

**THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

**AND**

**THE HON'BLE SRI JUSTICE M.S.K. JAISWAL**

**WRIT PETITION No. 42480 of 2016**

**ORDER:** (*Per VRS,J*)

Aggrieved by the refusal of the respondents to give him promotion, a Senior Superintendent working in the II Additional District Court, Hindupur, has come up with the present writ petition.

2. Heard Mr. I. Venkata Prasad, learned counsel for the petitioner.

3. Admittedly, the petitioner was proceeded departmentally, and by a final order passed in the departmental proceedings, he was imposed with a penalty. As a consequence of the penalty, he was not considered for promotion. The contention of the petitioner is that once he has already suffered a penalty, the same should not be put against him for promotion.

4. But, we do not agree. It is well settled that denial of promotion is not a penalty. The theory of double jeopardy does not apply to such cases. Once a person has suffered a penalty, denial of promotion during the period, when the same operates as a disqualification, cannot be said to be illegal. Therefore, we find no grounds to

interfere with the order impugned in the writ petition. Hence, the Writ Petition is dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

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**V. RAMASUBRAMANIAN, J**

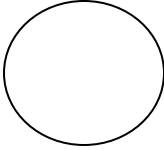
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**M.S.K. JAISWAL, J**

7<sup>th</sup> December, 2016

cbs





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(dismissed)

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