

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT AT PORT BLAIR)**

OA.No.351/00021/2016

Date of Order :04.04.2017.

Present : Hon'ble Mr. A.K.Patnaik, Judicial Member
Hon'ble Mrs.Minnie Mathew, Administrative Member

Between:

Shri Sheo Raj Kishen, s/o Shri Jai Kishen,
r/o Dollygunj Village, under Port Blair Tehsil,
District of South Andaman (presently serving as
Assistant Engineer, Construction Circle No.1,
APWD, Port Blair).

... Applicant

- V E R S U S -

1. The Union of India, M/o Urban Development,
Represented through its Secretary,
New Delhi.
2. The Lieutenant Governor, Raj Niwas
A & N Islands, Port Blair.
3. The Chief Secretary, Andaman and
Nicobar Administration, Secretariat,
Port Blair.
4. The Andaman Public Works Department,
Port Blair (represented through its Chief Engineer).
5. Shri Jagannath Sen, Presently working as
Executive Engineer, Currently Duty Charges posted at
Gram Panchayat and Panchayat Samiti,
South Andaman, Port Blair. ... Respondents

For the Applicant : Mr. None

For the Respondents : Mr. MD.Tabraiz, Counsel



OR D E R (Oral)

Per Mrs.Minnie Mathew, Administrative Member

None appears for the Applicant.

2. Mr.Md.Tabraiz, learned Counsel for the Respondents, is present.
3. The applicant is an Assistant Engineer (Civil) under the 4th respondent since 14.10.2005. He holds a Diploma in Civil Engineering and has been working in the 4th respondent Organization since 01.09.1986. His grievance is that the respondents have promoted the 5th respondent as Executive Engineer (Civil) even though the 5th respondent is junior to the applicant as per the final seniority list. The applicant submits that as per the Recruitment Rules for the post of Executive Engineer (Civil), Assistant Engineers with 8 years regular service in the grade and possessing a Degree in Civil Engineering are eligible for promotion as Executive Engineer (Civil). It is also his contention that he has fulfilled the eligibility criteria as per the Recruitment Rules in view of the fact that the Government of India, vide their Circular No.F-18-19/75/T-2, dated 26.05.1977, has stated that a Diploma in Engineering in the appropriate discipline plus total ten years of technical experience in the appropriate fields will be recognized as equivalent to a Degree in Engineering. As such, the applicant, who is having a Diploma in Engineering and who is having more than 10 years of technical experience, ought to have been considered at par with those incumbents, who hold the qualification of a Degree in Civil Engineering. The applicant therefore prays for quashing and setting the impugned order dated 21/22.03.2016 promoting the 5th respondent to the post of Executive Engineer under APWD by placing him on transfer to the Panchayati Raj Institution.



4. The respondents have not filed their reply statement. However, on a perusal of the record, we note that the applicant has submitted a detailed representation dated 09.03.2016 for consideration of his promotion to the post of Executive Engineer relying on the Gazette Notification issued by the Ministry of Education and Social Welfare (Department of Technical Education), New Delhi, dated 26.05.1977, according to which, a Diploma in Engineering in the appropriate discipline plus 10 years of technical experience in the appropriate fields shall be considered as equivalent to Degree in Engineering.

5. Having regard to the fact that the applicant has ventilated his grievance to the 4th respondent and that his representation appears to be pending, we deem it appropriate to dispose of this OA at the admission stage with a direction to the 4th respondent to consider all the issues raised by the applicant in his Annexure A-8 representation dated 09.03.2016 with a reasoned and speaking order in accordance with rules and law and communicate the same to the applicant within a period of (8) weeks from the date of receipt of a copy of this order. In the event of the representation having been disposed of by the authorities during the interregnum the same shall be communicated to the applicant forthwith and in case the applicant is still aggrieved, it is open to him to approach this Tribunal for availing of his legal remedies.

6. The OA is disposed of accordingly. There shall be no order as to costs.

(Minnie Mathew)
Member(A)

(A.K.Patnaik)
Member (J)

Dsn.