

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.30153 OF 2017

ORDER

As per the averments made in the affidavit filed in support of the writ petition, the petitioner has been working as Civil Assistant Surgeon since 21.4.1999 and while so he was issued with charge memo dated 6.12.2008 alleging misappropriation of funds. The case of the petitioner is that inquiry has been conducted, wherein the said charge has not been proved. Now the grievance of the petitioner is that counseling for promotion to the next cadre was scheduled on 7.9.2017 and his name has not figured in the approved list, as no orders have been passed by the disciplinary authority on the charge memo dated 6.12.2008, and thus he is being deprived promotion. Hence the writ petition.

The learned Senior Counsel Sri S.Satyam Reddy appearing for the petitioner reiterating the above averments, would submit that when once the Inquiry Officer found that charge has not been proved, it is the duty of the disciplinary authority to conclude the proceedings and the petitioner cannot be denied the promotion. Therefore, he sought for a direction to consider the case of the case of the petitioner without reference to charge memo dated 6.12.2008.

Heard the learned Assistant Government Pleader for Services.

From the above averments it could be seen that charge memo is of the year 2008 and the case of the petitioner in the affidavit filed in support of the writ petition is that in the inquiry conducted, the charge has not been proved.

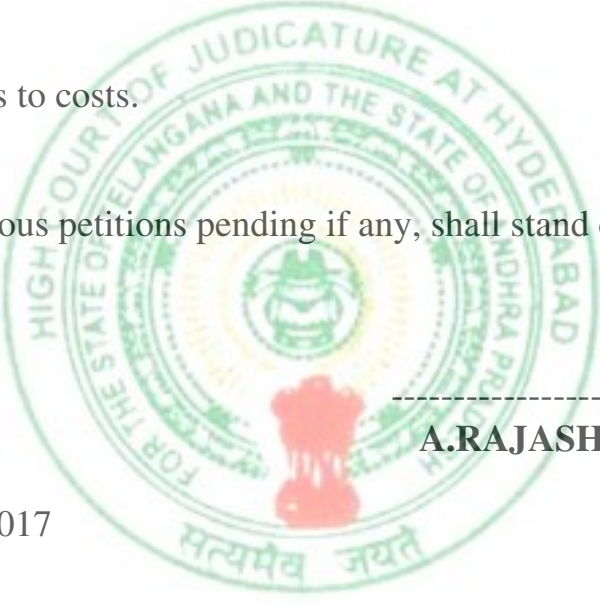
When once charge against the petitioner is not proved as per enquiry officer, it is obligatory on the part of the disciplinary authority to conclude disciplinary proceedings, but the same have been kept pending.

For the foregoing reasons, the writ petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Deputy Civil Surgeon in accordance with rules, without reference to the charge memo dated 6.12.2008.

It is made clear that this order will not preclude the disciplinary authority from taking further appropriate action in accordance with law.

No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.



A.RAJASHEKER REDDY,J

Date: 11—09—2017

AVS

Note:

Issue C.C. in two days.

B/O