



ALL INDIA ASSOCIATION OF COAL EXECUTIVES (AIACE)

(Regd. under The Trade Union Act 1926; Regd. No. 546 / 2016)

302, Block No. - 304, RamKrishna Enclave, Nutan Chowk, Sarkanda, Bilaspur (CG);

Email: centralaiace@gmail.com; Ph. 9907434051

AIACE/CENTRAL/2023 / 046

Dated 21.7.2023

To

The Chairman,
Coal India Limited,
Coal Bhawan,
Premise No-04 MAR, Plot No-AF-III, Action Area-1A,
Newtown, Rajarhat, Kolkata-700156

Sub: Request for Adopting Notification on recognising Diploma holders with 10-year experience equivalent to Degree holders

Dear Sir,

Coal India Ltd. has been awarding/offering various incentives to its employees when they acquire higher educational qualifications which again goes in CIL's favour by way of becoming higher output from such employees. This also helps the employees to reach higher functional posts in their respective career.

You will appreciate, Sir, Diploma Engineers are backbone of this coal industry and a large number of them are also able to acquire Degree-level qualifications by enrolling into various full-time or part-time institutions and devoting time for their studies in various ways. This helps them work shoulder to shoulder with their degree-holder counterparts.

However, in spite of best efforts, a certain lot of diploma engineers are compelled to devote much of their time in the operational side of mines and could not afford for enrolling to degree courses. In various sector of our country, diploma holders face such situation. Keeping this in mind, an order **No. F 18-19/ 75/ T-2**, dated 26.05.1977 issued by the Ministry of Education & Social Welfare (Department of Technical Education), New Delhi had envisaged that a **Diploma in Engineering** in appropriate discipline **plus total 10 years of Technical experience** in the appropriate fields is equivalent to **Degree in Engineering**. (vide Annexure – I)

The above provision has finally been upheld by Supreme court who has ruled in favour of Diploma Applicant by passing the Judgement on the Special Leave Petition(C)No.10647 OF2017] dated 18.02.2020.

We at AIACE demand adoption of this provision in Coal India also, so that after attaining experience of 10 years, Diploma Engineers are promoted to E-1 grade and are provided opportunity for career growth up to E-3 level without facing any departmental examination. The present practice of selection of diploma holders directly to E2 grade after clearing departmental examination should continue which enable them to higher level up to E6 level. The departmental examination should be conducted for E1 level executives having at least 5 years of experience in the grade.

It is requested to consider the above proposal in CIL board for deliberations and adoption to provide the diploma holders better opportunity and developing a feeling of loyalty among them towards the company.

With Regards,

P. K. Singh Rathor
Principal General Secretary, AIACE

Cc:

1. Secretary, Ministry of Coal, Govt of India.
2. CMD, SCCL

NOTE

Subject: **Attested copy** of order No. **F 18-19/ 75/ T-2**, dated **26th** May, **1977** issued by the Ministry of Education & Social Welfare (Department of Technical Education), New Delhi

As informed earlier pertaining to the order dated **26.05.1977** issued by the Ministry of Education & Social Welfare (Department of Technical Education), New Delhi which envisaged that a **Diploma in Engineering** in appropriate discipline plus total **10 years of Technical experience** in the appropriate fields is equivalent to **Degree in Engineering** and which would be considered valid for the purpose of selection to Gazetted posts and services under the Central Government or state Governments. Now we are able to provide an attested copy of the order which is attested by a *Assistant Superintendent of the Ministry of HRD, New Delhi*. The order though not known to the public for a long time after its issuance in the year **1977** has tremendous ramifications in the career of Diploma engineers.

So far as the reply of Govt. of India, Ministry of Human Resource Development, Department of Higher Education, New Delhi to my queries under the RTI Act “**on the scope of applicability**” of this order is concerned, the reply is as usual – “*Neither signed copy of the order is available nor the file having No. F 18-19/75/T-2 and it is beyond the scope of RTI Act to give interpretation to an order*”. Such type of rhetoric reply from Ministries/ Govt. Departments is usual one in spite of the fact that the RTI Act was enacted to bring transparency in the working of public authority and for free passage of information to public from them. While the RTI Act provides to the general public for not only obtaining certified copies of the order/ notification/ informations kept by the public/govt. authorities, but for inspection of files and even taking copies of the *file notings* also, the CPIOs & the Appellate Authorities in the Government on whom the RTI Act entrusted responsibility of providing of accurate informations, simply take the easy escape route of “*The order is not available or the file is not traceable*” to deny to the requested informations. The replies of the CPIO and the Appellate Authority of Ministry of HRD are attached hereunder and an appeal has been filed to the Chief Information Commissioner (CIC) against the replies of the CPIO and the Appellate Authority, Ministry of HRD.

Nevertheless, the High Court of Punjab & Haryana has fully relied on the order dated 26.05.1977 of Ministry of HRD while deciding several writ petitions filed before them and passed benefits of the order to the petitioner Diploma engineers in securing employment in the Govt. **It is obvious that the Govt. will allow the benefits of the order by Court's order only and not suo motu.**

Therefore, the Diploma engineers having 10 years or more Technical experience in the departments may first represent to the Head of Department for issuance of a **Degree in engineering** certificate in the light of the decision of GOI, Ministry of HRD vide order No. F 18-19/75/T-2, dated 26th May, 1977 so that they may be considered for appointment/promotion in or outside of the department where a qualification of degree in engineering is required. In case of denial, the representation shall form the ground for seeking relief from the court of law.

And lastly but not the least, I am very thankful to Shri Ranjit Singh Sidhu, Assistant Engineer, working at Sangrur in Irrigation Department, State of Punjab who had taken all pains in searching and providing the attested copy of the order.

Ram Shanker .

Mob. 09868538073

Email: ramshanker1952@gmail.com

Website: www.uadee.org

Attached hereunder are:

1. Attested Copy of the Order dated 26.05.1977RTI.
2. RTI application dated 19.11.12.
3. Reply of the CPIO dated 22.11.12.
4. Appeal to Appellate Authority dated 19.12.12.
5. Reply of the Appellate Authority dated 02.03.12 (?) .

No. F18-19/75/T-2

MINISTRY OF Education & Social Welfare

(Deptt. of Education Technical)

New Delhi-110001 Dated 26 May, 1977

Sub : Recognition of Technical & Professional
Qualifications.

On the recommendation of the Board of Assesment for Educational Qualifications and recommendation of Defence Director (Tech.), the Government of India have decided to recognise a Diploma in Engineering in appropriate discipline plus total ten years of technical experience in the appropriate fields as equivalent to Degree in Engineering . It is considered valid for the purposes of selection to Gazetted posts and services under the Central Government or State Government.

(V.P.Reddy)

Director (Tech.)

To be published in Gazette of India and NCO Code book.

Copy To :- All Ministries, Departments of the Government of India/State Government/ Regional offices/State Public Service Commissions etc.

Handwritten signature
Asstt. Superintendent
HRD,
Govt. of India
New Delhi,

FROM:

RAM SHANKER,
B-11 / 203, Shalimar Garden
Extension-2, P.O.- Sahibabad,
Distt- Ghaziabad, PIN-201 005.

TO:

The Central Public Information Officer,
Ministry of Education &
Social Welfare, Department
of Technical Education,
New Delhi-110 001.

SUB: Seeking information under RTI Act, 2005 in the matter of applicability of the decision of Government of India vide Ministry of Education & Social Welfare (Department of Technical Education)'s order No. F 18-19/75/T-2, dated 26th May, 1977 for Diploma Engineers/Technicians (with the qualification of Diploma in Engineering) working in all Ministries/Departments under the Central Government.

Sir,

I wish to seek following 2 informations under the RTI Act, 2005 for which I have deposited the fee of Rs 10/- only through IPO No. 92E 443555 to this effect.

1. The Ministry of Education & Social Welfare (Department of Technical Education), New Delhi, vide **order No. F 18-19/75/T-2, dated 26th May, 1977**, has communicated the decision of Government of India to recognize a **Diploma in Engineering** in appropriate discipline plus total 10 years of Technical experience in the appropriate fields as equivalent to **Degree in Engineering** which would be considered valid for the purpose of selection to Gazetted posts and services under the Central Government or state Government.

Now, Whether this decision of the Government of India for the accord of Degree in Engineering and its consideration (valid) for the purpose of selection to Gazetted posts and services under the Central Government or state Government, is applicable for the Technicians/ Engineers, with Diploma in Engineering in appropriate discipline plus total 10 years of Technical experience in the appropriate fields, working in all Ministries/ Departments under the Central Government?

2. The cadre of **Engineering Assistant** in All India Radio & Doordarshan, a Central Government department under the Ministry of Information & Broadcasting, is a engineering cadre. The nature of job of the post is Technical. The minimum qualification for the direct recruitment to the post of Engineering Assistant is Diploma in Electrical or Electronics Engineering.

Now, whether the Engineering Assistants having Diploma in Electrical or Electronics Engineering plus 10 years or more than 10 years of Technical experience in the field of Broadcasting are eligible for the accord of Degree in Electrical or Electronics Engineering as the case may be, and whether that will be valid for the purpose of selection to Gazetted posts and services under the Central Government or state Governments ?

Encl: Ministry of Education & Social Welfare (Department of Technical Education)'s Order No. F 18-19/75/T-2, dated 26th May, 1977.

With regards,

Yours

faithfully
Dated: 19th November,
2012. Place: New
Delhi

(**RAM**

SHANKER)
Mob: 9868538073

Email:

ramshanker1952@gmail.com

Website: uadee.org

No.27-88/2012-TS-II
Government of India
Ministry of Human Resource Development
Department of Higher Education

Shastri Bhawan, New Delhi.

Date : 22.11.2012

To,

Shri Ram Shanker
B-11/203, Shalimar Garden
Ext- 2, Sahibabad
Dist : Ghaziabad – 201 005 (U.P)

Subject : Information sought under RTI Act, 2005 – Reg.

Sir,

Please refer to your RTI application dated 19.11.2012 seeking information under RTI Act, 2005.

2. In this regard, it is to inform you that the notification No. 18-19/75-T2 dated 26.05.1977 is not available in this section.

Yours faithfully,



(R.K.Maheshwari)
Under Secretary & CPIO
Tel.No.23381095.

Encl. as above :

Copy to: Pay & Accounts Officer (PAO), (IFC), MHRD, Deptt of HE, with a request that IPO No. 92E 443 555 for an amount of Rs. 10/- may be deposited in the Government accounts.

FROM:

RAM SHANKER,
B-11 / 203, Shalimar Garden Extension-2,
P.O.- Sahibabad, Distt- Ghaziabad,
PIN-201 005.

TO:

The Appellate Authority (RTI Matters),
Ministry of Human Resource Development,
Department of Higher (Technical) Education,
New Delhi-110 001.

SUB: Seeking information under RTI Act, 2005 in the matter of applicability of the decision of Government of India vide Ministry of Education & Social Welfare (Department of Technical Education)'s order No. F 18-19/75/T-2, dated 26th May, 1977 for Diploma Engineers/Technicians (with the qualification of Diploma in Engineering) working in all Ministries/Departments under the Central Government.

REF: Reply given by the CPIO, MHRD, Department of Higher Education vide Letter No. 27-88/2012-TS-II, dated 22.11.2012 (copy enclosed)

Sir,

This is in response to the above mentioned reply dated 22.11.2012 given by the CPIO to the queries made by me under the RTI Act, 2005 vide application dated 19.11.2012. While appreciating the quick response from the CPIO, I respectfully hereby mention my dissatisfaction with the reply given by the CPIO and the reasons for that are as given hereunder:

1. That, the CPIO has only informed me that the notification dated 26.05.1977 was not available in that section. In this regard, I contend that I had not inquired, in my letter dated 19.11.2012, on mere 'availability' of the said notification in the section, but have *precisely* sought information on the 'scope of application/ implication' of the notification in case of Diploma engineers/ Technicians (having Diploma in Engineering with 10 years of Technical experience in appropriate fields) working in various departments of Govt. of India.
2. The notification dated 26.05.1977 relates to policy matter and therefore the effect of the decision conveyed by the said notification dated 26.05.1977 by the Government of India (MHRD) is not diminished because of its non-availability in the section, unless and until superseded by another notification.

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Min. of Human Resource Dev.,
Innovation & Facilitation Centre
Dept. of Sec. & Higher Education
Shastry Bhavan, New Delhi

19/12/2012
19/12/2012

3. The benefits of the said notification dated 26.05.1977 has already been extended to many Diploma engineers in Air Force and Hon'ble High Court of Punjab & Haryana has fully relied on the said notification dated 26.05.1977 while deciding Civil Writ Petitions No. 17974 of 2006 (date of decision 10.01.2008), No. 11156 of 2009 (date of decision 23.12.2009), and No.12505 of 2009 (date of decision 15.07.2010).

I therefore request you to kindly provide me exact and true informations to my queries as mentioned in my original application to the CPIO dated 19.11.2009, a copy of which is enclosed herewith.

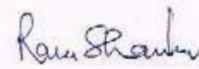
Encl: Ministry of Education & Social Welfare (Department of Technical Education)'s Order No. F 18-19/75/T-2, dated 26th May, 1977.

With regards,

Dated: 19th December, 2012.

Place: New Delhi

Yours faithfully



(RAM SHANKER)

Mob: 9868538073

No.27-88/2012-TS-II
Government of India
Ministry of Human Resource Development
Department of Higher Education

Shastri Bhawan, New Delhi.
Date : 02.03.2012

To,

Shri Ram Shanker
B-11/203, Shalimar Garden
Ext- 2, Sahibabad
Dist : Ghaziabad – 201 005 (U.P)

Subject : Information sought under RTI Act, 2005 – Reg.

Sir,

Please refer to your RTI appeal dated 19.12.2012 seeking information under RTI Act, 2005.

2. In this regard, it is to inform you that neither signed copy of the notification is available in this section nor file having No. 18-19/75-T-2. It may also be mentioned that as per RTI guidelines, it is beyond the scope of the RTI Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Therefore, the reply furnished by Shri R.K.Maheshwari, US & CPIO (TC) on 22.11.2012 is correct.

3. Your First Appeal dated 19.12.2012 stands disposed of.

Yours faithfully,



(Reju Srinivasan)

Director & Appellate Authority