

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS. JUSTICE ANIS

—

WRIT PETITION No.562 OF 2015

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ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition is filed challenging the order dated 08.12.2014 in O.A.No.6967 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. The applicant filed the aforementioned Original Application before the Tribunal to declare that the applicant is entitled for promotion to the post of Superintendent in Primary Health Centre, Boorgula, Mahabubnagar District in accordance with his seniority in his turn with all consequential benefits by holding the action of the respondents therein in seeking to deny the just claim of the applicant for promotion to the post of Superintendent in accordance with his seniority without any justification or reasonable cause on the untenable ground of pendency of a criminal case even though no charge sheet was filed in the said criminal case for the last three years, as illegal and arbitrary.

3. The grievance of the petitioner is that without considering his case, the Original Application was dismissed at the stage of admission.

4. Learned Government Pleader for Services (Telangana State) contended that the question of consideration of the petitioner for promotion may not arise as a charge memo was issued against him.

5. Since the Original Application was dismissed at the stage of admission, the impugned order is liable to be set aside. Whether charge memo is issued or not, and whether it is impediment for giving

promotion or not are required to be decided after filing counter by the official respondents.

6. Accordingly, the Writ Petition is allowed setting aside impugned order and the matter is remanded back to the Tribunal with a request to dispose of the aforementioned Original Application within a period of four weeks after giving reasonable opportunity to the Government for filing counter affidavit. Four weeks time is granted to the Government for filing counter affidavit from the date of posting that may be given by the Tribunal. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

K.C.BHANU, J

ANIS, J

Date: 19.06.2015

vhb