

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
HON'BLE SMT JUSTICE ANIS

WRIT PETITION No.8690 of 2016

Date:18.3.2016

**Between:**

K.Hari Das, S/o Late Damodar

**....Petitioner**

**And:**

The State of A.P., repled., by its  
Principal Secretary, Municipal Admn. &  
Urban Development Department,  
Hyderabad and two others.

**.....Respondents**

Counsel for the petitioner: Mrs. A.Deepthi

For Mr. V.Ravichandran

Counsel for Respondent Nos.1 & 2: GP for Services (AP)

The Court made the following:

**ORDER:** *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Feeling aggrieved by the denial of interim order pending Original Application No.449 of 2016 by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), the applicant therein filed this Writ Petition.

The petitioner has filed the above-mentioned O.A. *inter alia* for the relief of setting aside the charge memo on the ground of delay in completion of the disciplinary proceedings or in the alternative, to direct the respondents to consider his case for promotion to the

post of Assistant City Planner/Assistant Director, Town and Country Planning, without reference to the charge memo.

While admitting the said O.A., the Tribunal has declined to grant an interim order and observed that any promotions that may be made to the post of Assistant City Planner shall be subject to the final result in the said O.A.

When this case came up before this Court on 17.3.2016, learned Government Pleader for Services (Andhra Pradesh) has sought for a day's adjournment to report on the stage of the enquiry and also to get instructions as to whether a person by name P.Mahaboob Khan, who is also facing similar charges, has been promoted to the post of Town Planning Officer.

Today, the learned Government Pleader submitted that so far, enquiry officer has not been appointed and that the said P.Mahaboob Khan, who was holding the post of Supervisor, was promoted as Town Planning Officer. She has further submitted that as constitution of the Departmental Promotion Committee (DPC) was not required for promotion from the post of Supervisor to that of Town Planning Officer, the said P.Mahaboob Khan was promoted and that, to consider the petitioner's case for promotion, constitution of the DPC is required, but the same has not been constituted so far.

Ordinarily, an employee will not be considered for promotion if disciplinary proceedings are initiated against him based on serious allegations. However, an employee cannot be denied promotion by keeping the disciplinary proceedings pending for unduly long periods. From the instructions reported by the learned Government Pleader, it is evident that till now enquiry officer has not been appointed. However, the said P.Mahaboob Khan, who is also facing the charges identical to that framed against

the petitioner, has already been promoted.

In these facts and circumstances, we feel that it would be unfair to deny promotion to the petitioner only on the ground of pendency of disciplinary proceedings initiated against him. Therefore, the respondents are directed to consider the case of the petitioner as and when the DPC is constituted without reference to the charges framed against him in the present case.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.11014 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

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*JUSTICE C.V.NAGARJUNA  
REDDY*

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*JUSTICE ANIS*

*18<sup>th</sup> March 2016  
DR*