

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 24406 of 2013 (O&M)

Date of decision : March 17, 2015

Ramphal Singh & another,

..... Petitioners

v.

State of Haryana and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. Ashok S Chaudhary, Addl. A.G Haryana

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)

The petitioners have challenged the action of the respondents in not having issued appointment letters to them even after having selected them.

The petitioners admittedly joined the Military Engineering Service after doing diploma and were discharged after more than 10 years of technical military service. The Government of India, Ministry of Education and Social Welfare (Department of Education) had issued a notification dated 26.5.1977 (Annexure P-3) 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. As per the petitioners, in these circumstances, the respondents were not justified in with-holding the appointment letters.

The stand of the respondents in the written statement is that diploma holders with 10 years experience cannot be treated to be degree holders.

Counsel for the petitioners 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 therein to 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 issue appointment letters to the petitioners within one month from the date of receipt of a certified copy of this order.

The petitioners shall be entitled to all the benefits except pay and allowances.

March 17, 2015
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(AJAY TEWARI)
JUDGE