

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.1418 of 2015 (O&M)

Date of Decision: 09.02.2016

Vinod Kumar Gupta

... Appellant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE RAJ MOHAN SINGH

1. Whether Reporters of local papers 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?

Present: Mr. Ashok Kumar Khubbar, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant is a Diploma-holder in Engineering who joined the Municipal services as a Junior Engineer. He claims that after he has gained ten years' experience his qualification be treated at par with the Degree in Engineering and consequently he be considered eligible for promotion to the post of Executive Engineer.

(2) It is an admitted fact that recruitment to the post of Executive Engineer is governed by statutory Service Rules known as "Haryana Municipal Services (Integration Recruitment and Conditions of Service) Rules, 2010". These Rules provide following qualification for promotion to the post of Executive Engineer:-

"Sr No.	Name of Post	Academic Qualification and experience, if any, for recruitment	Academic Qualifications and experience, if any appointment other than by direct

			<i>recruitment</i>
	<i>State Level</i>		
1.	<i>Executive Engineer</i>	i. Degree in Engineer (Civil) ii. Five Years experience as Sub Divisional Engineer / Assistant Engineer iii. Knowledge of Hindi / Sanskrit upto Matric or Higher education	<i>By Promotion</i> i. Degree in Engineer (Civil) or its equivalent. ii. Eight years experience as Municipal Engineer (Civil)"

(3) Learned Single Judge has rejected the appellant's claim observing that the judgement dated 10.01.2008 of this Court in **CWP No.17974 of 2006** titled as **Devinder Singh Malik vs. Haryana Power Generation Corporation Ltd., Panchkula through its Managing Director and others** is of an ex-serviceman and it has no bearing in determination of eligibility in other cases.

(4) We have gone through the judgement in **Devinder Singh Malik's** case and are fully in agreement with learned Single Judge. There the question of equivalence of the qualifications obtained while in Army service was considered. The said judgement cannot be applied to Civil Services where qualifications for appointment to a post are prescribed under the Statutory Rules.

(5) Adverting to the qualification prescribed under the 2010 Rules, it may be seen that the incumbent is required to possess the Degree in Engineering (Civil) or its 'equivalent'. The expression

“equivalent” surely means only those qualifications which are notified at par with the Degree in Engineering. The inferior qualification of ‘Diploma’ cannot merely on the strength of experience be declared equivalent to Degree save by the rule-making authority.

(6) Dismissed.

(Surya Kant)
Judge

09.02.2016
vishal shonkar

(Raj Mohan Singh)
Judge