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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 2671/2017 & C.M. No. 11601/2017 (Stay)  
UNION OF INDIA & ANR ..... Petitioners  
Through: Mr. Nikhil Bhardwaj, Advocate.  
versus  
CENTRAL PWD ENGINEERS ASSOCIATION & ORS  
..... Respondents  
Through: Mr. M.K. Bhardwaj, Advocate.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

% **19.02.2018**

1. The petitioner/UOI is aggrieved by the order dated 27.10.2016 passed by the Central Administrative Tribunal in O.A. 1348/2015 filed by the respondents wherein, the Tribunal had followed two judgments of two High Courts, including the High Court of Delhi in **W.P.(C) No. 6922/2014** entitled UOI & Ors. vs. M.P. Srinivas & Ors. decision dated 13.10.2014 and that of the Tribunal in **O.A. No. 2651/2012** entitled T.R. Sharma & Ors. vs. Union of India & Ors. decided on 26.4.2013 and had declared that “*the respondents be considered for promotion to the post of EE (Civil and Electrical) by considering their diploma in Engineering with ten years experience in the field (Civil and Engineering) as equivalent to degree in Engineering*”.

2. The sole ground taken by the petitioner/UOI to assail the impugned judgment is that the Notification dated 26.5.1977 referred to in the decisions of two High Courts (High Court of Delhi and High Court of Punjab & **W.P.(C) 2671/2017**

Haryana) may have been fictitious and does not appear to be published in the Gazette of India. To fortify the said submissions, learned counsel refers to the Notification dated 23.3.2016, issued by the Ministry of Human Resource Development, Department of Higher Education, which states as under:-

*“F. No. 11-11/2015 TS II/TC – The Ministry of Human Resource Development (Department of Higher Education) hereby clarify that matter containing in File No. 18-19/75 T-2, dated 26<sup>th</sup> May 1977, under the subject “Recognition of Technical and Professional Qualifications”, purportedly issued by the erstwhile Ministry of Education and Social Welfare (Department of Education) has been declared fictitious by the Hon’ble Central Administrative Tribunal Chandigarh Bench at Chandigarh vide its judgment in O.A. No. 343-PB-2013 which was pronounced on 15<sup>th</sup> December, 2015.”*

3. In our view, the aforesaid Notification is of no avail unless and until the Gazette Branch of the UOI certifies that after perusing its record, no such O.M. dated 26.5.1977 on the subject of “Recognition of Technical and Professional Qualifications” was ever published by the Department. The petitioner is directed to approach the Gazette Branch of the UOI and obtain a certificate in that regard. In the absence of any such document, we will have no option but to dismiss the present petition. Needful shall be done within six weeks, with a copy to the counsel for the respondents.

4. List on 08.8.2018.

5. Interim orders to continue.

**HIMA KOHLI, J**

**PRATIBHA RANI, J**

**FEBRUARY 19, 2018/ap/na**  
**W.P.(C) 2671/2017**

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