23A, Gurgaon-1222017.
5. M. Subramaniam, JGM (Civil)  
Aged about 52 years  
S/o K Mookkan, R/o A-3, Rengakavin  
72/18, BOB Street, Venkatapuram, Ambattur  
Chennai-53(TN).
6. Ramesh Chandra Misra, SDGM (Civil)  
Aged about 50 years  
S/o Udai Raj Misra, R/o D-2/5, RITES Flats  
Ashok Vihar, Ph-III, Delhi-110052.
7. Varinder Pal, DGM (Mech.)  
Aged about 50 years, S/o Late O.D. Sharma  
R/o H.No. 1134, Sec-7C, Faridabad-121006.

8. Deepak Gupta, DGM (Elect.)  
Aged about 54 years, S/o B.D. Gupta  
R/o P-143/A, Sec-23, Sanjay Nagar  
Ghaziabad, UP.
  9. Guru Dayal Singh, DGM (Elect.)  
Aged about 52 years, S/o Late Dyoji Ram  
R/o B-55A, Sec-9, New Vijay Nagar  
Ghaziabad, UP.
  10. Ashok Kumar Sharma, DGM (Elect.)  
Aged about 56 years  
S/o Prabhu Dayal, R/o H. No. 58  
Swaroop Garden, Brijghera Road  
Gurgaon, Haryana
  11. Ram Niwas, Mgr (Civil)  
Aged about 51 years, S/o Late Sheonarayan  
R/o Bhagat Villa, H.No. 242, Sec-1  
NNT Rewari, Haryana.
  12. Pawan Kumar Singh, Mgr(Mech.)  
Aged about 42 years  
S/o Suraj Pal Singh, R/o R-129  
Advocate Colony, Sec.-12  
Pratap Vihar, Ghaziabad-201009.
  13. S. Kavita Rani, Mgr(Civil), Aged about 46 years  
D/o M.G. Sreeramulu  
R/o Flat No. 301, Srinivasa Complex  
Geeta Nagar, Malkajgiri, Hyderabad-500047.
  14. Pardeep Mittal, Mgr(S&T)  
Aged about 48 years, S/o Late R.C. Mittal  
R/o B-6/112, Sec-4, Rohini, Delhi-110085.
  15. S.S. Shah, Mgr(Civil)  
Aged about 42 years, S/o Parmeshwar  
R/o B-II/8, RITES Flats, Ashok Vihar  
Ph-III, Delhi-110052.
  16. C. Vanisree, Manager (Civil)  
Aged about 44 years, W/o V. Sreenivas  
R/o I-44D, Dilshad Garden  
Delhi-110095.
- ..Applicants

(By Advocate: Shri M K Bhardwaj)

### **Versus**

1. Union of India  
Through its Secretary  
Railway Board  
Ministry of Railways, Railway Board  
Rail Bhawan, Raisina Road, New Delhi.
2. Chairman & Managing Director  
RITES LTD, Regd, Office: Scope Minar  
Laxmi Nagar, Delhi-110092  
&  
Corporate Office: RITES Bhawan, Plot No.1  
Sector-29, Gurgaon-122001.
3. The Executive Director  
Corporate Office: RITES Bhawan  
Plot No.1, Sector-29  
Gurgaon-122001. ...Respondents

### **ORDER (ORAL)**

**Justice Permod Kohli, Chairman :-**

#### **MA No.3125/2016**

This MA has been filed for joining the applicants in this OA. For the reasons recorded in the application, the same is allowed.

#### **OA No.3592/2016**

2. The applicants are employees of the RITES. They are presently working in different capacities i.e. SDGM, JGM, DGM and Managers in disciplines of Civil, Electrical and Mechanical as indicated in para 4.2 of the OA. The grievance of the applicants is that all of them have acquired

engineering degrees by distance mode from JRN Rajasthan Vidyapeeth University/IASE, Sardarshahar, Rajasthan/BITS-Pilani etc. between the years 2003-2009. The applicants have already furnished their degrees to the respondents for consideration. It is stated that these degrees have already been accepted by the respondents. However, they have not considered them for further promotion on the ground that the degrees acquired by distance mode are not recognized. The claim of the applicants has not been considered in view of the order dated 05.09.2016. Reference is made to the following paragraphs of the aforesaid order:-

"2. Employees who possess following qualifications are considered having acquired the prescribed educational qualifications for promotion and are accordingly exempted to appear in the aforesaid onetime EWT:

- (i) Full time/part time technical degrees (B.E/B.Tech)/Diploma in Engineering which are duly recognized by UGC/AICTE.

xxxx

xxxx

xxxx

4. Following educational qualifications shall not be treated as the ones prescribed for promotion eligibility:

- (i) Technical degrees (B.E/B.Tech)/Diploma in Engineering acquired through distance education mode.
- (ii) Diploma in Railway Engineering."

3. In view of the above, the Engineering degrees acquired from distance education mode are not considered for the purpose of grant of promotion.

4. The applicants have placed reliance upon Notification dated 10.06.2015 No.F.6-1/2013-DL issued by the Ministry of Human Resource Development (Department of Higher Education) with the following contents:-

“Now, therefore, the Central Government hereby notifies that all the degrees/diplomas/certificates including technical education degrees/diplomas awarded through Open and Distance Learning mode of education by the Universities established by an Act of Parliament or State Legislature, Institutions Deemed to be Universities under Section 3 of the University Grants Commission Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of employment to posts and services under the Central Government, provided they have been approved by the University Grants Commission.

Shashi Prakash Goyal  
Joint Secretary(Tel)”

5. Shri Bhardwaj submits that in view of the aforesaid Notification even the technical degrees acquired through distance mode of education from deemed universities are recognized for the purpose of employment, which *inter alia* includes promotion. The applicants have made representation dated 19.01.2016 to the Executive Director (CS), Chairman RITES for grant of reliefs prayed for in the

present application. The said representation has remained unattended.

6. In view of the above circumstances, this application is being disposed of at the admission stage itself with a direction to the respondents to consider the representation of the applicant dated 19.01.2016 in the light of the Notification dated 10.06.2015, referred to hereinabove and the Order dated 26.05.2014 passed in OA No.1599/2013, and dispose of the same by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order.

**( V.N. Gaur )**  
**Member(A)**

**(Justice Permod Kohli)**  
**Chairman**

/vb/