

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 22036 of 2016

ORDER: (*Per VRS,J*)

The writ petition arises out of the refusal of the Andhra Pradesh Administrative Tribunal to grant an interim direction for promotion of the petitioner to the post of Tahsildar.

2. Heard Mr. K.R. Srinivas, learned counsel for the petitioner, and the learned Government Pleader for Services (AP) appearing for the respondents.

3. There is no dispute about the fact that when the petitioner was working as Deputy Tahsildar, a trap was laid on 28.01.2010 and the trap was successful. Therefore, he was placed under suspension on 05.02.2010. However, the suspension was revoked on 10.04.2012 without prejudice to further proceedings.

4. Finding that the criminal proceedings could not take off for a long time, the Government issued an order, dated 05.11.2014, deciding to initiate departmental proceedings. But unfortunately, no charge memo has been framed in the departmental proceedings.

5. However, when a regular panel of Deputy Tahsildars for promotion to the post of Tahsildar was approved by the 2nd respondent on 27.05.2016, the name of the petitioner was overlooked, on account of the pendency of the proceedings before him. Therefore, the petitioner filed an application in O.A.No.2277 of 2016 on the file of the Andhra Pradesh Administrative Tribunal. Pending the main application, he sought an interim direction to include his name in the regular panel for promotion. However, the Tribunal passed an order on 29.06.2016 to the following effect:

“Admit. Notice to the respondents returnable in six weeks.

Future promotions, if any, to the post of Tahsildar shall be subject to final result in this original application.”

6. As against the said order, the petitioner is before us.

7. At the outset, the writ petition arises out of the refusal of the Administrative Tribunal to grant an interim direction. In matters relating to promotion, the only order that can be passed by the Tribunal is the order that has been rightly passed by the Tribunal. Therefore, the petitioner, who is facing proceedings relating to allegations of demand and acceptance of illegal gratification, cannot really make out any justification for his grievance against the impugned order.

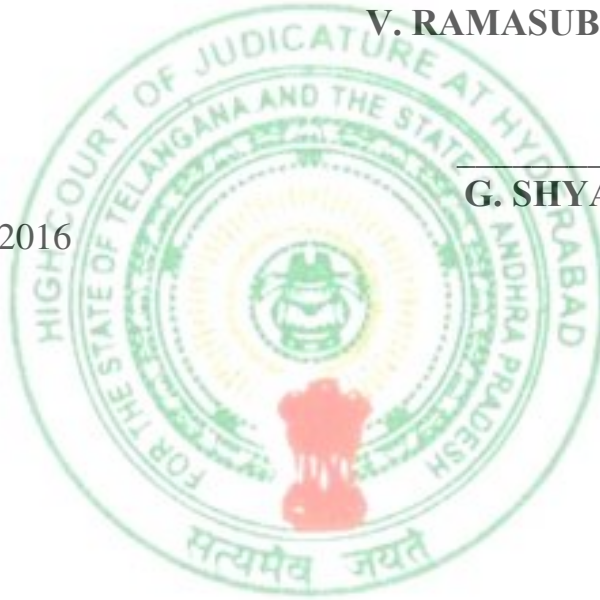
8. Hence, the Writ Petition is dismissed. The Government should take note of the delay in the initiation of proceedings for the past two years and start the disciplinary proceedings, so that the lethargy on their part does not lead to persons being kept in suspended animation for a long time.

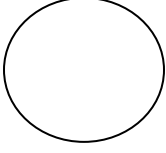
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

18th October, 2016
cbs





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