

**Union of Akashvani & Doordarshan (Prasar Bharati) Engineering
Employees (UADEE)**

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**EQUIVALENT DEGREE IN ENGINEERING TO DIPLOMA ENGINEERS
HAVING 10 YEARS OR MORE TECHNICAL EXPERIENCE**

**Diploma holder Assistant Engineers of AIR & Doordarshan
filed OA before Central Administrative Tribunal, Chandigarh Bench
for claiming the benefit of Government's Order dated 26.05.1977**

The Government of India, Ministry of Education & Social Welfare (Department of Technical Education), now Ministry of Human Resource Development (Department of Higher Education), on the recommendations of the Board of Assessment for Educational Qualification and the Defence Director (Technical), had decided vide *Notification No. F18-19/75/T-2, dated 26.05.1977* that **a Diploma in Engineering in appropriate discipline plus total 10 years of Technical experience in the appropriate fields is recognized as equivalent to Degree in Engineering and shall be considered valid for the purpose of selection to gazetted posts and services under the Central Government or State Government.** The Government had published the notification in the Gazette of India and endorsed copies of the notification to all the Ministries and Departments of Government of India, State Governments, Regional Offices and State Public Service Commissions making its intention clear that the decision of the Government is applicable to all Diploma holder engineers irrespective of Ministries/ Government Departments under the Union of India and State Governments.

When the decision, though belatedly, came to the knowledge of Diploma engineers and they started claiming for the benefit of this order, the concerned departments either refused to extend the benefit or withdrew the benefit already extended to them forcing them to approach the court of law. There are several known cases wherein Hon'ble Courts, while upholding admissibility of the said order and extending the benefit of the decision, have directed the Government to consider the petitioners (diploma holders) as possessing equivalent degree in engineering after technical experience of 10 years in appropriate discipline. A list of few cases decided by Courts are given hereunder:

Writ Petitions decided by Hon'ble Punjab & Haryana High Court at Chandigarh:

- (1) CWP No. 5203/2010 in Narendra Singh Yadav vs State of Haryana, decided on 23.01.12,
- (2) CWP No. 1205/2009 in R.K.Nehra & Anr vs Union of India & Ors, decided on 15.07.10,
- (3) CWP No. 1154/2009 in Vedpal Malik & Anr vs UOI & Ors, decided on 23.12.09,
- (4) CWP No. 7431/2009 in Chaman Lal Sharma vs UOI & Ors, decided on 23.12.09,

- (5) CWP No. 9513/2009 in Mahipal Gautam & Anr vs UOI & Ors, decided on 23.12.09,
- (6) CWP No. 11156/2009 in Ami Lal Saini & Anr vs UOI & Ors and decided on 23.12.09 and
- (7) CWP No.17974/2006 in Devinder Singh Malik vs Haryana Power Generation Corporation Limited, panchkula & Ors decided on 10.01.08.

OA decided by Hon'ble Principle Bench of CAT at New Delhi:

- (1) OA No. 2651/2012 titled T.R.Sharma & others vs Union of India & Anr decided on 26.04.2013.

The denial of Directorate General: Akashvani, the cadre controlling authority, extending the legitimate benefit of Govt's said order dated 26.05.1977 and to consider them possessing equivalent degree in engineering after requisite service experience and thereby considering them eligible for promotion to Group 'A' of IB(E)S cadres, has forced the Diploma holder Assistant Engineers of DDK/AIR, Jalladhar and nearby kendras to move to Hon'ble Chandigarh Bench of CAT. They have filed OA No.343/2013 titled Shri O.P.Kangotra & Ors versus UOI & Anr. The proceedings of the case is in progress.

In the reply to the OA, the Government has mainly relied on the judgment of Hon'ble Supreme Court in J&K versus T.N.Khosa & others [AIR 1974 SC 1] and the judgment in R.C.Nadir & another versus UOI & others [SLP(C) No. 21643 of 2003] where the Diploma holder Assistant Engineers could not succeed as they had challenged the amendments made in the recruitment rules by the Government under the powers given to rule making authority by article 309 of the Constitution. But, in this case, the petitioners have not challenged the recruitment rules of IB(E)S framed by the Government either in 1989 or in 2013 which has debarred the Diploma holders Assistant Engineers from promotion to IB(E)S cadres, rather, they have prayed Hon'ble CAT to extend them the benefit of Govt's said decision dated 26.05.1977 of considering them having equivalent degree in engineering which is the qualification for promotion to IB(E)S cadres. Obviously, the demand of Shri O.P.Kangotra and others is not only legitimate, but also based on sound footing.

It is learnt that the rejoinder to Govt's reply has been filed by the applicants' advocate and the case may come for arguments on next date of hearing. Let us hope for a favourable judgment in favour of the deprived class.

The copy of the said order dated 26.05.1977 is give hereunder:

No. F16-19/75/T-2

MINISTRY OF Education & Social Welfare

(Deptt. of Education Technich)

New Delhi-110001 Dated 26 May, 1977

Sub : Recognition of Technich & Professional
Qualifications.


On the recommendation of the Board of Assesment for Educational Qualifications and recommendation of Defence Director (Tech.), the Government of India have decided to recognise a Diploma in Engineering in appropriate discipline plus total ten years of technical experience in the appropriate fields is recognised as equivalent to Degree in Engineering . It is considered valid for the purposes of selection to General posts and services under the Central Government or State Government.

(V.P.Reddy)

Director(Tech.)

To be published in Gazette of India and NCO Code book.

Copy To :- All Ministries, Departments of the Government of India/State Government/ Regional offices/State Public Service Commissions etc.

Attested

Asst. Superintendent
HRD,
Govt. of India
New Delhi