

## CHANDIGARH

**C.W.P No. 10974 of 2012 (O&M)**

**Date of decision : March 18, 2015**

# Ram Chander

**..... Petitioner**

**V.**

## HPGCL and others

**, ..... Respondents**

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. BS Rathee, Advocate for the petitioners.

Mr. Praveen Gupta, Advocate for the respondents.

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1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

## Ajay Tewari, J (Oral)

By this petition the petitioner has claimed promotion to the post of Assistant Executive Engineer on the ground that he was an ex-service man with diploma and 10 years experience in the technical field and, therefore, had to be treated as a Graduate Engineer.

The petitioner served the Indian Air Force w.e.f. 20.08.1973 to 31.08.1988 in the technical stream. The Government of India, Ministry of Education and Social Welfare (Department of Education) had issued a notification dated 26.5.1977 (Annexure P-2) whereby Diploma in Engineering in appropriate discipline along with 10 years of technical experience in the appropriate fields was recognized as equivalent to degree in engineering. The petitioner

submitted a representation to the respondent department claiming the benefit of 2<sup>nd</sup> emergency as he served in the Armed Forces of the country during emergency and claimed that as per the notification Annexure P-2 he should be considered as equivalent to degree in Engineering and that his name may be included in the ranking list of Engineering Subordinates (Generation Cadre). The department, while releasing the aforesaid ranking list, ignored the claim of the petitioner. He filed objections and his request for considering his case for grant of 2<sup>nd</sup> emergency benefits was duly accepted but his qualification was not considered as equivalent to degree in Engineering whereas his juniors were promoted against the post of AEs on the basis of possession of degree in engineering.

In the written statement the plea taken is that the qualification of diploma with 10 years experience cannot be equated to a degree.

Learned counsel for the petitioner has argued that the matter is no longer res-integra. He has relied upon the decisions of this Court in Rohtash Kumar Nehra and another vs Union of India and others, CWP No.12505 of 2009, decided on 15.7.2010, Lal Chand Jangra vs State of Haryana and others, CWP No.7955 of 2010, decided on 21.12.2010, and Haryana Vidyut Parsaran Nigam Limited vs Sant Kumar and others, LPA No.1493 of 2011, decided on 27.9.2011. In all these judgments, different Benches of this Court have held that it was incumbent upon the respondents therein to recognize the qualification

of such ex-servicemen (as the petitioners) as being equivalent to degree. The decision in LPA No.1493 of 2011 (supra) was carried by the respondents thereinto the Hon'ble Supreme Court and their Lordships dismissed the Special Leave Petition. Counsel for the respondents has not been able to cite any contrary judgment. The decisions of this Court, as referred to above, are binding upon me.

In these circumstances, this writ petition is allowed and the respondents are directed to accept the claim of the petitioner and grant him seniority and all other consequential benefits from the date his juniors have been promoted. The necessary exercise be conducted within a period of two months from the date of receipt of a certified copy of this order.

**(AJAY TEWARI)**  
**JUDGE**

**March 18, 2015**  
**sunita**