

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

**AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD**

WRIT PETITION No.15907 of 2016

03.06.2016

Between:

G.R.Sanjeeva Kumaran

..Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

..Respondents

Counsel for the petitioner: Ms.S.Nanda

Counsel for respondent Nos.1 and 2: Government Pleader for
Services (AP)

Counsel for respondent No.3: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner is working as Incharge Assistant City Planner with his substantive post as Town Planning Officer in Greater Visakhapatnam Municipal Corporation. A disciplinary proceeding was initiated against him and charge memo, dated 09.08.2011, was issued framing seven charges. The petitioner has immediately submitted his explanation to the charge memo. Though nearly five years period has elapsed, the respondents have not appointed an enquiry officer so far. The petitioner's case for promotion to the post of Assistant City Planner is not being considered on the ground of pendency of disciplinary proceedings. He has filed O.A.No.5997 of 2015 assailing the action of the respondents in not considering his case for promotion, while keeping the disciplinary proceedings pending for unduly long time. The Tribunal, while admitting the O.A., declined to grant interim relief in favour of the petitioner by observing that future promotions, if any, to the post of Assistant City Planner, will be subject to the final result in the O.A. Feeling aggrieved by non-granting of interim relief, the applicant in the O.A. filed this writ petition.

2. The petitioner has pleaded that in an identical case filed by one K.Hari Das, *vide* W.P.No.8690 of 2016, this Court, while disposing of the said writ petition on 18.03.2016, has observed that the action of the respondents in keeping the disciplinary proceedings pending for a long time and at the same time not considering his case for promotion is arbitrary and that the respondents were directed to consider the case of the petitioner as and when Departmental Promotion Committee (DPC) is constituted, without reference to the charges framed against him.

3. The learned counsel for the petitioner submitted that as her client is also similarly situated to that of K.Hari Das, he is also entitled to the similar relief.

4. The learned Government Pleader for Services (AP) appearing for respondent Nos.1 and 2 has not disputed that the case of the petitioner is identical to that of K.Hari Das, whose writ petition i.e., W.P.No.8690 of 2016 was disposed of by this Court on 18.03.2016, with the following directions:

“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.”

5. As admittedly, the petitioner stands on a similar footing to that of K.Hari Das, he also deserves similar relief.

6. Accordingly, the Writ Petition is disposed of in terms of the order, dated 18.03.2016, in W.P.No.8690 of 2016 with the direction that the reasons and directions contained therein shall form part of this order.

7. As a sequel to disposal of the Writ Petition, W.P.M.P.No.19682 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

03rd June, 2016

GHN

