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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7651 OF 2009
UNION OF INDIA & ANR.

...APPELLANT(S)

VERSUS

AJAY KUMAR D & ANR.
WITH

...RESPONDENT(S)

CIVIL APPEAL NOS. 813-814 OF 2011
HARMOHINDER PAL SINGH & ANR.ETC.ETC. ...APPELLANT(S)
VERSUS
UNION OF INDIA & ORS. ...RESPONDENT(S)

O R D E R

IN CIVIL APPEAL NO. 7651 OF 2009

Heard learned counsel for the parties.

We do not find any ground to interfere with the
impugned order.

The appeal is, accordingly, dismissed.

CIVIL APPEAL NOS. 813-814 OF 2011

Heard learned counsel for the parties.

The issue involved in these appeals is the
interpretation of Rule 12 of the All India Radio Civil

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Construction Wing (Group 'A' and Group 'B' Posts)
Recruitment Rules, 1988 which is as follows:

â S (ii) Junior Engineers holding Degree in
Civil Engineering with 5 years regular service
in the grade ; or

(iii) Junior Engineers holding Diploma in
Civil Engineering with 8 years regular service
in the gradeâ \235.

Scheme of somewhat similar rules has been the
subject matter of consideration in the judgments of this
Court viz. N. Suresh Nathan & Anr. Vs. Union of India
(1992) Suppl.1 SCC 584; M.B. Joshi Vs. Satish Kumar Pandey
& Ors., (1993) Suppl.2 SCC 419; Stephen Joseph Vs. Union
of India 1997 (4) SC 753; Shailendra Dania & Ors. Vs.
S.P. Dubey & Ors. (2007) 5 SCC 535 and K.K. Dixit & Ors.
Vs. Rajasthan Housing Board and Ors. (2015) 1 SCC 474.

In the latest judgment i.e. K.K. Dixit Case, it was
held that the experience of service for a person holding
diploma but acquiring degree while in service is counted
post degree. The Tribunal and the High Court have held to
the contrary. We are not in agreement with the view taken
by the High Court and the Tribunal. Accordingly, we set
aside the impugned judgment and hold that the experience
of a diploma holder who had acquired degree while in
service will be counted only after acquisition of the
degree.

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The appeals stand disposed of in the above terms. No
costs.

We, however, direct that any promotions given so far
to the post of Assistant Engineers will not be disturbed
nor the pay of any such incumbent be reduced. However, it
will be open to the Department to re-cast the seniority
for future promotions. We may also observe that while on
interpretation of the scheme of the rules, experience of
service is to be counted post degree, the Department may
consider giving appropriate weightage to the past service
by amending the rules for future. This consideration may
be done within three months from the date of receipt of a
copy of this order.

â |.....J.

[ADARSH KUMAR GOEL]

NEW DELHI â |.....J.

18TH JANUARY, 2017 [UDAY UMESH LALIT]

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ITEM NO.107

COURT NO.11

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 7651/2009

UNION OF INDIA & ANR.

Appellant(s)

VERSUS

AJAY KUMAR D & ANR.

Respondent(s)

(With office report)

WITH

C.A. No. 813-814/2011

(With (With (With appln.(s) for permission to appear and argue in person and appln.(s) for directions and appln.(s) for permission to appear and argue in person and Office Report)

Date : 18/01/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Ms. Jyotika Kalra,Adv.

In C.A.7651/09 Ms. Somya Rathore,Adv.

& Respt. in Ms. Manita Verma,Adv.

C.A.813-14/2011 Mr. G. S. Makker,Adv.

Mr. Rajeev Sharma,Adv.

in C.A.No.813-14/11 Mr. Avijit Bhattacharjee,Adv.

Mr. Upma Shrivastava,Adv.

Mr. Ajoy Ghosh,Adv.

For Respondent(s) Ms. Vibha Datta Makhija,Sr.Adv.

Ms. Sunita Sharma,Av.

Ms. Amisha Mathur,Adv.

Mr. C.S. Rajan,Sr.Adv

Mr. V. K. Sidharthan,Adv.

Mr. Satya Mitra Garg,Adv.

Mrs.Manju Aggarwal,Adv.

Mr. D. Kumanan,Adv.

Ms. Madhumita Bhattacharjee,Adv.

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Mr. D.S. Mahra,Adv.

Mr. S.N. Terdal,Adv.

UPON hearing the counsel the Court made the following

O R D E R

In C.A.No. 7651 of 2009

Heard learned counsel for the parties.

The appeal is dismissed in terms of the signed order.

In C.A. Nos. 813-814 of 2011

Heard learned counsel for the parties.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(Madhu Bala)

(Suman Jain)

Court Master

Court Master

(Signed order is placed on the file)