

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS. JUSTICE ANIS

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WRIT PETITION No.10494 OF 2015

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

This Writ Petition is filed challenging the order dated 30.07.2014 passed in O.A.No.4513 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. The unofficial respondent herein/applicant filed the aforementioned Original Application before the Tribunal to declare the action of the petitioners herein in not considering the case of the applicant for promotion to the post of Deputy Superintendent of Police, though the major penalty of reduction in time scale of pay (RTSP) by two stages for two years with effect on his future increments, pension and the suspension period was treated as 'not on duty', imposed through proceedings, dated 02.09.1998 in L.Dis.No.1342/T3/98, was modified to that of minor penalty, i.e., stoppage of two increments without cumulative effect, while disposing W.P.No.2858 of 2004 vide judgment dated 21.10.2013 and that the currency of minor punishment has lapsed by 27.12.2000, as illegal and arbitrary and consequently direct the petitioners herein to consider the case of the applicant for promotion to the post of Deputy Superintendent of Police for the panel years 2001-2002 or 2002-2003.

3. The Tribunal, upon considering the material on record, disposed of the Original Application as under:

“...the second respondent is directed to pass appropriate orders on the proceedings Rc.No.136/A1/2014, dt. 13.02.2014 addressed to him by the Deputy Inspector General of Police and consider the case of the applicant for promotion to the post of Deputy Superintendent of Police as per his seniority and if coming within the zone of consideration and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The O.A. is accordingly disposed of”.

Challenging the same, the present Writ Petition is filed.

4. Heard both sides.

5. Learned Government Pleader for Services (Andhra Pradesh) contended that if the punishment awarded to the applicant is suspended, there is no impediment in giving promotion to him, but after 2002, no promotions were affected; that for the first time, the panel has been prepared in the year 2014, and therefore, she prays this Hon'ble Court to permit the petitioners to effect promotions as per the panel submitted by the Government, in terms of G.O.Ms.No.54, Home (Services – I) Department, dated 22.02.2014.

6. On the other hand, learned counsel appearing on behalf of the unofficial respondent/applicant contended that since the period of punishment is completed even before considering the application made by the applicant, the Deputy Inspector General (for short, 'D.I.G.') of police recommended the disciplinary authority to effect promotions for the panel year 2002-2003, which was prepared by duly constituting Departmental Promotion Committee (for short, 'D.P.C.') and therefore, no interference is warranted by this Court and hence he prays to dismiss the Writ Petition.

7. It is not in dispute that the D.I.G. of police recommended the Government stating that the applicant is eligible to be appointed as Deputy Superintendent of Police in view of the fact that his name is placed at serial No.122 in selection panel which was prepared by the D.P.C. The D.P.C. has cleared the name of the applicant for giving promotion and the punishment ordered, as modified by this Court vide order dated 21.10.2013, relates back to the date of eligibility. Since the punishment was modified to that of stoppage of two increments without cumulative effect, such punishment will be in force for a period of two years.

Therefore, the Tribunal, after considering the rival contentions made by the parties, rightly passed the impugned order directing the second respondent to take appropriate decision basing on the proceedings of D.I.G. of police dated 13.02.2014 and the same needs no interference by this Court. Hence, the Writ Petition is devoid of merits and is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

K.C.BHANU, J

ANIS,

J

Date: 29.06.2015

vhb

