

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No. 32910 OF 2017

DATED 03RD OCTOBER, 2017

Between:

M.Surendra Babu

... Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
MA & UD Department, Secretariat Buildings,
Velagapudi, Guntur District, and another

... Respondents

Counsel for the petitioner

:

Sri R.Rajasekhara Rao

Counsel for the respondents

:

G.P. for Services (A.P.)



THE COURT MADE THE FOLLOWING

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

Feeling aggrieved by order dated 11-08-2017 in O.A.No. 2370 of 2017 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), the applicant therein filed this Writ Petition.

2. The grievance of the petitioner in short before the Tribunal was that though a charge memo was issued to him as far back as the year 2014, inquiry has not been completed and that on the ground of pendency of disciplinary proceedings, he has been overlooked for promotion to the post of Superintending Engineer. He has also pleaded that at least 2 of 31 co-charged employees have already been promoted in pursuance of the earlier orders of the Tribunal. The Tribunal while holding that it is well settled principle that simply because a charge memo is pending against a Government Servant, his promotion on that ground cannot be left unconsidered however dismissed the O.A. on the ground that the same was not based on any cause of action.

3. At the hearing, learned Government Pleader for Services (A.P.) has not disputed the fact that at least 2 of the co-charged employees by name (1) Sri A.Mahesh, Deputy Executive Engineer, and (2) Smt. Ch.Bhavani, Town Planning Building Overseer, were promoted on 30-01-2015 and 04-05-2016 respectively with the rider that their promotion will be subject to result of the disciplinary proceedings. She has also not disputed that the petitioner was overlooked for promotion on the ground of pendency of disciplinary proceedings. In the light of the above, we do not find any justification for the Tribunal in dismissing the O.A. without directing the respondents to consider the case of the petitioner for promotion in terms of G.O.Ms.No. 257, General Administration (Ser.C) Department, dated 10-06-1999 which laid down guidelines in the matter of considering persons facing disciplinary proceedings for promotion.

4. Accordingly, the impugned order of the Tribunal is set aside. The Writ Petition is disposed of with the direction to the respondents to consider the case of the petitioner for promotion to the post of Superintending Engineer in terms of G.O.Ms.No. 257 dated 10-06-1999, take an appropriate decision and communicate the same to the petitioner expeditiously.

5. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 40947 of 2017 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 03-10-2017.

JSK

