

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCP No.621 of 2016 (O&M)

Date of decision : 23.10.2017

**Diploma Engineers Association, Water Supply and Sanitation
Department, Punjab**

.....Petitioner

Versus

Suresh Kumar and another

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. K. S. Dadwal, Advocate for the petitioner.

Ms. Sudeepti Sharma, DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

The case of the petitioner-Association, while filing CWP No.14172 of 2014, was that they are members of the Association and are diploma holders, which was considered to be equivalent to a degree as per the notification issued on 26.05.1977 by the Government. They were also having 10 years experience. The controversy in the case in hand had already been decided in case CWP No.17974 of 2006 wherein it was held that the diploma with ten years experience was to be treated as having degree in engineering in respective field. It was also stated that the representation filed by them is still pending.

Without issuing notice to respondent, the said writ petition was disposed of with a direction to respondents to consider the claim of the petitioner as contained in the writ petition as well as in the representation and to take a final decision by passing a speaking order within a period of two months from the date of receipt of certified copy of said order dated 12.09.2014.

In pursuance of aforesaid order, the respondents considered the claim of the petitioner-Association by passing speaking order dated 18.11.2016 and claim of the petitioner was rejected on the ground that the notification relied upon in the said judgment was found to be fictitious and it could not be brought to the notice of the Court as no notice was issued.

As per direction issued on 12.09.2014, the claim of the petitioner was to be considered as made out in the writ petition as well as in the representation and accordingly the order was passed. It was not mentioned in the order whether the claim of the petitioner was to be considered as per decision rendered in CWP No.17974 of 2006. While passing the speaking order it was mentioned that the judgment was not applicable because of issuance of notification dated 23.03.2016. The petitioner has not challenged order dated 18.11.2016. However, learned counsel for the petitioner has relied upon judgment of Principal Bench, Central Administrative Tribunal, New Delhi passed in O.A. No.1348 of 2015 titled as Central PWD Engineers Association and others Vs. Union of India and another wherein claim of the similarly situated employees was considered in view of notification dated 26.05.1977. Said judgment has

also been upheld by Hon'ble High Court of Delhi and Principal Bench, Central Administrative Tribunal, New Delhi, which has also not been disputed by learned State counsel. On the basis of direction issued by said two Courts even the decision has been implemented.

Accordingly, keeping in view the facts and circumstances as mentioned above and the subsequent decision, the respondents are directed to reconsider the claim of the petitioner in view of said decisions of Hon'ble High Court of Delhi as well as two Principal Benches and take necessary action within a period of two months from the date of receipt of copy of the order. It is also made clear that in case the members of the petitioner-Association are found to be entitled for the relief claimed which has been granted to other similarly situated persons on the basis of aforesaid decisions, the same be released to them within a period of two months thereafter.

The present petition is disposed of accordingly.

सत्यमेव जयते

23.10.2017

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**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No