

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25479 of 2016

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Social Welfare (TS) for first respondent and the learned Standing Counsel for second respondent.

2. It is the case of the petitioner that he was appointed as Post Graduate Teacher in social studies on 31.07.1984 and thereafter he was promoted to the post of Principal in the year 1995. While so, the Anti Corruption Bureau Department filed a criminal case against the petitioner for having disproportionate assets, for which, he was placed under suspension, by proceedings dated 29.01.2008. The said order of suspension was challenged in W.P.No.18527 of 2008 and the same was disposed of by this Court on 28.08.2008 directing the respondents therein to commence the disciplinary proceedings and conclude them within three months from the date of that order. The erstwhile Government of Andhra Pradesh issued G.O.Ms.No.149, Finance (SMPC) Department, dated 07.06.2008, upgrading the post of Principal in A.P. Social Welfare Residential School/Junior College to that of the post of Principal of Junior College of A.P. Residential Educational Institutions Society. Though the petitioner claims to have been eligible for Grade-I Principal Post, he was denied promotion and his juniors were promoted. He challenged said action in W.P.No.17358 of 2009 and the same was allowed by this Court on 21.04.2010 directing the respondents to extend the benefit of upgradation to the petitioner in terms of G.O.Ms.No.149, dated 07.06.2008, without reference to the disciplinary proceedings initiated against him. When the said orders were not implemented, the petitioner filed C.C.No.1529 of 2011, and after admitting the case, the petitioner was given extension of scale of pay without any financial benefits, vide order dated 27.02.2012 of the second respondent. The respondents preferred a writ appeal i.e., W.A.No.714 of 2012 against the order dated

21.04.2010 in W.P.No.17358 of 2009 and the same was disposed of on 30.03.2015 recording the statement of the learned Standing Counsel for the second respondent herein to the extent that benefit of upgradation was given to the petitioner.

3. In the meanwhile, the enquiry into the disproportionate assets was dropped and the case was closed on 22.11.2010, by proceedings of the Director General of ACB. The Joint Secretary of the Social Welfare Department also issued consequential proceedings on 25.01.2011. A final report was filed before the competent Court and the case was closed on 06.05.2011. It appears that the second respondent addressed a letter to the Government on 30.03.2016 intimating that the punishment of stoppage of one annual grade increment without cumulative effect was proposed in the departmental proceedings of the Society pursuant to the enquiry report and the orders of confirmation from the Government were sought. Challenging the inaction of the Government, the present writ petition was filed.

4. Since this writ petition was filed challenging the action of the first respondent, this Court is inclined to dispose of the writ petition with the consent of the learned Standing Counsel appearing for the second respondent, without going into merits of the case, directing the first respondent to pass appropriate orders pursuant to the letter of the second respondent dated 30.03.2016 within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 01.08.2016

TJMR