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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 25.07.2025

+ W.P.(C) 10778/2025

RAJENDRA PRASAD YADAV

.....Petitioner

Through: Mr.G.L. Yadav, Mr.Pawan K.
Yadav, Mr.Kushagra K. Yadav,
Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr.Kavinder Kumar Gill, SPC

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 44548/2025 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This writ petition has been filed challenging the Order dated 04.07.2025 passed by the learned Central Administrative Tribunal (hereinafter referred to as the, 'Tribunal'), Principal Bench, New Delhi, in O.A. No.4674/2024, titled *Rajendra Prasad Yadav v. Union of India & Anr.*, whereby the learned Tribunal dismissed the O.A. filed by the petitioner herein.

3. The petitioner had filed the said O.A. challenging the Order dated 04.11.2024, whereby his representation seeking promotion to the post of Executive Engineer (Electrical) was rejected by the



respondents.

4. To give a brief background of the facts giving rise to the present petition, the petitioner joined the Public Works Department (PWD), Electrical Division-IV as a Junior Engineer (Electrical) on 13.05.1991. He was promoted to the post of Assistant Engineer (Electrical) on an *ad-hoc* basis on 25.02.2013 and joined the said office at the Srinagar Central Electric Division of CPWD, Jammu on 26.08.2013. He appeared in the Limited Departmental Competitive Examination (LDCE) for promotion to the post of Assistant Engineer (Electrical) conducted in the year 2015. The result was declared by the respondents in April 2017, and he was granted a regular appointment to the said post on 11.04.2017.

5. The petitioner claims that in the Seniority List issued in 2021, he was given seniority for the year 2007-2008 for “vacancy & recruitment year as Assistant Engineer”. He claims that in terms of the ‘Ministry of Urban Development’s Central Electrical and Mechanical Engineering Service Group ‘A’ Service Rules, 2012’ (hereinafter referred to as the ‘Recruitment Rules’), he was eligible for promotion to the post of Executive Engineer (Electrical and Mechanical) as he has a Diploma in Engineering and nine years of regular service as Assistant Engineer.

6. The petitioner’s representation was, however, rejected by the respondents *vide* Order dated 04.11.2024, which was challenged by the petitioner before the learned Tribunal.

7. In the Impugned Order, the learned Tribunal held that the petitioner was not holding the post of Assistant Engineer on the date



of Notification of the Recruitment Rules, that is, 17.10.2012, and had in fact assumed the said post only on 26.08.2013 (25.02.2013), and that too on an *ad-hoc* basis. He was granted a regular appointment only on 11.04.2017 (wrongly mentioned as 11.08.2014 in the Impugned Order). Merely because the petitioner was accorded the seniority for the vacancy year of 2007-2008 does not qualify as length of regular service for the purpose of availing the benefit of the relaxation under the amended Recruitment Rules.

8. In challenge, the learned counsel for the petitioner reiterates that as the petitioner has been given seniority for the vacancy year 2007-2008, the petitioner is deemed to be in service on the coming into force of the Recruitment Rules and has the prescribed length of service as an Assistant Engineer.

9. We are unable to agree with the above submission of the learned counsel for the petitioner.

10. While we do have reservations as to whether the petitioner could have been granted retrospective seniority from the vacancy year in question, particularly in view of the Judgment of the Supreme Court in *K. Meghachandra Singh v. Ningam Siro*, (2020) 5 SCC 689, this is not the subject of dispute before us. We, therefore, shall proceed on the basis that such seniority fixation is correct.

11. What remains undisputed is that the petitioner was not holding the post of Assistant Engineer (Electrical) as on the date of enforcement of the Recruitment Rules, that is, 17.10.2012. Clause 6 of Schedule-II of the Recruitment Rules, insofar as it relates to the post of Executive Engineers (Electrical and Mechanical), reads as under:



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6.	<i>Executive Engineer (Electrical and Mechanical) and</i>	<i>(i) By promotion</i>	<i>(i) 33^{1/3} from Assistant Executive Engineer (Electrical and Mechanical) in Pay Band-3 15600-39100 Grade Pay of 5400/- with four years regular service in the grade and have successfully completed two week course on Contract Law, e-Governance Building Bye-laws and Building services (ii) 66^{2/3} % from Assistant Engineer (Electrical) in Pay Band-2,9300-34800+Grade Pay of 4600 with Seven years regular service in the grade and possessing Degree in Electrical and Mechanical Engineering from a recognized University of Institution or any other equivalent qualification and have successfully completed two week course on Contract Law, e-Governance Building Bye-laws and Building services Note: The officers in the grade of Assistant Engineer (Electrical) on the date of the notification of these rules and possessing Diploma in Engineering shall however, continue to be eligible on completion of nine years regular service for consideration to the post of Executive Engineer (Electrical and Mechanical) limited to 333% vacancies arising in the grade on annual basis: Provide that the Assistant Engineers (Electrical) with seven years regular service, who at the time of recruitment as Junior Engineer (Electrical) were possessing Diploma in Engineering but subsequently acquired Degree in Engineering and those Assistant Engineers (Electrical) with seven</i>
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			<p><i>years regular service, who were possessing degree in Engineering at the time of recruitment as Junior Engineer (Electrical) shall also be eligible for consideration to the post of the Executive Engineer (Electrical and Mechanical), in case a junior Diploma holder Assistant Engineer (Electrical) is considered for promotion</i></p>
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12. A plain reading of the Note appended to the Rule clearly indicates that the relaxation of a Diploma Holder being eligible for the post of Executive Engineer (Electrical and Mechanical) is available only to the officers who were working as Assistant Engineer (Electrical) as “on the date of Notification of these Rules”. Since the petitioner was not holding the post of Assistant Engineer on the date of the Notification of the Rules, he is not entitled to the benefit of the said relaxation.

13. The learned counsel for the petitioner has placed reliance on the Judgment of the Supreme Court in *Direct Recruit Class II Engineering Officers’ Association v. State of Maharashtra & Ors.*, (1990) 2 SCC 715, which lays down that seniority is to be counted from the date of the appointment and not from the date of confirmation of an employee. The said judgment would, therefore, also not help the petitioner. Even if the petitioner were to be given the benefit of the said judgment, at best, he was appointed to the post of Assistant Engineer (Electrical) only on 25.02.2013, that is, post the coming into force of the Recruitment Rules.

14. We, therefore, find no merit in the present petition; the same is



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accordingly dismissed. The pending application is also disposed of as having been rendered infructuous.

15. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

JULY 25, 2025/Arya/DG