

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

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No. 24646 OF 2017

DATED 31ST JULY, 2017

Between:

Y.Venkataratnam

... Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District, Andhra Pradesh, and another

... Respondents

Counsel for the petitioner

:

Sri V.Ravichandran

Counsel for the respondents

:

G.P. for Services – I

THE COURT MADE THE FOLLOWING

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

This is yet another case of an employee of Municipal Administration and Urban Development Department knocking at the doors of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal') for redressal of his grievance of not being considered for promotion on the ground of pendency of disciplinary proceedings.

2. A series of orders passed by various Division Benches of this Court indicting Government for denying consideration of the employees for promotion only on the ground of pendency of disciplinary proceedings, while keeping the said proceedings for long notwithstanding the Tribunal has dismissed the O.A. filed by the petitioner.

3. Sri V.Ravichandran, learned counsel for the petitioner, submitted that his client has placed reliance on various orders of this Court of which order dated 18-03-2016 in W.P.No. 8690 of 2016 is a lead order, wherein this Court has made observations and issued directions as under:

"Ordinarily, an employee will not be considered for promotion if disciplinary proceedings are initiated against him based on serious allegations. However, an employee cannot be denied promotion by keeping the disciplinary proceedings pending for unduly long periods. From the instructions reported by the learned Government Pleader, it is evident that till now enquiry officer has not been appointed. However, the said P.Mahabook Khan, who is also facing the charges identical to that framed against the petitioner, has already been promoted.

In these facts and circumstances, we feel that it would be unfair to deny promotion to the petition only on the ground of pendency of disciplinary proceedings initiated against him. Therefore, the respondents are directed to consider the case of the petitioner as and when the DPC is constituted without reference to the charges framed against him in the present case."

4. While we find no justification for the respondents to not follow the above order dated 18-03-2016 in W.P.No. 8690 of 2016 and also orders of various Division Benches of this Court which passed similar orders, we equally expect the Tribunal to follow the final orders of this Court which have binding force on it. The learned Government Pleader for Services (A.P.) fairly conceded that the petitioner also deserves the same relief as was given to the petitioner in W.P.No. 8690 of 2016.

5. In the light of the above, this Writ Petition is allowed in terms of order dated 18-03-2016 in W.P.No. 8690 of 2016 with the direction that the observations and directions contained therein shall form part of this order.

6. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 30518 of 2017 shall stand closed as infructuous.



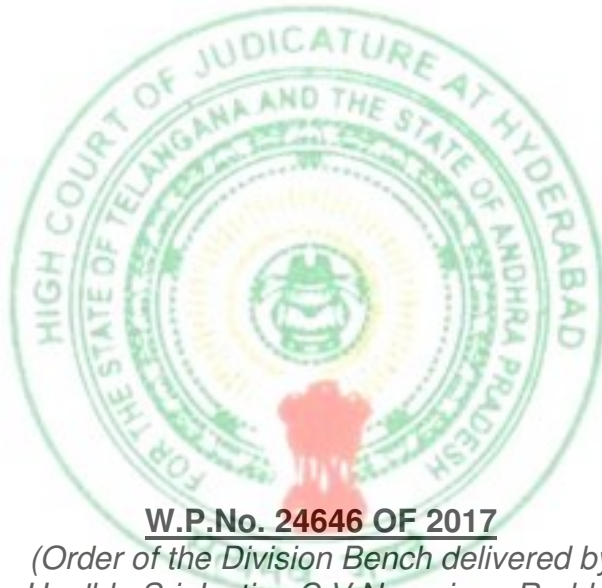
C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 31-07-2017.

JSK

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD



W.P.No. 24646 OF 2017

*(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

DATE: 31ST JULY, 2017

JSK