

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL NO.1467 OF 2017

DATED:23-10-2017

Between:

The Telangana State Southern Power Distribution
Company Limited (TSSPDCL)

Rep. by its Chairman & Managing Director

Mint Compound

Hyderabad

and others

... Appellants

And

B. Sangameswar

... Respondent

COUNSEL FOR THE APPELLANTS: None appeared

COUNSEL FOR THE RESPONDENT: Mr. P. Gangaiah Naidu,
Senior Counsel, for
Mr. K. Ramalingeswara Rao

THE COURT MADE THE FOLLOWING:

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

This writ appeal arises out of order dt.29.09.2016 in W.V.M.P. No.2417 of 2016 in W.P.M.P. No.21874 of 2016 in W.P. No.17785 of 2016.

2. On 11.10.2017 the case was adjourned at the request of the learned counsel for both parties. Today, at the hearing, there is no representation for the appellants.

3. We have heard Mr. P. Gangaiah Naidu, learned Senior Counsel for the respondent.

4. The respondent filed the aforementioned writ petition feeling aggrieved by non-consideration of his case for promotion to the post of Divisional Engineer/Electrical on the ground of pendency of F.I.R. No.17/ACB-CR-1/2015, dt.28.07.2015. By interim order dt.8.6.2016 in W.P.M.P. No.21874 of 2016, the learned single Judge has directed the appellants to consider the case of the respondent for promotion, if he is otherwise eligible, and he shall not be denied promotion solely on the ground of pendency of the criminal proceedings. Seeking vacation of the said interim order, the appellants have filed W.V.M.P. No.2417 of 2016. Pending the said application, the appellants have promoted the respondent vide proceedings in S.P.O.O. (CGM-HRD) Rt.

No.825, dt.26.09.2016, wherein it was observed that the promotion shall be subject to the result of W.V.M.P. No.2417 of 2016 in W.P.M.P. No.21874 of 2016 in W.P. No.17785 of 2016. Thereafter, the learned single Judge has made the interim order absolute. It is also evident from the record that the Special Chief Secretary to Government of Telangana issued Memo No.1088/HR.A2/2015-4, dt.12.04.2017 advising the Chairman and Managing Director of the Telangana State Southern Power Distribution Company Limited, to initiate major penalty proceedings against the respondent instead of prosecution on the allegations of corruption.

5. Inasmuch as the respondent has already been promoted albeit subject to the result of the vacate stay application and has been working as Divisional Engineer/Electrical, the interim order of the learned single Judge which was made absolute has worked itself out. Therefore, we do not find any necessity to adjudicate the writ appeal on merits.

6. The writ appeal is accordingly disposed of, however, with the observation that neither the order of the learned single Judge under the appeal, nor this order would prevent the appellants from taking appropriate action against the

respondent, pending disposal of the disciplinary proceedings, if the gravity of the charges so warrant.

As a sequel to disposal of the writ appeal, W.A.M.P. No.2733 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

23-10-2017

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