

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25358 OF 2017

O R D E R :

The case of the petitioner is that he was appointed as Typist on 28.12.2004 and promoted to the post of Senior Assistant on 14.07.2008 and posted to the Tahasildar Office, Ramagundam Mandal of Peddapally Division, Peddapalli District and completed 13 years of service in the respondent department to the satisfaction of one and all and passed all departmental tests and qualified for promotion to the post of Deputy Tahasildar. While so, the 3rd respondent prepared provisional seniority list of Senior Assistants working in Karimnagar District who are promoted after 05.03.2007 to 27.04.2013, calling for objections if any vide proceedings dated 27.04.2013 and petitioner's name was shown at Sl.No.54 in the said list and individuals shown above his name were promoted, as such, petitioner is waiting for promotion to the post of Deputy Tahasildar. Thereafter, the 3rd respondent prepared the list of eligible Senior Assistants for promotions to the post of Deputy Tahasildars and issued notice dated 16.01.2017 calling for objections. In the said list juniors to the petitioner numbering 40 were included for effecting promotions. As such, the petitioner submitted a representation dated 18.01.2017 requesting his name to be included in the said list and the 3rd respondent issued Memo dated 04.02.2017 stating that the petitioner's case will be examined subject to outcome of the orders in the disciplinary proceedings pending against him. The petitioner submits that while he was

working as Senior Assistant of Ramagundam Mandal of Peddapalli Division, Karimnagar District, a charge memo dated 10.11.2015 was issued to the petitioner with certain allegations and the petitioner also submitted explanation denying the allegations. But, without considering his explanation Enquiry officer was appointed on 20.11.2015 to conduct enquiry and the Enquiry Officer submitted his report dated 12.07.2016 to the 3rd respondent holding that charges levelled against the petitioner are not proved. In spite of the same, the 3rd respondent being a Disciplinary Authority has not passed any orders in pursuance to the enquiry report. Meanwhile, the 3rd respondent issued notice dated 20.07.2017 showing a list of ten individuals for giving promotions to the post of Deputy Tahasildar who are juniors to the petitioner. As such, the petitioner submitted a detailed representation dated 25.07.2017 stating all the facts. As no action is being taken on the same and as the 3rd respondent is going ahead with the promotions, in pursuance to the notice dated 20.07.2017, present writ petition is filed.

Learned counsel for the petitioner submits that since the charges level against the petitioner in the departmental enquiry are not proved, petitioner cannot be deprived of his promotion. It is also stated that already once the petitioner was denied his promotion and by virtue of the proceedings dated 20.07.2017, again he will be losing his chance of getting promotion.

Heard learned Assistant Government Pleader for Services.

The grievance in the writ petition is that though the Enquiry Officer submitted report on 12.07.2016 holding that the two charges leveled against the petitioner are not proved the 3rd respondent has not passed any orders on the said report till date. Meanwhile, he is proceeding ahead to give promotions to the post of Deputy Tahasildar without considering petitioner's name by issuing proceedings dated 20.07.2017 wherein he submitted a list showing the eligible persons for giving promotion to the post of Deputy Tahasildar who are juniors to the petitioner. It is for the 3rd respondent to take action on the report submitted by the Enquiry Officer.

In view of the above, the 3rd respondent is directed to consider the representation of the petitioner dated 25.07.2017, and take further action, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

31.07.2017

Note: Issue CC in three days.

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