

THE DEGREE HOLDERS CANNOT HAVE PREFERENTIAL TREATMENT IN PROMOTIONS

- (1) The cadres of Engineering Assistants (EA), Senior Engineering Assistants (SEA), and Assistant Engineers (AE) are **marked** cadres of Diploma Engineers as the Essential Qualification for Direct Recruitment to the post of Engineering Assistant which is the feeder post, is Diploma in Engineering or B.Sc. with Physics. There is further no direct recruitment at the levels of promotional posts of SEA and AE.

- (2) Some Degree holders take refuge in the cadre of Engineering Assistant through the direct recruitment along with the Diploma holders, only because their inability to compete in the competitive examinations such as Indian Engg. Services Examination which are open and specially meant for the Degree holders. There is no separate channel or quota for Degree holders for their recruitment to the post of EA and upto the post of AE on the considerations of higher qualification. Their strength in these cadres is nearly 20%.

- (3) Evidently, the Degree holders are **non-invitee and alien** entrants in the cadres of EA, SEA and AE who had opted to join in the post of EA under **compulsion** and remained in the cadres **unwillingly** after failing to get better opportunities in and outside department through the competitions. The Degree holders are recruited in this department against 50% Direct Recruitment quota of JTS of IBES (Group A' posts) and also in several other departments of Government of India through the competitive examinations conducted by the UPSC.

(4) It is undisputed fact that the Degree holders have neither separate channel or quota for their recruitment either in the feeder post of Engineering Assistant or in the promotional posts of SEA and AE, nor have they been treated **differently** or **distinctly** in any of the cadres of EA, SEA, and AE which are **single and undivided** cadres in all respects. All the incumbents in the posts of EA, SEA and AE, irrespective of their qualification, have the **same designation, status, pay, allowances, duties, responsibilities and assignments**. They have been treated as **equals in the matter of promotions** from EA to SEA and SEA to AE without giving any preference to the additional qualification. Even after promotion from AE to JTS and further to STS, there is **no classification or differentiation** on the basis of Degree or Diploma qualification.

(5) It is also undeniable fact that the Degree holder Sr. Engineering Assistants have been performing **poorer in number as well as merit vis-a-vis** Diploma holder SEAs in the departmental competitive examinations based on fully revised and updated syllabus for promotion to the post of Assistant Engineer (AE) which is feeder post for the JTS of IBES. It is noteworthy to mention that the incumbent Degree holders in the posts of EA, SEA and AE when permitted in 1988 through an amendment to IBES Rules 1981 (notified on 21-10-1987) to make entry to JTS against Direct Recruitment Quota through a special examination having one, simplified paper of objective nature, could not succeed. Only 20 such Degree holder departmental candidates were declared passed against 122 notified posts for which the examination was conducted. On the other hand, the Diploma holder EA, SEA, AE are not only discharging their duties and responsibilities with utmost efficiency along with the Degree holders, but also excelling over the Degree holders in the Competitive Examinations being held for promotion from SEA to AE. The 132 Diploma holder AEs who have been promoted to JTS under the unamended IBES Rules 1981 and subsequently to STS cadre by now have also been discharging their duties and responsibilities efficiently. There is also no classification or

differentiation between Degree and Diploma holders in the JTS and STS cadres of IBES in any respects whatsoever.

(6) Until IBES Rules, 1981 were notified on 5.11.1981, all the posts under departmental promotion quota of JTS were reserved for Degree holder AE. Similarly, until Assistant Engineers Recruitment Rules, 1982 were notified on 7.7.1982; all the posts under departmental promotion quota of AEs were reserved for Degree holder SEAs. With the said amendments in the recruitment rules of JTS and AE, the Diploma holders were allowed to be promoted to the posts of AE and further to JTS of IBES. While upholding the AE Recruitment (Amendment) Rules, 1985 and dismissing the contention of Degree holder SEAs and AEs, Honorable Supreme Court in their judgment dated 9.9.1997 in C.A.NOS. 6122 and 6123 of 1997 has held that simply because a certain percentage of posts of Assistant Engineers was reserved for Graduate Engineers in the past, that did not create any vested right in their favour.

(7) In the circumstances, reserving all the promotional posts in JTS cadre for such **non-invitee and alien employees** at the cost of Diploma/B.Sc. degree holders who are the **genuine** incumbents of the cadres of EA, SEA and AE and equally efficient, is not only unjustified and illegal but also atrocious against them. Making discrimination or classification amongst the equals in the matter of promotion on the basis of qualification is not only illegal but also based on wrong footing which has no nexus with the object sought to be achieved. The government which had once refused to grant any quota to Degree holders in the promotion from SEA to AE on the basis of their Degree qualification has, in a total *volte-face* of its stand in the Supreme Court, reserved 100% quota for them at the just next higher stage of promotion from AE to JTS and thus completely barring the promotion of Diploma holder AEs to IBES cadres on the basis of qualification. Diploma holder Assistant Engineers form nearly 80% of the cadre of AE.