

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9901 OF 2017

Dated:03.04.2017

Between:

M. Bhadraiah, S/o. M. Veeraswamy,
Aged about 55 years, Occ: Executive
Engineer, Public Health Division,
Karimnagar

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Municipal
Administration & Urban Development
(C) Department, Secretariat,
Hyderabad and another

.. Respondents



The Court made the following:

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ORDER:

Petitioner is presently working as Executive Engineer. Disciplinary proceedings were initiated against the petitioner by G.O.Rt.No.728, dated 21.05.2009. Earlier, petitioner filed O.A.No.869 of 2010 before the Andhra Pradesh Administrative Tribunal, Hyderabad, claiming promotion as Executive Engineer without reference to the pending disciplinary proceedings. The Tribunal, by order dated 17.08.2012, disposed of the said O.A., directing the respondents therein to consider the claim of the petitioner without reference to the charge memo in G.O.Rt.No.728, dated 21.05.2009. Aggrieved thereby, the State preferred W.P.No.31115 of 2013. This Court, by order dated 04.11.2013, disposed of the said Writ Petition directing the respondents to pass appropriate final orders in the disciplinary proceedings within a period of two months from the ~~date~~ of receipt of a copy of the order. The Court further ordered that if final orders are not passed within the time granted, the case of the petitioner should be considered for promotion. Obviously, no final orders were passed and in terms of the directions issued by this Court, the petitioner was granted promotion as Executive Engineer by order, dated 10.02.2014. This Writ Petition is filed alleging that the case of the petitioner is not considered for promotion as Superintendent Engineer merely on the ground that disciplinary proceedings are pending against him, even though vacancies are available and he is eligible to be promoted to the said post.

2. It appears, there is no progress in the disciplinary action even though the proceedings relate to the year 2009.

3. Having regard to the earlier directions of this Court in W.P.No.31115 of 2013, dated 04.11.2013, and the fact that disciplinary proceedings are not concluded till now, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Superintendent Engineer without reference to the disciplinary proceedings initiated vide G.O.Rt.No.728, dated 21.05.2009, if he is otherwise eligible and qualified and such promotion shall be treated as *ad hoc* and subject to review after conclusion of the disciplinary proceedings. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:03.04.2017

KH

P. NAVEEN RAO, J