

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.4781 of 2016

Date:18.02.2016

Between:

S.Sadanandam,
S/o S.Veera Narsaiah

....Petitioner

And:

The State of Telangana, repled by its
Principal Secretary, Municipal Admn. &
Urban Development (Vig-II) Department,
Hyderabad and two others.

.....Respondents

Counsel for the petitioner: Mr. N.Ramesh

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

The Court made the following:

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

Feeling aggrieved by order, dated 25.01.2016, in O.A.No.102 of 2016 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'), the applicant in the said O.A. filed this Writ Petition.

The petitioner pleaded that he was initially appointed as Town Planning and Building Overseer in the Greater Hyderabad Municipal Corporation in the year 1985 and that he was promoted as Town Planning Supervisor in the year 1989 and was further, promoted as Town Planning Officer in the year 2002. Disciplinary proceedings were initiated against him and charge memo, vide G.O.Rt.No.210, Municipal Administration and Urban Development (E2) Department, dated 10.02.2014, was issued to him. He has submitted his explanation to the said charge memo on 29.9.2015. The immediate cause of action for the petitioner to approach the Tribunal was that the Government was undertaking the process of promotions to the post of Assistant Director of Town Planning and that, on the ground of pendency of the disciplinary proceedings against him, he is not being considered for promotion. The Tribunal declined the relief to the petitioner by following the well settled legal principle that an employee facing the disciplinary proceedings is ordinarily not entitled for consideration for promotion till the disciplinary proceedings are concluded.

The only ground urged by the petitioner before the Tribunal was that the charges pertain to the vintage period of the year 2005 and the disciplinary proceedings were initiated nine years thereafter. The petitioner also placed reliance on the judgment of the Supreme Court in ***P.V.Mahadevan Vs. M.D., Tamilnadu Housing Board***^[1] in support of his plea of consideration of his case for promotion.

The Tribunal has distinguished the said judgment with the case on hand by observing that the case decided by the Supreme Court pertains to the question whether to continue the disciplinary proceedings initiated ten years after the alleged misconduct.

On a perusal of the judgment in ***P.V.Mahadevan*** (supra), we are of the opinion that there is no parallel between the said case and the present case as, in the said case, the very charge memo itself was set aside by the High Court on the ground of inordinate delay in concluding the disciplinary proceedings. The Supreme Court, however, interfered with the order of the High Court and while restoring the disciplinary proceedings, it has directed consideration of the petitioner's case for promotion in order to balance the interests of the parties.

In the present case, the disciplinary proceedings were initiated against the petitioner as recently as 2014, and therefore, the question of delay does not arise. Whether the petitioner is liable for disciplinary action with reference to the charges pertaining to the year 2005 or not, is not germane for consideration in the Writ Petition.

In the light of the above facts, we do not find any merit in the Writ Petition. However, the respondents are directed to complete the disciplinary proceedings and pass a final order within three months from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.6118 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

***JUSTICE C.V.NAGARJUNA
REDDY***

JUSTICE M.S.K.JAISWAL

***18th February, 2016
DR***

[\[1\]](#) (2005) 6 SCC 636