

CENTRAL ADMINISTRATIVE TRIBUNAL JAMMU

Order Sheet

Item no.: 3
O.A./310/2024 (JAMMU)
[APPOINTMENT]
Court No.: 2

No of Adjournment: 2

Order Dated: 19/03/2024

MALVINDER SINGH SUDAN
Vs
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

For Applicant(s) Advocate : Mr. S Rupinder Singh

For Respondent(s) Advocate : Mr. Hunar Gupta, learned D.A.G., Mr. Raghu Mehta, learned Sr. C.G.S.C., Mr. Dinesh Singh Chauhan

Order of The Tribunal

M.A. No. 208 of 2024

M.A. No. 208 of 2024 has been filed on behalf of the applicants seeking permission of this Tribunal to jointly pursue the matter.

For the reasons stated therein, the M.A. is allowed.

Accordingly, the permission is granted.

M.A. No. 219 of 2024

M.A. No. 219 of 2024 has been filed on behalf of the applicants for placing on record certain relevant documents.

For the reasons stated therein, the M.A. is allowed. Accordingly, the documents are ordered to be taken on record.

O.A. No. 310 of 2024

The instant Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 praying for following interim relief:

“i. Pending final decision on the O.A., applicants pray that respondents may be restrained from making further promotions from the post of SDE (Elect.) to the grade of AGM/EE (Electrical) of those of the executives [SDE(E)] who do not possess the valid degree as prescribed under the Recruitment Rules of BSNL Management Services-Electrical Stream (MSRRs-Elect)- 2023 either in 67% of Internal quota and also 33% of the Internal Quota through Limited Internal Competitive Examination (LICE).

ii. As further interim measure, the respondents may very kindly be further directed to consider claim of only those, who are eligible for promotion from the post of SDE (Electrical) to that of AGM/EE (Electrical) including the applicants and to promote them as such in terms of the Recruitment Rules of BSNL Management Services-

Electrical Stream (MSRRs-Elect)-2023 in 67% of Internal quota and as also in 33% of the Internal Quota through Limited Internal Competitive Examination (LICE).”

2. Vide communication dated 30.12.2020 clarification was given by the AICTE which is the statutory body of the country which shows that AICTE is receiving number of representations/enquires from various Govt./Private organisations and students regarding the recognition/ validity of Diploma in Engineering and Technology awarded through distance learning mode by 4-Deemed to be Universities i.e. i) JRN Rajasthan Vidyapeeth, Rajasthan, ii) Institute of Advanced Studies Education, Rajasthan (IASE), iii) Allahabad Agricultural Institute, (AAI) and iv) Vinayaka Mission's Research Foundation, Tamil Nadu, (VMRF).

3. Another communication dated 16.11.2023 addressed to Asst. General Manager(HR), BSNL by AICTE, shows that the persons who have acquired qualification through Distance Education Learning Mode, their degrees will not be recognized.

4. Despite of direction of the C.A.T. and the Hon'ble Supreme Court, BSNL has taken the vigilance clearance of those officers who have done their degree from JRN Rajasthan University which is not recognized and BSNL is holding Limited Integrated Competitive Examination for the promotion of SDE which is going to be held on 16.04.2024.

5. In the meanwhile, pending final adjudication of the original application, as an interim measure, the respondents

are permitted to go ahead with the promotion process as per Rules for promotion of the SDEs(E) to the grade of EE/AGM(E) under 67% quota without considering the Executives SDEs(E) who have obtained their Engineering degree from unrecognised universities as per AICTE's Notification and clarification from time to time. The respondents are further restrained from permitting SDE(E), who have obtained their engineering degree from unrecognised University in Limited Integrated Competitive Examination scheduled for 16th April, 2024.

6. AICTE is also impleaded as party and, notice be sent to AICTE.

7. Applicant counsel is directed to file fresh Memo of Parties.

8. List on 13.05.2024.

Rajinder Singh Dogra
Member (J)

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