

**THE HON'BLE SRI JUSTICE K.C.BHANU**

**AND**

**THE HON'BLE MRS JUSTICE ANIS**

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**WRIT PETITION No.3223 OF 2015**

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

This writ petition is filed challenging the order, dated 14.11.2014, in O.A.No.6503 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. Petitioner/applicant filed the aforementioned Original Application before the Tribunal to call for records and declare the action of respondent Nos.2 and 3 herein in promoting respondent No.4 herein as Deputy Superintendent of Police (D.S.P.), Central Crime Station, Tirumala, Chittoor District, Andhra Pradesh pending criminal case against him vide Rc.No.555/G3/2014, dated 5.11.2014, of respondent No.3 herein - Director General of Police as illegal and arbitrary and consequently, to set aside the said promotion of respondent No.4 herein by setting aside Rc.No.555/G3/2014, dated 5.11.2014, of respondent No.3 herein in respect of respondent No.4 is concerned.

3. The Tribunal, upon considering the material on record, dismissed the aforementioned Original Application. Challenging the same, applicant filed the present writ petition.

4. Heard.

5. The petitioner herein lodged a private complaint before the IV Additional Judicial

Magistrate of First Class, Chittoor, Chittoor District against the unofficial respondent and others. The same was referred to Chittoor I Town Police Station for investigation under Section 156(3) Cr.P.C. and was registered as F.I.R.No.144 of 2014 for the offences punishable under Sections 201, 202, 406, 417, 120-B and 420 I.P.C. on 5.10.2014. As on the date of giving promotion to the unofficial respondent, the charge sheet was not filed and the charge memo has not been served on him. Unless a charge memo has been served on the delinquent officer or a charge sheet has been served on him in case of pendency of criminal prosecution, there is no bar for giving promotion. The Tribunal rightly dismissed the aforementioned Original Application and that order needs no interference of this Court.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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**JUSTICE K.C.BHANU**

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**JUSTICE ANIS**

Date: 05.06.2015

AMD

**THE HON'BLE SRI JUSTICE K.C.BHANU**

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